

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

C. P. No. D-1937 of 2020

**Alongwith**

C. P. No. D-1236/2013, D-269/2015, D-1267/2016, D-2906/2016, D-8622/2017, D-955/2020, D-1414/2021 and D-3282/2022.

Date	Order with signature of Judge
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Hearing of cases

1. For order on CMA No.33251/2022
2. For hearing of main case.

13.01.2023.

Mr. Aرسال Rahat, Advocate holding brief for Mr. Muhammad Ali Lakhani, Advocate for the Petitioners in C. P. No. D-1937/2020 and C. P. No. D-1414 of 2021. Mr. Muhammad Najeeb Jamali, Advocate for the Petitioners in C. P. No. D-3282/2022 alongwith Ms. Rabia Khan, Advocate. Ms. Amna Usman, Advocate for the Petitioner in C. P. No. D-955/2020. Mr. Javed Ali Sangi, Advocate for respondent No.4. Mr. Hassan Akbar, Advocate General, Sindh. Mr. Saifullah, AAG. Mr. Kazi Abdul Hameed Siddiqui, DAG. Mr. Sohail Ahmed Rajput, Chief Secretary, Sindh. Dr. Shireen Narejo, Secretary, Social Welfare Department, Government of Sindh, Asghar Ali Ghangaro, D. G. Sindh Child Protection Authority, Syed Mohsin Shah, Incharge D.G. Sindh Child Protection Authority, Ghulam Akbar Leghari, Secretary, Education, Government of Sindh, Abdul Jabbar Shahani, DS, Law, SEGLD are present in person. Mr. Ali Tahir, Counsel for Intervener.

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Towards compliance of the Order dated 23.12.2022, the Secretary, School Education & Literacy Department, Govt. of Sindh files certain documents under cover of a Statement, whereas the Director General, Sindh Child Protection also files a Report. The same are taken on record, with copies provided to counsel for the Petitioners. The aforementioned Statement reflects inter alia that:

1. Teachers Attendance App is going to be launched/ rolled out in 7 districts from 16th of January, 2023.
2. The App for Student's Attendance Monitoring System is under preparation / development. The meetings have been held with NITB & PITB. The PITB has shared a plan for the development of application which includes students registration module and student attendance module. The

data entry of students shall start at the school level by teachers themselves. And attendance of students shall be done through application to be used by teachers themselves. The plan shared by PITB has been filed as Annexure A.

3. So far 4430 schools have been reopened, the details of schools along with names of posted teachers have been filed as Annexure-B. About 500 viable closed schools are under the process of reopening in the districts Tharparkar & Umarmkot. The process will be completed within two weeks' time.
4. Disciplinary action against 793 absconding teachers (including non-teaching staff) has been taken / finalized 574 teachers have been awarded major penalties and 219 have been awarded minor penalties. The details have been filed as Annexure-C.
5. Disciplinary Action against 24 'Journalist-Teachers' has been taken / finalized and they have been awarded major penalties. The list has been filed as Annexure-D. The action against remaining 'Journalist-Teachers' is under process.

On query posed as to compliance as regards provision of the relevant particulars of the students who are said to have been freshly enrolled in schools, the Secretary, School Education & Literacy Department submits that such information is not readily available and further time is required for compilation. He submits that the enrollment record of public sector schools of the province has not been computerized and is maintained in physical registers. Be that as it may, the Secretary is directed to file the relevant information of the fresh enrolments on the next date. Needless to say, such a revelation is quite startling as such basic information ought to be available at the click of a button in this day and age, and the failure to ensure availability of an updated centralized record in electronic form is a matter that needs to be remedied, being a *sine qua non* for implementation of biometric attendance system. On that score, we deem it necessary to seek direct input from the NITB. As such, let notice be issued to NITB for the next date, when a responsible officer should be in attendance.

As it transpires, an application bearing CMA No.33251 of 2022 has been filed by an intervener for becoming a party, along with documents, including letters addressed to the Secretary, Education Department reflecting that the intervener has developed an app/system for monitoring attendance of teachers and students, which has already been deployed in various educational institutions. Per Mr. Ali Tahir, counsel for the Applicant/Intervener, the Applicant/Intervener is willing to make the same available to the Government free of cost. The Chief Secretary, Secretary Education as well as A.G Sindh waive notice and claim a copy of the application, which counsel undertakes to supply to them during the course of day.

On the subject of Child Protection, Mr. Arsal Rahat, associate of Mr. Muhammad Ali Lakhani, Advocate for the Petitioners in C. P. No. D-1937/2020 and C. P. No. D-1414 of 2021 submits that 8 Children Shelter Homes are being run by private persons / organizations without obtaining registration from the concerned quarter. He has also placed on record a list of those shelter home/ orphanages, which is taken on record. The Secretary, Social Welfare Department, Govt. of Sindh submits that measures would be taken to ensure their registration. He is directed to ensure that the needful is done in accordance with law.

To come up on 03.02.2023 at 11.00 a.m. The office is directed to place a copy of this order in the Petitions listed above.

CHIEF JUSTICE

JUDGE