

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Suit No.1243 of 2015

DATE: **ORDER WITH SIGNATURE(S) OF JUDGE(S).**

1. For hearing of CMA No.10499/2015
2. For hearing of CMA No.10993/2015
3. For hearing of CMA No.10079/2020
4. For hearing of CMA No.10080/2020
5. For hearing of CMA No.12851/2020
6. For hearing of CMA No.8728/2021
7. For order on CMA No.13667/2020
8. For order on CMA No.14083/2020
9. For order on CMA No.187/2021
10. For order on CMA No.16003/2020
11. For order on CMA No.17907/2021
12. For order on CMA No.17908/2021
13. For order on MIT-II Report dt:18/09/2021
14. For order on MIT-II Report dt:23/09/2021
15. For order on MIT-II Report dt:09/10/2021
16. For hearing of CMA No.17908/2021
17. For hearing of CMA No.17907/2021
18. For Non Prosecution CMA No.20579/2021
19. For hearing of CMA No.20886/2021

08.12.2021

Raja Qasid Nawaz Khan, Advocate for the Plaintiffs
Mr. Altaf Hussain, Advocate for Defendant(s)
Mr. Imdad Ali Unar, Advocate for the Interveners
Mr. Sandeep Malani, A.A.G. Sindh
Interveners Syed Israr Ahmed Shah, Zahid Hussain, Abdul Rasheed
Soomro, Illahi Bux Shaikh and Qurban Ali Bhatti are present.
Muhammad Nadeem, Additional Secretary Education
Faqeer Muhammad Lakho, Additional Secretary Colleges
Sikandar Hassan, Deputy Secretary (Legal) Finance Department
Abdul Jabbar Shahani, Focal Person, School Education & Literacy
Department
Muhammad Ashraf, Assistant Commissioner, Hyderabad City
Iqbal Jamali, Head Master Noor Muhammad High School,
Hyderabad
Inam Raheem Abro, Deputy Director, School Education
Department, Hyderabad
Abdul Latif Mughal, Education Officer/President Gazetted Officer
Association (School Administration), Sindh

Salahuddin Panhwar, J- By order dated 01.12.2021 Deputy
Commissioner as well as District & Sessions Judge and Secondary Schools
were directed to inspect Noor Muhammad High School and submit report
in terms of complete description of the property and unauthorized
possession, if any. Assistant Commissioner Hyderabad City present in court
submits interim compliance report, whereas, Deputy Director Education

Inam Abro, present in court, also submits report whereby detailing that the area of 14550 Sq. Yards (3 and half acre) of school land was entered in the City Survey record in the name of Muslim Education Society **in the year 1934**. This land was **donated by Noor Muhammad Lakhair Advocate** on his personal efforts while **disposing of all assets including house**. He established **Noor Muhammad High School, Makhdoom Bilal Hostel and Muslim Degree College building(s)** and these **building(s) are of unique in its nature having historical value and architecture site as well**. Besides, it is contended that Makhdoom Bilawal Hostel is occupied by the Rangers, same is required to them.

2. I can't help in adding that '**devotion**' and '**services**' of such like person (s) i.e "**Noor Muhammad Lakhair Advocate**' are not only worth appreciating but their *devotion* and *services* need to be given due weight so as encourage for such like person (s). **The devotion of Noor Muhammad Lakhair Advocate can't be measured because it was "HE", who for establishing good educational institution, dared to sell out all his assets including his house**. The admission regarding historical value and architectural substance of such building, *prima facie*, require that such valuable architectural building must be preserved while keeping the '**Educational Institution (s)**' value thereof as was object of the **Noor Muhammad Lakhair Advocate**. The Ranger(s) may need accommodation but such need *alone* can't be a reason to occupy such like building (s) but it must be the Government to make arrangement for accommodation, if needed.

3. Accordingly, issue notice to Home Secretary, Government of Sindh, Director General, Pakistan Rangers, Commissioner Hyderabad as well as Chief Secretary, Sindh with direction that they shall ensure that hostel which is meant for education purpose is vacated within three months. They shall ensure that possession should be given to Noor Muhammad High School's management.

4. Further, Secretary Culture Department shall depute a team who shall inspect the Noor Muhammad School, Muslim Degree College and Makhdoom Bilawal Hostel **within their scope of heritage and all three buildings shall be notified if qualifying the required criterion; shall be maintained and preserved on the State expenses**.

5. With regard to 21 tenants of the shops owned by Noor Muhammad High School, it is mentioned in Paragraph-3 of the report that tenants are depositing rent before the Civil Judge-VIII/Rent Controller. The Civil Judge shall ensure that rent amount is transferred in account of Noor Muhammad School and that amount shall be utilized by the committee as notified by the Government. Whereas, Head Master contends that these shops are required for education purpose. They would be at liberty to approach Civil Court/Rent Controller for possession of the said shops in accordance with law while pleading ground of *bona fide need* for educational purpose. Further, Assistant Commissioner Hyderabad seeks time to place on record final reports of the Deputy Commissioner and Director Education.

6. With regard to up-gradation of hundred high secondary schools as referred in last order, Addl. Secretary Education seeks time to submit present status, summary and approval thereof. 12 days are granted.

7. MIT shall also ensure report of the District & Sessions Judge, Hyderabad within a week while communicating earlier order with the concerned District & Session Judge.

8. In pursuance of last order, Secretary School Education was directed to notify Sindh Education Policy Oversight Council within a week. Accordingly, that notification shall be placed on record on next date of hearing. With regard to shifting of SNE(s) passed in earlier order dated 26.05.2021 Secretary Education shall ensure compliance of the said order. Additional Secretary School seeks one week time to submit compliance report. Such sought time is granted but with rider that compliance be ensured without making further requests of like nature.

9. With regard to **internees in high schools**, Additional Secretary Education seeks time to place on record compliance report within a week. Such sought time is granted but with rider that compliance be ensured without making further requests of like nature. Whereas, Additional Secretary Colleges contends that they are going to hire internees to run the colleges as interim arrangement in transparent manner very soon.

10. With regard to extra perks, privileges and allowances to the aliens, deputed in Education Department, this Court already directed Finance Department to stop extra perks, privileges and allowances except their

salary but there is no compliance report available on record. Compliance report shall be submitted on the next date of hearing and in case of failure, Finance Secretary shall be in attendance.

Interlocutory application is disposed of. MIT shall ensure compliance of order dated 20.09.2021 as well as other order passed.

Adjourned to 21.12.2021 at 11:00 A.M.

Kamran/*

JUDGE