

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**SECOND APPEAL NO.32/2017**

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Date

Order with signature of Judge  
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**04.10.2022**

Mr. Shoaib Ali Khatian, advocate for intervener.

Mr. Tajammul H. Lodhi advocate/amicus curiae.

Mr. Zahid Farooq Mazari, AAG

Mr. Ghulam Akbar Laghari, Secretary, School Education.

Mr. Nazir Ahmed Qureshi, Secretary, SPSC, Mr. Shaukat Ali Ujjan, Controller Examinations, SPSC and Mr. Muhammad Yousuf Alvi, Law Officer, SPCS.

Mr. Faqir Muhammad Lakho, Additional Secretary, Endowment, College Education Department.

Mr. Ghulam Ali Brahmani, Additional Secretary (Services-I), SGA&C Department, Government of Sindh.

Mr. Abdul Jabbar, Deputy Secretary and Dr. Liaquat Ali Abro, Law Officer, Law Department, Government of Sindh.

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Pursuance to order dated 27.09.2022, Secretary, Sindh Public Service Commission, present contends that all orders passed by this court pertaining to Sindh Public Service Commission have been communicated to the Chairman, SPSC and he further undertakes that written tests results and interviews of Lecturers will be conducted within the spirit of order passed in present case. This categorical statement is appreciated by this court with further direction that Sindh Public Service Commission shall conduct interviews under CCTV coverage as observed in paragraph No.4 of order dated 06.04.2021 which speaks that :-

“Accordingly earlier orders are modified while believing in bona fide and assurance of the SPSC that recruitment process shall be strictly in accordance with the Regulations 2021 and the decision of the Hon’ble Supreme Court in Suo Moto Case No.18 of 2016 [2017 SCMR 637]. It is pertinent to mention that there shall be complete CCTV record of viva voce examination and

scanning of answer Besides, Secretary Colleges shall nominate subject specialist/experts by selecting credible educationist from public or private sectors including IBA, Karachi and Sukkur.”

2. At this juncture Additional Secretary, Education Department, present contends that yet they have not received intimation with regard to nomination of English expert and they are facing hardship and waiting for English lecturers though in written examination more than 600 candidates have passed the test. Secretary Sindh Public Service Commission contends that they will prefer to recruit English lecturers and they will also send requisition with regard to nomination of subject specialists within a week.

At this juncture it would be conducive to refer paragraph No.14 of order dated 13.03.2020 which is that:-

“With regard to the examinations i.e. viva voce it is agreed that the same shall be carried out by three members including one subject specialist having equal marks. Every member will be bound to put questions from the relevant field. There will be a chart of 100 marks i.e. 60 marks of relevant subject, 20 marks of communication skill and 20 marks of general knowledge. However, to fill the fraction, remaining marks will go to the Chairman of that committee. Needless to mention that expert in this complete exercise will be hired from IBA Sukkur and in case any specialist is not available with IBA Sukkur, IBA Sukkur will arrange the substitute thereof. Besides, as discussed above, SPSC shall ensure CCTV recording of interview having capacity of audio and video recording that shall be preserved as part of record.”

3. Accordingly, interviews/viva voce shall be conducted under CCTV coverage and record shall be preserved and results sheets shall be signed on same date, though Chairman, SPSC may declare results at later stage.

4. Secretary, School Education, present contends that they have submitted requisition with the SPSC and there is a shortage of HST Subject Specialists and teaching faculty; he further contends that more than seven thousand posts of HST Subject Specialists and administrative posts are vacant, to be filled up by the SPSC. Accordingly, Chairman, SPSC shall ensure that posts are filled up preferably within six months in same manner as ordered by this court on 06.04.2021; Secretary School Education shall also provide guidelines to the Sindh Public Service Commission and syllabus with requisition of additional posts. It is pertinent to mention that SPSC's role is only to conduct examinations and recommend the successful candidates, but ultimately the fruit or consequences are to be faced by the concerned Department. Needless to mention that all recruitments of school education shall also be made in the same fashion as agreed in order dated 28.01.2022 regarding Lecturer's selection. The Chairman, SPSC would be competent to take any mode, *inter-alia*, above criterion and within the means of Rules 2022. However that shall not bypass the judgment of apex Court and orders passed by this Court.

5. Secretary, Sindh Public Service Commission further contends that they have floated a summary before worthy chief minister by that they are going to establish a computer lab and have also purchased O.E.M. devices and will ensure that prometric system shall be introduced in future to avoid any human involvement, in order to maintain transparency and merits. With regard to screening tests, Sindh Public Service Commission would be competent to involve IBA Karachi and Sukkur Testing Service (STS) IBA Sukkur as well if such party is consenting. It would be appropriate that the

interviews of the successful/shortlisted candidates should be conducted by the Chairperson Sindh Public Service Commission himself in a just, fair and transparent manner.

6. Besides, Secretary School Education, contends that they have upgraded more than hundred schools as Higher Secondary Schools. Accordingly Directors of all divisions shall ensure that admissions have been started with effect from this academic year August 2022. And Boards of Secondary Schools would not be competent to receive affiliation/enrollment fees, as they are receiving grants-in-aid by the Provincial Government every year.

7. Additional Secretary, Schools, contends that he has written a letter to the Chief Secretary Sindh regarding meeting of Education Oversight Council; though introductory meeting was conducted in the beginning of this year. Accordingly meeting shall be convened every two months and to ensure that recommendations are implemented in letter and spirit.

8. Besides, Secretary, School Education, shall submit complete breakup of functional Computer Labs/Libraries in High Schools and Higher Secondary Schools, with photographs, on next date of hearing.

9. Mr. Shaukat Ali Ujjan present contends that he is holding the charge of Controller Examinations, SPSC though he is an officer of BPS-18; whereas post of the Controller Examination is of BPS-19. Since he cannot take charge of a post above his grade hence Additional Secretary, SGA&C Department, Government of Sindh, present contends that they will appoint a full-fledged Controller

Examinations at Sindh Public Service Commission within a week through appropriate Notification, Such exercise shall be done positively within the period suggested by him; such compliance report shall be submitted and notification shall be placed before this court on administrative side through MIT-II. MIT-II shall ensure compliance of this order as well earlier orders in letter and spirit.

To come up on 08.11.2022 at 11.00 a.m. Dr. Saeed Ahmed Qureshi, focal person of the Chief Secretary Sindh, shall be in attendance on next date of hearing. -

**J U D G E**

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