

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.2999/2019.

Dr. Haleema Nazar, etc.

Versus

Federation of Pakistan, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	03.09.2019.	Mr. Wajid Mehmood Kiani and Mr. Rais Abdul Hameed, Advocates for petitioners.

Through this writ petition the petitioners have prayed for the following relief:-

That the instant writ petition be accepted in the larger interest of the justice and respondents be directed to allow the petitioners to carry on their practices as physicians as per their skills and the education.

Further, respondent No.2 may kindly be directed to register the petitioners in its office as the "Physicians" being equally skilled, trained and educated as of MBBS.

Furthermore, respondent No.1 may kindly be directed to refrain from passing any law which may change the name of Petitioners' Degree which may have tendency to show the petitioners as the Hakeem/FTJ or Homeo Pathics.

Respondents No.3, 4 and 5 may also be directed to refrain from carrying on any operation against the petitioners in the name of Quackery.

2. Learned counsel for the petitioners *inter-alia* contends that petitioners have graduated from different universities recognized by HEC for the degree of Bachelor of Eastern Medicine and Surgery (BEMS) whose course contents are equal to the course contents

of MBBS and also falls within the purview of PM&DC; that different universities including the Islamia University of Bahawalpur, Hamdard University, the University of Azad Jammu & Kashmir, Qarshi University have awarded the BEMS degree, however, there is no regulatory body under the law for recognition of BEMS degree; that provision of UAH Act, 1965 as well as PM&DC Ordinance, 2002 and PM&DC Ordinance, 2019 are not recognizing BEMS degree programme of 05 years, even the HEC has not taken any measures to resolve the dispute qua the recognition and the subject falls within the purview of Ministry of National Health Services Regulations and Coordination, Government of Pakistan.

3. Learned counsel for the petitioners have been confronted as to whether petitioners have approached the relevant departments of Government of Pakistan as well as PM&DC, whereby he contends that petitioners have approached the respondents' departments on different occasions but no fruitful result have been achieved.

4. Keeping in view the above background, instant writ petition is converted into representation and office is directed to transmit copies of instant writ petition alongwith its annexures to the Secretary, Ministry of National Health Services Regulations and Coordination, President PM&DC, President National Council for Tibb and Chairman, HEC to look into the affairs of all these

petitioners (who obtained degree of BEMS from different universities of Pakistan and Azad Jammu Kashmir on merit), shall pass a speaking order, as to whether BEMS degree could be recognized under PM&DC, UAH Act, 1965 or any other law and if it is not possible then frame work should have been made for the recognition of these degrees as well as students who are entitled to earn their livelihood in terms of Article 18 of the Constitution of Islamic Republic of Pakistan, 1973. However, it is expected from the concerned respondents to pass appropriate orders through joint meeting to be held within four months. The decision so made should also be placed before this Court through Registrar for perusal in chamber.

5. Instant petition stands disposed of in above terms.

(MOHSIN AKHTAR KAYANI)
JUDGE/