ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 919 of 2022

Order with signature of Judge Date

18th December 2023

<u>APPEARANCE.</u>

M/s. Imtiaz Ali Shah and Mr. Imran Taj, associates of Mr. Khawaja Shamsul Islam, advocate for plaintiff alongwith plaintiff.

Syed Mohsin Hussain Shah, Asstt. Advocate General Sindh & Focal Person to Chief Secretary Sindh.

Mr. Amjad Ali Shabrani, advocate for defendant No.10.

Mr. Rehan Aziz Malik, advocate for defendant No.14

Dr. Shereen Mustafa Secretary School Education & Literacy Department and Piyar Ali Lakho, Deputy Secretary School Education & Literacy Department.

Mr. Qurban Ali Rahu, Deputy Director (ESHS) P& D)

Mirza Arshad Baig,, Director Schools Education Mirpurkhas

Mr. Mir Attaullah Talpur, DEO (SE).

Mr. Abdul Aziz Chachar, Director Secondary Larkana.

Mr. Yar Muhammad Baladi, Director DSE (ES & HS) Karachi Region.

Hafiz ShahbuddinIndhar, Direcotr Schools Education (EL:Sec& Higher Secondary) Sukkur Region Sukkur.

SalahuddinPanhwar.J- At the outset, plaintiff present contends that he was not awarded the contract for 16000 desks in Mirpurkhas region and the contractor, who provided 2400 desks shall be examined by the committee to determine whether those 2400 desks are according to specifications provided in the tender or the same are in negation of the tender. He further contends that the contractor shall submit a categorical statement along with proof showing the capacity to provide 16,000 desks within two months, as stipulated in the contract. In case, such desks are of the same quality as specified in the contract, he will not resist further and a contractor, if capable, may provide the same else delinquent shall be fixed for any liability. Secretary Education, who is present, is not opposing with regard to examination of the desks provided in Mirpurkhas region.

Accordingly, Director Schools Mirpurkhas region alongwith contrator, Mr. Ghulam Muhammad Pathan, Additional Director planning & Education Wing of Education Department, the plaintiff as well as Civil Judge/ Judicial Magistrate as nominated by the learned District Judge Umarkot shall inspect Umarkot District where the majority of desks have been supplied and examine the quality and caliber

of furniture that was required to be supplied by the contractor, preferably within 15 days.

- 3. Secretary School Education & Literacy Department shall ensure that this inspection is carried out by the committee, if any party is avoiding to inspect the relevant schools, this exercise of inspection shall not be delayed and shall be carried out within the stipulated period.
- 4. Besides, it has come on record that 04 million students are out of schools; 5.8 million students are studying in public sector under the Education Department, including SEF, whereas, 04 Million Kids are studying in private schools meaning thereby that presently 08 Million students/kids are out of Sindh Government education system. It is the prime duty of the Sindh Government to bring well caliber education into their system, so that these 08 Million kids/students opt to join Government schools. Under Article 37 of the Constitution of Pakistan 1973 and the Compulsory Education Act 2013, it is the duty of Sindh Government to bring those 08 Million students into their education system. Since this situation is very alarming, therefore, Province of Sindh shall initiate all efforts on a war footing by taking all modes permissible under the law to ensure that this nuisance of illiteracy is removed and every kid shall easily get education, which is the responsibility of the state.
- 5. At this juncture, Secretary Education Department contends that the Education Department will take every effort on a war basis in order to bring these four million kids. This includes enhancing the capacity of existing schools and repairing schools damaged in recent floods, as well as working through public/private sectors by handing over the schools preferably through SEF, to the reputable NGOs. This Court appreciates the proposal of the Secretary Schools present in Court.
- 6. Compliance reports/statement have been filed on behalf of Director Schools Education, Karachi Region, Director Schools Education Pre-S&HS, Mirpukhas Region, Director School Education (ES&HS) Sukkur Region and Director School Education EL: Sec & Higher Secondary) Sukkur, which are taken on record. Further, Secretary Education contends that the Department will submit a consolidated report with regard to availability and non-availability of furniture in schools on next hearing. At this stage, Secretary

Education contends that she will depute Mr. Pyar Ali Lakho as focal person on behalf of schools to apprise this court on different issues.

Being a part heard matter, to come up on 10th January 2024 at 11:00 a.m.

Attendance of Directors is dispensed with except Secretary Schools and Director Mirpurkhas.

Learned MIT-II shall ensure compliance.

JUDGE

Sajid