



should never be an excuse to deny different aspects of **life**, as ensured for every citizen regardless of his physical appearance. The guarantee, so provided and assured by Constitution towards **fundamental rights** is not limited or confined to mere appearance of a **citizen** hence this is what every organ of the State needs to remember because **disability**, in fact, **is the inability to see ability**'. (Vikas Khanna). What brought on record, being a *pure* denial to rights of such children, compels this Court to take cognizance that out of 300,000 only 3653 students are receiving education thereby closing the door shut upon majority of such children from proving their *inbuilt* ability with which, every special child is gifted so was proved whenever such children were allowed access to all aspects of life. The **education**, undeniably, is the most important aspect of **life**. Accordingly, the Department through Special Secretary shall pursue Government of Sindh and ensures that all special children receive all facilities.

3. According to the Secretary, Department is providing education and transport facility; that there are recruitment Rules within their Department and many posts are lying vacant; those Rules provide special qualification and training; that they have established autism center and academy under the Act of 2018 and that is functional. This court appreciate this aspect with hope that every single *special* child shall be allowed a space and recognition *least* by those who, otherwise, are responsible for care of such children. The Government, being ultimate guardian, shall always stand included in such term.

4. At this juncture it has surfaced that there are 176 sanctioned posts of BPS-17 and above whereas only 50 teachers/officers are working in the Department. The poor number of registered special children is already an alarming situation which stands doubled when sanctioned posts are not filled because normally only a true **teacher** can help a child in exploring his *speciality*. Accordingly Secretary Special Education shall ensure that rest of the posts are filled up on urgent basis, may be on adhoc basis if law so provides. Needless to mention that those appointees on adhoc basis would not be entitled to insist for their regularization, except through appointment by Sindh Sindh Public Services Commission and in case their adhoc period is not extended or they are not regularized by the Department, they will not be entitled to file petitions for redress of that grievance; terms and conditions of their appointment letter shall include that clause.

5. With regard to Autism Centers, Secretary Special Education contends that earlier 150 million grant in aid has been allocated for Autism Centers, whereas 300 differently abled persons are registered (day scholars) with the Autism Centers. To verify this fact, judicial propriety demands as also agreed by the parties, that a committee of the following members shall visit and submit report with regard to performance of 66 Rehabilitation Centers in Sindh including Autism Centers in terms to ascertain the existence, building condition and availability of teaching staff and posts lying vacant as well as any recommendations with regard to provision of any facilities to upgrade and improve education:-

1. Mr. Akhtar Hussain Bugti, Secretary, Department of Empowerment of Person with Disabilities

2. Syed Hussain Shah, AAG.
3. Mr. Farman Ali Tanwari, Deputy Director, S.P.A.C.E.,
4. Muhammad Amin Memon, Regional Director, Special Education and Rehabilitation Center Hyderabad,
5. Mr. Jhaman Das Rathi, Regional Director, Special Education and Rehabilitation Center Karachi.

6. At this juncture, Focal Person/Regional Director Hyderabad, contends that Special Education Department has been merged under Sindh Department of Empowerment of Persons with Disabilities Act 2018. It is pertinent to add here that even the **best thing** if not made known shall never find its value. No parents of special child shall like to deny facilities to his special child if he is made aware of the same. The ignorance was / is, *prima facie*, from ignorable number of registered special children in whole Sindh. Accordingly, there shall be awareness campaign as provided under the Act enabling all the concerned parties with regard to such institutions and healthcare facility provided. Committee shall also examine that the medical officers are regularly visiting all centers with regard to treatment of children admitted in referred centers and whether any treatment is provided by the Health Department including major surgery. This exercise shall be completed within two weeks.

Needless to mention that this is a part heard matter. To come up on 30.09.2021 at 9.30 a.m.

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