

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

(1)

High Court Appeals No.14 of 2024

Province of Sindh & others
Versus
Aziz Khalid & others

(2)

High Court Appeals No.15 of 2024

Province of Sindh & others
Versus
Aziz Khalid & others

(3)

High Court Appeals No.16 of 2024

Akhter Hussain
Versus
Aziz Khalid & others

Date	Order with signature of Judge
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1. For orders on urgent applications.
2. For order son office objections.
3. For orders on exemption applications.
4. For hearing of main cases.
5. for orders on stay applications.

Dated: 11.01.2024

Mr. Suresh Kumar, Addl. Advocate General along with Mr. Sandeep Malani, Assistant Advocate General for appellants in High Court Appeals No.14 and 15 of 2024.

Mr. Muhammad Ali Lakhani for appellant in High Court Appeal No.16 of 2024.

Mr. M. Ahmed Masood along Mr. Adil for respondents in pursuance of notice under Order XLIII CPC.

These appeals have been filed against two separate ad-interim orders dated 26.12.2023 passed in Suits i.e. Suit No.2112 of 2023 and

Suit No.5 of 2024, which though was filed in the year 2023 as Suit No.NIL of 2023.

The primary questions, as raised by Mr. Lakhani and learned Assistant Advocate General, is that earlier Suit No.2112 of 2023 was filed by the two individuals who cannot frame themselves within Section 42 of the Specific Relief Act to claim a declaration as they do not have their personal interest, which is requirement of Section 42. They further submits that the suspension of Chairman of Sindh Textbook Board and the assignment of additional charge to another, vide notifications impugned in that suit dated 08.12.2023, are also within the frame of Election Act 2017 read with Sindh Textbook Board Ordinance 1970 followed by Sindh Textbook Board (Amendment) Act 2022 whereby Chief Minister was empowered, instead of provincial government to appoint Chairman.

Mr. Ahmed may have some different understanding of law as far as interpretation of aforesaid laws is concerned but according to him essentially it is primary call of learned Single Judge to interpret it while disposing of the applications before him. In the similar way, in the other connected suit procurement process was not stopped when the earlier procurement process was allegedly scrapped on account of some inferior quality of paper, which was suspended and as of now both the procurement processes would be available/continue before its final decision by the procurement committee to be endorsed by learned Single Judge.

Hence, after hearing learned counsel tentatively we are of the view that it is not a case where indulgence could be given to the litigants against ad-interim orders while the applications are pending as no serious prejudice, as of now could be seen vis-à-vis no procurement process is stayed in terms of impugned ad-interim order and both the

procurement processes continue and be placed for its consideration, subject to final decision by the procurement committee to be endorsed by learned Single Judge, if so required as to the existence and authenticity and/or transparency or otherwise of the earlier one or the second followed by.

As far as suspension of Chairman and the handing over of charge is concerned, the procurement committee would continue one way or the other, at least by the order of learned Single Judge. Hence, at this stage no indulgence is required as the procurement process will not halt, on account of such administrative decisions.

In view of above and as reluctantly agreed by all the learned counsel in attendance, learned Single Judge seized with the matter shall decide the applications, particularly injunctions applications, in the aforesaid suits at the earliest in view of requirement of subject, preferably in three weeks' time, without being influence of any observation hereinabove.

By consent all appeals, along with pending applications, stand disposed of in the above terms.


Judge

Judge

