

IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-6305/2017

Date

Order with signature of Judge

1. For order on CMA No.20643/2021
2. For hearing of main case.

08.10.2021

Mr. Arshad Jamal Siddiqui advocate for petitioner.
Mr. Abdul Khalil advocate for DMC Central.
Mr. Saim, Admin Officer, Local Government Board.
Mr. Ali Safdar Depar, AAG.

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ORDER

Mr. Irshad Ali Sher filed Vakalatnama on behalf of DMC Malir; Mr. Muhammad Idrees advocate undertake to file Vakalatnama for DMC West on next date.

2. Petitioners claim to be appointed by respondent in different grades and working in school(s) under the control of respondent No.2/Additional Director Education DMC Karachi, Central, have expressed their grievance on non-issuance of salaries.

3. Heard learned counsel for the parties as well learned AAG.

4. On 03.09.2021 learned counsel for KMC contended that there is strength of 250 schools of different status including primary, secondary and higher secondary under DMC Central, Director Schools DMC is heading those schools and all schools are working in smooth condition. Hence District and Sessions Judges of all Districts of Karachi division were directed to depute their respective Magistrate(s) to **visit all schools under the DMC(s)** and submit report with regard to **number of students and status of school buildings** with photographs and video clips. In compliance thereof

learned District and Sessions Judges of Karachi East, West, South, Central and Malir have submitted reports with media; these reports reflect as under :-

DMC KARACHI EAST:

NUMBER OF SCHOOLS	NUMBER OF STUDENTS ENROLLED
189 Schools. Some schools with double shifts (morning and evening).	23895

Most schools face shortage of drinking water, lack of proper furniture and imminent maintenance is required to school buildings.

DMC KARACHI WEST:

NUMBER OF SCHOOLS	NUMBER OF STUDENTS ENROLLED
61 Schools. Some schools with double shifts (morning and evening).	7920

DMC Girls Elementary School Disco More Orangi Town with 211 enrolled students and 146 in Boys School (evening) with total 16 teachers for both sessions; school was with boundary wall collapsed, doors broken, ceiling fans were either not installed or not working,

DMC G&B Primary School with 150 enrolled students and 2 teachers posted, with building in dilapidated condition.

Building condition of 3 Schools with the jurisdiction of PS Madina Colony, were found to be normal 1 in dilapidated condition.

DMC GP School No.KZ-26 and No.27 needed repair.

Reports submitted by Mr. Shafqat Hussain Solangi, CJ & JM does not show number of students, however 4 school buildings within PS Mauripur were reported to be in worst conditions. Likewise report of Mr. Sheeraz A. Shaikh CJ&JM does not reflect number of students.

4 Buildings within PS Peerabad in bad condition with lack of basic facilities like drinking water and washrooms.

12 Schools buildings within PS Pak Colony were mostly in dilapidated condition, some lacked electricity supply and water, 1 building was abandoned condition and 1 in good condition.

DMC KARACHI SOUTH:

NUMBER OF SCHOOLS	NUMBER OF STUDENTS ENROLLED
88 Some schools with double shifts (morning and evening).	18130

There are 27 boys (some of them are boys/girls) schools within this DMC accommodated in 25 buildings with 6031 enrolled students. It was reported that *“undersigned observed shortage of teachers in various schools working under DMC South. Quality of education was below average and in different schools competency of teachers was compromised. ... All school under DMC South are Urdu medium. In most of schools fans were not properly working. In some schools there was unavailability of fans in classrooms. ... Moreover mostly energy saver bulbs were insufficient for class rooms and students were being taught in dark atmosphere. electric water cooler were installed in almost all schools however, filters of such water coolers were required to be replaced. In some schools there was shortage of teachers as*

compared to strength of students whereas excess of teachers was also seen in schools having nominal strength of students. Washrooms were of dilapidated condition and there was lack of washrooms some schools were according to strength of number of students.”

