

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P No.D-117 of 2023

[Al-Fazal Public Elementary School vs. Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mrs. Razia Ali Zaman Khan, advocate for the petitioner

Mr. Arbab Ali Jinjh, advocate for respondent No.3

Mr. Muhammad Ismail Bhutto, Additional A.G. Sindh

Date of hearing & decision: 24.11.2025

ORDER

ADNAN-UL-KARIM MEMON J . - The petitioner through the captioned constitutional petition has sought the following relief(s):-

- i. Declare that the petitioner's school Submitted Proposal with the respondent No. 2 in their 1" "Program 2010 IELP" and as well as 2nd "Program 2015 IELP" and in their 3rd "Program 2020 FAS", But the respondent No. 2 Discriminatively Awarded all the said Programs to the respondent No. 3. Thus all three times the respondent No. 2 Awarded/Adopted the Schools of the respondent No. 3, beyond their own merits and criteria which are unjust, unfair, arbitrary, illegal & in violation of article 4, 9, 10, 18 & 25 of the Constitution of the Islamic republic of Pakistan.
- ii. Direct the respondent No. 2 to submit the criteria in respect of the adoption of the private schools with full details.
- iii. Direct the respondents No. 1 & 2 to entertain the petitioner's school in their own merit and without any discrimination.
- iv. Direct the learned Nazir to inspect the petitioner's school as well as respondent No. 3's schools and submit a report when the petitioner's and respondent No. 3's schools were established and the same are fulfilled the criteria and conditions as required by the respondent No. 2 for their program on the cast of the petitioner's school.

2. Learned counsel for the petitioner argued that the petitioner school is running since 1999 with required registration certificates, provides quality education to the students with qualified teachers. On 24.01.2010, respondent No.2 invited applications under Integrated Education Learning

Program (IELP), under which eligible private schools would receive Rs.350 per student and other benefits. Schools with two teachers, fewer than 40 students, and fewer than 2 rooms were also to be declared qualified. The petitioner school applied in 2010 but was ignored, while respondent No.3's school was selected. Despite repeated applications in 2015 and 2020 and inquiries by the Education Minister and committees, the petitioner school was never considered, making the exclusion illegal and discriminatory. She prayed to allow the petition.

3. Learned Additional A.G. contended that the petition involves disputed questions of law not maintainable under writ jurisdiction. The Sindh Education Foundation (SEF), a semi-autonomous body, selects schools through a fair competitive process. The petitioner school did not qualify, while respondent No.3 met all criteria.

4. Counsel for respondent No.3 stated that SEF determines eligibility, conducts physical verification and selects schools according to law, with no illegality or favoritism. Therefore, the petition is not maintainable and may be dismissed.

5. After hearing the arguments and perusing the record, it is noted that the selection and adoption of private schools under the relevant programs is primarily within the discretion of the Sindh Education Foundation (SEF). However, if the petitioner's school meets the prescribed eligibility criteria, the competent authority of SEF shall reconsider the petitioner's request and pass a speaking order after hearing the parties within three months.

6. Accordingly, this petition stands disposed of in the above terms.

JUDGE

JUDGE