

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P.No.3960/2019

Seyreen Faisal

Versus.

Shaheed Zulfiqar Ali Bhutto Medical University and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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26.11.2019	M/s Raja Rizwan Abbasi and Naila Noreen, Advocates for the petitioner. Mr. Muhammad Ali Raza, Advocate for respondent No.2/P.M.C. Mr. Nadeem Khan Khakwani, learned Assistant Attorney-General.
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Through the instant writ petition, the petitioner, Ms. Seyreen Faisal, seeks a direction to Shaheed Zaulfiqar Ali Bhutto Medical University/respondent No.1 to consider her for admission in the said university on the basis of her MDCAT result from respondent No.4/university of Health Sciences, Lahore, (“U.H.S”).

2. Learned counsel for the petitioner drew the attention of the Court to P.M.&D.C.’s letter dated 24.08.2019 and submitted that students have been permitted to use the MDCAT result of the admitting university of their domicile when applying against the relevant quota offered by F.M.D.C. where all seats are based on quotas. In the said letter, it was also stated that quota for the federal government servants can use MDCAT offered by respondent No.1/university or any other admitting university.

3. Learned counsel for the petitioner further submitted that the petitioner holds a domicile of Islamabad Capital Territory (“I.C.T.”); that initially the MDCAT was required to be conducted on the same date by all admitting universities, but

pursuant to the order dated 23.08.2019 passed by this Court in Writ Petition No.2941/2019, P.M.&D.C. decided the representation of Rana Omer Sajjad by holding that there will be no discrimination between any student irrespective of them taking MDCAT offered by any admitting university as all MDCAT had been standardized this year to ensure the same level across the board; that the petitioner appeared for the MDCAT at U.H.S. with the understanding that she would apply to respondent No.1/university for admission; that after this, P.M.D.C. made a departure from earlier policy by deciding that only those students with domicile of I.C.T will be considered for admission in respondent No.1/university against seats reserved for students with domicile of Islamabad who had appeared in the MDCAT at respondent No.1/university; that the said decision is violative of the petitioner's fundamental right and liable to be set-aside; and that the petitioner's father is a civil servant serving at Islamabad. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

4. I have heard the contentions of learned counsel for the parties and perused the record with their able assistance.

5. Learned counsel for the petitioner has not been able to point out any provision of the law or the regulation made by the erstwhile P.M.&D.C which had been violated by the respondents in not considering the petitioner (who holds a domicile of I.C.T.) for admission in respondent No.1/university on the basis of her MDCAT result from U.H.S. The petitioner having done her MDCAT from U.H.S. could compete for admission in respondent No.1/

university against the six seats in respondent No.1/university reserved for open merit as well as the nine seats reserved for children of Federal government employees.

6. The merit list has already been issued and admission process has commenced. It is my view that respondent No.2 is correct in holding that when the petitioner elected to apply to U.H.S. for taking MDCAT, she give up her right to compete with other students holding domicile of I.C.T. who had elected to compete for admission against seats reserved for students holding domicile of I.C.T. by taking MDCAT at respondent No.1/university. The petitioner cannot be given a priority over students holding domicile of I.C.T. and who had sat for MDCAT at respondent No.1/university.

7. Finding no merit in the instant petition, the same is dismissed.

(MIANGUL HASSAN AURANGZEB)
JUDGE

M.A.Baig.