

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

CP No. D- 2737 of 2017

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<b>DATED</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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20.09.2017

Mr. Kanjimal Meghwar, advocate for petitioner

Mr. Abdul Ghaffar Narejo, advocate for Chairman Board

Mr. Muhammad Ismail Bhutto, Asstt: A.G.

Chairman Board present with his counsel contends that they will abide the notification of government with regard to free education and would not charge any examination fee, however, he clarified that mark sheet fee is not included in that notification as well of pass certificates. He contends that yet they have not received any budget by government of Sindh; Budget allocated by Government for boards is not sufficient to cope up the situation in whole province of Sindh hence without release of *funds* to boards it would cause serious prejudice to the issues of Boards as well that would cause disturbance to examination system.

2. Since notification, issued by government of Sindh, speaks about a commitment to bear *examination* charges in the year 2017-18 however it is not claimed that such amount has been released / provided to the *Boards*. Pertinent to mention that mere issuance of notification is not sufficient unless complete arrangements are made by the government thereby assuring payment of *amount* either to the *Boards* directly or to the Schools/colleges from where the list of *eligible* candidates, likely to appear in examination, are to be forwarded. The *notification* is a *mere* commitment without disputing or *denying* entitlement of Boards to collect examination *fees*. The position, being so, demands modification in order dated 31.8.2017. Accordingly order dated 31.8.2017 passed in above referred petition is modified and the Board would be competent to receive

examination fees, mark sheet and pass certificates with regard to old students and supplementary examination of 2016-17.

The Chief Secretary Sindh, Secretary Boards and Colleges as well Finance Secretary shall ensure a *mechanism* for release of proper funds as per *spirit* of the notification which *too* in a manner that *schedule* of examination is not disturbed and every *student* receives his / her entitlement i.e receipt of payment of his / her *examination* fee so that the *spirit* of notification as well article 37 of Constitution stands satisfied.

3. It is also contended by the counsel of Mirpurkhas Board that they have delivered all the mark sheets to the Colleges and Schools and further they undertake that in future same practice would be continued which is taken as an *undertaken* hence show-cause notice issued to Chairman Board of Examinations Mirpurkhas is hereby recalled.

Adjourned.

JUDGE

JUDGE