

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P No.D-4801 of 2024

Date	Order with signature(s) of Judge(s)
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Before: Salahuddin Panhwar
Amjad Ali Sahito, JJ

Hearing of main case.

10.10.2024

M/s Behzad Haider and Azmat Hussain, Advocates for the
Petitioner

Mr. Shahryar Mahar, AAG

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Salahuddin Panhwar, J:- Mr. Muhammad Umar Athar Advocate files Vakalatnama on behalf of Respondent No.3, taken on record. Learned AAG files statement alongwith certain documents, same are also taken on record.

2. It has come on record that Cadet Colleges and Public Schools have been established through the public exchequer, by providing land to establish such institutes and funds have been released to raise the constructions thereon. Moreover, it has also transpired that hefty sum of amount is spent upon engaging faculties to help students excel in their respective subjects.

3. Indispensably, necessity has arisen as huge public funds are involved, therefore, 10 years record in this respect, shall be submitted with regard to the amount/funds provided to the Cadet Colleges Establishments, as well as Public Schools. Additionally, Secretary School Education & Literacy Department, along with Secretary, College Education Department, Government of Sindh, shall ensure that Cadet Colleges and Public Schools which are funded/established by the Province of Sindh, shall strictly maintain the policy for providing free and compulsory education to 10% deserving and needy students free of any kind of costs, as required under Section 10 of the Sindh Right of Children to Free and Compulsory Education Act, 2013 and for such purpose, disadvantageous kids/students preferably orphans shall be

given priority to benefit from the explicit waiver by inviting applications only from the deserving and needy students coming from the lowest stratum of society, through a centralized Special Board constituted for evaluating those cases/applications; setting clear benchmarks for the deserving students and thereafter the cases of such successful candidates/students shall be referred to the respective Colleges/Schools for strict adherence to 10% inclusion of the deserving and desiring students as mentioned above in order to ensure that marginalized communities and locals are not left out and shall continue to receive the fruits of quality education in future as well.

4. Chief Secretary Sindh shall constitute a committee comprising of Secretary Schools, the Secretary Colleges, Chairperson of the Chief Minister Inspection Team (CMIT) Dr. Shireen Narejo and such Committee shall examine this aspect that whether 10% inclusion of students/children coming from the lowest stratum of society is strictly followed and maintained in all such Public Schools and Cadet Colleges established through the public exchequer or not.

5. In addition to the above task, the committee to be constituted, comprising of above three members, shall also examine and submit a comprehensive report that under what authority or scheme of law, the Cadet Colleges on one hand having undeniably been established/constructed through public exchequer and on the other hand at the same time, they are at liberty to run those Cadet Colleges on commercial basis, by receiving huge fees from the students, hence, as a matter of fact, public exchequer having been involved, therefore there shall be a definite policy for putting up a cap of reasonable fee structure/restriction, or alternatively, those schemes shall not be permitted to have been initiated at all and committee is further directed and tasked that it shall also ensure that kids of the same locality where School/Colleges are established/situated shall be given preference when it comes to enrollment/admission to such colleges on concessional rates.

Kids/Students belonging to faculty members may also be permitted to acquire free education in these public funded institutes, needless to mention, students belonging to faculty, shall not be counted and form part of 10% quota, as prescribed under Section 10 of the Sindh Right of Children to Free and Compulsory Education Act, 2013, which is also reproduced herewith;

Section-10

All Private Schools shall ensure that they admit in all classes from 1 to 10, children from disadvantaged groups, constituting at least 10% of the total strength of each class.

6. The above exercise shall be completed within two months positively with compliance report through MIT-II of this Court. Being a **part heard, to come up 23rd November 2024 at 11:00 a.m.**

JUDGE

JUDGE

Hyder/PA