

ORDER SHEET**IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT**

WP No.13141/2020

Ali Zayyam Tayyab etc. **Versus** Federation of Pakistan etc.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge and that of parties or counsel, where necessary.
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29.4.2020

Petitioners By:Barrister Muhammad Umar Riaz and Ms. Bushra Saqib,
Advocates for the Petitioners.Syed Mansoor Ali Bukhari, Advocate for the Petitioners
in WP No.14319/20.Mr. Aurangzeb Mirza and Mr. Muhammad Irfan Hanjra,
Advocates for the Petitioner in WP No.13515/20.Mr. Sahir Mahmood Bhatti, Advocate for the Petitioners
in WP No.13516/20.Barrister Tariq Saeed Rana, Advocate for the Petitioner
in WP No.14082/20.Mr. Omer Farooq Khan, Advocate for the Petitioner in
WP No.12874/20.Mian Muhammad Kashif and Mr. Imran Iqbal,
Advocates for the Petitioner in WP No.14620/20.**Respondents By:**

Ms. Ambreen Moeen, DAG.

Mr. Akhtar Javed, Additional Advocate General,
Punjab.Chaudhary Muhammad Umar, Advocate for
Respondent PMDC on Court's call.Mr. Imran Muhammad Sarwar, Advocate for
Respondent UHS along with Professor Dr. Javed
Akram, Vice Chancellor, UHS, Dr. Allah Rakha, Team
Leader Admissions, Hassan Raza Abid, Deputy
Registrar, Zahid Mehmood, Assistant Registrar (Legal)
and Hamza Izhar Malik, Manager Litigations (Legal)
UHS.Mr. Javed Bashir, Advocate for Applicant in CM No.3
and 4 of 2020.Ch. Ali Muhammad, Advocate for Applicant in CM
No.5/2020.Ms. Mahjabeen Abbasi, Advocate vice Mr. Muhammad
Ahmad Qayyum, Advocate for Applicant in CM No.6
and 24 of 2020.Rai Faisal Tufail Kharal, Advocate for Applicant in CM
No.7/20.Barrister Haroon Dugal and Chaudhary Habib-ur-
Rehman, Advocates for Applicant in CM No.8, 9, 10,
11 and 22 of 2020.

Mr. Abid Saqi and Ms. Sabahat Rizvi, Advocates for Applicant in CM No.12 and 15 of 2020.

Mr. Khalid Jamil, Advocate for Applicant in CM No.13/20.

Mr. Kamran Hashmat, Advocate for Applicant in CM No.14/20.

Rana Muhammad Asif, Advocate for Applicant in CM No.16 and 17 of 2020.

Mr. Muhammad Naveed Shabbir Goraya, Advocate for Applicant in CM No.18/20.

Mr. M. Asad Manzoor Butt, Advocate for Applicant in CM No.19/20.

Mr. Saif-ul-Malook, Advocate for Applicant in CM No.20 and 21 of 2020.

Mr. Waheed Afzal Malik, Advocate for Applicant in CM No.23/20.

Mr. Tariq Dogar, Advocate for Applicant in CM No.25/20.

Mr. Nusrat Ali Joyia, Advocate for Applicant Pakistan Medical Association, Lahore in CM No.26/20.

Mr. Imtiaz Noor Malik, Advocate for Applicant in CM No.27/20.

In terms of the statement made before the Court yesterday by Professor Dr. Javed Akram, Vice Chancellor of the UHS and Dr. Allah Rakha, Team Leader Admissions, UHS, the Second Provisional List for MBBS and BDS as per the orders of the Court has been placed before the Court. As per the list there are still 168 vacant seats out of which 23 seats are of candidates who are over placed as per the allocated seats of the given college. It is stated that it is necessary now to complete the merit list and issue the final merit list for MBBS and BDS colleges.

2. In this regard, it is again pointed out that the 8th list for MBBS dated 29.1.2020 and 7th list of BDS dated 29.1.2020 have already been revised to the extent of forced placement, however it has not been revised with reference to the preference students. In this regard, it is pointed out that in order to finalize the merit list, it is necessary to give the preference students the option to be upgraded as per

their preference. Professor Dr. Javed Akram, Vice Chancellor, UHS clarified that this list was issued purely on the direction of PMC without reference to any of the rules and regulations and in compromise of the merit. As per the regulations and the practice evolved over the years, the merit list continues with adjustment of the merit and it is only when the merit has been adjusted that students from the waiting list are included in the merit list against vacant seats. However, in this case the 29.1.2020 list did not give the preference candidates their upgraded colleges.

3. So far as the list of 29.1.2020 is concerned, UHS was directed by PMC to take students from the waiting list irrespective of their merit and place them in various different colleges. Hence he stated that the merit for preference students has also been compromised and is affecting the overall merit of the colleges. He also clarified that in revising the merit of the preference students as per the list of 29.1.2020, many of the grievances of the Applicants before this Court in the applications Under Order 1 Rule 10 Civil Procedure Code, 1908 will be settled.

