

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P No. D-2276 of 2021

Present:

Ahmed Ali M. Shaikh, CJ
Yousuf Ali Sayeed, J

Abbas Raza.....Petitioner

Versus

Province of Sindh & othersRespondents

Petitioner Abbas Raza is present in person.

Mr. Sandeep Malani, Asstt. Advocate General, Sindh.

Date of hearing : 16.09.2022

ORDER

YOUSUF ALI SAYEED, J- Professing to be a conscientious citizen, the Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution alleging that a School is being run by the Respondent No.10 without registration with the concerned Government Directorate. As such it has been prayed that this court be pleased:-

a) To issue the direction to the respondent No.1 & 2 to verify the "The Creating Champions Academy" was register or not and submit the details report regarding the registration said school before this Honourable Court.

b) To direct the respondent No.3 to conduct the fair and impartial enquiry regarding the said registration and school property i.e House No.22/1, F-South, Near Jinnah Square, Malir, Karachi, and also submit the same before this Honourable Court.

c) To direct the respondent No.2 take necessary action against the said school and same was sealed according policy, and also take the necessary action against the respondent No.4 to 11.

d) To direct the respondent No.3 to take necessary action against respondent No.4 to 11 who are failed to follow the instruction regarding SOPS, the students/minors are suffering and facing hardship regarding situation of Covid- 19, being whole staff of school are irresponsible person and involved in various illegal activity and further directed to the respondent No.1 & 2 to cancel the registration of said school and seal the same.

e) To take legal action against the malice & criminal person Respondents No.1 to 8 as per law.

f) To dismiss to Respondent No.4, 5 & 7 from her government official duties.

g) Any other relief which the Honourable Court deems fit and proper may please be awarded to the Petitioner.”

2. Notice had been issued on the first date to the Director General, Inspection & Registration of Private Institutions, School Education & Literacy Department and the comments forthcoming from that quarter, *inter alia* reflect as follows:

“.....a complaint filed by the petitioner received in the office of Respondent No. 2 vide diary No. 1936 dated 04-11-2021 and same was marked to Deputy Director Admin for the action on the priority basis. After receiving of application the D.D (Admin) sent letter to the Principal / Administrator of Creating Champions Academy School situated at H. No. 22/1, F South Near Jinnah Square Malir Karachi on 09-11-2021, for the submission of comments within 05 days and same letter was replied by the Respondent No. 10 (Principal of the said School), in which she disclosed that petitioner is her ex-husband and a dispute regarding the custody of minors (G&W 86/2020 and a suit No. 651/2020) was filed by the Respondent No. 10 against the petitioner of both suits for had been ordered in her favour due to this reason the petitioner is defaming the Respondent No. 10. Further the Respondent No. 10 also disclosed that school (The Creating Champions Academy) was established in August 2021 and not yet registered with concerned Department.

That after receiving of written reply by the Respondent No. 10 on the complaint filed by the petitioner the Respondent No. 2 issued letter to Principal / Administrator of Creating Champions Academy school to get registration of school as per "The Sindh Private Educational Institutions (Regulation & Control) Ordinance 2001, Amendment Act 2003, Rules 2005 & Amended Rules 2020".

3. The learned Assistant Advocate General, Sindh submitted that the matter had thus been taken up by the competent authority and would be pursued so as to ensure that due registration ensued. However, he pointed out that the Petitioner had not approached the Court in the public interest as sought to be portrayed, but had sought to give vent to his personal grievance against the Respondent No.10.

4. When confronted, the Petitioner conceded that the attendant circumstances were indeed as stated in the comments.

5. It must be borne in mind that as the Petitioner had not articulated any personal grievance and purported to have filed the Petition as Pro Bono Publico, hence the underlying purpose was required to be that of redressal of a genuine public wrong or public injury and not for advancement of a personal vendetta, attainment of some private ulterior motive or other oblique consideration. In other words, the process of the Court ought not to be abused for oblique considerations and due care has to be taken to ensure that a matter presented as being in the public interest is not in fact shrouded by some private malice.

6. We need not burden the record with a narration of the corpus of judicial pronouncements in this regard and reference may simply be made to the judgment of the Honourable Supreme Court in the case reported as Dr. Akhtar Hassan Khan and others v. Federation of Pakistan and others 2012 SCMR 455, where it was observed as follows:

“50. While holding that these petitions are maintainable, we would like to strike a note of caution. The Court has to guard against frivolous petitions as it is a matter of common observation that in the garb of public interest litigation, matters are brought before the Court which are neither of public importance nor relatable to enforcement of a fundamental right or public duty. In *Ashok Kumar Pandey v. State of West Bengal* (AIR 2004 SC 280) the Court was seized of such a petition when it observed as follows:-

"Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or founded on personal vendetta. As indicated above, Court must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The Court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busy bodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs."

7. Under the given circumstances, where it is clear that the Petitioner has not come forward in the public interest but seems to advance a personal grievance, the instant Petition apparently falls short of the required standard.

8. As such, where the competent authority has already taken steps to secure registration of the school so as to bring it within its regulatory domain, we are not inclined to issue any directions or make any further order in the matter other than to hereby dismiss the Petition.

JUDGE

CHIEF JUSTICE