

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-5142 of 2016

Order with signature of Judge

Before: **Mohammad Ali Mazhar and Agha Faisal, JJ.**

- 1. For orders on Misc. No.4870 of 2017*
- 2. For orders on office objections*
- 3. For hearing of Misc. No.26539 of 2016*
- 4. For hearing of Misc. No.25241 of 2016*
- 5. For hearing of main case .*

21.02.2019

M/s Abdul Mujeeb Pirzada and Syed Khalid Shah, Advocates for the Petitioners.

Mr. Ahmed Ali Ghumro, Advocate for the respondents No.2 and 3 alongwith respondent No.2 Haji Mohammad Ashraf Khaskheli, Central President, Government Secondary Teachers Association Sindh.

Mohammad Ali Mazhar J.- The 225 petitioners have approached this Court through this petition for the directions against the respondent to enroll all the petitioners as members and direct the respondents to allow the petitioners to contest the elections as per law. Further directions have been sought against the respondents to conduct the elections of Government Secondary Teachers Association (GSTA), Sindh under the supervision of respondent No.4 as already conducted in 2013 under the orders of this Court.

2. On the last date of hearing, Mr. Ahmed Ali Ghumro, learned counsel for respondents Nos.2 and 3 informed us that some membership forms have been issued which statement was confronted by the learned counsel for the petitioners, therefore, we directed that the respondent No.2 Haji Mohammad Ashraf Khaskeki, Central President, GSTA Sindh shall be in attendance alongwith 250 blank forms. In compliance of the order the respondent No.2 has handed over 252 blank forms to Mr. Mujeeb

Pirzada, Advocate in Court. He further submits that whenever the forms will be returned back, the Central Body will examine the new forms of membership and according to the byelaws of the GSTA, Sindh will grant membership to all such applicants. Mr. Mujeeb Pirzada, learned counsel for the petitioners at this juncture submits that some more persons are also willing to become members of the GSTA Sindh on which the respondent No.2 again submits that all such persons may approach and obtain forms from the office and their membership forms will also be considered and if their credentials are found fit they will be allowed membership of GSTA Sindh. The new elections are due in the month of October, 2019 and the respondent No.2 has shown much willingness and eagerness that the elections will be conducted on the given time in accordance with the bylaws. The learned counsel for the petitioner cited the order passed by the Division Bench of this Court in the case of Mohammad Shabbir & another Vs. Provincial Assistant Registrar/Election Authority and others (SBLR 2019 Sindh 60) in which some modalities were settled in the case of Liaquatabad and Hyderi Jewellers Welfare Association. Since the respondent No.4 is the Registrar Joint Stock Exchange Companies, Karachi and the respondent No.2 admits that the GSTA Sindh is registered under the Societies Act, 1860 therefore the learned counsel for the petitioner relying on the aforesaid judgment requests that forthcoming elections may be conducted under the supervision of the Provincial Registrar, Joint Stock Companies.

3. Let all forms be submitted to the Central Body for membership which will be examined in a fair and transparent

manner and after allowing membership, a list of bonafide members shall be prepared before the Election. The membership forms will be entertained and process within one month. The Election Commission shall be appointed by the general body before one month from the date of forthcoming elections and thereafter the Election Commission shall prepare the list of voters. If any objection is received on any member in the voter list or nomination, that shall be decided by the Election Commission within seven days. On finalization of the list of the voters and the candidates, the elections will be held in the month of October, 2019. The election shall be held in accordance with the byelaws of the GSTA Sindh and charge will be handed over to the newly elected body in accordance with byelaws of the GSTA Sindh. The election shall conducted under the supervision of the Assistant Registrar Joint Stock Companies. Since the learned counsel for the respondent No.2 submits that elections will be conducted in several places according to byelaws, therefore, the Assistant Registrar may nominate his representative to supervise the election process in order to ensure free and fair elections.

4. The petition is disposed of by consent in the above terms. A copy of this order may be transmitted to the respondent No.4 for compliance.

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