

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

C.P. No. D- 2747 of 2022

Before:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

Muhammad Juman

Petitioner

VERSUS

Province of Sindh
& others

Respondents

Dates of hearing: 11.08.2022

Date of decision: 11.08.2022

Mr. Ahmed Nawaz Chang, Advocate for Petitioner

ORDER

ADNAN-UL-KARIM MEMON, J.- Through instant petition, the petitioner is seeking directions to Respondents to cancel Scheme No.MX0433 which is meant for constructing a building for Government Elementary School Abdul Karim Nohrio in village Jetrar, Taluka Dahli, District Tharparkar, and further to propose scheme by increasing rooms in Government High School Molvi Muhammad Yousif Nohri Jetrar, Taluka Dahli district Tharparkar which is already existed in the said village.

2. Mr. Ahmed Nawaz Chang learned counsel for the petitioner has submitted that in the year 2022-23 Literacy and Education Department, the Government of Sindh has approved Scheme No. MX0433 for constructing a building of Government Elementary School Abdul Karim Nohrio in village Jetrar Taluka Dahli District Tharparkar for which they have allocated an amount of Rs.15,31,000/-. The petitioner has further asserted that in the said village a government school is already running in which 250 students are studying and classrooms are scarce in the said school but the official respondents instead of increasing the classrooms have allocated funds for construction of a new school; therefore, the petitioner along with co-villagers approached the official respondents but they turned deaf ears.

3. We have heard learned counsel for the petitioner on the maintainability of the instant petition and perused the record.

4. The doctrine of judicial review is the enforcement of rights assured and guaranteed under the Constitution through Constitutional remedies. This Court in many cases has held that the Constitutional courts being the guardian of the Constitution have the power to judicially review the executive actions and the conduct of the public authorities but the same should be on the touchstone of fairness, reasonableness, and proportionality. Here the petitioner has come forward for cancellation of scheme which is meant for constructing a building for School, which prima-facie could not be allowed in terms of the policy decision of the Government of Sindh.

5. In view of the facts and circumstances narrated above, we are of the considered view that the petition in hand is not maintainable, hence, at this stage the impugned Scheme for constructing a building for Government Elementary School, introduced by the Government of Sindh cannot be declared to be illegal under Article 199 of the Constitution.

6. This petition is misconceived and is accordingly dismissed in limine.

JUDGE

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