

## ORDER SHEET

## THE HIGH COURT OF SINDH AT KARACHI

CP.No.D-4850 of 2024

CP.No.D-4732 of 2024

CP.No.D-4737 of 2024

CP.No.D-4758 of 2024

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Date: Order with signature(s) of the Judge(s)

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**Before: Salahuddin Panhwar &  
Amjad Ali Sahito, JJ**

**26<sup>th</sup> October 2024**

Mr. Muhammad Khalid Tanoli advocate for the Petitioner in CP No. D-4758/2024

Mr. Suhail Latif Memon advocate for the Petitioner.

Mr. Ghazi Khan advocate

Mr. Javed Ali advocate.

Mr. Muhammad Jibran Nasir advocate as amicus.

Dr. Shah Nawaz advocate

M/s. Shoaib Ali Khatian, Jahangir Shams, Nabeel Ahmed Khan and Muhammad Nawaz Dahri advocates.

M/s. Fayyazuddin Rajper and Abid Hussain Rajper advocates

M/s. Jamshed Ahmed Abbsi, Zahoor Ahmed Chadhar and Pia Ali advocates.

Mr. Sundar Lal Lohana advocate

Mr. Atique ur Rehman Bohio advocate for Respondent.

Mr. Siraj Ahmed Khoso advocate.

Mr. Jehangir Khan Jadoon advocate for PMDC.

M/s. Salman Talibuddin and Muhammad Wasiq Mirza advocates for DOW University of Health Sciences.

M/s. Irshad Ahmed Shaikh and Syed Mohsinb Hussain Shah, AAG

Raheem Baksh Mailto, Addl. Secretary a/w S. Israr Husain , Law Officer and M.

Sohail, Legal Officer of Universities and Board Department, Govt. of Sindh.

Muhammad Rehan Baloch, Secretary, Health Department.

Muhammad Sohail Imran, Legal Officer Universities and Board and Khadim

Hussain, Law Officer, University and Board Department of Sindh.

Dr. Shireen Mustafa, Chairperson, Chief Minister's Inspection, Enquiries and Implementation Team Department.

Mr. Muhammad Mureed Rahimoon, Secretary to Government of Sindh.

Mr. Mujahid Akbar Khan, Director, Cyber Crime.

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**Salahuddin Panhwar, J:-** By the **dint** of this order, we hereby decide the captioned petitions by short order followed by detailed reasons.

2. By order dated **09.10.2024**, while hearing the captioned petition[s], with the consent of the parties, a committee was constituted to examine the transparency of the MDCAT Test 2024 conducted in the province of Sindh by **DOW University**. The relevant paragraphs are as follows:

“3. *Accordingly, with the consent of all respective parties, Secretary Health as well as Chief Secretary Sindh suggested that under the peculiar circumstances and looking into the allegations leveled in these petitions, a committee comprising of apprised officers may be constituted, who shall investigate the issue with regard to comparing the marks and the marks obtained in other provinces besides irregularities pointed out at various centers. Though Secretary Boards and Education contends, that he has conducted meetings with representatives of IBA Karachi and according to IBA Karachi their capacity is not more than 10,000 students at once to conduct the test, however, test can be conducted separately in whole Sindh.*

4. *Accordingly, Chief Secretary Sindh is directed to notify a committee comprising of Dr. Shireen Narejo, Chairperson of the CMIT, Mr. Mureed Rahimon, Secretary of Aukaf (former Secretary Boards), President PMDC or his nominee, Director Cyber Crime, FIA Karachi including two members preferably experts of testing agency from IBA Sukkur and IBA Karachi; they shall conduct, thorough probe by fixing criminal and civil liability within 15 days from today regarding anomalies in the test. Committee would also be competent to seek assistance from any authority and to call complete record from the concerned university, who conducted the test as well as the record from the PMDC. The Committee would also be competent to record evidence if thinks fit. Committee shall also invite objections and hear the petitioners if they are interested.*

5. In addition to the mandate of the committee, the Director General, Cyber Crime, FIA shall initiate inquiry/investigation as per law by an upright officer, with the help of scientific tools, and submit such investigation report to the Committee accordingly.