4. Therefore in view of what has been argued, the following is directed to the UHS:

- (A) As per order of this Court dated 13.3.2020, the merit list for MBBS and BDS dated 29.1.2020 has already been withdrawn with respect to forced preference students and on the basis of the subsequent orders the merit list has been revised and the Second Provisional List has been placed before the Court today;
- (B) With reference to the preference students the list of 29.1.2020 for MBBS and BDS is also withdrawn. Preference students on the basis of

the merit list issued for MBBS dated 17.1.2020 and 6th merit list of BDS dated 16.1.2020 should be given the option to be upgraded based on their preference, where applicable;

- (C) This exercise is to be completed by the Respondents by end of business tomorrow that is before 5 PM on 30.4.2020 and the Second Provisional List issued as per the direction of this Court to be posted on the website of the UHS. The candidates should be given 24 hours to exercise their option of upgradation, online which process should be completed by 1.5.2020 before 5 PM;
- (D) UHS should then tabulate the final merit list for MBBS and BDS on the basis of the list placed before the Court with reference to the forced placement candidates and the option exercised by preference candidates as per the order of this Court;
- (E) The final list should be placed before the Court on 4.5.2020. The final list will be displayed after the hearing of the Court, where after all the Applicants who have filed applications under Order 1 Rule 10 Civil Procedure Code, 1908 can raise their grievance, if any, before the Court on the next date. It is also noted that there are several colleges which have vacant seats, hence in this process of finalization of the merit list, the vacant seats should also be filled up as per the merit.

5. It is also brought to the notice of the Court by Professor Dr. Javed Akram, Vice Chairman, UHS that a

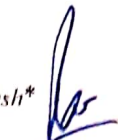
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meeting is to be held by PMDC on 30.4.2020 wherein the issues of admission process will be taken up. In this regard, the issue of over placement in some colleges may be brought to the notice of PMDC. However since there are no exact details at this stage, the issue should be highlighted so as to find out its solution preferably to the benefit of the students in accordance with the given rules and regulations.

6. To come up for further proceedings on 4.5.2020.

Allah Bakshi*


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(AYESHA A. MALIK)
JUDGE

Form No: HCJD/C-111
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28.4.2020

Petitioners By:

Barrister Muhammad Umar Riaz and Ms. Bushra Saqib,
Advocates for the Petitioners,
Mr. Muhammad Ahmad Qayyum and Mr. Shamail Arif,
Advocates for the Petitioners in WP No.14319/20 & in
CM Nos.6 and 24/2020,
Syed Mansoor Ali Bukhari, Advocate for Petitioner in
connected petition.
Mr. Sahir Mehmood Bhatti, Advocate for Petitioner in
connected petition.
Mr. Aurangzeb Mirza, Advocate for the Petitioner in
WP No.13515/20.
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Mian Muhammad Kashif and Mr. Imran Iqbal,
Advocates for the Petitioner in WP No.14620/20.
Ch. Sohail Ahmad Khan, Advocate in connected
petition.

Respondents By

Ms. Ambreen Moeen, DAG.
Mr. Akhtar Javed, Additional Advocate General,
Punjab.
Chaudhary Muhammad Umar, Advocate for
Respondent PMDC on Court's call.
Mr. Imran Muhammad Sarwar, Advocate for
Respondent UHS along with Professor Javed Akram,
Vice Chancellor of UHS, Dr. Allah Rakha, Team
Leader Admissions, Zahid Mehmood, Assistant
Registrar (Legal) and Hamza Izhar Malik, Manager
Litigations (Legal) UHS.
Mr. Javed Bashir, Advocate for Applicant in CM No.3
and 4 of 2020.
Ch. Ali Muhammad, Advocate for Applicant in CM
No.5/2020.
Rai Faisal Tufail Kharal, Advocate for Applicant in CM
No.7/20.
Barrister Haroon Dugal, Advocate for Applicant in CM

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Mr. Waheed Afzal Malik, Advocate for Applicant in CM No.23/20.

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Mr. Nusrat Ali Joyia, Advocate for Applicant Pakistan Medical Association, Lahore in CM No.26/20.

Mr. Imtiaz Noor Malik, Advocate for Applicant in CM No.27/20.

CM No.31 of 2020

This is application filed by the Applicant under Order 1 Rule 10 Civil Procedure Code, 1908 for impleadment as Respondents in the titled petition.

2. Notice.

CM No.32/2020

3. Dispensation sought for is allowed subject to all just and legal exceptions. CM stands disposed of.

Main Case

4. Pursuant to the directions of this Court given on 17.3.2020 Respondent UHS has provided to the Court the breakdown of the responses to the provisional list posted as per the directions of this Court for the MBBS and BDS admissions. As per the figures provided to the Court the total number of forced placement in MBBS is 926 and BDS is 253. Out of these students the breakup for students who want to stay at their given colleges and those who want to be upgraded has been provided to the Court. Therefore, in order to issue the second provisional merit list UHS is directed as follows:

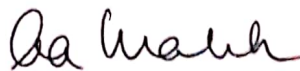
- i) Retain the students who want to study in their current colleges i.e. who do not want to be downgraded upgraded as per the first provisional list (number of students MBBS 485 and BDS 71);

- ii) The students who want to be placed as per first provisional list should be moved, (number of students MBBS 88 and BDS 45);
- iii) The students who do not agree with the placement method in totality should be placed as per their merit is (MBBS 201 and BDS 48);
- iv) The students who have not responded should be placed as per their merit (MBBS 179 and BDS 96).

5. It is also brought to the attention of the Court that some colleges may have excess students from the prescribed number that is certain colleges may have students beyond the total available seats. Since the Court is in process of finalizing the merit list, it is necessary for the UHS to place on record the correct figure before the Court in order to apprise as to how many colleges will have excess students.

6. Professor Dr. Javed Akram, Vice Chancellor of the UHS has also put in an appearance and states that this is a very lengthy and cumbersome exercise that has taken place however, they are desirous that the matter be concluded at the earliest so that students may resume their studies. He also states that in order to save the academic year of the students it is requested that the matter may be concluded so that colleges are able to hold online classes for their students. He further states that once the figure is placed before the Court, the Respondent UHS will provide assistance to the Court with respect to the adjustment of the students, if required.

7. To come up for further proceedings on 29.4.2020.


(AYESHA A. MALIK)
JUDGE


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