

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No. D-2358 of 2013

Date	Order with signature of the Judge
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For hearing of main case

Before

Justice Nadeem Akhtar

Justice Khadim Hussain Tunio

Mr. Ayaz Ali Rajper, Assistant Advocate General Sindh.

Date of hearing: 07.02.2023

Date of decision: 07.02.2023

ORDER

KHADIM HUSSAIN TUNIO, J:- The petitioner Abdul Ghaffar Khan, resident of Village Hamzo Khan Khushk in Taluka Dadu, filed the instant petition against the stoppage of construction work of two rooms in the Government Primary School in his village despite the same being approved by the Government in the fiscal year 2013-2014.

2. It is the case of the petitioner that his village has a Government Primary School constructed which only had two rooms and could not cater to the needs of all the children of the village, as such the petitioner approached relevant authorities for the construction of two additional rooms in the same school for which he handed over his own plot without any consideration in return. The project was approved and budget was allocated for the same and the construction had started. However, after completion of plinth work and DPC, the same year, dispute arose between the respondent No. 1 to 12 and the Government Contractor and they restrained him from continuing the construction of the school and also issued threats of dire consequences to Respondent No. 17/Abdul Rasheed Panhwar who was the manager of Government contractor Rashid Ali Khushk. This led to the construction work being put on hold and left the petitioner with no recourse but to approach this Court.

3. A report was called from the respondent No. 15/Assistant Engineer,

Education Works Dadu Sajjad Ahmed Shahani who confirmed the above facts and also stated that the project was approved for the financial year 2013-2014, however following the dispute, it was missing in the budget of financial year 2016-2017 therefore the scheme was abandoned. Learned Assistant Advocate General also stated that the said project has been abandoned following the dispute and the ADP no longer appearing in the budget for the financial year 2016-2017.

4. We have heard the learned Assistant Advocate General and perused the record available before us.

5. At the very outset, it is observed that the project had already been approved and it is also on the record that construction for the two additional rooms had also started and the petitioner Abdul Ghaffar Khan had given his own plot for the construction of the said rooms. Even budget had been allocated for this project, but following uncertain law and order conditions and alleged threats from respondent No. 1 to 12, the construction was abandoned and so was the project. We see no impediment in allowing the prayer of the petitioner for continuance of the project as per approved site plan for the Government Boys Primary School Building located in Village Hamzo Khushik. Statement was also filed by respondent No. 17 who has shown willingness to continue the project if proper protection and remaining amount is provided to them for the construction work.

6. It was brought to our notice that Government Boys Primary School is the only school within 1 kilometer of the village and the next closest school is at least a mile away from the village. It needs no reiteration that right to life includes right to education, therefore, it is one of the fundamental rights of every citizen of Pakistan, whereas, in terms of Article 25-A of the Constitution of Islamic Republic of Pakistan, 1973, it is incumbent upon the State to provide free and compulsory education to all the children of the age of five to sixteen years in such a manner as may be determined by law. It is rather unfortunate, however, that education sector has been left neglected for the last 7 decades, whereas, a nominal percentage in the budget is allocated to Education Sector, most of which either remains unutilized or the same is misappropriated by unscrupulous officials through menace of corruption. This ploy has done a great deal of damage to the foundations on which the Islamic Republic of Pakistan was built.

7. Keeping in view the above circumstances, since a considerable amount of money has already been spent on this project, the official respondents are directed to acquire proper budget for continuing the construction of two additional rooms as per approved site plan available on court file and to finish the construction of the same **latest by 28th of February, 2023** and such compliance report be submitted to this Court through Additional Registrar concerned. Respondent No. 16 is also directed to provide security on site so as to curb any law and order situations to arise during the completion of the project. Let notice be issued to respondents 13 to 17 for compliance.

8. Captioned petition stands disposed of in the above terms.

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