6. **Meanwhile**, keeping in view of record, contentions of the parties, and anomalies discussed above, the test result as declared by PMDC shall not be finalized and operation of result 2024 is suspended till the next date of hearing and no institute shall start process of admission on the basis of this result.

7. Besides, the Secretary Boards and Universities shall further consult with other reputed testing agencies all over Pakistan regarding the retake process, if required, or MDCAT test in future. At this juncture, it is pertinent to mention here, that sub-section 4 of Section 17 of Pakistan Medical and Dental Council Act 2022, depicts that the valid result will be considered for next three years, therefore, during this stipulated period, Council shall conduct meeting regarding the applicability of referred section to the present year's batch in the context of the existing provision of last two years validation of result and applicability and whether such permission/provision can be bypassed or they shall consider for amendment in the Act.

8. According to President of PMDC, at present they are not in a position to conduct tests on their own as they don't have any question bank, however, they are preparing bank for future exams/tests.

9. With regard to PMDC, the question bank and future tests, to be conducted by them, it is pointed out, that in province of Sindh upto 2021 there were 850 marks [intermediate], nonetheless, in other provinces there were 1100 marks, besides even a pattern of education is totally different in other provinces, where physics and other science subjects were divided into Paper I and Paper II, whereas, in the Province of Sindh

students were required to complete **all** chapters in *one year*. Needless to say, that **Bloom's Taxonomy Concept** was not introduced/*adopted* in the province of Sindh, however, by the direction of this Court, in the last year **Worthy Chief Minister Sindh** *approved* that **Science** subject(s) shall be same all over Pakistan, however, **Text Book Board** was *reluctant* as they had already ordered for *publication* and perhaps those books may be provided in this year, *hence*, there is big *difference* of the course in Sindh province. Therefore, **PMDC** shall not conduct **test** on their own bank, that would cause serious prejudice to the province of Sindh's students and **it shall be ensured that everyone has same right and quality of education to appear in the test with same syllabus particularly science subjects, however, after three years that may be applied**".

3. Pursuant to the above reproduced order passed by this Court, a committee was constituted comprising **Dr. Shireen Mustafa**, Chairperson, CMIE&ITD; **Mr. Muhammad Mureed Rahimoon**, Secretary to the Government of Sindh, Auqaf, Religious Affairs, Zakat, and Usher Department; **Mr. Mujahid Akbar Khan**, Director, Cyber Crime, FIA, Karachi; **Dr. Shaista Faisal**, Acting Registrar, Pakistan Medical and Dental Council (PMDC); and experts from the Testing Agencies **IBA-Sukkur** and **IBA Karachi** with the following ToRs

- i. To probe into recent MDCAT regarding anomalies by fixing criminal and civil liabilities.
- ii. To look into various issues related to paper leakage including its timing by forensic investigation.
- iii. To analyses marks obtained with specific reference to lopsided results viz-viz candidates' previous academics results and / or by any specific area.
- iv. To invite objections and hear the Petitioners if they are interested to provide to the committee.
- v. To committee may refer to the order of the Hon'ble High Court of Sindh Karachi dated 09.10.2024 for further guidance, where necessary.
- vi. To committee may co-opt any officer of Government of Sindh/PMDC etc.
- vii. To submit its report within 15 days to the Chief Secretary Sindh.

