

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. B.A. No.S-262 of 2017.

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DATE	ORDER WITH SIGNATURE OF JUDGE
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21.06.2017.

Mr. Ghulamullah Chang, Advocate for the applicant.

Mr. Shahid Ahmed Shaikh, A.P.G.

Prof: Dr. Muhammad Saleem Chandio, Registrar University of Sindh, Jamshoro.

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The matter pertains to accident happened in the area of *University* which is caused by one *point bus* hired by the University privately wherein one *girl* has lost his life hence *prima facie* Administration of University, being *Master*, was / is responsible for such act of *hired* employee however despite notice none on behalf of the Registrar appeared, therefore, show-cause notice was issued to the Registrar Sindh University for submitting details of efforts taken by them and details of *mechanism* regulating the point buses. Pursuant to that, Prof: Dr. Muhammad Saleem Chandio, Registrar University of Sindh, Jamshoro appeared and Mr. Jhamat Jethanand Advocate files Vakalatnama on behalf of Registrar alongwith reply of show cause notice, taken on record.

Counsel for Registrar / University has pointed out that about **31,000/-** students are studying in the University and only **3000 to 4000** students are in boarding. Registrar University contends that at present 04 hostels are existing in University with different blocks, wherein students are accommodated /admitted; however, it is not yet clear that as to whether rest of students are resident of Hyderabad city *only* or other parts of the Province. Counsel for Registrar contends that as per Registrar on different stages Chief Secretary Sindh has promised to provide about **600 point buses** to the University. Apparently, it is matter of record that University has not constituted any Committee to examine the cases of accidents while Registrar has failed to submit the mechanism with regard to regulating the private buses as hired by

them, which are about **103 in number** and that number can be increased on the basis of demand.

This Court is conscious that this is a bail application which *however* pertains to an accident, resulted due to alleged *negligence* of a hired employee (driver of private bus) by the *University (Master)* who (*Master*) normally is responsible to own consequences of his *employee* therefore, *prima facie* should always establish his *bonafide*. The promise of **600** point-buses by Chief Secretary Sindh *prima facie* speaks volume regarding required number of **point-buses** so as to *safely* bring and drop students with a *free* mind of *peace* which is prime requirement before allowing one to hold the steering. The *peculiar* facts of case *prima facie* show shortage of point buses thereby possibility of burdening the *drivers* to keep their feet on accelerators so as to cope-up such *shortage*. There can be no denial that even at bail stage the available material can well be examined *though* tentatively so as to form an opinion with regard to existence or *otherwise* of reasonable grounds against accused and for such *purpose* an inquiry even may be conducted.

Under these circumstances, judicial propriety demands that Registrar University shall submit complete details with regard to (1) total number of hostels and the years when they were erected and handed over to the University administration; (2) total number of students boarding in those hostels. Further report should include total number of students by specifying the *gender* as well number of the students who are availing the facility of point buses, as there are only 36 buses available with the University for employees as well students. Such report shall be submitted before the next date of hearing. Since reply to show-cause notice is satisfactory, hence same is vacated.

To come up on 23.06.2017 at 09:30 a.m. Issue notice to legal heirs of the victim to be served through concerned Mukhtiarkar. Additional Registrar of this Court shall ensure that notice is served. Copy of this order shall be provided to counsel for Registrar University for compliance.

JUDGE

