

# IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No.S- 251 of 2019

U.K Collegiate .....Petitioner

**V E R S U S**

11rd ADJ Karachi Central & others .....Respondents

For directions

1. For orders on MA No. 7960 of 2022.
2. For further orders

11<sup>th</sup> December 2023

None present for the petitioner  
Syed Hussain Shah, Asst. A.G. Sindh  
Mr. Pervez Ahmed Mastoi, AAG.  
Mr. Faqir Muhammad Lakho, Additional Secretary, College Education  
Department.

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Salahuddin Panhwar, I:- Pursuant to order dated 28.11.2023, Deputy Secretary (PDF) and Deputy Secretary (Secondary) School Education & Literacy Department have submitted report. According to the report, both officers visited Government High School Purani Mirpurkhas, Government Boys High Schools Girhore Sharif, Government Boys High School Kahri, and Government High Secondary School Dhiliar, Taluka Khipro, District Sanghar. In view of report, the condition of schools' buildings are pathetic and requires major repair; basic facilities are also not available. It would be conducive to reproduce the report to highlight the condition of High Schools and Higher Secondary Schools, whereas, millions have been allocated but there are day-to-day incidents due to which kids receive injuries from collapse of buildings:-

"COMPLIANCE REPORT IN PURSUANCE OF HONORABLE  
HIGH COURT OF SIND's ORDER DATED 28.12.2023

It is respectfully submitted that in compliance of Honorable High Court of Sindh's order dated 28.11.2023, the visit of respective School were carried out by the Deputy Secretaries (Planning & Development) and Deputy Secretary (Secondary Schools) alongwith concerned Superintendent Engineer, Mirpurkhas & Sanghar. The Superintending Engineers (concerned) briefed about the technical aspects of ongoing work (civil, electrical etc) and other facilities to be provided at these Schools.

The Observations made during the visit are as mentioned as under:-



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28/12/2023

**I). GOVERNMENT HIGH SCHOOL PURANI MIRPURKHAS (SEMIS CODE 405060239).**

For construction of 10 Class Rooms with Veranda and 460 Rft compound wall under Flood Rehabilitation Scheme (ADP # 646 2023-24) an amount of Rs.79.460 Million is in the process of its approval, which has been delayed due to ban imposed by Election Commission of Pakistan in the wake of forth coming General Election 2024. A Note for Chief Secretary, Sindh has been moved seeking approval of ECP for relaxation of ban on new schemes.

(a) **Additional Facilities Required,** The enrollment at the school is over 1000 (One thousand). As per SOP there should be separate class room for 40 (Forty) students. However, due to shortage, in each class room over 100 (Hundred) Students are taking classes in a congested manner. The roof and flooring of existing Class Rooms is also in shabby condition.

Keeping in view the enrollment and condition of the building the Superintending Engineer, Mirpurkhas was directed to prepare a separate rough cost estimate for additional 03 Rooms on Ground Floor and 03 Rooms on First Floor, Provision of Computer/Science Labs, Compound wall and a facility for clean drinking water. The rough cost estimate of around 22.787 Million (Annex-1) has been received and placed at (Annex-1) for perusal. Finance Department may be directed to release the M&R amount at the earliest for construction work of the additional facilities of the school.

**(II) GOVERNMENT BOYS HIGH SCHOOLS GIRHORE SHARIF, DISTRICT MIRPURKHAS (SEMIS CODE 405030478).** Despite lapse of two years since the conversion of the High School into Higher Secondary School, it is still lacking basic facilities viz washrooms, clean drinking water and shortage of High School Teachers and lower staff as there are over 946 students.

As such, 02 additional Class Rooms are still required to be constructed in addition to 04 Rooms approved under ADP Scheme # 572 of 2022-23. The execution of work for missing /additional facilities and renovation of existing Higher Secondary School under (ADP Scheme 572 of 2022-23) have been approved with cost of Rs.45 Million. So far funds amounting to Rs.3.75 Million have been released in 02 quarters (i.e. total 7.5 Million), However, despite release of sufficient funds the civil work is still at the level of its layout only which is required to be accelerated. In this regard Superintending Engineer concerned was called on to explain the reason for abnormal delay in start of the work, who could not give proper justification. The Superintending Engineer concerned has been directed to accelerate the work as the education is suffering in the area due to the abnormally slow pace of work.



(a) **Additional Facilities Required.** In addition to the above mentioned facilities there is immediate need of Furniture for Primary Section, as the students of KG Classes are sitting on the floor.

