

**IN THE HIGH COURT OF BALOCHISTAN, QUETTA**

**C.P. No. 1848/2024**

1. Muhammad Naeem Khan son of Ghulam Dastagir, r/o Mandokhail Gali No. 2 Nawa Killi Quetta
2. Khair Muhammad Shaheen son of Din Muhammad r/o Moti Ram Road, Quetta
3. Muhammad Wali son of Adam Khan r/o New Ismail Colony Sirki Road, Quetta. ....Petitioners

**VERSUS**

1. Chairman Balochistan Board of Intermediate and Secondary Education Sumangli Road, Quetta
2. Secretary Education Schools Balochistan Civil Secretariat, Quetta.
3. Secretary Education Colleges and Higher Balochistan Civil Secretariat, Quetta. ...Respondents

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973**

**ORDER**

Date of hearing: 17.11.2025

Announced on: 03.12.2025

Petitioner: M/s Khair Muhammad Shaheen, Muhammad Naeem and Muhammad Wali Khan.

Respondent  
No.1 by: Miss Aster Mehak, Advocate.

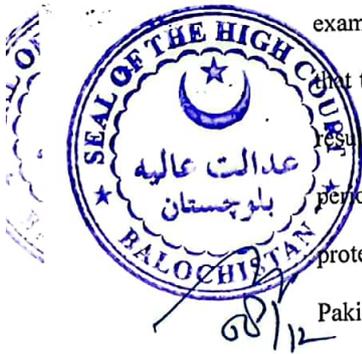
Respondent  
Nos.2 & 3 by: Arbab Nasruminallah, Additional Advocate General.

**MUHAMMAD AYUB KHAN TAREEN, J.**-This order disposes of constitution petition No.1848 of 2024.

2. The relevant facts of the case as per the petitioners are that the petitioners, being residents of Balochistan, and active members associated with civil society, are directly affected along with thousands of other citizens of Balochistan by the relevant material mentioned in the petition; that the children, grandchildren, and great-grandchildren of the petitioners are studying in various educational institutions; that after subtracting holidays from the 365 days of the year, their academic session is reduced to only 78 days; that all the students, male and female, are entitled to better education and access to positive educational resources and environment as guaranteed in the Constitution of Pakistan; that due to the respondents flawed examination system and policy, the education system is



in disarray, and the educational loss of all citizens' children, including the petitioners' children, is increasing daily and is on the decline; that Balochistan Board of Intermediate and Secondary Education conducts approximately more than eight examinations in a year; that during these examinations organized by the Board, thousands of in-service teachers are assigned examination duties, and this process of examination continues interminably year after year; that this has an extremely negative and direct impact on the education of millions of students in Balochistan, leading to irreparable educational losses for the students; that Balochistan Board of Intermediate and Secondary Education is an Autonomous Body, however, it surprisingly exceeds its defined scope of work and powers by issuing duty orders for examinations to teachers, lecturers, and professors from schools and colleges; that during the examination duties of these teachers, their subject classes and periods in schools and colleges go unattended, resulting in educational loss for the students; that due to this flawed system, thousands of teachers, lecturers, and professors leave their original duties during all examinations to engage in examination duties; that this is a "double duty," and there is no provision in the law for a government employee to perform double duty; that according to Balochistan Assessment and Examination Commission Report, 11,19,925 students are studying in government schools in Balochistan, among these, 9% are students of 9<sup>th</sup> and 10<sup>th</sup> grades who participate every year in the annual examinations under the Balochistan Board of Intermediate and Secondary Education by paying hefty fees; that Balochistan Board of Intermediate and Secondary Education assigns more than 1200 teachers for each of these examinations and there are 04 supplementary chances for Matric examinations; that the deployment of teachers for 9<sup>th</sup> and 10<sup>th</sup> grade examinations and practical's results in a severe shortage of teachers in government schools, leaving classes and periods unattended, which is irreplaceable; that the children of Balochistan are protected by the right to quality education under Article 9 of the Constitution of Pakistan and the Rights of Education Act 2010, while the government pays monthly salaries to government school teachers for the provision of quality education to children, their Job Description in these various cadres does not



include deployment for examination duties, furthermore, these teachers receive additional compensation from the Balochistan Board of Intermediate and Secondary Education for providing their services, for which they are already being compensated with their salaries; the Secretary Education Schools and Director Education Schools have banned the attachment and deputation of teachers of all cadres so that closed schools can be reopened and rationalization of teachers can occur; but by permitting the appointment of in-service teachers for examination duties, the Secretary Education Schools and Director Education Schools are also violating their own orders. The following prayer has been made in the petition:

1. *We request a complete ban on the assignment of examination duties to all in-service school teachers, lecturers, and professors so that the educational loss of the students can be remedied.*
2. *We request that the record of duty orders for examinations performed in previous years by the Balochistan Board of Intermediate and Secondary Education be summoned and checked to identify which teachers have consistently performed duties throughout the year. Accountability is also requested from both sides in this regard.*
3. *It is also requested that it is imperative to seek a legal opinion on how an Autonomous Body can commit to using the powers of another institution by stepping outside its jurisdiction.*
4. *Permission is also requested to present further submissions and related material during the hearing.*
5. *A request is also made to change the education hostile policy of the relevant Board.*
6. *This policy leads to the loss of practical and other subjects for thousands of students due to the assignment of examination duties to teachers.*

3. The respondent No.2 has filed parawise comments and contested the petition on merit as well as raised certain legal objections.

4. The respondent No.3 has also filed parawise comments and contested the petition on merits as well as raised certain preliminary legal objections.

5. We have heard the petitioners, learned counsel for the respondents and reviewed the record with their assistance.



6. The petitioners seek restrictions on duties related to conducting student examinations, applicable to all on-service teachers, lecturers, and professors, to prevent the waste of students' time and efforts.

Admittedly, the respondents are conducting several exams that require hundreds of centers, as well as hundreds of Superintendents, thousands of Deputy Superintendents, and thousands of Invigilators. If all new and inexperienced staff is assigned to the examination centers, this could lead to chaos and exam failures. Respondent No.1 has submitted detailed proposals regarding this, as the authorized body to conduct examinations and to save students' study time. Moreover, the conduct of exams and the deployment of personnel for such duties involve administrative and policy considerations, including resource allocation, logistics, and the need for specialized training.

7. Admittedly, engaging retired teachers and unemployed graduates, as argued by the petitioners, would definitely require significant expenditure and logistical arrangements, including training, which is a policy decision not usually interfered with by the Court. The petitioners have not been able to demonstrate any legal right that has been violated or any statutory duty that the respondents have failed to perform.

8. The questions raised by the petitioners are better suited for policy-making rather than judicial review. While exercising jurisdiction in constitutional matters, this Court cannot replace its judgment for that of administrative authorities on issues that are fundamentally policy-driven, unless there is a clear breach of law or constitutional rights.

9. In view of the above, the constitution petition is dismissed, without any order as to costs.



SD/-Muhammad Ayub Khan Tareen

JUDGE

SD/-Shaukat Ali Rakhshani

JUDGE

Quetta  
Announced today on:  
03.12.2025

**SABIR HUSSAIN**  
Assistant Registrar  
Copying Section (CP)  
High Court of Balochistan  
Quetta.

03/12/25