

Appeal No. 2026-06/2022

Chaudhary Akram Badi

Vs

Pakistan Medical Commission

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Chaudhary Akram Badi filed an application before the Registrar, Pakistan Medical Commission Islamabad seeking therein the complete record pertaining to the students from province of Sindh who was admitted in MBBS in Shaikh Khalifa Bin Zayed Al-Nahyan Medical and Dental College, Lahore.
2. Feeling aggrieved for the non-provision of the desired information he has filed appeal before Pakistan Commission on Access to information, Islamabad, constituted under the Right of Access to Information Act, 2017. It is alleged that the open merit seats in the said college has been allocated to the other provinces by the Pakistan Medical Commission.

B. PROCEEDINGS

3. The notice of the Commission has been responded by the Pakistan Medical Commission vide letter dated 22.08.2022 to the following effect:
 - a. *“This is with reference to the Hearing Summon of the Pakistan Information Commission (the “PIC”) in Appeal No. 2026-06/2022 titled Ch. Akram Badi Vs. The appellant through the titled appeal sought information of students nominated in Shaikh Khalifa Bin Zayed Al-Nahyan Medical and Dental College pursuant to the vacant seat policy of the Pakistan Medical Commission (the “Commission”). He alleged that the Commission had nominated 6 students on seats which were reserved for Sindh Province quota.*

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- b. *It is pertinent to mention here that after conclusion of admission on 10.02.2022 number of seats remained vacant were 1917. The Commission considering the large number of vacant seats, issued a vacant seat policy under vacant seat policy notification dated 16.02.2022, under the Vacant Seat Policy the Commission is not an admitting authority to carry out admissions.*
- c. *The authority didn't interfere in the contractual process of admission itself. The Commission had clarified by issuing notifications dated 03.03.2022 for public and private colleges that the final right to grant admission in a college vests with each college/admitting university or Provincial Authority. Further, public colleges were clarified that the final right to grant admission in a public college is based on the overarching policies of the admitting university or Provincial Authority. Whether any vacant seats were to be considered as part of the standard quota or self-finance or open merits seats or all vacant seats were to be considered uniform in their status for admission etc. was a decision to be taken by the provincial authorities being their exclusive domain as per law.*
- d. *It is retreated that the vacant seats policy only provides assistance to the 17,000 un-admitted students, colleges and admitting universities to fill the large number of seats remaining vacant in public and private medical and dental colleges as a one last opportunity. The Commission only nominated the students but the final right of granting admission was of admitting universities. However, all these notifications and merit list is also available on Commission's official website. The Complainant can visit website for all this record. In view of the above it is requested that the matter may be disposed of.*
- e. *Along with the reply copy of Vacant Seat Policy notification dated 16.02.2022, copy of the Notification dated 03.03.2022 pertaining to admission on vacant seats of public colleges are attached."*

C. COMMISSION'S VIEW

- 4. The appellant has alleged that the open merit seats has been allocated to the other provinces by the Pakistan Medical Commission, and in that contest has desired the complete record pertaining to the students
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from province of Sindh who was admitted in MBBS in Shaikh Khalifa Bin Zayed Al-Nahyan Medical and Dental College, Lahore.

5. Pakistan Commission on access to information is not vested with the power to hold inquiry or probe into the matters of maladministration, whether any vacant seats were to be considered as part of the standard quota or self-finance or open merits seats or all vacant seats were to be considered uniform in their status for admission etc., rather enabling the citizens to have access to the information and record held by the public bodies which may be instrumental and helpful in detecting the elements of bad governance, if any, in the dispensation of its responsibilities and functions.
6. According to the Pakistan Medical Commission Act, 2020, Pakistan Medical Commission, is a statutory regulatory authority that maintains the official register of medical practitioners and grant recognition to the medical and dental institutions in Pakistan which train or grant or both train and grant medical and dental post graduate qualifications and to the qualifications granted by these institutions leading to the registration of the graduates of those programs to practice medicine in Pakistan as specialists within Pakistan. It is appraised by PMC in the reply that after conclusion of admissions, 1917 seats stayed vacant, therefore the Commission considering the large number of vacant seats, issued a vacant seat policy notification dated 16.02.2022, under the Vacant Seat Policy, to carry out admissions.
7. The complete information and record pertaining to the students and likewise the students from Province of Sindh who were admitted in MBBS in Shaikh Khalifa Bin Zayed Al-Nahyan Medical and Dental College, Lahore falls within the definition of public record as defined under the Right of Access to Information Act, 2017. This record should have been proactively published and posted on the official website for access to the public at large.
8. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practise would improve the participation of the people in the public affairs aimed at reducing

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corruption, nepotism, discrimination, misuse of power and inefficiency in the governance.

D. ORDER

9. The appeal is allowed. The Registrar, Pakistan Medical Commission, Islamabad is directed to furnish the appellant complete record pertaining to the students from the province of Sindh who was admitted in MBBS in Shaikh Khalifa Bin Zayed Al-Nahyan Medical and Dental College, Lahore, forthwith, but in any case not later than five days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Announced on: September 27, 2022

This order consists of 04 (four) pages, each page has been read and signed