In this regard it is pertinent to mention here that with regard to provision of furniture, tenders were invited for supply of furniture and fixture in the Mirpurkhas Region on 01.04.2022 and after completion of due procedure the same were awarded to the successful bidders as per the SPPRA Rules. However, Faiz Scientific Company filed CP No 919/2022 in the Honorable High Court of Sindh Karachi against such an award and accordingly Honorable High Court of Sindh vide order dated 16.06.2022 has passed a restraint order not to release payment to the furniture vendors. High Court Appeal No. 222/ 2022 was filed against High Court's order dated 16.06.2023 wherein the Court disposed of the HCA on 10.08.2022 with the observation that the learned Single Judge may pass appropriate order after hearing the parties preferably within two weeks from the date of hearing of such applications. The matter is however still sub judice in the Honorable High Court of Sindh, Karachi.

**III), GOVERNMENT BOYS HIGH SCHOOL KAHAL, TALUKA KHIPRO, DISTRICT SANGHAR, (SEMIS CODE: 407020724).**

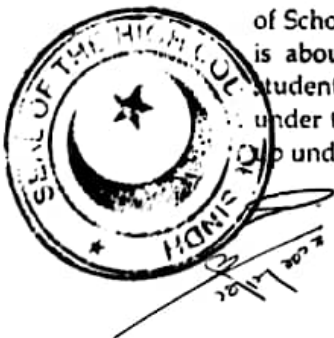
The existing building consists of 17 class rooms i.e. HM office and staff Room, the building requires extensive rehabilitation work and reconstruction of C/Wall and Toilet Block. The roof of old Class Rooms is in dilapidated condition which require immediate repair to make it functional for teaching. The Civil work of the scheme for up-gradation of High School to the level of Higher Secondary School under the ADP # 540 2023-24 at the cost of 103.420 Million is in execution at the plinth level despite release of three quarters amounting to Rs. 16.51 Millions. The reconstruction of 2000 Rft Compound wall will also be taken up from the mentioned scheme.

For repair of the roof, funds will be provided through M&R and in this regard the Executive Engineer Sanghar has provided Rough Cost Estimate of Rs.32.318 Million (Annex-II) for the Rehabilitation/Renovation of existing GBHS Khahi Taluka Khipro, which is enclosed.

a) Additional Facilities Required, Provision of Lower Staff (Naib Qasid, Sweeper) through S.N.E. is required to be provided and in this regard the Head Master concerned has been directed to submit proposal which will be submitted in the Finance Department for formal approval in the upcoming Budget.

**(IV) GOVERNMENT HIGHER SECONDARY SCHOOL DHILIAR, TALUKA KHIPRO, DISTRICT SANGHAR (SEMIS CODE: 407020718)**

The Building consists of 09 Class Rooms, Drawing Hall, 02 offices and it was observed that the existing building including Compound Wall, Lav: Block, and Electricity requires major repair. Overall, the condition of School Building appears to be pathetic. The roof of the Class Room is about to collapse. Therefore, the classes have been vacated and students are taking classes in temporary wooden made shed and under the shadow of trees. The renovation of this school is to be taken up under Flood Damaged Restoration Scheme



The Rough Cost estimate for Repair/rehabilitation of the school has been provided by the Executive Engineer, Sanghar as Rs.28.364 Millions for which Finance Department will be requested to release the requisite amount of M&R to execute the maintenance and repair work.

**PRAYERS:-** It is, therefore, most humbly prayed before the Honorable High Court of Sindh to grant reasonable time for completion of work which requires completion of major construction, maintenance and repair work. It is also requested to direct the Finance Department for release of ADP and M&R funds at earliest possible so that immediate construction, maintenance and repair work is carried out to impart education to the masses in these areas under safe and satisfactory conditions.

Sd/-  
Deputy Secretary (PDF)  
School Education & Literacy Department

Sd/-  
Deputy Secretary (Secondary)  
School Education & Literacy Department

2. Further, the above report shows that repair of these schools with allied facilities is to be undertaken immediately. According to them, they have reserved around 22.787 Million for Government High School Purani Mirpurkhas under M & R, 32.318 Million for the Government High School Kahai, 28.364 Million for Government Higher Secondary School Dhiliar, and they will send a summary under the M & R for release to Finance Department. Accordingly, Secretary Finance, Government of Sindh shall release the same within seven days after receipt of such summaries/recommendations. Compliance report to that effect shall be submitted before this Court on the next date. In case of failure, he shall appear in person. Needless to mention that both respective officers shall ensure that these summaries/recommendations are received by the Finance Department within two days.

