

IN THE HIGH COURT OF SINDH, CIRCUIT COURT AT
MIRPUR KHAS

C. P No. D - 1402 of 2024

Arbab Ali Versus Province of Sindh and others

Present: Mr. JUSTICE MUHAMMAD SALEEM JESSAR
Mr. JUSTICE NISAR AHMED BHANBHRO

Petitioner

Arbab Ali

Through, Mr. Hadi Bux Zardari, Advocate

Respondents:

Province of Sindh & others

Through, Mr. Naeem Talpur

Additional Advocate General Sindh

Along with Dr. Muhammad Ali

DHO Ummerkot

Date of hearing: 15.10.2025

Date of decision: 15.10.2025

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ORDER
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Nisar Ahmed Bhanbhro, J. Through the instant Constitution Petition, the Petitioner has claimed the following relief; (a) This Honorable Court may be pleased to direct the respondents to establish the Building of Government Dispensary in Village Wavri Rahimoon UC Mandhrojo Par Taluka and District Ummerkot as such dispensary is functioning since 1986. (b) That this Honorable Court may be pleased to direct the Respondents to not shift or transfer the building of Government Dispensary from village Wavri Rahimoon UC Mandhrojo Par Taluka and District Ummerkot.

2. Mr. Hadi Bux Zardari filed power on behalf of the Petitioner. When confronted as to the maintainability of petition to the extent of prayer clause (b) of the petition, Learned Counsel submits that dispensary in the village of Petitioner was established in year 1986 and Respondents were shifting the

building to another place under political motives. He prayed for allowing the petition as prayed.

3. Dr. Muhammad Ali District Health Officer Ummerkot controverted the stance of the petitioner and submitted that Government had approved the building of dispensary, which has been constructed at the location deemed feasible by the procuring agency. He contended that earlier dispensary was functional in the out - house of Petitioner, this petition was filed to get established the dispensary in the said premises so that the petitioner can utilize the same for personal use.

4. Since the building of the dispensary has been constructed, the District Health Officer present in the Court is directed to take over the possession of building and shift the dispensary in the new building within one month's time from today and ensure that dispensary is functional.

5. When confronted as to the availability of health facilities in the dispensary Dr Muhammad Ali DHO Ummerkot stated that no doctor was appointed in the dispensary and people of area were getting medical treatment from a health technician. DHO was further confronted to make the availability of the Medical Registered Practitioner (MRP) possible in the health facility, he demonstrated his ineligibility to appoint any qualified doctor in the health facility, for the reason that District Ummerkot was facing dearth of Doctors. He apprised the Court that as against sanctioned position of more than 700 doctors only 125 doctors were available to serve in the district.

6. Such statement of head of the District reflected the abysmal state of the health condition in Ummerkot district, which cannot be let go unnoticed. To our dismay that the Government of Sindh was giving an additional ad hoc allowance for the doctors working in remote areas of Ummerkot and Tharparkar District but still they were not performing the jobs, which practice on the part of doctors earned bad name for their profession.

7. To provide basic health facilities is the fundamental right of the citizens. Principles of policy articulated under articles 29 to 40 of the Constitution focus on the state's responsibilities to ensure social justice, economic well-being, and

a just society. Key principles include promoting Islamic values, encouraging local government with special representation for workers and women, discouraging prejudice, ensuring the full participation of women in national life, and protecting the family, children, and minorities. Article 37 of the constitution mandates the promotion of the social and economic well-being of the people by raising their standard of living, preventing the concentration of wealth, and ensuring equitable adjustment of rights.

8. The officers at the helm of affairs in the health department were responsible to ensure that the health facilities available to the people and they get treatment from qualified doctors instead of quacks. To ensure the economic well-being of the people it is necessary that they live in a healthy environment, due to non-availability of qualified doctors the pandemic diseases have outburst in this remote part of the province/country.

9. The DHO being a responsible officer of the health department cannot be allowed to escape his responsibility to provide adequate health facilities to the village of Petitioner. Needless to comment that beautiful building of a hospital without doctor was far worse than a ruin.

10. For what has been discussed hereinabove, we are of the considered view that the Respondents should immediately appoint a qualified doctor in Dispensary Village Wavri Rahimoon UC Mandhrojo Par Taluka and District Ummerkot until the appointment of the regular doctor. District Health Officer Ummerkot is direct to hold OPD in the Dispensary for two days in a week and furnish such report along with photographs to this Court through Additional Registrar.

11. The Petition stands disposed of in above terms with no order as to the cost. Office is directed to send a copy of this order to Respondents No. 1 to 7 for compliance. Additional Registrar of this Court to ensure compliance

Mirpurkhas

15.10.2025

Approved for reporting