

**IN THE LAHORE HIGH COURT,
RAWALPINDI BENCH RAWALPINDI
JUDICIAL DEPARTMENT**

W.P. No.2502 of 2025

hman and 10 others

Versus

University of Health
Sciences and others

Sr. No. of Order/ Proceeding	Date Order/ Proceeding	Order with Signature of Judge, and that of parties or counsel, where necessary
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20.08.2025

Mr. Umer Ijaz Gilani, ASC for the Petitioners.
Barrister Raja Hashim Javed, Assistant Advocate-General on
Court's call.

Through this writ petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (the "Constitution") the petitioners have sought direction to the the Respondent No.1/University of Health Sciences, Lahore (the "University") and Respondent No.2/Pakistan Medical and Dental Council (the "PMDC") to conduct their special supplementary examination in terms of Clause 13 of the UHS Assessment Policy (modular Integrated Curriculum Version 2.0, 2024-25) (the "Policy").

2. At the outset, when confronted to the maintainability of this Petition, Mr. Umer Ijaz Gilani, ASC submitted that the Petitioners are enrolled as third-year students in different medical colleges in Rawalpindi namely Watim Medical and Akhtar Saeed Medical College, which are registered with PMDC. He added that unfortunately the Petitioners could not pass the second-year exam of certain subjects, hence, they appeared in supplementary exams in May 2025 but with same result. Learned counsel submits that due to war situation in those days the Petitioners were mentally and physically

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exhausted, hence, they were unable to clear the said exams and ultimately they failed. Whereupon the Petitioners filed applications under Clause 1(i) of the Policy for conduct of special supplementary exam in the light of aforesaid exceptional circumstances of war but the Respondents did not take any action. For ready reference Clause 1(i) of the Policy, reads as follows:

(1) Examination Calendar / Date Sheet / Admittance Card

(i) Only one annual and one supplementary of First and Second Professional MBBS Examination shall be allowed in a particular academic session. In exceptional situation i.e. national calamities, war or loss of solved answer books in case of accident, special examination may be arranged after having observed due process of law. This will require permission of relevant authorities i.e. Syndicate and Board of Governors. (emphasis added)

Learned counsel also informed that the Principal, Akhtar Saeed Medical College has also wrote a letter to the Vice Chancellor of the UHS, Lahore on 23.07.2025 requesting for Petitioner's Special Supplementary Exams of 2nd Year MBBS. The relevant part is reproduced as under:

"The attached application from 2nd year students is forwarded for your kind review. Upon counselling, it was observed that while the grounds presented carry limited merit, the physiological impact on the students due to certain events during the Examination period cannot be entirely overlooked. In view of this, and considering that University Policy allows for special Exmainations in justified cases, the request may be considered sympathetically on a compassionate basis."

Learned counsel in support of his arguments placed reliance on the judgments reported as "Muhammad Hussain and another versus Province of Sindh through Home Secretary and 4 others" (2014 MLD 174) and MISS MAHNUM

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and others (2021 C L C 1583).

3. At this stage, learned Law Officer also objected to the maintainability of this Petition.

4. In response thereof, learned counsel for the Petitioner submitted that the University of Health Sciences is established under the University of Health Sciences, Lahore Ordinance, 2002 (the "Ordinance"). Section 4(iii) of the Ordinance empowers it to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions. Therefore, the University can conduct Petitioners' special supplementary exams under its own Policy, Rules and Regulations. He further submitted that in order to secure Petitioners' fundamental rights protected under Articles 9, 37, 38 of the Constitution, the UHS has to adhere to its own Policy under the Doctrine of Sovereignty. He referred that this Court in the judgment titled, Mst. Fatima Faryad etc. v. Government of Punjab etc. (2020 CLC 836) held that:

"under the Doctrine of Sovereignty they are bound to adhere to their commitment in the light of dictum laid down in the case of Dewan Salman Fibber Ltd. and others v. Federation of Pakistan, through Secretary, M/o Finance and others (2015 PTD 2304) whereby this Court while laying emphasis on the importance of the Government adhering to severing commitments made by it, whether in the form of the statutory orders or notification issued by it or in the shape of policies announced by it held that "the commitments made on behalf of the Government of the Islamic Republic of Pakistan should neither be lightly disregarded nor deliberately ignored. The orderly development of a civilized society requires that citizens should be entitled to place implicit faith and confidence on representations which are made by or on behalf of the

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duty constituted governmental authorities. The importance of this underlies the sustained thrust towards the industrialization of the country in which both the nationals of Pakistan as well as nationals of foreign countries should have complete confidence that official commitments will be duly honored and acted upon in letter and spirit."

Learned counsel lastly submitted that as per Article 4 of the Constitution it is an inalienable right of every citizen to be treated in accordance with law and no action detrimental to his/her life, liberty, reputation or property shall be taken except as per law. He maintained that Article 10-A of the Constitution provides right of fair trial and due process for determination of rights and obligations.

5. Points raised need consideration. Notice be issued to the Respondents for 25.08.2025 with the direction to file their report and parawise comments on or before the said date.

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6. Dispensation sought for is allowed subject to all just and legal exceptions. C.M. stands disposed of.

C.M. No.2 of 2025

7. Notice for the above said date.

**(JAWAD HASSAN)
JUDGE**

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H.M. Copy Security Section
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Gazetted Officer-4500