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OFFICE OF THE
DISTRICT & SESSIONS JUDGE
KARACHI WEST

Number: 238/21
Date: 29/06/21

Phone No. 9203220 (Ext.255)

THE HIGH COURT OF SINDH, KARACHI

No: HC/D-II/Ltr/May/021
Dated: 0306-2021

ALL
Communications
Should be
Addressed to The
REGISTRAR HIGH
COURT OF SINDH
KARACHI
and not to any
official by name.

From:

Registrar, High Court of Sindh, Karachi.

To:

- X1. The Chief Secretary, Sindh
- X2. All Districts & Sessions Judges, Sindh
- X3. Additional Secretary Finance, Government of Sindh
- X4. Secretary Universities & Boards, Government of Sindh
- X5. Secretary Colleges & Schools, Government of Sindh
- X6. M.D. STEVIA
- X7. Mr. Manoo Mal Khaguija, District and Session Judge, Dadu, Sindh
- X8. The Accountant General Sindh, Karachi
- X9. MIT-II of this Court

SUBJECT: Order dated 26.05.2021 passed in Civil Suit No.1243 / 2015

Sir,

I am directed to forward herewith a copy of Order dated 26.05.2021 passed by this Hon'ble Court, for kind information, perusal and necessary compliance.

Office to Comply.



[Signature]
29/6/21
ASSISTANT REGISTRAR (OS-II)

[Signature]
29-6-21
DISTRICT & SESSIONS JUDGE
KARACHI WEST

GRAND JURY
IN THE HIGH COURT OF SINDH AT KARACHI
Sud No. 1443 of 2015

Date

Order with signature of judge

For hearing of CMA Nos

1. 10499/2015 (U/O 39 R. 1 & 2 CPC)
2. 10963/2018 (U/S 34 of Arbitration Act, 1940)
3. 10379/2020.
4. 10960/2020
5. 12900/2020
6. 12851/2020.

For orders on CMA Nos

7. 13667/2020.
8. 14085/2020.
9. 187/2021.
10. Finance Department compliance report submitted in pursuance of this Hon'ble Court's order dated 11.01.2021 at Para "A".
11. MIT report dated 08.08.2020.
12. MIT report dated 19.02.2020.
13. MIT report dated 21.11.2020.
14. MIT report dated 27.01.2021.

For orders on non-prosecution

15. CMA No. 8728 of 2021.

Dated 26.05.2021

APPEARANCE :

Raja Qasim Nawaz, advocate for plaintiff.
Mr. Pervez Ahmed Mastoi, Asst. A.G. Sindh.
Mr. Siraj Ali Khan Chandio, Addl. P.G. Sindh.
Mr. Nasrullah Korni, advocate for Intervener.
Malik Aital Jawed and Mr. Muhammad Nasir advocates for S.E.F.
Mr. Ahmed Ilus Nurejo, Secretary School(s) Education.
Mr. Pappur Muhammad Lakho, Additional Secretary, Colleges.
Mr. Shalmeer Khan Bhutto, Director General (M & E)(SELD)
Mr. Sikandar Hassan, Deputy Secretary (Legal), Finance Department.
Mr. Jawed Ali Khawaja, Deputy Secretary (Law) (SELD)
Mr. Abul Jabbar, L.O. (SELD)
Mr. Jamil Qureshi, Syed Israr Ahmed Shah, Abdul Rasheed, Zahid Hussain,
Qurban Ali Bhutti, Imtiaz Ali Bughio, Interveners.

ORDER

SALAHUDDIN PANHWAIL, CMAs listed at serial No. 1 and 2 are

deferred for the time being.



Secretary Finance, Government of Sindh shall ensure compliance of para-6 of order dated 11.01.2021, which states that:

6. Elementary Education (Class I-VIII)

This part shows number of Acts (8) and policies, so passed for satisfying the constitutional obligations within meaning of Article 25-A of Constitution which would be appreciable only if satisfy the desired objects. While detailing all such positive steps, the Committee concludes as:-

