

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 942 of 2022

C. P. No. D - 177 of 2022

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For orders on office objection at Flag-A
2. For hearing of CMA No.3399/2022 (S/A)
3. For hearing of main case

17.08.2022

Mr. Kashif Hussain Shaikh, Advocate for petitioner in C. P. No. D-942 of 2022.

Mr. Shabbir Ali Bozdar, Advocate for petitioners in C. P. No. D-177 of 2022 and for respondents No.4 & 5 in C. P. No. D-942 of 2022.

Mr. Jamshed Ahmed Faiz, Advocate for respondents No.9, 10, 11, 12, 13 & 15 in C. P. No. D-177 of 2022.

Mr. Shafi Muhammad Chandio, Additional Advocate General Sindh along with Javed Soonharo Jiskani, D.I.G. of Police, Sukkur Range and Muhammad Usman Abdullah, Deputy Commissioner, Ghotki @ Mirpur Mathelo.

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1. By this common order, we intend to dispose of above mentioned both the Constitution Petitions as the same relate to identical facts.

2. **C. P. No. D-177 of 2022** has been filed by the petitioners, who are Administrators of the Technical Training College, Daharki ('the College') in morning and evening shifts, *inter alia*, seeking directions that the act of official respondents i.e. not providing the security to the petitioners, students and other staff for re-opening the College due to influence of the private respondents is illegal, unlawful and against the law and Constitution of the Islamic Republic of Pakistan, 1973, while by means of **C. P. No. D-942 of 2022**, the petitioner, who is student of the College, seeks a declaration to the effect that the act of closing the College by the management of the College for last more than nine (09) months is illegal.

3. After hearing learned Counsel for the parties and perusing the material available on record, it appears that in the year 2009, the Government of Sindh and Pakistan Chemical and Energy Sector Skill Development Company established the College in order to provide the basic technical education to the students, wherein about 300 students of local areas are getting education; however, the private respondents, who are/were employees of the College on different posts, committed misconduct and caused hindrance into the peaceful education process of the College, so also they misbehaved with the management; so much so, on 05.11.2021, some laptops and other technical instruments were stolen, therefore, the enquiry was initiated; on that, the private respondents issued murderous threats to the officials of the College including the petitioners of C. P. No. D-177 of 2022, and thus, the management had to close the College in order to save the lives of the officials as well as students of the College. It is also brought in the knowledge that some of the employees/ex-employees staged sit-in at the main entrance of the College.

4. It may be observed that the right of education is a fundamental right as it ultimately effect quality of life which has nexus with other fundamental rights guaranteed under Articles 4 and 9 of the Constitution. It may also be observed that in the successful life of an individual, the education place has an important role. Generally, it is considered to be the foundation of society which brings economic wealth, social prosperity, and political stability in maintaining healthy population. In case of deficit of educated people, the further progress of the society is stopped.

5. In the instant case, the subject College has specially been established for parting technical education of the local students/people of the area, which is likely to improve social and economic conditions of this part of the Province. Any act of causing hindrance in parting education is not only against the fundamental rights of the students/citizens, but also having direct impact over the socio-economic conditions of the area/society, which should be handled by the District Management and the College Administration with immediate response.

6. We, therefore, **dispose of** both the petitions along with pending applications, if any, by issuing directions to the Government officials including the District Management and concerned Police officials to ensure that no miscreant persons shall be allowed to create any hindrance in smooth educational atmosphere of any educational institution, and in case any set-in is staged at the entrance or on the way of education institutions, prompt action shall be taken against them to ensure that no educational institution is closed for even a single day due to any act or misdeed of such miscreant persons.

Office is directed to place a signed copy of this order in the captioned connected Petition.

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Abdul Basit