HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Constitutional Petition No.D-685 of 2025

Before
Mr. Justice Zulfiqar Ali Sangi
Mr. Justice Nisar Ahmed Bhanbhro

Petitioners: 1. Mir Pervez Akhter Talpur s/o Mir Yar Muhammad Talpur advocate.
2. Mr. Abdul Ghaffar Narejo s/o Muhammad Siddique, Advocate (both in person).

Respondents: P.O Sindh and 07 others
Through Mr. Ghulamullah Memon, Additional A.G.

Date of Hearing: 19.11.2026

Date of Order: 19.11.2026

O R D E R

Zulfiqar Ali Sangi, J*:* Through this constitutional petition, the petitioners seek directions to the respondents for establishment of a properly equipped National Institute of Cardiovascular Diseases (NICVD) Hospital at Mirpurkhas, being the Divisional Headquarters, with requisite medical facilities, specialist doctors and other necessary infrastructure. They further seek directions to the respondents to extend the requisite financial and administrative assistance for establishment and proper functioning of such facility, asserting that access to specialized cardiac healthcare is a fundamental right of the citizens of Mirpurkhas Division, guaranteed under Articles 9, 14, 25 and 38(d) of the Constitution of the Islamic Republic of Pakistan, 1973.

2. Notices were issued to the respondents, who have filed their comments.

3. The principal contention advanced by the petitioners is that this Court, while adjudicating C.P. No.965 of 2024, titled *Gulzar Ali v. P.O. Sindh and others*, vide orders dated 09.10.2025 and 08.06.2026, has issued comprehensive directions to the Government of Sindh and its relevant departments concerning

improvement of healthcare facilities, expansion of cardiovascular services, provision of medical equipment, staffing, financial allocation and institutional reforms throughout the Province. It is contended that, in view of the aforesaid directions and the pressing requirement of specialized cardiac healthcare facilities at Mirpurkhas, similar directions may be issued to the respondents for establishment of a fully functional NICVD Hospital at Mirpurkhas.

4. We have heard the petitioners and learned Assistant Advocate General, Sindh, and have examined the material available on record, including the copies of the orders dated 09.10.2025 and 08.06.2026 passed in C.P. No.965 of 2024, furnished by the petitioners along with their statement dated 14.10.2026.

5. Perusal of the order dated 09.10.2025 passed by this Court at Sukkur Bench in the aforesaid constitutional petition reflects that comprehensive directions were issued to the Government of Sindh and its concerned departments for strengthening the healthcare system throughout the province. The directions, inter alia, included furnishing comprehensive reports regarding the implementation of the 1000 Days Integrated Health and Population Project, utilization of funds, staffing position and vacancies in healthcare institutions; formulation and notification of a plan for establishment of Sindh Institute of Cardiovascular Diseases (SICVD) units in each Taluka of the Province; constitution of a high-level oversight committee; audit of health budgets and medicine procurement; implementation of biometric attendance in hospitals; provision of essential medical equipment and cardiac emergency facilities in District and Taluka Headquarters Hospitals; allocation of adequate funds for health development schemes; and recruitment of qualified doctors and specialists against vacant posts through a transparent and merit-based process. The concerned authorities were further cautioned that non-compliance with the directions could entail personal liability.

6. Subsequently, vide order dated 08.06.2026, the earlier directions were reiterated, with emphasis upon their implementation in letter and spirit. The Chief Secretary, Government of Sindh, was further directed to undertake a

comprehensive assessment of the healthcare-related issues raised in the petitions and convene a meeting of relevant stakeholders, including the Secretary Health, Director General Health Services, representatives of SICVD and other concerned authorities, to examine the availability and accessibility of specialized healthcare services, cardiac emergency facilities, referral mechanisms, essential medicines, treatment facilities and shortages of healthcare personnel. The competent authorities were directed to formulate and consider an appropriate action plan and take measures feasible and permissible under the law, applicable policy and available resources. Meanwhile, interim arrangements were also directed to be ensured for emergency treatment, essential medicines and timely referral of critical patients at DHQ Hospital Naushahro Feroze and the concerned THQ Hospitals.

7. The constitutional guarantee of the right to life under Article 9 of the Constitution has been judicially recognized to encompass the right to access essential healthcare and medical treatment, particularly where the State, through its public institutions, is responsible for providing healthcare services. Likewise, Article 38(d), being a directive principle of State policy, obligates the State to provide basic necessities of life, including medical care, to its citizens, subject to the constitutional framework. Nevertheless, the realization of such obligations through establishment of specific institutions, allocation of public funds, creation of infrastructure and deployment of specialized personnel ordinarily involves administrative assessment, planning, budgetary prioritization and consideration by the competent authorities. The constitutional jurisdiction of this Court is intended to ensure that public authorities discharge their lawful obligations, act fairly and reasonably, and do not disregard constitutional guarantees; however, it cannot ordinarily be invoked to substitute judicial discretion for the administrative and financial decisions entrusted to the competent executive authorities, except where their actions or omissions are shown to be unlawful, arbitrary, discriminatory or otherwise violative of the Constitution or law.

8. The directions already issued in C.P. No.965 of 2024, titled *Gulzar Ali v. P.O. Sindh and others*, vide orders dated 09.10.2025 and 08.06.2026, are intended to address the deficiency in

cardiovascular healthcare facilities across the Province of Sindh and, therefore, are not confined to the petitioners or any particular district. The respondents are already under an obligation to implement and comply with the aforesaid directions in their letter and spirit. The grievance raised in the instant petition, concerning the establishment of a fully equipped NICVD/SICVD Hospital at Mirpurkhas, is accordingly required to be examined and addressed within the framework of the directions already issued by this Court. The respondents cannot treat the aforesaid directions as merely declaratory or confined to the case in which they were issued; rather, the same are required to be duly acted upon and implemented in accordance with their tenor, purpose and intent.

9. In view of the foregoing, this petition is disposed of with direction to the respondents, particularly the Chief Secretary, Government of Sindh, Secretary Health and the competent authorities of SICVD, to consider and examine the petitioners' grievance regarding establishment of a fully equipped NICVD/SICVD Hospital or an appropriate cardiovascular healthcare facility at Mirpurkhas, strictly in the light of the directions issued in C.P. No.965 of 2024, titled *Gulzar Ali v. P.O. Sindh and others*, vide orders dated 09.10.2025 and 08.06.2026, which shall be treated as binding directions requiring compliance in letter and spirit. The competent authorities shall undertake an appropriate assessment of the cardiovascular healthcare needs of Mirpurkhas Division, including the availability of specialized cardiac services, emergency treatment, medical equipment, specialist doctors, referral arrangements, requisite infrastructure and financial feasibility, and shall take necessary steps in furtherance of the aforesaid directions, in accordance with law, applicable policy and the resources available to the Government. The outcome of such exercise shall be communicated to the petitioners.

10. The respondents shall furnish a compliance report, through the Additional Registrar of this Court, within sixty (60) days from the date of this order.

JUDGE

JUDGE