"...The level of educational achievement in Sindh is overall low with persisting concerns about the quality of education. Student learning outcomes, tested through various assessments across grades, are poor. Teaching in the classroom mostly uses the rote-memory approach, reducing the opportunity for higher order thinking to develop among children. Nonetheless, education outcomes do not appear to have improved significantly. Unless the system has the ability to implement, planning will not deliver the desired results. The sub-committee identifies key challenges as lack of key school-level ingredients for learning due to no use of Bloom Taxonomy of Learning Behaviours in teaching learning process, poor quality of teachers, large number of out-of-school children, multi-grade teaching, low school availability, beyond primary education, dilapidated facilities, slow with less financial allocation for the regular repair and maintenance of the schools, low participation and retention, insufficient, unreliable and scarcity of the education data (especially public sector school education data is available) for planning, less focused departmental initiatives, GFI less than 1, urban-rural disparity, low educational achievement of students with evidently low performance in language, mathematics and sciences at grade 5 and 8, teaching methods are often teacher-centered, no priority given to teacher education programs in recruitment process, corporal punishment, absence of inclusive education environment, lack of budget for the provision of teaching learning material in the schools, lack of continuous professional development of teachers, no plan or strategy for reducing dropout, and lack of dedicated unit to carry out strategic planning, M&E, and research functions. Based on gaps and challenges, the sub-committee proposes policy recommendations with a need to develop a comprehensive plan for increasing access to education beyond the primary level, reducing multi-grade teaching, decreasing dropout ratio and providing missing facilities along with provision of regular budgets for repair and maintenance. The committee also recommends to use Bloom Taxonomy of Learning Behaviours for the whole teaching learning process. Other key recommendations include establishment of a comprehensive integrated database system; Data collection of education indicators annually as well as real time basis; Introduction of student tracking ID; school infrastructure to meet evidence-based needs and ensure learning friendly environment; removal of redundancies from the system and also consolidate single room schools; meritorious recruitment of qualified teachers; Continuous Professional Development framework for teachers, head-teachers and administrators; Student curriculum will be improved with focus on local needs and global trends, inclusive education and life skills, gender equality, cultural diversity and citizenship; Provision of textbooks and learning materials based on the revised curriculum in appropriate languages; teacher education curriculum and programs will be aligned with student curriculum; school specific student assessment and reporting system; management mechanisms for performance and accountability of education system as well as personnel; improved efficiency and expansion of the EMU model; demand side incentive will be developed; a media awareness campaign for prohibiting corporal punishment, as per Sindh Prohibition of Corporal Punishment Act 2016; integrated strategy for bringing out of school children into formal education stream; strategy for enhancing capacity of teacher education institutes to provide professional and qualified teachers in accordance



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with market demands; implementation of CPD Strategic Plan for in-service teachers; and ensuring inclusive education environment in schools."

2. Learned Asst. A.G. Sindh undertakes that Sindh Education Policy Oversight Council will be notified within a week. It is taken on record as undertaking, having its own legal consequences.
3. Additional Secretary Finance shall ensure that in upcoming budget allocation of Endowment Fund is enhanced from 1000 Million to 2000 Million Rupees as in Province of Punjab Endowment Fund is around 16 Billion, whereas in Sindh, it is 3.5 Billion which is meager amount to meet the standards and cope up poor families to get higher education. At this juncture, Additional Secretary Education Endowment Funds contends that all public universities will receive the scholarships from Endowment Funds and they will not charge any tuition fee from any student selected on merit.
4. Secretary School(s) Education present contends that they are going to recruit around 40,000 teachers in one go through IBA, he has placed statement, taken on record, which reflects MoU, advertisement and sanctioned posts. This Court appreciates that effort and this is the high-time particularly when such large number of seats are lying vacant. According to Secretary Schools, IBA has advertised these posts and received around 400,000 applications in this competition. It is expected that Secretary Schools will pursue the process and shall ensure that all recruitments are made within six months as well on pure merits so that future of ours be assured to be in good hands. Besides, it is contended that recruitments of Headmasters will be carried out by Sindh Public Service Commission and Schools Education Department will send requisition thereof.
5. At this juncture, Zain-ul-Abidin, Assistant Director Elementary School contends that total posts of Head Masters i.e. 8624 posts are vacant and at present 1600 headmasters are working apart from around 1000 IBA Headmasters. At this juncture, Secretary Schools contends that all vacant posts of Headmasters, except those recruited through IBA Sukkur, will be referred to Sindh Public Service Commission within 45 days. Accordingly, Secretary Schools shall ensure that requisition is forwarded to the Sindh Public Service Commission for recruitment of around 5000 Headmasters on priority basis. This recruitment shall be communicated within 45 days with syllabus. It is further undertaken by the Secretary Schools that in requisition



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to Sindh Public Service Commission, they will provide syllabus as well as will request the Sindh Public Service Commission to recruit the Headmasters and other posts in schools as per Sindh Public Service Commission's regulation vetted by Law Department, approved regulation as well as on the basis of parametric system. In same manner Secretary Schools will send requisition to recruit 1200 Subject Specialists in view of new recruitment rules as well as syllabus within a month.

6. At this juncture, Secretary Education contends that in the history best time they have prepared a policy with regard to transfer and posting and they are going to launch the same through *Mobile App* preferably within two months enabling the teachers and other staff in school department to get their transfer orders without any hurdle by completing online forms only. It has come on record that there are three projects attached with the schools named as Reform Support Unit, Monitoring Evaluation and HRMIS established around eight or ten years ago. Accordingly, Additional Secretary Finance shall submit complete breakup of funds received by all the three departments and Special Incentive Department. Heads of all departments shall be in attendance with complete breakup since their inception with regard to their performance and output to get better result to overcome the nuisance of illiteracy.

