

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, H.C.J.
MR. JUSTICE M. JAVED BUTTAR

Human Right Case No.3608 of 2007

(Application by Students of Jinnah Medical College, Warsak Road,
Peshawar)

Applicants: In-person

On Court notice: Sardar Shaukat Hayat, Addl: A.G NWFP
Mr. M. Sardar Khan, Sr. ASC with Dr.
Muhammad Ishaque, Principal Jinnah Medical
College, Peshawar.
Roy Nawaz Kharal, ASC
Mr. Fawad Shah, ASC with Mr. Nadeem Akbar,
Secretary, P.M.D.C

Date of hearing 3-10-2007

ORDER

In this case about 175 students were admitted for education for MBBS classes in Jinnah Medical College, Peshawar but now the problem is that P.M.D.C despite of conducting inspections has declined to recognize the same because of non fulfillment certain terms and conditions and due to lack of many facilities. The students of the College have approached this Court for exercising jurisdiction to save their future. Notices were issued to all concerned including owner of the College namely Dr. Muhammad Ishaque. Later has appeared alongwith his counsel and stated that there is every likelihood of getting recognition from P.M.D.C whereas Mr. Nadeem Akbar, Secretary, PMDC/Registrar stated that until objections are removed by the management of the College, there is no likelihood of its recognition by the PMDC. Students were all of the view that although they are appearing in the examination being conducted by the Peshawar University but ultimately their degrees would not be recognized as the PMDC has not recognized the College,

ATTESTED

Superintendent
Supreme Court of Pakistan

therefore, management be asked to shift them to some other colleges which are duly recognized. On having heard the claim of the students as well as version of the management, we are prima facie of the opinion that students have a genuine grievance against the management besides if their grievance is examined in view of the statement of Dr. Nadeem Akbar no other conclusion can be drawn except that in the near future there is no chance of the recognition of the College. On this Dr. Muhammad Ishaque stated that two weeks time be given to him to enable him to explore the possibility of getting the students accommodated in some other recognized institutions and in the meanwhile he will get the recognition of College from PMDC. It is surprising to note that the College management knowing well that its recognition is not possible unless the objections are removed, as per advertisements in the news paper, is inviting applications from fresh students for admission in MBBS. This act on the part of the management and particularly of Dr. Muhammad Ishaque is highly objectionable and in the circumstances can be treated as malafide for receiving money from the students. He is, therefore directed not to make any fresh admission until and unless the College is duly recognized. No fresh applications for admission will be entertained by the College till the recognition by PMDC. As far as grievances of the present students are concerned, he is directed to ^{M.B.} get accommodated all the students in other recognized colleges/institutions and get them admitted at his own expenses within a period of two weeks.

Adjourned to 22.10.2007.

