

**IN THE HIGH COURT OF SINDH, AT  
KARACHI**

**Present:**

Muhammad Ali Mazhar and  
Yousuf Ali Sayeed, JJ

**Constitutional Petition No. D-4873 of 2020**

Petitioner : Check and Watch  
Environmental Foundation,  
through its President,  
Mohammad Talib Shah, in  
person.

Respondents : Nemo.

Date of hearing : 08.10.2020

**ORDER**

**YOUSUF ALI SAYEED, J** - The Petitioner is apparently a foundation registered under the Societies Registration Act, 1860, and has invoked the jurisdiction of this Court under Article 199 of the Constitution seeking the closure of primary and secondary schools throughout the Province on the ground that the prevalence of the Covid-19 virus presents a hazard to the safety of school going children, hence an online learning regime ought to be followed.

2. To bolster the argument, the Petitioner has relied upon certain press clippings of statements ostensibly made by the Health Minister of the Province, opposing the reopening of schools and sought to contend that the concerned organs of the Provincial administration - viz the health and education departments were at loggerheads on the issue, to the prejudice of students who, under the circumstances, would stand unnecessarily exposed to the contagion.

3. Suffice it to say that the measures to be adopted in the wake of the Covid-19 19 pandemic vis-à-vis the opening or closure of educational institutions in the Province is clearly a policy matter falling squarely within the competence of the Provincial government, as such, the jurisdiction of this Court under Article 199 of the Constitution is not presently attracted. Be that as it may, we are sanguine that such executive function would be discharged by the concerned governmental functionaries while properly weighing all the pros and cons of the matter and keeping in view the larger public interest.
  
4. These are the reasons due to which the Petition was dismissed *in limine*, vide a short Order made in Court on 08.10.2019, along with all pending Miscellaneous Applications. The office is directed to communicate a copy of this Order to the office of the Advocate General, Sindh, as a matter of record.

**JUDGE**

**JUDGE**

Karachi  
Dated \_\_\_\_\_