7. At this juncture, it is pointed out that there is routine practice of change of SNEs and reshuffling of staff of Higher Secondary Schools, on directions to form a committee and examine the schools at the site for their up-gradation from High school to Higher Secondary School. Secretary Schools present submits report with the recommendations that 100 schools are fulfilling the criterion, therefore, they are upgraded. Accordingly, Secretary Schools shall ensure that those 100 schools are upgraded and their SNEs are submitted with the Finance Department within one month, thereafter Finance Department shall ensure approval of SNEs within one month after receiving the proposal.

8. With regard to other development schemes to establish those schools upto standards, Secretary Schools shall prepare a scheme and submit summary with the Finance Department for allocation of budget with regard to structure, Science Labs, additional staff and other requisite formalities within six weeks. Needless to mention that SNEs shall be approved within



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one month without any delay and that delay shall not be caused on the pretext that there is lapse in development schemes. Besides, it has come on record that a committee was formed on province level joining all the stakeholders to recommend these 100 schools through interim report. However, after hearing the representatives of Teachers' Foundation, it appears that committee members have failed to visit the schools at the site. Accordingly, committee shall be constituted at division level and college side shall not be involved in these committees. Committee shall visit all the High Schools preferably call the parents and by conducting seminar. At this juncture, as an interim arrangement for the time being, Secretary Schools shall examine the notifications and transfers as referred including Non-aided High School. Secretary Schools shall hear all stakeholders and redress the grievance preferably within 15 days.

9. With regard to take upgradation of the schools, earlier upgraded schools shall be re-examined by the committee and if the same are lacking in requirements and as decided by the committee with regard to number of students and catchment area, the committee would be competent to refer the matter to Secretary Schools for placing them on their earlier position as they were before the up-gradation.

10. Additional Secretary Colleges contends that in view of judgment of this Court and policy of Higher Education Commission they are going to commence four years degree program in degree colleges in first phase in every district at least one degree college will offer program from upcoming academic year. Needless to mention that those programs shall be offered in the degree colleges where district universities are not available in first phase and thereafter from 2021 to 2023 they will start four years program in every degree colleges, girls and boys both. At this juncture, Additional Secretary Colleges contends that they are going to provide opportunity to the students who have completed 14 years education to complete further their education upto 16 years to meet the standard of Higher Education Commission in Bachelor of Arts, Science and Commerce degrees.

11. With regard to recruitments and promotions of Headmasters as well as Subject Specialists, Secretary Schools present contends that there are anomalies in rules, therefore, they have submitted a summery to rectify the



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same and that is awaited for approval. Accordingly, Secretary Schools shall place a primary before this Court as well as shall pursue approval thereof.

12. It has come on record that lands donated by notables for the education purpose like Tando Bagho High School and others in Sindh are not mutated in the record of rights. Such position, needless to add, may give rise to difficulties not only for the Education institution (s) but may also frustrate the purpose of 'donation' at any time, therefore, record needs to be maintained. Accordingly, all Deputy Commissioners alongwith D.Os shall call record from concerned Makhdumkari / Headmasters, issue directions for demarcation and shall ensure that lands provided on different times by different notables for spread of knowledge is secured/preserved and mutated in the record of rights in the name of Schools Education Department.

13. The apex court in Suo Moto case of Miserable School Condition reported in 2014 SCMR 196 directed all the District & Sessions Judges to examine the schools and ensure that encroachment, if any, is removed. At this juncture, Intervener Zahid Hussain contends that there is illegal occupation of Government Primary Deeni Madrasa and Government High Schools Deeni Madrasa at Larkana. Needless to add that such directions, being specific, shall remain in field and a complaint regarding encroachment over school buildings etc would be enough for learned District & Sessions Judge(s) to entertain the same. Accordingly, District & Sessions Judge, Larkana shall examine the record by calling Deputy Commissioner and shall ensure that those encroachments are removed. Needless to mention that Education Department would be competent to move application with the District & Sessions Judges for removal of encroachments on their properties which, worth mentioning here, were / are always their bounden obligations.

14. Secretary Schools shall call report from all D.Os and submit report with regard to illegal occupation of their schools or construction raised by other departments in their boundaries. All District & Sessions Judges would be competent to receive applications from Education Department and any application endorsed/verified through Education Department with regard to illegal occupation of school and college properties, District & Sessions Judges would be competent to ensure that encroachment is removed.



15. With regard to survey of lands needless to mention that this pertains to middle, secondary, higher secondary colleges side.

