

reputable third party testing agency. Eight thousand posts are vacant and seven thousand will be added in upcoming budget, however, due to stay proceedings same could not be done.

3. The learned counsel for the Intervenors has submitted an application pursuant to Order I, Rule 10 of the Civil Procedure Code (CPC) in duplicate. The said application has been duly taken on record, as the original application appears to be missing from the case file as per contention of the learned counsel. The Office is directed to allocate a CMA number to this application. The learned counsel representing the Intervenors asserts that, despite two First Information Reports (FIRs) being lodged against the incumbent engineers, the construction of the school buildings predates their appointment. He implores the Court to amend Paragraphs 6 and 7 of the Order dated 11th December 2023. It is his contention that the FIRs ought to be registered against the engineer(s) who oversaw the construction, which was concluded within the preceding five years. The contention raised by the learned counsel appears to be well-founded. Accordingly, the Order dated 11th December 2023 is modified as follows:

The delinquent officers who were posted during the construction period are to be held responsible and shall be arraigned in the relevant cases/offences. In light of these developments, the Investigating Officer (I.O.) or the trial court are empowered to exonerate any such officers from culpability, provided they are determined to be uninvolved in the perpetration of the offence.

4. At this juncture it has come on record that some portion of budget of education department is under the committee headed by Deputy Commissioner and Deputy Commissioners have no interest to release the relevant budget. Accordingly, Secretary School shall submit reasonable proposal by minimizing or excluding the role of Deputy Commissioner with the consultation of relevant department on next date.

5. This Court directed that as per offer letter all subject specialists shall be posted in their respective district of appointment; categorical direction were given that policy shall be at par of college department which provides five years, whereas, offer of School Education Department provide one year. Despite of that offer letter candidate is to be appointed in his native district. It has come on record that earlier Notifications are modified and they have been shifted against the policy even out of the district by accommodating the candidates. Under these circumstances, all subsequent modified notification against the policy of education department, except adjacent district and suitability are hereby

suspended. Issue show cause notice against the Secretary, School Education as to why contempt proceedings shall not be initiated against him. He shall ensure that policy shall be framed in view of order of this Court; however, till then, in view of one year policy all candidates shall be posted in their native district. In case of failure his action will be considered as pejorative liable to be action. Record shall be placed with regard to earlier notification of posting of all candidates and modified Notifications with justification on next date.

6. In accordance with the terms and conditions outlined in the offer letter and policy, all modifications related to serving the same area for a period of one year are hereby suspended. This suspension applies to any changes or adjustments previously proposed or implemented.

Action Steps:

- **Committee Formation:** The Chief Secretary shall promptly constitute a committee to address any instances of non-compliance or deviations from the original terms. This committee will specifically focus on identifying and rectifying any violations within the stipulated fifteen-day period.
- **Delinquency Investigation:** If the committee identifies any delinquencies or breaches, the matter will be referred to the Chairman of the Anti-Corruption Commission for further investigation. The Chairman will oversee a thorough probe to ensure transparency and accountability.
- **Education Restoration:** Recognizing the importance of education in schools, a division-level committee will be formed. This committee will operate under the supervision of the directors who have firsthand knowledge of the field. Their recommendations will guide all personnel postings and transfers. It is essential to prioritize the restoration of educational services.
- **Bypassing Recommendations:** The Secretary, while competent in his role, will not have the authority to bypass the recommendations put forth by the field experts. All decisions regarding postings and related matters must align with the Committee's recommendations.

7. In the absence of any representation on behalf of STEVTA, the College, and the University, repeat order dated 20.05.2024 as well as this order to the Managing Director (M.D.) and the Secretary Board and University for compliance.

8. Compliance report filed by Secretary to Government of Sindh, School Education & Literacy Department is taken on record. Adjourned to **11.06.2024 to be taken up at 11:30 a.m.** Learned MIT-II shall ensure compliance of this order.

J U D G E