4. At this juncture, delving further to resolve this controversy, which has effected all of the intended students, their parents, and in addition to its far reaching consequences, however, it would be conducive that before referring the recommendation of the subject committee, the report of Director Cyber Wing, which is part of the committee report is also reproduced herewith:

"10. The Director Cyber Crimes, FIA Karachi submitted his forensic report dated 24.10.2024 (Annex-XXIV), which is reproduced hereunder:

<b>ENQUIRY NO.</b>	<b>2279/2024</b>	<b>DATED OF REGIST</b>	<b>18-10-2024</b>
<b>NAME OF COMPLAINANT &amp; PARTICULARS</b>	Bilawal Mallah, Member board of director, Human Rights Justice & Defenders Organization		
<b>NAME OF ALLEGED PERSON</b>	Dr. Sajid Mehmood Alvi bearing CNIC 4210112922053 Dr Vinod Kumar having Whatsapp number 03441663347		
<b>Gist of Allegations:</b>	<b>GIST OF ALLEGATIONS</b>  "A complaint was lodged regarding the leakage of the MDCAT-2024 entrance examination paper. The complaint alleges that the examination papers were disclosed and distributed illicitly prior to the exam date, potentially compromising the fairness and integrity of the examination process." Detail complaint is attached in the file		
<b>ACTION TAKEN</b>	Brief facts are that the subject enquiry was registered on dated 18-10-2024 lodged by Bilawal Mallah, Member board of director, Human Rights Justice & Defenders Organization  During the course of enquiry, the EO analyzed the matter. and it came on record that, the subject number 03441663347 which distributed the MDCAT paper through WhatsApp belongs to Dr. Vinod Kumar r/o Tharparkar.		
<b>ACTION TAKEN</b>	01. The Enquiry officer issued notice u/s 160 Cr.PC to the alleged Vinod Kumar who appeared before the Enquiry officer and his below mentioned digital device was seized. <ul style="list-style-type: none"> <li>• Vivo Y11 having IMEI 863655049152033 &amp; 863655049152025</li> </ul> The digital device of the alleged was then refer to the Forensic laboratory for technical analysis. The forensic analysis report of the alleged device, it came on record. <ol style="list-style-type: none"> <li>a. Above mention alleged Vinod Kumar is involved in sharing MDCAT leaked paper in different WhatsApp groups named as "Medico Engineer MDCAT" on date and timings 21/09/2024 8:16:41 pm. Above MDCAT leaked paper WhatsApp chats were deleted in evidentiary mobile phone and after digital forensics process, deleted WhatsApp chats were successfully recovered.</li> </ol>		

- b. Suspicious MDCAT leaked paper questions are shared via WhatsApp business chats in different following groups with their respective dates from number 923441663347
- i. Medico Engineer MDCAT (5) on date and timing 21/09/2024 8:16:41 pm
  - ii. Medico Engineer MDCAT (4) on date and timing 21/09/2024 8:16:41 pm
  - iii. Medico Engineer MDCAT (3) on date and timing 21/09/2024 8:16:41 pm
  - iv. Medico Engineer MDCAT (2) on date and timing 21/09/2024 8:16:41 pm
  - v. Medico Engineer MDCAT on date and timing 21/09/2024 10:06:07pm
- c. Suspicious MDCAT leaked paper questions are also shared with following numbers individually from WhatsApp number 03441663347
- i. 923091321878 on date and timing 22/09/2024 02:36:43pm
  - ii. 923032408887 on date and timing 21/09/2024 10:39:41pm

02. During the course of the investigation, additional evidence was received implicating Dr. Sajid Mehmood Alvi, the second alleged individual, in the MDCAT paper leak. This evidence included voice notes and screenshots of messages. Based on this material, the Enquiry Officer (E.O.) sought and obtained a search warrant for Dr. Alvi's residence, as per his Computerized National Identity Card (CNIC). The address listed was House R-152, Block 15, FB Area, Gulberg Town, and Karachi. The search warrant was granted by the Honorable Judicial Magistrate (JM), 1st Central.

However, upon execution of the search warrant at the specified address, it was revealed that Dr. Sajid Mehmood Alvi was not residing at the location provided. Furthermore, the family tree and Call Detail Record (CDR) of the alleged individual were obtained, which revealed additional addresses. Reconnaissance missions were carried out at these locations, but no accurate or verified address of the alleged individual could be identified and his digital devices are not yet seized.