3. At this stage, it has come on record that in Higher Secondary School Girhore Sharif, 45 Million were allocated, out of which Rupees seven million have been released. Despite having sufficient funds, Superintendent Engineer Education Works Mirpurkhas Division has failed to carry out the work within time. Accordingly, issue show cause notice to him that as to why contempt proceedings should not be initiated against him.

This picture reflects that despite the budget of Millions of rupees in Education Department dedicated by Province of Sindh, there is a serious flaw in the dilapidated conditions of the buildings of Higher Secondary Schools and High Schools buildings are pathetic. Accordingly, Chief Engineer



*[Handwritten signature]*  
20/10/2021

Education Works Department and Director Planning shall appear in person and justify the reasons, otherwise this Court will refer the matter to NAB to probe into the issue of investment of funds over five years and their improper utilization by these respective engineers, who, on the contrary, have siphoned out the amount, resulting in serious damages to the buildings.

5 Secretary Finance shall ensure release of ADP and M&R funds on a war basis, preferably within seven days and unnecessary technical objections shall be overruled.

6. The students are most valuable assets of the Country and their lives are as precious as the lives of other citizens of the Country. The right to life is not restricted only to the prosecution of a person but the State is required to ensure that all aspects of citizens including students' life are protected and dealt with by the State. The right to life includes the provision of drinking water; provision of electricity; provision of education; provision of health facility; provision of civic and civil infrastructure for citizens etc. as enshrined under Article 9, of the Constitution of Pakistan, 1973. This state of affairs requires judicial interference in cases where, due to negligence in the construction work, if any kid receives any injury in the buildings of middle, High and Higher Secondary Schools, there shall be a criminal case against the respective Executive Engineer as well as the Contractor on behalf of the State, with the concurrence of the HM/Principal with the condition that if the building is collapsed and partially damaged within ten years of handing over the criminal case shall be filed against the contractor and Executive Engineer Education Works both and in case if building is old in that case the criminal case is filed against Executive Engineer works of that district as he failed to get it maintained within time. The cases should be registered for the offences in accordance with the nature and gravity of the injuries sustained by the kids, teachers or staff members due to full and partial collapse of Middle, High and Higher Secondary School(s) buildings besides the offences relating to negligence and mischief against the delinquent contractors/executive engineers as mentioned above.

7 Hence, IGP Sindh shall direct all SSPs for lodgment of cases whenever an incident is flashed in newspapers and/or reported to them by any source. Simultaneously, learned District & Sessions Judge(s) shall also ensure that in such cases all delinquents are booked under the Pakistan Penal Code, as no one can be allowed to create such atmosphere in the schools, where the



students are studying, which are running either in public sector/ state-owned buildings, having involvement of huge funds, despite that such types of incidents occur

8 Additional Secretary Colleges submitted has submitted report, which is taken on record. According to him, in view of earlier order, schemes have been approved for Pithoro Girls Degree College, hence, all work shall be completed within three months. Besides, Secretary Colleges and Secretary Schools shall submit SOPs of Engineering wing of both sides and effective role of control of college-side buildings, which are at present under the School Education Works Department.

9 Additional Secretary College Education Department shall submit compliance of this court order, whereby this court ordered that at the time of admissions on merit, any student files an application that he has approached or will approach to the endowment fund, his admission shall remain continued and endowment fund committees shall decide the same within stipulated period.

To come up on 15.01.2024 at 11 a.m. as part heard.



to be true copy,

Sd/- SALAHUDDIN PANHWAR  
JUDGE

Assistant Registrar (Civil / Writ SB)

Constitutional Petition No.S-251/2019. Karachi dated, the December 20<sup>th</sup>, 2023  
Copy is forwarded for information and compliance to:

- ❖ The District & Sessions Judges Sindh (A.L.L.).
- ❖ The Inspector General of Police Sindh, Karachi.
- ❖ The Secretary Finance, Government of Sindh, Karachi.
- ❖ The Secretary Planning & Development, Government of Sindh, Karachi.
- ❖ The Secretary School Education Department, Government of Sindh, Karachi.
- ❖ The Secretary Colleges, Government of Sindh, Karachi.
- ❖ The Chief Engineer Education Works Department, Government of Sindh, Karachi.

(Abdul Rasheed Baloch)

Assistant Registrar (Civil / Writ SB)