

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD

C.P.No.D- 1295 of 2017

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DATE	ORDER WITH SIGNATURE OF JUDGE
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25.09.2017.

Mr. Farhad Ali Abro, Advocate for petitioner.

Mr. Malik Naeem Iqbal, Advocate for respondent No.2.

Mr. Sajjad Ahmed Chandio, Advocate files Vakalatnama on behalf of respondents No.6 & 7, taken on record.

Mr. Allah Bachayo Soomro, Additional A.G.

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Through instant petition, petitioner has claimed that in pursuance of publication in daily newspaper 'Kawish', with regard to the new Schools as per promoting Primary Schools in Rural Sindh (PPRS), petitioner applied for six Schools; competent authority visited the Schools of the petitioner as well as examined the petitioner's project alongwith requisite documents despite of that such contract was not awarded to the petitioner. Since the petitioner fulfilled all the formalities but the respondents in Sindh Education Foundation are obliging their nearers and dearers as well they are awarding contracts at the behest of the political persons. It is further contended that Sindh Education Foundation is continuity of Sindh Foundation Act, 1992, funded by World Bank, in 24 years they failed to establish the High and Elementary Schools only they focused on primary education whereas primary schools under the Education Department are everywhere which is number of more than 41,000, hence the petitioner contends that respondents No.2 and 3 may be

directed to allot the Schools as per policy of PPRS as well to constitute a Committee for conducting inquiry into the matter of allotting / awarding the Schools to the relatives, friends, and caste fellows of the respondents No.2 to 7. At this juncture, it is also prayed to appoint Sessions Judge to conduct inquiry into the matter with regard to SEF Schools and there is huge misappropriation of funds and this is a case of discrimination as SEF is obliging the persons having support of political and other influential figures.

Pursuance to the direction of this Court, respondent No.2 / Managing Director Sindh Education Foundation has filed statement, alleging therein that a campaign as per order dated 15.05.2017 was initiated to strengthen the post of primacy education. In this regard 103 Schools have been properly established and are working in almost all the Districts of the Province. Additionally 59 Schools are in their establishment phase; in the span of almost 08 months, Sindh Education Foundation has been able to establish 103 Schools and further efforts are being made to make other 59 Schools as functional; that the referred Schools have been established under Sindh Education Foundation Middle and High School Program (SMHSP); it is further contended that under PPRS 17 Schools have been upgraded from primary to elementary level whereas 06 Schools have been upgraded from elementary to high school level; lastly it is contended that this respondent is endeavoring; education at all levels at the best possible standards.

Mr. Sajjad Ahmed Chandio, learned counsel for the respondents contended that although Sindh Education Foundation Act was promulgated in 1992 till 2015; millions of dollars funded by World Bank were not utilized within the spirit of Act; Madam Naheed Durani was appointed as M.D; by her efforts Post Primary Schools are established. At this juncture, 103 High Schools are completely functional whereas 50 Schools are in pipe line. 1000 kids are studying in the said Schools. Earlier due to contribution of late Aneeta Ghulam Ali she was notified as Executive in the whole life. He apprehends that since Madam Naheed present M.D. is in 21 Grade and her promotion is due, thereafter, her services would be handed over to the Federal Government or the Government can appoint any other person for any reason.

The scope of Sindh Education Foundation is to provide education to the children who are under the poverty line thus it would be in the interest of justice to direct the Government that Madam Durani shall not be transferred and in case she has been promoted in 22 Grade, she shall be directed to work as Executive in the similar fashion as Madam Aneeta Ghulam Ali was made as Executive atleast for seven years.

Learned A.A.G. at the outset contends that the proposal is very genuine and in fact because of her services and efforts all the Schools of Education Foundation are revised in a better position and many programs have been launched; in case of change of

administration, the carrier of kids would be at stake; similar contention is raised by the counsel for petitioner.

Accordingly, Chief Secretary Sindh is hereby directed to ensure that M.D. shall not be transferred. In case of her promotion, she shall work as Executive and atleast two members as earlier ordered in the case of Mashal shall be joined as Syndicate nominated by her.

JUDGE

JUDGE

Tufail