

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

C.P. No.D-90 of 2015.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For katcha peshi.
3. For hearing of M.A-1655 of 2015.

09.11.2016.

Mr. Abdul Khaliq Leghari, Advocate for petitioner.

Mr. Ashfaque Nabi Qazi, Assistant A.G.

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Through instant petition, petitioner has prayed:

- “ A. To direct the respondents to run the Government Middle School Khuda Bux Shahani as a Female School as prior to its upgradation the same was functioning as a Government Girls Primary School Khuda Bux Shahani and sanctioned the S.N.E. for Girls Middle School.*
- B. To restrain the respondents from appointing any male staff / teachers in Govt. Middle School Khuda Bux Shahani till final decision of the petition.*
- C. ....*
- D. ....”*

2. Precisely, relevant facts are that petitioner is residing in Village Muhammad Ashraf Shahani, which consists upon 1000 souls and 1500 population of its catchment areas; that one Government Girls Primary School Khuda Bux Shahani had been established in 1982 and since then it was functioning without any let or hindrance; that vide Notification dated 22.04.2006 the Government of Sindh upgraded the said Primary School to Middle School; that under the Annual Development Program (ADP) No.609, the Government of Sindh sanctioned budget and feasibility report for the construction of school building which was prepared by respondent No.3; that after completion of building work the possession of building was handed over to the HM, Government Girls Primary School Khuda Bux Shahani in presence of Sub-Engineer Education Works and Deputy District Officer Education; that thereafter respondent No.1 sanctioned the SNE for the Boys

instead of Girls Middle School because initially the said school was established for girls students and more than 200 girls students are getting education from Girls School; that the petitioner moved an application to the respondent No.1 for sanctioning of the SNE GGMS Khuda Bux Shahani. The petitioner has also appended a letter dated 24.05.2012, addressed to the Secretary, Education Literacy Department, Government of Sindh by District Education Officer, Badin, requesting for sanction of S.N.E. for Government Girls Middle School Khuda Bux Shahani; whereas, respondent No.3 in his comments stated that there is no such huge population to open a new middle school for girls separately and the girls and boys both are beneficiaries of getting education in same school. It is further stated that a female teacher namely Ms. Salma Baig Rind JST is appointed in the school as well.

3. Pursuant to order dated 19.10.2016, subject school was inspected by Civil Judge & Judicial Magistrate-II, Matli, and such report is submitted on record. It would be conducive to reproduce paragraphs-2 to 5 of the same, which are:

*“ On enquiry about attendance register of Students, Mst. Rabia JST told that villagers are reluctant to get admission of girls of middle classes in this school as school is in the name of GBMS, Khuda Bux Shahani, however, she kept attendance register since 20 September, 2016, which reveals that 15 girls students of middle class are enlisted in attendance registered. Copy of the same is attached as **Annex-A**. On further enquiry about General Register, she asserted that same is not available as the girl students of middle classes are enrolled at Govt. Girls Middle School, Gulab Laghari but due to far distance from this village to Gulab Laghari they appear in this school and she teaches them. Such fact was also verified from DEO, Secondary Badin, who replied the same.*

*3. On enquiry about attendance register of teacher, Mst. Rabia told that she and Mst. Salma Baig In-charge are posted in this school but during visit, Mst. Salma Baig incharge of the school found absent and Mst. Rabia JST told that she has intimated her that her baby is not well, hence she could not come and she intimated to concerned officer and will apply for causal leave. Copy of attendance register is attached as **Annex-B** along with the statements of the both teachers.*

*4. That, petitioner along with other villagers named above inquired that why they do not allow their girls/boys students to this school to get education, on which they replied that it is easy for them to send their boy students to GBMS, Gulab Laghari,*

*however, they cannot send girls such much far away. They further said that girls are not enrolled in this school because school is in the name of boys i.e. GBMS, as present there are female teachers but at any time male teacher can be posted, hence they apprehend that due to village environment and custom they will not allow their girls of middle class to get education from male teacher. Hence, they were directed to appear before the court for recording of their statement. Same are recorded and attached as **Annex-C**. They all remained in one voice that the school i.e. GBMS Khuda Bux Shahani be converted into GGMS, Khuda Bux Shahani, so that female education may be promoted without any hindrance.*

5. *It is fact that SNE of GBMS Khuda Bux Shahani was sanctioned in year 2012, where 01 HST and 02 JSTs teacher posts were created. On inquiry, DEO Secondary and TEO (Male) Primary Taluka Matli said that Muhammad Shoaib HST, Mst: Salma Baig Rind JST and Mst. Rabia Nizamani JST are posted in the said school, however, due to objection of villagers Muhammad Shoaib is allow to work at Govt: Middle Boys School Haji Raho Halepoto by the then competent authority and both female teachers are posted in the said School till today. In this regard, undersigned recorded the statement of DEO, Secondary, TEO (Male) and (Female) Taluka Matli, same are attached as **Annex-D**.”*

Since subject school was upgraded for *girls* but *undisputedly* S.N.E. was approved for Government Boys Middle School. It is not disputed that *up-gradation* was approved of Government Girls Primary School Khuda Bux Shahani to '**middle school**' therefore, S.N.E must have been for same. The excuse of *not having* much population cannot be accepted particularly when up-gradation of GGPS to '**middle school**' is not being denied. Further, the plea of both *girls & boys* to be beneficiary cannot be accepted when typical *culture* of villages do not encourage the villagers to let their *girls* to co-education. Accordingly, instant petition is allowed and Secretary Education / respondent No.1 shall ensure that such S.N.E. is converted with the capacity of same teachers as Government Girls Middle School Khuda Bux Shahani as well shall ensure that posting is made within one month of all female teachers as well D.O. Education is hereby directed that he shall visit said school at least once in a month and submit report in case there is any difficulty being faced by adjoining villagers to allow their girls to take education in that school and any nuisance created by the villagers where the school is established. In case of any nuisance, he shall approach SSP

concerned who shall ensure that necessary legal action is taken against those persons.

Petition is allowed alongwith listed application.

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