

IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-4044/2011

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on MISC. No.9961/12
2. For Katcha Peshi

02.5.2012

Mr. Faisal Siddiqui Advocate for the petitioner
Mr. Adnan Karim Memon AAG along with Mr.
Muhammad Shafiq Memon, Secretary Education,
Government of Sindh

We would, in the first instance and before proceeding further in the matter, direct the petitioner's Counsel as well as Mr. Adnan Karim Memon AAG and Mr. Shafiq Ahmed Memon, the Secretary Education, Government of Sindh to discuss and suggest to the Court composition and the mandate of the Commission to be established in terms of clauses (b) & (c) of the prayer clauses which commission shall, inter alia, examine and evaluate the requirements of the Education Department, Government of Sindh, more particularly towards the infrastructure for creating schools for the estimated two million children between the ages of 5 to 16 years who are yet to have access to primary education and to suggest ways and means to create/provide the essential infrastructure for the same including readjustment/re-allocation of the budgetary allocations and exploring other source of funding. ~~In addition to the above~~ ~~committees~~. Such be done at the earliest and preferably within two weeks from today. In doing so all three named above may also

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involve appropriate persons for their assistance. The Additional Chief Secretary (Development), Government of Sindh may also participate as suggested, by the worthy Secretary Education, Government of Sindh. The outcome of the deliberation shall be submitted before this Court on 17.5.2012 at 11:00 a.m. when the matter shall be taken up by this Court.

A copy of this order be provided to Mr. Faisal Siddiqui Advocate as well as to the learned AAG.


Judge


Judge

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4044 / 2011

ORDER WITH THE SIGNATURE OF THE JUDGE

For Katcha Peshi.


03.09.2012

Mr. Faisal Siddiqui, advocate for the petitioners.
Mr. Shafi Muhammad Memon, A.A.G.

Learned counsel for the petitioners submits before us a photocopy of notification No. SO(C-IV)/SGA&CD/4-17/12 dated 23rd July 2012, in terms whereof the Chief Secretary Sindh has constituted a committee in pursuance of order passed in the present proceedings. Learned counsel further submits that the member mentioned at serial No. 6 in the notification has not been appointed with the consent of the petitioner though the appointment was to be consensual. He further submits that however, in order to avoid any delay the petitioner, for the time being, has no objection to such appointment but the matter of concern for the petitioner is that the terms of reference as incorporated in the notification do not cover the mandate of the committee as sanctified by this court; inasmuch as Para III and IV of such mandate as contained in the petitioner report dated 16th May 2012, at page 161 of the file, have not been incorporated in appropriate language into such terms of reference.

Learned A.A.G. submits that necessary amendments shall be made in the notification so that Para III and IV of the mandate as contained in the above report are incorporated into the terms of reference as mentioned in the above notification.

Let amendments, as mentioned above be effected in the relevant notification at the earliest so that some progress may be made and report be submitted as ordered earlier.


JUDGE


JUDGE

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP'No.D-4044 of 2011

Date Order with signature of Judge

For Katcha Peshi

19.11.2014:

Mr. Faisal Siddiqui, Advocate for Petitioners
Mr. Abdul Jabbar Qureshi, AAG a/w
Muhammad Jameel Khan, OSD Litigation Education Deptt.
Muhammad Haroon Khaskheli, SO Judicial, Education Deptt.

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Learned counsel for Petitioners has referred to Section 3(3) and Section 10(a)(b) of 'The Sindh Right of Children to Free and Compulsory Education Act, 2013' [Sindh Act No.XIV of 2013] which provides that '*privately owned or managed schools shall also provide free education to such students of the age of five to sixteen years atleast ten percent of their actual strength of students*'.

As per learned counsel nothing has been done in this regard in compliance of the provisions of this Act. He states that comments be called from the Respondent to the effect that what steps have been taken by the Respondent for implementation of the said Act and its' aforesaid provisions. Respondent is directed to submit its' report regarding implementation of the Act with regard to aforesaid provisions before this court within a period of 02 weeks' time from today.

To come up on 10.12.2014.

JUDGE

JUDGE

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CONST. PETITION No. D-4044 OF 2011

Dated _____ Order with signature of Judge _____

For Katcha Peshi _____

12.03.2015

Mr. Faisal Siddiqui Advocate for the Petitioners
Mr. Jan Muhammad Khuhro AAG alongwith Mr. Uzair Soomro,
Additional Secretary, Home Department, Government of Sindh

Counsel for the Petitioners contends that in fact after filing of comments by the Provincial Government this petition has served its purpose as most of the prayers have been acceded by the Provincial Government. He says that Act 2013 on the subject mandates upon the private institutions to provide free education to at least 10% of the students and further casts a duty upon educational department to monitor charging of exorbitant fees. However, the department has shown its inability to enforce this particular provision on account of pendency of various petitions before this Court. Counsel says that Const. Petition bearing No. D-375/2005, D-813/2005 and D-1704/2006 have been filed against the Respondents whereby their power to control and monitor the charging of exorbitant fees has been suspended, whereas, another Const. Petition bearing No. D-1236/2013 has been filed whereby the Respondents' power to enforce free education to 10% of the students has been suspended. Let all petitions be fixed together before same Bench on 07.04.2015 after notice to all concerned.



Apjad/PA

Sr. Sajjad A. Sherkh
JUDGE
Sr. Hamid Farooq
JUDGE