03. Furthermore the Enquiry officer along with the JIT Member Muhammad Aamir Zaib visited Dow University and the digital devices of the prime

	<p>suspects were seized and are submitted for forensic analysis which is in progress.</p> <ol style="list-style-type: none"> <li>a. Tairq Safeer Ahmed S/O Safeer Ahmed bearing CINC No 4210156313087.</li> <li>b. Yasir Hussain Sheikh S/O Ghulam Hussain Sheikh bearing CNIC No 4220106506007</li> <li>c. Azhar Ali S/O Maqsood Ahmed bearing CNIC No 4240149332979</li> <li>d. Muhammad Azeem S/O Muhammad Azad bearing CNIC 4210171815175</li> <li>e. Faud Sheikh S/O Abdul Ghaffar bearing CNIC 4230109771221</li> </ol>
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5. As per the contents of the report, the committee held its meetings, taking all necessary measures, including the use of digital tools by the Cybercrime Wing of FIA. The committee received evidence through various means, which includes the freezing of the mobile phones and recovering such data. Furthermore, FIA issued notices to individuals involved in the paper leakage and gathered ample evidence therefrom. It was found that the entire conduct of the MDCAT test conducted by DOW University in the Province of Sindh, was compromised at all the given stages. The committee shall continue as per mandate and submit causes and recommendations, to be implemented in future tests, with the respective authorities. The relevant findings are as follows:

### **Findings**

**11. Based upon evidence presented by the petitioners, forensic report of FIA Cyber Crime Karachi and, detailed briefing given by the Controller of Examination, Dow University of Health Sciences, the findings of the enquiry are as follows:**

- (i) ***As per forensic report of the FIA, Cyber Crime Karachi, the paper was leaked at 8:16 PM on 21.09.2024 that is about 13 hours and 44/ minutes before the scheduled time of the MDCAT-2024-25.***
- (ii) ***The evidence produced by petitioners suggests that the clue key' covering approximately 75% of the questions of the test paper was FIRST leaked at 3:09 AM on 22.09.2024, that is 06 hours and 51 minutes before the exam scheduled at 10.00 AM on 22.09.2024.***
- (iii) ***The test paper leakage was done in a form which may be described as "clue key leakage" or "tutorial guide" of the actual MDCAT-2024- 25 Test Paper. The leaked paper or the clue key contained the gist, substance, or central idea of approximately 75% questions from the MDCAT-2024 Test.***

- (iv) *The review of the leaked clue key makes it profusely evident that this was not a mere guess paper. The level of detail and the accuracy of the information strongly suggest that the leaked clues were drawn directly from the test paper itself. The nature of the leak was far too precise to be considered speculative, leading to the conclusion that the so-called guess paper was, in reality, a strategic form of leakage designed to circumvent detection while still providing a significant unfair advantage to those with access to it.*
- (v) *The leaked answer key for the MDCAT 2024-25 was cleverly crafted to avoid raising suspicion, allowing it to go unnoticed. It provided greater assistance to students who had studied extensively or were naturally more talented, as they were better able to take advantage of the subtle hints embedded within the key.*
- (vi) *The Controller of Examinations stated that he reached out to the Principals of Colleges in Karachi to nominate professors/subject specialists of Physics, Chemistry, Zoology, Botany, and English. A total of nine professors, two each for Chemistry, Zoology, Botany and English and one for Physics, were chosen; seven of them belong to St. Joseph's College, and one each to Allama Iqbal Govt Girls Degree College and Govt College for Men, Nazimabad. Each subject specialist was tasked with preparing questions of his speciality, resulting in a databank of 422 questions for the MDCAT 2024 exam. The Controller of Examinations then personally compiled a test paper of 200 questions from this databank, following the PMC guidelines for MDCAT*
- (vii) *The size of question bank, comprising only 422 questions, was extremely small when compared to the requirement of 200 questions for the actual test paper. The smaller question bank could lead to easier access for individuals seeking to exploit the system, as there were fewer questions to choose from, making it simpler to leak or guess the exam content. With such a small pool, there was an increased risk of predictability in the test content, which could undermine the exam's integrity and its ability to accurately assess students' knowledge and skills.*
- (viii) *The Controller compromised both the confidentiality and fairness of the testing process*

