

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-2626 of 2020

Date	Order with signature of Judge
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PRIORITY

1. For orders on CMA No.14911/2020.
2. For hearing of CMA No.11705/2020.
3. For hearing of main case.

Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Yousuf Ali Sayeed.

Rasheed Razvi Center for Constitutional
and Human Rights & another.....Petitioners

Versus

Province of Sindh & others.....Respondents

11.08.2020.

Mr. Muhammad Vawda, advocate for the petitioners.
Mr. Ghulam Shabbir Shah, Addl. A. G.
Mr. Shahryar Mehar, AAG.
Dr. Mansoob Ahmed Siddiqui, Director General, Inspection/
Registration of Private Schools (Sindh), Government of Sindh
is present. -----

Muhammad Ali Mazhar, J: The petitioner No.1 is NGO whereas the petitioner No.2 is All Sindh Parents' Association. Basically the petitioners have approached this court for enforcement of sections 1(3), 2(a), 2(i), 3(2)(a), 3(3), 4, 6 and 12 of Sindh Covid-19 Emergency Relief Ordinance, 2020 whereby some relaxations and concessions were allowed to the students of different educational institutions in Sindh during the COVID-19 Pandemic. The petitioners considered that despite clear provisions in the Ordinance with regard to relaxation and relief, various educational institutions in Sindh are not implementing the law and

charging 100% fee from the students in violation of beneficial provisions contained in the Sindh Covid-19 Emergency Relief Ordinance, 2020. The petitioners have jot down the following prayer clauses in the memo of petition:-

- “a. Permanently direct the Respondents to enforce and implement sections 1(3), 2(a), 2(i), 3(2)(a), 3(3), 4, 6 and 12 of Sindh Covid-19 Emergency Relief Ordinance, 2020, in relation to educational institutions, during the whole prescribed period as would be notified by the Respondent No.1 in the official gazette;*
- b. Direct the Respondents to submit a detailed report regarding the implementation and/or enforcement of sections 1(3), 2(a), 2(i), 3(2)(a), 3(3), 4, 6 and 12 of the Sindh Covid-19 Emergency Relief Ordinance, 2020, in relation to educational institutions, in the following terms:-*
 - i. How many educational institutions have charged 100% tuition fee during the prescribed period and what action has been taken by the Respondents to ensure that 20% of the tuition fee is refunded to the parents;*
 - ii. Whether any educational institutions has increased its tuition fee in violation of the Sindh Covid-19 Emergency Relief Ordinance, 2020 and what action has been taken against such an educational institution;*
- c. Grant such further, additional or alternative relief, as this Honourable Court may deem fit and proper.”*

2. On 21.05.2020 this petition was fixed for orders when learned Advocate General, Sindh was also present in court. He had given clear statement that law is in field and in case of any violation the competent authority shall take action in accordance with law.

3. Learned counsel for the petitioners argued that despite clear order passed by this court in presence of the learned Advocate General, Sindh on his own statement, still various educational institutions are violating

the ordinance and they are not implementing the same in letter and spirit whereas the students are being deprived of the relaxation and relief by their educational institutions.

4. Learned Additional Advocate General, Sindh reiterates the statement of the learned Advocate General, Sindh and submits that the Director General, Inspection/Registration of Private Schools (Sindh), Government of Sindh is responsible to implement the law. Dr. Mansoob Ahmed Siddiqui, Director General, Inspection/Registration of Private Schools (Sindh), Government of Sindh is present and he undertakes that necessary action shall be taken by him across the board and he has assured us with clear undertaking that he will strictly implement the law and take action against the violation. Learned Additional Advocate General, Sindh further argued that this petition has been filed for proper implementation of law, therefore, he has no objection if this petition is allowed. He further argued that Sindh Covid-19 Emergency Relief Ordinance, 2020 has now become an Act which will be notified in official gazette.

5. By consent, the petition is disposed of alongwith pending applications with the directions to the Director General, Inspection/Registration of Private Schools (Sindh), Government of Sindh to implement the aforesaid law in all educational institutions in Sindh and submit first compliance report within 20 days. Though it is the responsibility of the Director General, Inspection/Registration of Private Schools (Sindh), Government of Sindh, who is the competent authority to implement the law in its letter and spirit, however, the parents may also lodge their individual complaints in the office of Director General,

Inspection/Registration of Private Schools (Sindh), Government of Sindh and immediately after receiving their complaints the Director General, Inspection/Registration of Private Schools (Sindh), Government of Sindh shall take action strictly in accordance with law.

JUDGE

JUDGE

MUBASHIR