There are 33 girls schools in Saddar Zone and 28 in Lyari, report reflects total collective strength of 12099 enrolled students with presence of lower number of students due to covid SOPs. Conditions of some of the buildings was fine; most of the buildings were in average conditions whereas a few ones were in dangerous condition and needed urgent repair.

DMC KARACHI CENTRAL:

NUMBER OF SCHOOLS	NUMBER OF STUDENTS ENROLLED
79 Schools. Some schools with double shifts (morning and evening).	8989

Buildings of 7 schools were found to be bad, 4 in worst condition and 18 in good conditions. In most of the buildings there was lack of proper furniture, water facility and washroom,.

DMC KARACHI MALIR:

NUMBER OF SCHOOLS	NUMBER OF STUDENTS ENROLLED
50 Schools. Some schools with double shifts (morning and evening).	3649

Most of the school building consist of around 8 to 10 rooms. Some schools even don't have electricity. A portion of DMC Girls and Boys Primary School No.4 and 5, New Muzafarabad, is encroached by one

Shahid. DMC GB Primary School No.4 and 5 Old Muzaffrabad found with no student while opened premises was used for parking for general public. Portions of DMC Girls Secondary School No.26 and DMC Boys Secondary School No.2, Future Colony, Karachi, are encroached by police official Azhar Shah and nearby Mosque administration is using some portion for their residence. A portion of DMC Boys Secondary School No.20 Moria Khan Goth, Karachi, is encroached by one Azad Khan constructing room. Three schools were found to be closed.”

5. In compliance of order of the apex court in Suo Moto case relating to miserable condition of schools reported in 2014 SCMR page 396, this court has taken cognizance by directing the learned District and Sessions Judges to make surprise visit of schools under the control of DMCs. Though such visits were carried out by the Magistrate concerned, on direction of the apex court and this court with regard to schools which were under the hierarchy of Sindh Education Department. Whereas in present petition, petitioners are claiming that they are parting education in different schools and their salaries have been stopped by respondents.

6. Pursuance to order dated 03.09.2021 learned District and Sessions Judges deputed Magistrates to visit all schools under the control of DMC(s). Reports of DMC Malir, West, South, Central and Keamari are received, reflect that schools under the DMCs are in worst condition, majority of schools lack basic infrastructure as well electricity is not available. It is strange that in Karachi city that is a cosmopolitan city, schools under the District Municipal Corporations are in worst condition. These schools are not falling within the

hierarchy of Education and Literary Department of Government of Sindh; they are under the administrative control of District Administrations as well as Secretary Local Government.

7. It is relevant to add here that reports filed show that Local Government in Town Committees and Municipal Committees on grass root level, have established primary, secondary and higher secondary schools. But, there has been a decline to such an extent that even primary schools are not being managed properly by the DMCs therefore this is high time that the responsible officers should bring back these schools to the proper level.

8. The said report has recommend renovation of dilapidated building as there is likelihood of any untoward incident of collapse of building(s), there is shortage of furniture, desks and cupboards, ceiling fans, tube lights and teaching staff, as well as there are not science and computer labs.

9. It has come on record that number of schools under DMCs' control is not satisfactory whereas huge budget is allocated/fixed. The reports clearly indicate such amount/budget is not being properly utilized. In case concerned quarter does not pay any heed to the illegalities as surfaced through visits, matter can be referred for proceeding against delinquent officers/officials. DMCs would also be competent to adopt policy as applied by Sindh Education Foundation while providing schools on public-private partnership.

10. Accordingly, Secretary Local Government shall personally visit all Higher Secondary and Secondary schools alongwith concerned Deputy Commissioner(s) and district municipal

administration and ensure that all schools illegally occupied and/or encroached upon are restored and made functional as directed by the apex court in Suo Moto case relating to miserable condition of schools reported in 2014 SCMR page 396.

11. Besides, all DMC(s) shall ensure proper utilization of budget for school(s).

12. Learned MIT II shall repeat same direction as already ordered by this court. To come up on 13.12.2021.

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