

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
CP.No.S-251 of 2019

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Date Order with signature of Judge

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**For directions**

1. For orders on MA No. 7960 of 2022.
2. For further orders

**18<sup>th</sup> March 2024**

None present for the petitioner

Mr. Jawad Dero A.G. Sindh

Mr. Ihsanullah Laghari, Focal Person (Judicial), College Education Department.

Mr. Faqir Muhammad Lakho, Additional Secretary colleges.

Mr. Abdul Hafeez Laghari, Controller of Exams SPSC Hyderabad.

Mr. Muhammad Yousuf Alvi, Law Officer SPSC.

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**Salahuddin Panhwar,J:-** Pursuant to order dated 27.02.2024, Secretary to Government of Sindh, School Education & Literacy Department as well as Controller of Examinations Sindh Public Service Commission (SPSC) submit reports; taken on record. Being relevant report filed by School Education & Literacy Department is reproduced herewith:-

“It is submitted that in pursuance of paragraph-8 of the order dated 15.01.2024, it is stated that as per assessment the total number of district wise 7128 teachers are going to be retiring on attaining the age of superannuation within next two year (up to December 2025). The same report of the Director General (HR&T), SE&LD submitted vide its letter dated 11<sup>th</sup> March 2024 is hereby enclosed for the district-wise break-up of posts (Annexure-I).

Moreover, in pursuance of Para No.08 of the Honourable High Court's order dated 27.02.2024, following BS-16 & above vacancy positions from the School Education and Literacy Department as mentioned below have fallen vacant, subsequent to which the corrigendum shall be issued to the Sindh Public Service Commission, Hyderabad.

S.No.	Name	Name of Post	BPS	Number of Posts	Remarks, if any
01	Higher Secondary Schools Boys/Girls throughout Sindh	Subject Specialists (Male/Female)	17	750	
02	Directorate School Education/DEO (Primary/ES&HS)	Accounts Officer	17	140	

	all in Sindh				
03	Directorate School Education (Primary/ES&HS) all in Sindh	Assistant Director Finance/Audit	17	12	
04		Taluka Education Officer/ Assistant Education Officer	17	223	Total posts of TEO and AEO are 803. However, requisition against the post of 580 posts has been sent to the SPSC and remaining posts 223 are to be sent.
05	The Director, Directorate of Curriculum, Assessment & Research @ Jamshoro	Nil			Already Published in SPSC
06	The Director/Directorate of Teachers Training Institution Sindh, Hyderabad	Nil			Already Published in SPSC
07	The Chief Program Manager, Reform Support Unit (RSU)	Nil			Recruitment Rules not available
08	The Director, Human Resources & Training (HR&T)	Nil			Recruitment Rules not available
09	The Director, Sindh Teachers Education Development Authority (STEDA)	Nil			Recruitment Rules not available
10	The Director General, Provincial Institution of Teachers Education (PITE) Nawabshah	NIL			Already Published in SPSC
11	The Director General, Planning Development & Research (PD&R)	NIL			Already Published in SPSC
12	The Directorate Literacy & Non-Formal Education	Assistant Account Officer (BS-16)	16	2	
		Assistant Director (BS-17)(2 Posts for Directorate Karachi and 2 for District Sukkur & Khairpur)	17	4	
13	The Director, Public Private Partnership (PPP Node)	Assistant Director Contract Management & Compliance	17	1	
		Assistant Director Education	17	1	
		EMIS Officer	17	1	
		Regional Monitoring Assistant	16	2	
		Assistant	17	3	

14	The Chief Engineer (Education Works) Sukkur.	Architect/DDO			
		Assistant Engineer (Civil)	17	28	
		Head Draftsman	17	2	
		Computer Programmer	17	1	
		Assistant Director	16	1	
		Assistant	16	7	
		Computer Operator	16	17	

However, remaining vacancy position of the allied institutions of this department, will be shared on the next date of hearing.

In view of above it is prayed before this Hon'ble Court that the petition may kindly be disposed of accordingly."

