

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. No.D-6667 of 2018

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Adnan Iqbal Chaudhry.

S.M. Iftikharuddin & another.....Petitioners

Versus

The Province of Sindh & others.....Respondents

Date of hearing 05.10.2018

Petitioners are present a/w their counsel Mr. Jameel Ahmed advocate.

Mr. Adil Ahmed advocate holding brief for Mr. Fareed Ahmed Dayo advocate for the respondent No. 2 & 3.

Mr. Ghulam Shabbir Shah, Addl. A.G.

Qazi Shahid Pervaiz, Secretary Education, Sindh.

Muhammad Ali Mazhar, J: The petitioner No.1 is S.M. Iftikharuddin who is proprietor of M/s. Imperial Enterprises and petitioner No.2 Basit Manzar Afaq Zaidi is the proprietor of M/s. Mighty Deals. Both have challenged the letters issued by the Chairman, Sindh Textbook Board, Jamshoro separately on 14.05.2018 for M/s. Imperial Enterprises, whereas, in the case of M/s. Mighty Deals the letter was issued on 11.05.2018. The above letters were sent to the Secretary, School Education & Literacy Department, Government of Sindh, Karachi for the decision but the fact remains that Chairman, Sindh Textbook Board, Jamshoro

made a recommendation for withdrawal of blacklisting order subject to payment of penalty in the sum of Rs. 100,000/-, whereas, for the petitioner No.2 the same recommendations were made but penalty amount was Rs. 200,000/-.

2. On last date we directed learned Addl. A.G. to call Additional Secretary, Education but today Secretary Education is himself present in court and he clearly stated that decision on the recommendation of the Chairman is to be taken by the Board of Governors of Sindh Textbook Board and not by the Secretary Education. It is a fact that the penalty was imposed in the month of May, 2018 but the issue is still pending before the Board of Governors or Secretary for decision. At the same time, learned counsel for the petitioners submits that the last date for submitting tender document is 08.10.2018 so he requests that during pendency of the decision of the Board of Governors, the petitioners may be allowed to submit their bid documents to participate in the forthcoming tender. At this juncture, Secretary Education submits that the bids are to be submitted on 08.10.2018 and within an hour tender documents will be opened in presence of all the participants but for evaluation of technical and financial bid some time is required to finalize, however, he undertakes that Board of Governors will decide the issue of both the petitioners on the basis of recommendations made by the Chairman, Sindh Textbook Board, Jamshoro within a week. The petitioners present in court also undertake that in case the decision of the Board of Governors goes against them

they will not claim any vested right even their bids are found lowest by the competent authority. This petition is disposed of in the above terms with further directions to the Board of Governors to decide the fate of the recommendations submitted by the Chairman of the respondent No.2 within a week in accordance with law.

JUDGE

JUDGE

Aadil Arab