*by assigning the task of question preparation to the same professors who were previously involved in preparation of questions for the previous two MDCAT exams. This decision was made without conducting thorough vetting or background checks on these individuals. By failing to introduce fresh contributors or implement stronger security measures, the Controller increased the risk of information leaks and conflicts of interest, jeopardizing the integrity of the examination. This lack of due diligence not only allowed for potential breaches but also raised concerns about the overall fairness and objectivity of the test preparation process.*

- (ix) *The Controller also mentioned that he collaborated with four paper setters from his department for four to five days to finalize the test paper and create five different versions of it. He stated that these paper setters had access to their mobile phones throughout the paper finalization and setting process. He expressed his full confidence in them, stating that they had worked with him for a long time, which is why he had no concerns about the leakage of the paper or its contents. Such a blind trust could be termed as recipe for disaster.*
  
- (x) *The Controller's failure to exercise proper care and due diligence during the process of finalizing and setting the test paper resulted in a significant breach of the paper's confidentiality. By neglecting essential security protocols and oversight, he compromised the secrecy of the test and its contents. This lapse in safeguarding the process allowed for the creation and eventual leakage of a clue key, which contained crucial hints or summaries of the test paper. This breach ultimately undermined the integrity of the examination, as the clue key provided an unfair advantage to those who accessed it prior to the test.*
  
- (xi) *The involvement of over 42 staff members in test paper printing, binding, and sorting process over a ten-day period significantly weakened the security surrounding the test paper and its contents. Although security cameras were installed around the premises and the use of mobile phones was prohibited, the sheer number of personnel involved and the extended duration of their access to the paper increased the risk of a security breach. Given the high stakes involved, the likelihood of the paper or its contents being leaked was considerable. The possibility of unauthorized mobile phone usage and the potential for collusion*



*among staff members was particularly concerning, as those working closely together over time were more prone to forming alliances. Such alliances could facilitate the sharing of confidential information, further heightening the risk of leakage and compromising the integrity of the test.*

- (xii) *The civil liability arising from the test paper leakage rests primarily with the Controller of Examinations and his core team within the examination branch, including those involved in the paper setting, printing, binding, and distribution processes. Their failure to maintain the required level of security and confidentiality throughout these stages makes them accountable for the breach. However, identifying the full scope of those involved in the actual leakage, including both internal and external actors, requires a thorough criminal investigation. Such an investigation will be necessary to uncover the organized network, or "leakage mafia," responsible for accessing and distributing the test paper contents, ultimately compromising the fairness of the exam. This probe would expose any collusion between insiders and outside parties that facilitated the leak, allowing for the appropriate legal consequences to be pursued against those involved.*
- (xiii) *The data of 1,186 students who scored 187 or higher in MDCAT 2024, provided by Dow University of Health Sciences, was analyzed and compared with their percentage scores in Board exams. The resulting correlation coefficient of 0.06 indicates a very weak positive correlation between the MDCAT scores and the percentage marks obtained in the Board exams. A very weak positive relationship exists between MDCAT-2024 scores and Board exam results in the districts of Hyderabad, Karachi, Tharparkar, Umarnot, Jacobabad, Khairpur, Naushero Feroze, Sukkur, and Jamshoro, with correlation coefficients ranging from 0.1 to 0.2; whereas a very weak negative relationship exists between MDCAT scores and Board exam results in the districts of Dadu, Shaheed Benazirabad, Sanghar, Badin, Larkana, Mirpurkhas, Kambar Shahdadkot, Thatta, and Kashmore, with correlation coefficients ranging from -0.01 to 0.19. A weak positive relationship is observed in Ghotki (0.28) and Shikarpur (0.35), while a weak negative relationship is found in Sujawal (-0.34) and Tando Muhammad Khan (-0.37). A strong negative relationship is evident in Tando Allahyar (-0.8). As regards 51 students of Mazhar Muslim Model Schools of District Khairpur and Naushero Feroze*