2. Perusal of above reflects that upto December 2025 a huge number of teachers (7128) are going to be retired whereas, appointments of recent recruitment process has been stopped due to stay order passed by this Court in a Constitution Petition. It has further come on record that Sindh Public Service Commissioner (SPSC) is going to appoint JSTs and HSTs. Descriptions of positions vacant reflects that requisitions have been sent by the Department at S.No.4, 5, 6, 10 and 11, whereas, at S.No.7, 8 and 9, it is provided that recruitment rules are not available/not framed. However, S.No.12, 13 and 14 also reflects vacant positions to be filled by the SPSC. Accordingly, School Education Department shall ensure that fresh requisition is sent with regard to 223 posts for Taluka Education Officer/ Assistant Education Officer and requisition with regard to at S.No.4, 5, 6, 10, 11, 12, 13 and 14 shall be sent within three weeks from today.

3. With regard to non-framing of rules, needless to mention that in Education Department when specific posts are available same cannot be filled on temporary basis, hence Chief Secretary Sindh, Secretary S&GAD, Secretary Schools Education shall ensure framing of Rules with the consultation of Law Department preferably within two months and submit such compliance report.

4. With regard to upcoming retirement which are high in numbers, Education Department shall frame policy and ensure that no single school is closed due to retirement of these teachers, hence process with regard to likely vacant posts shall be initiated six months earlier and such posts shall be filled within one month of the retirement of the concerned teacher and shall be classified in two categories in 2024-25 along with policy shall be submitted before this Court on the next date.

5. This Court enquired about the basic articles/chemicals/computers provided in labs and computer labs in High Schools/ Higher Secondary Schools, whereupon Focal Person informed that recently the School Education Department through a contract has provided sufficient material to the labs. Accordingly Secretary Schools shall submit comprehensive report showing therein the name of contractor, volume of items, evidence of dispatching and receiving by the concerned schools. Controller Sindh Public Service Commission shall ensure that all requisitions sent by the School Education Department shall be considered as priority as there shall not be the chance of compromise on transparency and all posts shall be filled within three months with compliance report.

6. By order dated 27.01.2016 passed in C.P.No.D-661/2012, order dated 02.08.2019 passed in C.P.No.D-1817/2016 alongwith other connected matters, orders dated 06.04.2021 and 28.01.2022 passed in II-Appeal No. 32 of 2017 are within the spirit of recent judgment passed by the Division Bench at Sukkur in CP.No.D-84 of 2023. Being relevant it would be conducive to refer, operative part of Judgment dated 25.01.2024, whereby all the departments have been directed by this Court which is that:

- ❖ The government shall take effective measures for launching literacy awareness and convincing to parents programs, immediately through modern technologies including seminars etc.
- ❖ Secretary Education is strictly directed to sanction the SNEs of all those schools which have been closed due to expiry, retirement of teachers or any other reason, make these schools functional by allocating their SEMIS code and posting of teachers and submit report accordingly. Accordingly, Finance department shall approve all summaries regarding SNE(s) of education department. Secretary Finance shall also restore all deleted SNE(s) in schools(s) and College(s) and same shall be shifted to the respective Divisions.
- ❖ Secretary Education is strictly directed to recruit/appoint teachers transparently and merit-based according to need for making functional the closed schools especially those schools that have been closed due to non-availability of teachers. All vacant seats of teachers shall be filled preferably within a period of **two months** and a report shall be submitted to the effect that schools closed due to non-posting of teachers (for any reason) have been made functional.
- ❖ Chief Secretary shall constitute a committee including Secretaries School(s), College(s) and all other stakeholders, who shall work on the needs of schools as per digital/computerized census of 2023 and shall increase the number of teacher(s)/subject specialist(s)/ lecturer(s) with the approval of SNEs, keeping in view the statements ratio within six months without fail.

