

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
C.P. No.D-4193 of 2016

Date	Order with signature of Judge
------	-------------------------------

1. For hearing of CMA No.11652/2016
2. For hearing of main case.

**15.09.2022**

Mr. Achar Khan Gabol, Advocate for the petitioners  
Mr. Noor Hassan Malik, AAG

\*\*\*\*\*

The petitioners being subject specialists are Government servants. Petitioner No.1 is posted at Govt. Boys High School Ubauro, petitioner No.2 at Govt. Boys Higher Secondary School, Umer Daho; he is also General Secretary of Sindh Professor and Subject Specialists Association, District Ghotki, while the petitioner No.3 is the Secretary General (Central) Sindh of the said Association. They, through instant petition, *inter-alia*, seek direction to respondents not to close the Govt. Higher Secondary School Ubauro, Dist. Ghotki ('GBHSS Ubauro'), and also not to degrade its status into High School.

2. It is case of the petitioners that in the year 1992, Govt. High School Ubauro was upgraded to GBHSS Ubauro; thereafter, the Education Minister Jam Mehtab Dahar by utilizing his influence got a letter, dated 01.09.2016, (*Annexure "H" at page 239 of Memo of Petition*) issued from the respondent No.3 to respondent No.2 for shifting of all classes of XI & XII of GBHSS Ubauro to Government Jam Mumtaz Hussain Dahar Degree College, Ubauro mala fidely and with ulterior motives. Consequently, the respondent No.1, on 02.09.2016, issued Impugned Notification (*Annexure "H-1" at page 241 of Memo of Petition*) whereby the status of the GBHSS Ubauro was re-designated as Govt. Boys High School Ubauro; the

students of classes XI & XII of GBHSS Ubauro continued their education in Government Jam Mumtaz Hussain Dahar Degree College, Ubauro and the posts of Subject Specialists and other staff were relocated to other Higher Secondary Schools.

3. In response, the comments have been filed by the respondents wherein it has been pleaded that Government of Sindh, School Education Department, Planning, Development and Research upgraded the Government Girls High School, Ubauro up to level of Higher Secondary School with permission to start XI and XII classes vide Notification, dated 06.02.2017, and due to policy of the Government and availability of said Degree College, the classes of XI & XII in GBHSS Ubauro were shifted to College site in a newly constructed building in the same boundary wall where students are getting education properly.

4. On the last date of hearing i.e. 01.09.2022, learned A.A.G. informed the Court that the status of GBHSS Ubauro was degraded into High School as in the same vicinity Boys Degree College as well as Girls Degree College have been established. Today, a fresh statement has been filed by the respondent No.2 in compliance of earlier order; the relevant paragraphs thereof are reproduced here as under:-

*“01. That, presently, Government Boys Degree College, Government Girls Degree College and Government Boys High School, Ubauro are functioning smoothly in the same premises.*

*02. That, the Para No.16 of the comments already submitted in the instant case may kindly be perused. The Para No. IV of the TORs of the Notification which is reproduced as under:-*

**“That where there need two classes will be constructed in that High Schools, but if within the radius of 2.5 km then any College is established either the Higher**

Secondary School will be shifted along-with staff or closed and the staff will be merged as BPS-01 to 16 with School side and BPS-17 & above with College side (copy enclosed at Flag/A)".

03. *That, in the terms of above policy, the Government Higher Secondary School, Ubauro was degraded into Government Boys High School, Ubauro by the Government vide Notification bearing No. EDU&L/ PD&R/AD (Cood)/ JMHD College/Ubauro/2016 dated: 09.09.2016 as per rules and policy (Copy enclosed at Flag/B)"*

5. After hearing the learned counsel for the petitioner, learned A.A.G. and perusing the material available on record, it appears that GBHSS Ubauro has been degraded to Government Boys High School, Ubauro as per rules and policy after establishing Government Boys Degree College and Government Girls Degree College in Ubauro. Boys and girls of the vicinity are now getting higher education after completing their school study in Degree Colleges and they are not aggrieved by such policy.

6. None of the residents of the locality being aggrieved has approached this Court for redressal of his grievances as agitated by the petitioners in the instant petition. The petitioners, being employees of Government of Sindh, Education Department, have no right to challenge Policy Decisions of their department which does not affect their right and cause prejudice to their interest; hence, this petition, being devoid of merit is dismissed, accordingly, with listed application.

JUDGE