

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
C.P. No.D-84 of 2023

Date	Order with signature of Judge
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1. For hearing of main case.

**09.02.2023**

None present for the petitioner  
Mr. Shahryar Imdad Awan, AAG along with Muhammad Haji Buriro,  
Director School Education (Primary) Sukkur, Hizbullah Korejo, DEO  
Primary Naushahro Feroze and Abdullah Detho, Litigation Shaheed  
Benazirabad

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DEO Naushahro Feroze present contends that order dated 02.02.2023 has been complied with and biometric of concerned teacher of Government Boys' Primary School, Pandhi Khan Khaskheli has been rectified. It is pertinent to mention here that due to non-availability of teachers, school was closed under the definition of deleted/missing/closed school.

2. Accordingly, this Court while taking judicial notice, directed to Director Schools (Sukkur & Shaheed Benazirabad Region) shall submit complete breakup of schools falling in above category as introduced by the School and Literacy Department. In this regard, they have filed certain documents in the shape of charts through statements regarding deleted/missing/closed schools, which are taken on record. It shall be advantageous to reproduce such charts submitted by Director(s) Schools (Sukkur and Shaheed Benazirabad) are as under:-

**“Directorate of School Education (Primary) Shaheed Benazirabad**

**District Wise Summary of Progress report of Non-Viable Schools**

S.No	Division	District	Total No of viable schools	Total No. of Schools decided to be re-opened by the committee	Remainin g schools (4-5)	Remarks
1	Shaheed Benazirabad	Naushahro Feroze	325	145	176	
2	Shaheed Benazirabad	SBA	168	16	152	
3	Shaheed Benazirabad	Sanghar	499	204	295	
Total			992	365	623	

### List of Deleted/Missing/Closed Schools of Sukkur Region

Sr. No.	Name of District	Number of School Deleted/ Missing/ Closed
01	Sukkur	13
02	Khairpur	112
03	Ghotki	94
	<b>Total</b>	<b>219</b>

3. Perusal of same reflects that in Shaheed Benazirabad Region, there are 623 schools are yet to be reopened, whereas 992 schools were already shown as non-viable schools; however committee notified by Secretary (Education and Literacy), after verification reopened 365 schools in Shaheed Benazirabad and Sukkur Region. Fate of 219 schools is yet to be decided.

4. At this juncture, Director (Primary) present contends that as per SOPs of the committee, they conducted *khuli katcheries* and they have invited applications from villagers if they are aggrieved regarding closure of schools. Needless to mention that in primary schools, normally parents of pupils are falling within the category of poor to poorest, hence expectations that they will approach to the Directors or the committee(s) and will take efforts for opening of their schools is completely unjustified.

5. In view of Article 25-A of Constitution of Islamic Republic of Pakistan, 1973, State is responsible to provide education up to age of 16 years and illiteracy is treated as nuisance. Besides, there is Compulsory Education Act, 2013, which provides compulsory education and even parents can be compelled to get admission of their kids in government schools inspite of their unwillingness.

6. In these circumstances, when scope of non-viable is not clear whether due to non-availability of teachers or non-availability of buildings or non-availability of students, these schools have been declared within the category of deleted/missing/closed schools. In this scenario, we direct District Education Officers to personally visit all schools as provided in the list of both regions i.e. Shaheed Benazirabad and Sukkur and shall submit report. They shall also be

assisted by District Representatives of Primary Teachers Association (PTA) in their visit and shall justify these 842 schools whether same are not in a position to reopen due to non-available of buildings or non-availability of teachers or non-availability of students. They shall also visit the parents of the students of villages, where above school(s) are situated.

7. Mr. Sohail Ahmed Khoso, Senior Counsel at Sukkur undertakes that he will join visit of the schools, which are declared deleted/missing/closed schools along with District Education Officer (Schools).

8. With regard to visit of 623 schools in Shaheed Benazirabad Region, DEOs of respective districts shall personally visit all schools alongwith representative of Primary Teachers Associations (PTA) and submit report regarding details of building conditions and SNE position in said Talukas. At this juncture, Mr. Muhammad Raza Soomro, Advocate High Court, shown appearance and undertakes that he will join Education Officers (Schools) in District Shaheed Benazirabad in the said visit. This exercise shall be completed within fifteen (15) days.

9. While parting with this order, we direct to Directors (Primary Schools) Hyderabad, Mirpurkhas and Larkana to appear in person and submit details of schools, which are declared as non-viable, on the next date without fail.

Adjourned to **28.02.2023**; to be taken up at **09:30 a.m.**, when Additional Secretary (Education and Literacy), Government of Sindh, shall be in attendance. Copy of order be provided to learned AAG for compliance. DIGPs Sukkur and Shaheed Benazirabad shall provide police escort during such visit(s).

JUDGE