

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P. No.D-84 of 2023

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Date	Order with signature of Judge
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1. For hearing of main case.

**01.03.2023**

Petitioner is present in person

Mr. Shahryar Imdad Awan, Ali Raza Balouch and Zahid Farooq Mazari, AAGs alongwith Pervaiz Ahmed, Additional Secretary (Education), Piyar Ali Lakho, Deputy Secretary Schools, Dr. Fozia Khan, Chief Advisor, Curriculum Wing, Government of Sindh, Piyaro Khan Sehran, Director Curriculum Assessment and Research Sindh Jamshoro, Junaid Samoo, Chief Program Manager, RSU, Ms. Abida Lodhi, Special Secretary Schools, Javed Ali Khawaja, Deputy Secretary Schools, Naseer Ahmed Jogi, Additional Director, Mirpurkhas Miss. Farzana Riaz, DSE (ES&HS), Karachi

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**Salahuddin Panhwar, J:-** Pursuant to order dated 28.02.2023, Chief Advisor, Curriculum Wing, present contends that after review committee meetings to adopt single curriculum, they have approved Mathematics, English, General Science and Computer Science and such summary has been approved by Worthy Chief Minister, Sindh. Accordingly, that shall be applied from the academic year 2024-2025, positively. Chairman, Sindh Text Book Board, shall ensure printing of books. In case of failure, that act will be considered as pejorative act liable to be initiated under contempt proceedings.

With regard to SNE(s), it has come on record that thousands seats of teachers are yet lying vacant. According to Special Secretary (Education), he has submitted tabular form at Serial No.1 & 3, which is Primary School Teachers and Junior Elementary School Teachers and in this regard it is asserted that they have advertised in twenty (20) Talukas for fresh recruitment and such process will be completed preferably within three months.

With regard to Column No.2 & 4, Special Secretary (Education) contends that they submitted requisition to the Sindh Public Service Commission (SPSC) for appointment; however such requisition was required to be updated by adding the rest of seats which are around 2300. Accordingly, such requisition be sent within a week to Sindh Public Service Commission (SPSC), who shall ensure that all requirements in Education department are completed within three

months within same spirit as decided by this Court in 2<sup>nd</sup> Appeal No.32 of

With regard to Column No.8 & 9, Special Secretary (Education) contends that due to pendency of lis, such posts are not fulfilled; however the lis attained its finality and in view of observation of Apex Court, the committee shall hear the applicants and in case, they are qualified, they shall be accommodated. According to him, that list was consisted upon 1037 candidates and out of 1037 candidates, they have appointed 196 candidates as genuine and they have been appointed, rest of them have been declared as fake. Accordingly, posts of Early Childhood Teacher (ECT) and other cadre teachers shall be fulfilled through fresh advertisement within three months through 3<sup>rd</sup> party testing agency up to grade-15 and rest of appointments shall be made through Sindh Public Service Commission (SPSC) in similar way.

Further in compliance of above referred order, Directors of all regions are present. They have submitted that there is 3<sup>rd</sup> component, structure in high and higher secondary schools; however, that is to be reorganized by the Education department. According to Director (Schools), Sukkur, there are 165 posts of Agro Technical, Workshop Instructors, Commerce Instructors, Assistant Workshop Instructors and that posts are of the grade-10 to 17; in Larkana Region, 102 posts are lying vacant as total sanctioned posts are 326 and rest are lying vacant. In Karachi Division, total sanctioned posts are 117 wherefrom 56 are lying vacant. In Mirpurkhas Division, total sanctioned posts are 179, whereas, 49 are still lying vacant; in Shaheed Benazirabad 142 posts are lying and in Hyderabad 128 posts are sanctioned; however out of them, 46 instructors are working whereas rest of same are vacant.

On query, it has come on record that despite of that third component showing in academic record of marksheet of Matric and Intermediate, this component is without syllabus since its inception.

Chief Advisor, Curriculum Wing, Government of Sindh present contends that this issue was raised by Secretary (Education and

Literacy Department), Government of Sindh and in this regard she has submitted they communicated with STEVTA with regard to their expertise and she submitted curriculum. We have examined the same. According to curriculum offered by STEVTA, existing posts in Education department are not applicable and those appointments cannot be part of education course as provided by STEVTA.

This Court takes judicial notice of this alarming situation when admittedly in more than thousand schools, workshops are available as well instructors but that component is without syllabus hence how they can part education.

At this juncture, Chief Advisor, Curriculum Wing, contends that STEVTA provides course with regard to internet of things and that aspect covers digital education, hence that can be adopted in all high and higher secondary schools with fresh recruitment on sanctioned posts as well as to provide computer labs at the places of workshops. Accordingly, Secretary (Education and Literacy Department) shall form a committee and that shall include Mr. Muhammad Memon, Ex-Chairman, Hyderabad Board, Mr. Piyar Ali Lakho, Additional Secretary (Education Department), Dr. Fozia Khan, Chief Advisor, Curriculum Wing, Government of Sindh and Piyaro Khan, Director Curriculum Wing and they would be competent to nominate their members if required and that committee shall submit mechanism with regard to 3<sup>rd</sup> component within ten (10) days.

With regard to closed/deleted schools, inspection was carried out. Being relevant, paragraph-1 is reproduced as under:-

***“Director Education Officer, Larkana Region, in his report contends that there are 636 schools were declared non-viable; however, out of them, 322 schools are viable and they have opened 59 schools. In similar way, Director (Primary) Sukkur provides details of 13 declared closed/deleted schools and undertakes that such schools will be opened at an earliest without fail. Besides, Director (Primary) Hyderabad, in his statement annexed with certain documents, contends that there are 1263 schools were declared as non-viable, out of them 242 schools have been opened; however rest of 319 schools will be opened. DEO Sanghar, in his statement, contends that there are 479 schools are closed; however they have opened 78 schools and rest of schools will be opened immediately. DEO Naushahro Feroze contends that there are 325 schools are non-viable;***

*however they have opened 145 schools and rest of them will be opened soon. These all exercises regarding opening/ make viable of schools shall be completed within a period of two months, positively; however subject to availability of SNE(s). In case of failure, contempt proceedings would be initiated against delinquent officer (s)".*

It is further agitated by learned Counsel for the Petitioner and respective learned Counsel Mr. Sohail Ahmed Khoso & Mr. Muhammad Raza Soomro and they found that there was non-availability of buildings and teachers, though big numbers of students were available. In these circumstances, we have no option but to direct District and Sessions Judge(s), who will depute Magistrate(s) and direct them to visit all closed/ deleted schools along with DEOs (Primary) and submit report in terms that:-

- (i) Whether closed schools were within vicinity and having sufficient facility of school easy access to them
- (ii) Whether schools are closed due to non-availability of teachers
- (iii) Whether closed/ deleted schools were justified to be closed by the Education department due to SNE(s) issues;
- (iv) Magistrate(s) would be competent to call Directors (Education), TEO to conduct such exercise.

Needless to mention that this exercise shall be completed within ten (10) days and accordingly submit report before this Court through Additional Registrar. It is pertinent to mention that learned Magistrate(s) shall respect teacher(s) and this exercise shall be completed while maintaining dignity of teaching profession. Learned AR of this Court shall ensure compliance.

Adjourned; to come up on **14.03.2023**; to be taken up at **09:30 a.m.**, when Director General Monitoring and Evaluation, Education and Literacy Department, Government of Sindh, shall be in attendance without fail.

JUDGE