

REGISTERED



ORDER

GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town, Lahore

No. SO(Estt.)10-235/2008. WHEREAS, Ms. Samina Akhtar, Headmistress, Govt. Special Education Centre, Yazman, District Bahawalpur ('petitioner') filed Writ Petition No. 5132 of 2024 before Hon'ble Lahore High Court, Bahawalpur Bench, Bahawalpur seeking direction for early decision of pending application dated 07.05.2024 jointly filed by her and one Mr. Naseer Iqbal Sindhu. The instant Writ Petition was **disposed of** by the Hon'ble Court vide order dated 28.06.2024 with following directions:

"xxx. 2. Subject to establishing legal right and entitlement by the petitioner, respondent No.2 is directed to decide the afore-referred application, if pending before him strictly in accordance with applicable provisions of law, rules and policy within a period of 45-days from the date of receipt of certified copy of this order.

3. The petitioner is directed to appear before respondent No.2 on 04.07.2024 at 11:00 A.M.

4. Disposed of."

2. **AND WHEREAS**, the petitioner did not appear before the undersigned on 04.07.2024, hence in order to comply with the directions of the Hon'ble Lahore High Court, Bahawalpur Bench, Bahawalpur, the petitioner alongwith all concerned was afforded an opportunity of personal hearing on 22.07.2024. During hearing, the petitioner while reiterating the stance already taken by her in applications and Writ Petition, *inter alia*, contended that she alongwith Mr. Naseer Iqbal Sindhu filed application dated 29.01.2024 whereby it was requested to amend the Service Rules so as to enable promotion of Headmaster/Headmistress of Mentally Challenged Field against the posts of Centres; that upon their application vide letter dated 07.03.2024, Special Education Department directed Director General, Directorate General of Special Education, Punjab, Lahore to submit Draft Service Rules for the post of Principal (BS-19) of 04 Disabilities Centres as per procedure for its further submission to the Regulations Wing, S&GAD, for placing the same before the Services Rules Committee (SRC) for its consideration and recommendations. But, in the said letter, the subject was wrongly mentioned, hence she alongwith Mr. Naseer Iqbal Sindhu again filed another application dated 07.05.2024 for revision of subject of the letter dated 07.03.2024 and also for the revision of Service Rules as already requested through application dated 29.01.2024; that according to her, the application dated 07.05.2024 is still unattended and no action has been taken on

Samina Akhtar

said application so far. Lastly, she requested that her application dated 07.05.2024 may be decided and Director General, Directorate General of Special Education, Punjab, Lahore may be directed to expedite the matter for amendment in Service Rules.

3. **AND WHEREAS**, Director (Admn), Directorate General of Special Education, Punjab, Lahore attended the hearing and apprised about the facts of the case. The Departmental Representative stated that as per record, the petitioner alongwith Mr. Naseer Iqbal Sindhu jointly filed an application dated 29.01.2024 before Secretary Special Education for revision / amendments of Service Rules which was forwarded to Directorate General of Special Education, Punjab, Lahore vide letter dated 07.03.2024. The petitioner again filed an application dated 07.05.2024 for correction of subject of letter dated 07.03.2024 and also for revision of Service Rules. Pursuant to the 2nd application of the petitioner, vide letter dated 07.06.2024, the earlier letter dated 07.03.2024 forwarded to Director General, Directorate General of Special Education, Punjab, Lahore containing inaccurate subject was substituted and subject of the letter was corrected. Later on, vide letter dated 25.06.2024, the Directorate General of Special Education, Punjab, Lahore was asked to expedite the matter. Consequent thereupon, vide letter dated 12.07.2024, Directorate General of Special Education, Punjab, Lahore apprised the Department that as the exercise of amendment / changes in the names of the schools is under process, hence Service Rules will be amended accordingly after finalization of the names of schools. The Departmental Representative lastly requested that since applications of the petitioner have been attended to and no application, *as narrated by the petitioner in her Writ Petition*, is pending and/or waiting decision, therefore, matter may be disposed of being borne fruit.

4. **AND WHEREAS**, upon thorough consideration of all aspects of the case and examination of the related records, it has been observed that the applications filed by the petitioner and another individual named Mr. Naseer Iqbal Sindhu have been processed in accordance with the applicable laws, rules, and policies. The discrepancy contained in the letter dated March 7, 2024, regarding the subject of the letter (*as highlighted by the petitioner in her application dated May 7, 2024 after lapse of two months*) has already been rectified through issuance of substituted letter dated June 7, 2024. It is important to note that copies of the substituted letter dated June 7, 2024, were also communicated to the petitioner and Mr. Naseer Iqbal Sindhu for their information. Furthermore, the Directorate General of Special Education, Punjab, Lahore, was again requested via letter dated June 25, 2024, to expedite the matter and copies of this letter were also endorsed to the

petitioner and Mr. Naseer Iqbal Sindhu for their information. As per the record, in response to letters dated 07.03.2024, 07.06.2024 and 25.07.2024, the Directorate General of Special Education, Punjab, Lahore, vide letter dated 12.07.2024, has informed that the process of amending the names of the schools is underway and that the Service Rules will be amended accordingly once the school names are finalized. A review of the record reveals that the applications jointly filed by the petitioner and Mr. Naseer Iqbal Sindhu have been processed in accordance with the law, and no application filed by the petitioner is pending and/or waiting decision in this department. Therefore, the assertion made by the petitioner in her Writ Petition that her application has not been responded to by the Department is factually inaccurate and contrary to the record.

5. **NOW THEREFORE**, for reasons stated herein above, no application filed by the petitioner is pending and/or waiting decision in this department, hence instant matter is hereby **disposed of** having become infructuous. The order dated 28.06.2024 passed by the Honourable Lahore High Court, Bahawalpur Bench, Bahawalpur in Writ Petition No.5132/2024 is complied with in the above stated manner.



(SAIMA SAEED)
SECRETARY

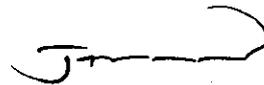
GOVT. OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
RESPONDENT NO. 2

Dated Lahore, the
August 05th/2024

No. & Date Even:

A copy is forwarded for information and necessary action to:-

1. Assistant Registrar (Judicial) for Deputy Registrar (Judicial), Lahore High Court, Bahawalpur Bench, Bahawalpur in compliance with the order dated 28.06.2024 passed in Writ Petition No. 5132/2024.
2. Director General, Special Education Punjab, Lahore.
3. District Education Officer (Special Education) Bahawalpur to ensure delivery of this order to the petitioner under intimation to this department.
4. Petitioner concerned / **Ms. Samina Akhtar**, Headmistress, Govt. Special Education Centre, Mandi Yazman, District Bahawalpur.
5. PS to Secretary Special Education Department, Punjab.



SECTION OFFICER (ESTT.)
SPECIAL EDUCATION DEPARTMENT