

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

C. P. No. D – 2839 of 2017

Date	Order with Signature of Judge
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For hearing of CMA No.3689/21 (contempt)

08.03.2021

Mr. Ali Asadullah Bullo, advocate for petitioner
Mr. Salman Talibuddin, Advocate-General (Sindh)
Mr. Ali Safdar Deepar, AAG (Sindh)
Syed Mumtaz Ali Shah Chief Secretary (Sindh)
Dr. Saeed Ahmed Qureshi, Focal Person to Chief Secretary (Sindh)
Riaz Hussain Sahisto Additional Secretary (S-II) SGA&CD
Ahmed Bux Naryo Secretary SELD

Mr. Salman Talibuddin, learned Advocate General (Sindh) has filed counter affidavits on behalf of alleged contemnors 2 and 3. It is submitted that they are willing to make compliance of the orders of this Court in letter and spirit. Insofar as the judgment of this Court dated 21.05.2018 is concerned, learned Advocate General (Sindh) submits that there is one hurdle as in C.P.No.D-160/2020 before Circuit Court at Hyderabad, a bunch of such Head Masters have approached the Court on the proposition that since recruitment was funded by World Bank therefore education department had lawfully carried out initial examination through Sukkur IBA Testing Service and that is a legitimate criteria so far as recruitment is concerned. Learned counsel submits that perhaps bunch of such petitioners are not considering the proposition, set out in the judgment of this petition to be applicable to them, hence there can be a possibility of conflicting views in case the reasons assigned to the petitioners of the said petition to be adjudged lawful by the bench at Hyderabad. Learned Advocate General (Sindh) submits that they are making every effort before Circuit Court at Hyderabad for its disposal in accordance with law and expeditiously, however, it would be appropriate if that matter be referred to Hon'ble Chief Justice for an appropriate order either to summon the record of aforesaid petition for hearing and

assistance at principle seat along with instant petition (C.P.No.D-2839/2017) which is pending for compliance of the judgment as the only hurdle for a substantial compliance is an interim order whereby the petitioners' services were ordered not to be terminated and they would be entitled to receive all the perks and privileges as per their appointment orders.

No lis is pending here, we are only urging for compliance of judgment of this Court on account of unavailability of Head Masters.

Perhaps the bench which heard the above referred petition at Circuit Court Hyderabad was not apprised of fact that this Court had already passed a comprehensive judgment covering all aspects as raised by the petitioners. Be that as it may, we are not in a position to comment any further as far as petition at Hyderabad Court is concerned, Hon'ble Chief Justice could either pass order for the said bench to dispose off the petition at Hyderabad considering the judgment of this Court or the case/record may be called for its hearing at Principle Seat so that it could be expedited as question of recruitment of Head Masters is pending for quite some time and there is a shortfall of approximately 1600 teachers/head masters.

In view of above, the Registrar is directed to place it before Hon'ble Chief Justice for appropriate order as deem fit under the circumstances so that matter be decided expeditiously on one way or the other.

The hearing of contempt is deferred till final decision and worthy Chief Secretary is not required to appear until ordered by this Court.

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