16. Since Mr. Manoo Mal Khuglija, District & Sessions Judge, Daira was directed to look after the issues of Sindh Textbook Board; response whereof is still awaited. Accordingly, MIT shall call report with regard to his efforts. It has come on record that Chief Secretary Sindh has transferred Chairman Sindh Textbook Board without consultation of Secretary Schools. Since, Sindh Text Book Board is under the control of Schools Department, therefore, every transfer shall be made with consultation of Secretary Schools. Mr. Manoo Mal Khuglija, District & Sessions Judge, shall ensure that books of every year are published and reached in schools within time.

17. CMA No. 8728/ 2021 seeks suspension of fees imposed by Karachi Intermediate Board, since same is required to provide education free of cost upto 16 years, hence, affiliation fees imposed by the Board appears to be unjustified, let notice be issued to Chairman Board, till then notification with regard affiliation fees is suspended and examination form shall be accepted accordingly.

18. Managing Director STEVTA contends that pursuant to order of this court they have established 25 libraries in their institutions and are commencing four years Science Education affiliated with universities from coming academic year in 25 colleges. This court appreciate undertaking by M.D. STEVTA.

19. On query it has come on record that Chairman STEVTA is a political person who is not an educationalist and that he has established his office in STEVTA Headquarter thereby enjoying the privileges of around 4 or 5 luxury vehicles Jeep/Corolla; he is receiving honorarium as well. The post appears to be that of *proforma post* which, *prima facie*, comes by existing designation therefore, normally, such person already holds an office and enjoys privileges, therefore, establishing office and use of the official vehicle, on permanent basis requires an explanation. Accordingly Chief Secretary Sindh shall explain his position that under what capacity he, has been appointed as Chairman. Further he is not entitled to enjoy the vehicles of department or interfere in the issues on day to day affairs, hence, he is hereby restrained to sit in the STEVTA office except the day of the meeting, and utilize the vehicles and other resources of the STEVTA that are meant for



education only. Chief Secretary Sindh and M.D. STEVTA shall ensure compliance of this order. In case of failure, their act would be considered as peyorative act liable to be contempt proceedings.

20. With regard to grievance as stated with regard to 42 higher secondary schools, Secretary Schools present, contends that he will personally look into the issue and will take appropriate action as per rules.

21. At this juncture, Additional Secretary Endowment Funds contends that they have received 500 Million in respect of Endowment Funds, however Accountant General Sindh is creating hurdles in releasing remaining 500 million rupees. Accordingly, Accountant General Sindh shall ensure that same are released within 15 days. In case of failure contempt proceedings will be initiated against him.

23. Secretary Schools shall ensure that Nudern High School is functioning without any disturbance till next date.

24. Learned MIT-II shall ensure compliance of this order by all concerned quarters and shall submit report on administration side.

To come up on 16th August 2021.

Sd/Judge

CERTIFIED TO BE TRUE COPY

23/8/21
ASSISTANT REGISTRAR D-II

Copy forwarded for information and necessary compliance to:-

1. The Chief Secretary, Sindh
2. All Districts & Session Judges, Sindh
3. Additional Secretary Finance, Government of Sindh
4. Secretary Universities & Boards, Government of Sindh
5. Secretary Colleges & Schools, Government of Sindh
6. M.D. STEVTA
7. Mr. Manoo Mal Khagaija, District and Session Judge, Dadu, Sindh
8. The Accountant General Sindh, Karachi
9. MIT-II of this Court



23/8/21
ASSISTANT REGISTRAR D-II

OFFICE OF THE DISTRICT & SESSIONS JUDGE KARACHI WEST
No. A/W/ 1982 /2021, Karachi, Dated: 03.07.2021

All the Judicial Magistrates,
Karachi West.

Subject: ORDER DATED: 26.05.2021 PASSED BY HONORABLE MR. JUSTICE SALAHUDDIN PANHWAR IN CIVIL SUIT No.1243/2015

Reference: No. HC/D-II/Ltr/May/021 dated : 23.06.2021

I am directed to enclosed herewith the Hon'ble High Court's order dated 26.05.2021 passed in Civil Suit No. 1243 of 2015 (provided on website) with request that order may please be Complied.

BY ORDER

(SUPERINTENDENT)
Office of the District and
Sessions Judge, Karachi West

OFFICE OF THE DISTRICT & SESSIONS JUDGE KARACHI WEST
No. A/W/ 1982 /2021, Karachi, Dated: 03.07.2021

All the Judicial Magistrates,
Karachi West.

Subject: ORDER DATED: 26.05.2021 PASSED BY HONORABLE MR. JUSTICE SALAHUDDIN PANHWAR IN CIVIL SUIT No.1243/2015

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