

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-4816 of 2021.

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Date:           Order with signature(s) of the Judge(s)  
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Priority.

1. For Orders on Office Objection.
2. For Hearing of Misc. No.19733/2021.
3. For Hearing of Main Case.

12<sup>th</sup> October, 2021.

None present for the petitioner.

Mr. Malik Waseem Iqbal advocate for respondent No.3 & 4  
alongwith respondent No.4 Abdul Jabbar Mari.

Mr. Malik Altaf Hussain advocate/amicus curiae.

Mr. Ali Safdar Depar, AAG.

Mr. Abdul Kabir Qazi, Managing Director, Sindh Education  
Foundation.

Syed Sikandar Hussain, Deputy Secretary (Legal) Finance  
Department, Government of Sindh.

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Learned AAG and learned counsel for respondent No.4 files  
separate statements, which are taken on record.

At the outset, Managing Director, Sindh Education Foundation  
present contends that Rules of SEF Act, 1992 are under process, to be  
finalized, already sent to the Cabinet for vetting and seeks further time.

At this juncture he also contends that respondent No.4 is working  
as Director, Sindh Education Foundation, whereas, he is employee of  
Education Department and proposed Rules provide mechanism whereby  
any civil servant can be hired/appointed/posted.

Without prejudice to the above directions were issued in the case  
of Mst. Farzana Vs. Province of Sindh through Secretary Education Karachi  
& 6 others reported in 2019 MLD 43, Para 11 & 12 are that:

**"11. Worth to add that the State, including provincial and Federal governments, is directly responsible to ensure true enforcement of the Article 25-A of the Constitution and SEF is undeniable in aid to achieve such dream therefore, it is believed that respondent No.2 (Madam Durrani) even in case of her promotion shall not be parted from SEF but while acknowledging the emergency in Sindh Education System, would be allowed to participate in affairs thereof within capacity of Managing Director/Executive/Member board of Governor (SEF) rather it is advisable that she and her team be allowed to continue least for at least five years so that she could be appraised or accounted for her actions and omissions.**

**12. Accordingly, Chief Secretary Sindh is hereby directed to ensure that M.D (Madam Naheed Durrani) S.E.F shall not be transferred. In case of her promotion, she shall work as Executive/Member of Board of Governors and at least two members as earlier ordered, with consent, in the case of Mashal shall be joined as Members of Board of Governors nominated by her".**

It has come on record that despite of direction Madam Durrani is not part of SEF. Accordingly, AAG shall ensure compliance of that judgment in its letter and spirit and shall place Notification, within a week on administrative side.

At this juncture Managing Director, Sindh Education Foundation states that they are going to establish thirty [30] campus schools in different Districts and Tehsil Headquarter within one year, this court appreciate such efforts.

In view of above, instant petition is disposed of alongwith listed application[s].

JUDGE

JUDGE