

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SUIT NO.919/2022

Date

Order with signature of Judge

10.01.2024

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

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

Mr. Rehan Aziz Malik, advocate for defendant No.14 alongwith Parkash Kamrani.

Mr. Mehram Khan, AAG.

Dr. Shireen Mustafa Secretary and Piyar Ali Lakho, Deputy Secretary (focal person), School Education & Literacy Department .

Mirza Arshad Baig, Director, District School Education, Mirpurkhas.

Mr. Aamir Zia Israr, Deputy Secretary, PDF, SE&LD.

Mr. Qamar Zaman Shah, Assistant Director (Legal), SPPRA.

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SALAHUDDIN PANHWAR, J: Pursuant to order dated 06.12.2023, Secretary, SE&LD, is present alongwith focal person and other officers, they have submitted report which shows that as per students' enrollments 2,78,000 desks (triple desks) are required for schools on primary side whereas 223,000/- (double desks) for schools on secondary and higher secondary side, meant for a total of one million two hundred eighty thousand (12,80,000) pupils enrolled in Government Schools all over the Province of Sindh and they are taking all efforts for procurement of these desks while keeping in view the space available in those schools.

2. In earlier order it was surfaced that four million students are studying in Government Schools except Sindh Education Foundation that mechanism is under public private partnership schools though under Education Department, by that around 1.28 million out of 4 million students are getting education without desks. This situation brought on record is very alarming and

in the era of 21st century, Government has failed to provide desks and teachers as per students' ratio policy as well buildings, laboratories, digital education and transportation despite availability of billions of rupees in yearly budget.

3. At this juncture Secretary Schools contends that they are going for procurement of furniture while considering the availability of space in Schools buildings. It is pertinent to mention that as already brought on record by the Department, hundreds of students are getting education without buildings- under open sky, in temporary huts or tents due to heavy floods in last years; in that situation question of availability of constructed space is immaterial and shall not be considered. Accordingly, Education Department (SE&LD) shall ensure procurement of these desks as referred above preferably within a period of six months by completing all codal and legal formalities and strictly as per specifications issued by SE&LD; Finance department shall release the budget on war foot basis, this shall be brought in notice of worthy Chief Minister Sindh by the Chief Secretary.

4. It is germane to refer that as per specifications top of those desks shall not be less than 16 inches in width and those desks be manufactured with CNC machines whereas the report of the Committee as constituted, inspected desks in District Umerkot shows that 2400 desks were provided in that District; at this stage it is material to reproduce the report of Magistrate :-

- Wooden parts of desks were not polished, but the said was coloured.
- The major quantity of subject desks was not having proper standing feet to well manage the balance of the desk.

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Concluding Remarks

The subject furniture i.e. desks were of moderate quality.

Perusal of above categorically reflects that desks provided in District Umerkot are against the specifications of NIT.

5. While confronting with this aspect defendant No.14 who is contractor, is ready to replace all those desks within six months as per specifications. Contractor/defendants No.14 further undertakes that he will provide rest of 9,400 desks within two months from his own factory or by purchasing from market or even from plaintiff strictly in accordance with the specification as elaborated above. However already supplied desks available in schools shall not be removed until replaced desks with above specifications are provided. Needless to mention that defendant No.14 would be considered ineligible to participate in any future bid process for next three months.

6. Plaintiff present contends that since defendant No.14 have no factory and their desks are sub-standard which can only be supplied by any factory, that defendants' desks are hand-made while they shall be manufactured through CNC machines which are not available with defendants hence resultantly those desks cannot match the quality as specified in the tender. Accordingly, defendant No.14 shall provide 9,400 desks within six months strictly as per tender and above specifications, prepared on CNC machine basis.

7. Classroom furniture is not just mandatory accessory. It is a crucial ingredient that makes the atmosphere feel welcoming and

encouraging. Manufacturers are coming up with innovative and trendy designs that make classroom furniture adaptable, flexible, durable, light-weight and portable. While considering school desk fabrication, there are some key factors that need to be taken into account to ensure the end result is functional, practical, and durable. Safety is a vital consideration, as students must feel secure and comfortable while using the desks. Durability is also crucial, as school desks must withstand the wear and tear of daily use and last for many years. The desks should be ingeniously designed for optimal use in the classrooms of the schools. Overall, optimising classroom and school-wide furniture plays a pivotal role in facilitating effective learning environments. The proper furnishings allow both students and teachers to meet the needs comfortably and schools to create uplifting, organised spaces. Prioritising factors like ergonomics, flexibility, aesthetics, organisation and responsibly sourced materials provides benefits for learning, development, focus, collaboration and school pride. The furnishings set the physical foundation upon which rich educational experiences are built. Furniture is a worthwhile investment in positive learning environments and student success. To that extent Secretary, SE&LD shall constitute a committee with a mandate to check and verify all desk provided in all district including desks supplied by plaintiff and defendants, whether or not they are in accordance with the specifications mentioned above; such committee shall comprise of upright officers well acquainted with procurement policy, criteria, tender specifications and having expertise in relevant field to make sure that high quality standards are maintained in supply of the school furniture.

8. With regard to report that plaintiff has failed to supply classroom tables in various districts as mentioned in the table of report of the Secretary, SE&LD filed today; plaintiff present contends that he has provided that furniture in Districts Tando Allahyar, Badin, Thatta and Dadu whereas 1832 desks for Karachi Division are available in their godown and factory and he shall supply the same within one month, as well as he will submit evidence to negate the claim of defendants.

9. Secretary SE&LD shall assign the duty of examination / verification of desks to Quality Assurance Committee of SE&LD, that shall ensure that before dispatching the newly purchased desks to schools as delivered by contractors' godown/factory, they shall be certified by the Quality Assurance Committee at regional level thereafter shall be dispatched to relevant school. Needless to mention that there shall be no delay on this score and relevant officer of that Committee shall immediately examine/verify desks as reported by the contractor. In case of any deviation, that shall be reported to SE&LD for further action.

10. Needless to mention that as per satisfactory report dues shall be paid to all contractors subject to completion of all legal and codal formalities. SE&LD shall re-validate the cheques as budget had lapsed, subject to completion of all legal formalities and compliance of this Court's orders. Accordingly interim order passed earlier is modified in terms of above order.

11. Being part heard to come up on 13.02.2024 at 11.00 am. Attendance of the Secretary and Deputy Secretary, SE&LD and

Director, District School Education, Mirpurkhas; is dispensed with.
Fresh progress report shall be submitted by the SE&LD, plaintiff and
defendant No.14 as well as other contractors.

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