

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
MIRPURKHAS

Constitution Petition No.D-38 of 2024

(Muhammad Ali Vs. Federation of Pakistan & others)

DATE ORDER WITH SIGNATURE OF JUDGE

Before
Adnan-ul-Karim Memon, J
Amjad Ali Bohio, J

Date of hearing & Order 12.08.2024

Miss. Razia Ali Zaman Patoli, Advocate for the petitioner.
Mr. Shabbir Mari, Advocate for respondent No.05
Mr. Nisar Ahmed G. Abro, D.A.G Sindh, a/w respondent No.04

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ORDER

Adnan-ul-Karim Memon, J. The petitioner Muhammad Ali has filed this petition Under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 calling in question the letter No. 0409/8/2011-FGEI (W & L) dated 07-03-2023, whereby respondent No.02 restrained the petitioner from the filing of suit for defamation against respondent No.04 on account of malice, character assassination by leveling vulgar and obscene allegations.

2. The petitioner is present along with his counsel and submits that he has been deprived of the right of appeal vide the Impugned letter. He further submits that he has not committed any offense of whatsoever nature, therefore, the impugned letter is liable to be set aside allowing the petitioner to avail his remedy, as per law.

3. Therefore, said instance has been refuted by the respondents and submitted that the petitioner has been found guilty of the offense and the Fact Finding Committee recommended the petitioner to be not fit to continue his job in a girls or co-education Center. However, he was warned to be careful in such immortal activities in the classroom. He prayed for the dismissal of this petition.

4. Learned counsel representing respondent No.05 has submitted that this petition is not maintainable and this is malafide attempt on the part of

the petitioner to avoid further legal proceedings. He prayed for a direction to respondents No.02 & 03 to take further legal action against the petitioner in the light of recommendations of the Fact-Finding Committee under the Corporal Punishment Bill 2014 r/w section 89 of PPC, as well as under Women Harassment Act 2017.

5. We have heard the learned counsel for the parties and perused the material available on record.

6. In our view, the petitioner cannot be deprived of filing the suit for damages, if he is at all aggrieved against the decision of the respondents.

7. In view of the above, this petition stands disposed of, with the understanding that the petitioner can avail the remedy before the competent Court of Plenary Jurisdiction as well as under any special enactment if his cause still subsists against the decision of the respondents. However, the observation recorded in the letter dated 07-03-2023 will not come his way in pursuing his case under the law.

8. This petition stands disposed of.

JUDGE

JUDGE

“Ali Sher”