- ❖ Secretary Education is directed to take rapid and swift initiatives to start the process of recruitment of non-teaching staff along with recruitment of teaching staff, according to need on emergent basis.
- ❖ Secretary Schools shall ensure that all school(s) as upgraded are having SNEs, they shall submit with the Finance Department within **one month** without fail, thereafter Finance Department shall ensure approval of SNEs within one month after receiving the proposal.
- ❖ Secretary Education is directed to make atmosphere fair by directing all the heads of schools to ensure physical activities as mentioned above with coordination of Ministry of Sports and Youth affairs, for arranging sports gala, talent hunt event etcetera and revive scouts in all High schools to Higher Secondary.
- ❖ Secretary College Education and the Secretary Finance shall ensure that the budget allocation and release is targeted at the completion of a project before moving on to the next one.
- ❖ Secretary Finance, Chief Engineers and Finance Department shall ensure that funds available in the heads, not required for immediate use and those in routine lapse every year, shall be transferred in M&R. Needless to add that such work (M&R) be not delayed rather be taken up while keeping conditions thereof as well need so as to avoid any misuse of such fund on account of entry / introduction of any hidden hand.
- ❖ Secretary Education is directed to start immediate work of **maintenance and repair** of damaged/dangerous schools, availability of furniture; conduct audit regarding distribution of funds allocated in this regard; besides nearest paths going towards schools and submit such report in this regard within stipulated period without fail.
- ❖ Secretary Colleges and Secretary Universities shall ensure that education system of the Sindh does meet with required standard of *World* and above referred *decision* and *directives* are complied with in its letter and spirit and failure in this regard shall not be tolerated. We, needless to add, are not supposed to educate people for a *limited* area but for the whole *globe*. Courses of all degrees as detailed above and mechanism in this behalf shall be converted from two years to four years by including all relevant subjects. Secretary Colleges and Universities ensure compliance in letter and spirit.
- ❖ Secretary, Schools shall also ensure restoration of 3<sup>rd</sup> Component of Technical Education upto Metric level with syllabus in consultation with Technical Board.
- ❖ Chief Secretary Sindh shall ensure implementation of Durrani Committee as per implementation Council on quarterly basis through MIT-II.
- ❖ To ensure emergent **recruitment** process for appointment of teachers along with non-teaching staff transparently and **merit-based** according to need for making **functional** the **closed schools** especially those schools that have been closed due to non-availability of **teachers** and

**complete** this process *preferably* within a period of **two months** without any further delay;

- ❖ To **ensure** all **closed schools** comes within the definition of **deleted**/missing or *otherwise* make **functional**, immediately by posting teaching as well non-teaching staff;
- ❖ To **ensure sanction** of **SNEs** of all those schools which have been **closed due to** retirement of teachers or any other reason, make these schools **functional** by allocating their **SEMIS** code and posting of teachers swiftly within short span of time and report be submitted accordingly;
- ❖ To **ensure** renovation/ repair work of **damaged**/dangerous schools; besides *nearest* paths going **towards** schools and submit such report in this regard without fail;
- ❖ To ensure that **directions** passed herein and earlier are **complied** with in its **true letter and spirit without fail**; besides **accountability** of those individuals, who have their roles and **responsibilities** in providing better and adequate education; besides conduct audit of funds distributed at the level of Divisions, Districts and Talukas, and **compliance report** in this regard shall be **placed** before the **Bench** for perusal in **Chambers** and if deem appropriate, auxiliary directions be issued for strict compliance.
- ❖ To **ensure** that schools are **upgraded**. In addition, by providing **digital** education as required;
- ❖ To ensure use of information technology must be included in the curriculum of the students, alongside trained to the teachers regarding information technology;
- ❖ To ensure that all the libraries should be updated and regularly opened for all the readers, researchers and students having computers with internet facility and access of renowned digital libraries without fail and report in this regard shall also be submitted for its perusal;
- ❖ To **ensure** that **education** should be accessible to all individuals without discrimination, regardless of their *race, ethnicity, sex, disability, socioeconomic* background, or any other *characteristic*;
- ❖ To ensure *enhancement* of *scholarship* facility and keep eagle eye upon its distribution in **transparent** manner subject to compulsory audit and also ensure that each and every **student** must be **enrolled**; besides Headmasters must secure attendance of students and submit monthly report to DEO concerned regarding attendance sheet.
- ❖ To take initiatives and necessary measures for installation of solar-panels at the schools for uninterrupted power supply with basic facilities i.e. furniture, drinking water coolers and toilets etc, and make sure that funds issued in this regard are auditable;

Accordingly, Chief Secretary Sindh, School Education Department, Secretary Colleges shall ensure compliance of above directions; in case of failure they shall be in attendance.

7. Additional Secretary Finance shall be in attendance and shall submit progress report with regard to SNEs submitted by the School and College Education department within two years as well as fresh SNE with regard to allocation of seats in upcoming budget; that report shall explain the approval, rejection for return of SNEs with dates.

8. Secretary School Education Department has submitted letter dated 15.03.2024 whereby request for rationalization of the posts of Subject Specialists has been made to the Finance Department. Accordingly, Secretary Finance shall ensure compliance of above referred letter and shall submit the compliance report to such effect.

Being a part heard, to come up on 23.04.2024 at 11:00 a.m.

Sajid

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