*who secured 187 or higher marks in MDCAT-2024, a very weak positive relationship (i.e. coefficient correlation of 0.16) exists in MDCAT score and Board exam results.*

- (xiv) *The distribution of marks obtained by candidates across the districts exhibits an asymmetrical/lopsided pattern. A notably smaller percentage of students from Karachi (1.18%) and Hyderabad (1.47%) scored 187 or higher marks, while a significantly larger percentage of students from Tharparkar (7.92%) and Sujawal (7.32%) achieved the same score threshold. The statement displaying percentage of students of each district who secured 187 or higher marks may be perused at Annex-XXV. This disparity, where students from certain rural districts outperform those from highly urbanized areas in the MDCAT test, is difficult to explain.*
- (xv) *The Controller of Examination, DUHS denied the allegation that 20 to 25 questions were out of syllabus. The committee is of the view that PMDC may be directed to carry out detailed analysis and furnish report.*
- (xvi) *The matter of wrong answer keys needs to be immediately addressed by DUHS for each individual student on their request.*

6. This above reproduced report was taken on record, and copies thereof were provided to the counsel for DOW University and PMDC. They were given the opportunity to review the findings.

7. Director FIA, Cyber Wing, Karachi contends that investigation is going on, they have found sufficient evidence against the culprits, and they have also placed additional names of the culprits in PNR.

8. We have heard the counsel for respective parties. Accordingly, we dispose of the captioned petitions, along with pending applications, today by the present short order, along with the following directions. The reasons will be recorded later on:

- i. The committee unanimously concluded that the entire test procedure was compromised, and sufficient evidence has come on record. Therefore, there is no other option except to retake the examination, in view of the dicta recently laid down by the Honourable Apex Court, in the case reported as *PLD 2024 SC 780*. Moreover, all representatives of Government of

Sindh (respondents), Council representing PMDC and Council representing Dow University, after reading of recommendations, have collectively agreed that this is a fit case of a retake of the subject entry test. Accordingly, the Secretary, Universities and Boards Department, Secretary Health Department, and Chief Secretary, Government of Sindh, shall ensure that the retake of the MDCAT examination is conducted **within four weeks from today**.

- ii. Retake shall be carried out on the same date, in Karachi Division, to be conducted by the IBA Karachi and for the rest of province of Sindh, it is to be conducted by IBA Sukkur.
- iii. No fresh fees of any nature shall be charged from the students/candidates as they have already paid the testing fees, hence Government of Sindh, shall ensure to meet all expenditures and requirements/facilities required for the conduct of the retake MDCAT.
- iv. The counsel for PMDC conceded that it is within the domain of the Government of Sindh, to conduct the test through any Institute. Under these circumstances, the counsel for DOW University also agrees, that the retake of the test shall be conducted by any reputable institute. Accordingly, the Province of Sindh shall hire the services of **IBA Karachi/IBA Sukkur** which shall ensure that the retake test is conducted throughout the Province of Sindh on the same date. Needless to mention that the test shall be conducted following the relevant guidelines framed by PMDC, and from the syllabus taught by the **Sindh Textbook Board** and other Boards of the Federation and Universities in Province of Sindh, while keeping in view that there are different boards in the Province of Sindh with varying syllabi. Hence, the test shall be based on the syllabus being taught by the Government of Sindh to private and public sector institutions without any discrimination and with structure, weightage and difficulty levels given under MDCAT Curriculum 2023, which is as under:

**STRUCTURE, WEIGHTAGE AND DIFFICULTY LEVELS**

Structure	<ul style="list-style-type: none"> <li>• Total number of MCQs: 200</li> <li>• Duration of MDCAT: 3.5 hours</li> <li>• Format: Paper-based MCQs</li> <li>• Minimum pass marks for Medical College Admission: 65%</li> <li>• Minimum pass marks for Dental College Admission: 55%</li> <li>• No negative marking</li> </ul>		
Weightage	Subject	Weightage	
		Percentage	No. of MCQs
	Biology	34	68
	Chemistry	27	54
	Physics	27	54
	English	9	18
	Logical Reasoning	3	6
	Total	100	200
Difficulty Level	<ul style="list-style-type: none"> <li>• 20% MCQs----Easy</li> <li>• 60% MCQs----Moderate</li> <li>• 20% MCQs----Hard</li> </ul>		
<ul style="list-style-type: none"> <li>• Note: In Biology, Chemistry and Physics section, 70% questions will be recall and 30% will be application level.</li> </ul>			

