

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C.P. No.D-42 of 2023

Date	Order with signature of Judge
1.	For hearing of CMA No.209/2023
2.	For hearing of main case.

26.01.2023

Mr. Kashif Hussain Shaikh, advocate for the Petitioner
M/s. Ali Raza & Shafi Muhammad, AAGs alongwith Ghulam Akber
Leghari, Secretary (Education and Literacy Department), Imran Ali
Syed, Deputy Secretary, Finance Department, Mushtaq Soomro,
Regional Head Sukkur, Farhan Ansari, District Head Ghotki and
Sikandar Hassan, Deputy Secretary/Law Officer, Finance Department,
Government of Sindh.

M/s. Muhammad Zubair Malik & Co has filed Vakalatnama on
behalf of Respondents No.2 & 9, which is taken on record, and seeks
time for preparation.

Petitioner is claiming that SEF is not providing financial
assistance to subject matter schools. Regional Director present
contends that they used to provide financial assistance on the basis of
physical monitoring to ensure that registered kids are getting
education and there is no duplicate admission in other government
schools; besides he contends that there are 1349 Elementary Schools,
272 Secondary Schools, 122 High Schools and 44 Higher Secondary
Schools. They have computerized record of pupils and they have
provided list to Reform Supporting Unit (RSU) to verify whether these
pupils are registered with Sindh Education and Literacy regular
system.

Secretary, Education and Literacy Department, Government of
Sindh, present contends that they do not have computerized record of
all schools as there is about 4.7 million students. **In our opinion the
reason put forth by the Secretary Education and Literacy Department,
Government of Sindh, showing his inability to update the record is a
lame excuse. Non-availability of infrastructure is also a wrong
statement on his part. It is wrong because there are various channels
from where the exact computerized record of all schools and students
can be obtained. And if it is so then the element of ghost schools,
ghost teacher and ghost students cannot be eliminated because the
funds (SMC Funds), maintenance funds of schools, salaries of the**

teachers and the funds in different heads including the funds for the students are allocated and released. It is very simple that the computerized record of the schools can be obtained from District Accounts Officers.

The Secretary Education further contends that they don't have infrastructure to update the record. This contention of the Secretary Education is again wrong and a lame excuse. It is beyond our mind that what kind of infrastructure is required to him for updating the record especially when the Education Department is equipped with modern devices. Besides this, the Education Department Government of Sindh, in every district introduced a system of monitoring the schools through Monitoring Officers, Monitoring Assistants headed by Chief Monitoring Officers and this system is still going on. Through these monitoring officials the education department can collect the required data within one visit of the schools. The Education Department has allocated a SEMIS Code to every school and through this code actual required data can be collected.

On administrative side, the education system in the province is dealt with/managed in the following manner.

- At school level (Primary, Elementary, Secondary & Higher Secondary) by Head Masters/Head Mistress and Principals.
- Supervisors control some of the schools.
- TEOs are the controlling authority of the schools at Taluka level.

At District level.

- Assistant District Education Officer (Primary & Secondary)
- Deputy District Education Officer (Primary & Secondary)
- District Education Officer (Primary & Secondary)

At Division level.

- Assistant Director
- Deputy Director.
- Additional District.
- Director.

At province level.

- Deputy Secretary.
- Additional Secretary.

- Secretary.

If all the above officers and officials upto the Director level shall work on this issue sincerely, honestly and efficiently then this task can be completed hardly within a month. In the offices of District Education Officers and Directors, modern devices are available, and if by using these modern devices the data is transferred to Secretary level, the compiling of data of students is not a hard task and this practice will make the Secretary Education enable to submit the same before this Court on next date of hearing.

The Secretary Education Department is strictly directed to collect the data of all schools and the enrolled students through Monitoring Officers or the officers of the Education Department at District and Divisional level within a month and submit positive report. He is informed that no lame excuse will be acceptable in this regard.

The Secretary Education has further contends that there is difficulty as major of the students or their parents are not in a position to provide B-Forms and unless B-Forms are available with the school administration to maintain the computerized record wherein survey of actual pupils and to check out duplication, same cannot be compared with education provided by the SEF. While pointing out such a difficulty, the Secretary Education has completely eliminated the G.R. Registers, because at the time of admission of students an admission form is filled up by the parents or the Head of the school. This admission form contains different information but no one took pain to maintain the proper record of the students and whatever oldest admissions forms are still being used for admissions of the students in the schools. Besides this every citizen is having his CNIC and in such a situation preparation of B Form is not a hard task. It is not clear whether any effort has been taken to collect the B Form from the parents. If it is demanded, we think more than half of the parents or students shall submit the B Form immediately and it will helpful for maintain the computerized record and survey of the actual pupils. This practice will also eliminate the duplication of the students in the Government schools and SEF.

In these circumstances, judicial propriety demands to take cognizance, hence we hereby direct to Secretary, Education and Literacy Department, to outsource the subject issue and ensure that all pupils registered on different stages with the Government schools up to school level are maintaining computerized record. Department would be competent to sign MoU with NADRA and Finance Department on submission of such requisition with regard to provide funds and the same shall be released after receiving the same within one month after completing all codal formalities.

DG NADRA shall work out this issue as this issue pertains to fundamental rights and State is bound to remove the nuisance as provided under Article 25-A of the Constitution of Pakistan, 1973, whereby it is mandatory to provide education to every student and increase the literacy ratio free of cost, hence special measures shall be taken by the NADRA by minimizing the fee of B-Form and mobile units shall be established with the cooperation of the education and literacy department, they shall approach as least Taluka(s) and provide B-Form to the respective authorities within District and Taluka(s).

Apart from MoU, if any, signed by them, it is expected that Secretary, Education and Literacy Department will pursue the issue and Secretary Finance and DG NADRA shall ensure that compliance of this order be made in letter in spirit within three months.

At this juncture, Secretary, Education and Literacy Department, Government of Sindh, contends that there is serious shortage of books in the schools as Government is bound to provide books to the students up to level of High School through Sindh Text Book Board and recently they floated a summary to increase the budget because of strength of the students and cost of papers and publications and at present, Sindh Text Book Board and Education and Literacy Department are not in a position to provide books to every student; however that summary was not accepted and the same is pending under some objections.

Accordingly, **Secretary Education and** Secretary Finance shall personally look into the issue **seriously, remove the objections on the summary on emergent basis** and ensure this basic facility provided

under the Constitution of Pakistan shall be provided and all funds submitted shall be released after completing codal formalities by accepting summary floated by Secretary Education within one month.

Mr. Sikandar Hayat, Legal Advisor/Deputy Secretary (Finance) present along with concerned official of budget branch undertakes that he will pursue the summary and comply with orders of this Court in its letter and spirit.

With regard to adoption of Single Curriculum, there is no dispute in **main** subjects i.e. Science, Mathematics and English syllabus books of Federation provided, therefore, similar syllabus can be adopted by Sindh Government. Accordingly, Secretary, Education and Literacy Department, Government of Sindh, shall pursue the same and ensure that if syllabus is higher than syllabus of Sindh Text Book Board, they will adopt the same in different phases preferably from the upcoming academic year. We appreciate this undertaking and expect that issue will be sort out within two months.

Adjourned to **28.02.2023**, when **Secretary** Education and Literacy Department, Government of Sindh, shall be in attendance **with computerized record of schools and students and compliance report of other directions** without fail.

JUDGE

Faisal Mumtaz/PS

JUDGE