- v. It has been established on record that sub-section 4 of Section 17 of the PMDC Act, 2022, provides validation of the test for three years. It is also a fact that for two years, DOW University has been conducting the test with having no question bank above than 400 questions. Hence, if this validation is permitted for the recent test, which will be conducted by a reputable testing institute with a substantial question bank, fresh candidates will be penalized for no fault of their own. Accordingly, for this (retake) test only, this rule will not penalize the fresh candidates, and the validation of last year's result will not be considered for this year's admissions. Moreover, procedure provided for the reduction of 10% of marks for improver candidates, shall not be applied in the present retake, and therefore the repeaters shall be considered as fresh candidates, in order to safeguard their basic rights and prevent any prejudice against them. At this point, the learned counsel for PMDC was confronted, and he stated in his personal view that this validation is not justified; however, the

statutory provision of the relevant Section 17 of the MDCAT Act, cannot be bypassed. He was further confronted with sub-section 2 of Section 17, which is reproduced below:

**Section 17(2) PMDC Act:** No student shall be awarded a medical or dental degree in Pakistan who has not passed the MDCAT prior to obtaining admission in a medical or dental college in Pakistan:

**Provided** that the mandatory requirement of MDCAT shall not apply to students seeking admission on a special program seat predefined exclusively for foreign students and on the seats reserved for overseas Pakistanis.

- vi. The learned counsel for PMDC admitted that students of NUMS (comprising eighteen medical colleges), **Agha Khan University** and other private selected universities are exempted by regulations, which is in violation of sub-section 2 of Section 17. Even those institutions are bound to ensure that their students appear in the MDCAT test and they will be registered by PMDC, even without appearing in the MDCAT test, just like foreign students, which is permissible under the law, they are exempted for this mandatory test. Since this court has taken cognizance of the situation and considered that the entire examination system is compromised and last two test were also conducted by the same university, this exception will not cause any prejudice to the candidates from the last three batches, as their marks as repeaters will not be reduced. It has been established on record that **eighteen colleges and Agha Khan University**, along with other private universities, are exempted from the MDCAT test, which is contrary to the law and basic principles governing equality of citizens as provided under Article 25 of the Constitution. Hence, PMDC shall revisit and amend the law with regard to validation of tests, and must ensure that there shall not be any discrimination between public and private universities, as guaranteed under **Article 25 of the Constitution of the Islamic Republic of Pakistan 1973**.
- vii. **The Provincial Government and the PMDC shall ensure that they shall depute vigilance committees, for all the test retake venues across the Province.**

- viii. It has come on record that yet Mirpurkhas and Hyderabad Boards have not announced the result of second year part of intermediate. Accordingly, Secretary Boards and Universities shall ensure that all boards shall announce result within one month before MDCAT Test in future
- ix. The PMDC Act and Regulations provide that the test shall be conducted on the same date throughout the country. However, the manner in which it is to be conducted is within the domain of the **Government of Sindh**. Accordingly, the above-referred committee shall continue its mandate and fix liability on the delinquent individuals involved in this serious crime. The **FIA inquiry** shall also be completed within two months, in accordance with the law. It is also a matter of record that last year's retake test was conducted which is under the probe with **FIA**. Hence, FIA shall conclude both inquiries in a similar manner within the stipulated period, in accordance with the law. Besides, it is germane to mention that Government of Sindh shall constitute a high power vigilance committee to ensure that examination process shall be completed with transparency on same day.

J U D G E

J U D G E

SAJID