

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 829/2018

Date of institution ... 13.06.2018
Date of judgment ... 06.09.2019

Mst. Bushra Begum, Ex-S.S.T,
GGHS Shala Khel, District Nowshera
C/O Nawab Ali WAPDA Colony Road, Durrani Street,
Nowshera Kalan, District Nowshera. ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary Education, Near Government Higher Secondary School, G.T. Road, Peshawar.
3. District Education Officer, Nowshera. ... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT, 1974. AGAINST FINAL APPELLATE ORDER DATED 23.05.2018, WHEREBY DEPARTMENTAL APPEAL OF APPELLANT DATED 05.11.2016 HAS BEEN DISMISSED AND TERMINATION ORDER DATED 07.10.2016 IS MAINTAINED, WHICH IS ILLEGAL, AGAINST THE LAW AND FACTS.

Mr. Amjid Ali, Advocate .. For appellant.
Mr. Muhammad Jan, Deputy District Attorney .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith counsel present. Mr. Muhammad Jan, Deputy District Attorney
alongwith Roheen Naz, ADO (Legal) for the respondents present. Arguments
heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant
was appointed as Theology Teacher (BPS-7) vide order dated 17.01.1998 in
Education Department. Later on, the appellant was appointed as S.S.T (G) vide

M. Amjad
6.9.2019

order dated 28.09.2012 on the recommendation of Khyber Pakhtunkhwa Public Service Commission after proper competition, test and interview. The appellant was imposed major penalty of dismissal from service vide order dated 07.10.2016 on the allegation that her Theology Certificate was found bogus alongwith other allegation etc. the appellant filed departmental appeal on 05.11.2016 which was rejected vide order dated 23.05.2018 hence, the present service appeal on 13.06.2018.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Education Department as Theology Teacher. It was further contended that later on through proper channel she was appointed as S.S.T(G) vide order dated 28.09.2012 on the recommendation of Khyber Pakhtunkhwa Public Service Commission after proper competition, test and interview. It was further contended that the appellant was imposed major penalty of dismissal from service vide order dated 07.10.2016 on the allegation that her Theology Certificate was found bogus alongwith some other allegations mentioned in the impugned order. It was further contended that before passing the impugned order only facts finding inquiry was initiated against the appellant. It was further contended that on the basis of said fact finding inquiry report (undated) submitted by Mst. Farida Begum Principal RITE (F), a show-cause notice was issued to the appellant and in the said show-cause notice the formal/regular inquiry was dispensed by the competent authority to which the appellant submitted reply but the appellant was imposed major penalty of dismissal from service by the competent authority vide order dated 07.10.2016. It was further contended that when the appellant submitted departmental appeal to the Secretary Elementary & Secondary Education against the impugned dismissal

M. Farida Begum
6/10/18

order than on the direction of departmental authority again fact finding de-novo inquiry was initiated on the basis of letter dated 22.02.2017 and Mrs. Farhat Begum submitted de-novo inquiry report (undated) wherein it was recommended that the appellant may be reinstated with all allowed back benefits without delay. It was further contended that again another de-novo inquiry was initiated by the Mst. Yasmeen Ara BPS-18 G.G.H.S.S Mardan on the direction of departmental authority on the basis of letter dated 17.10.2017 and Yasmeen Ara submitted fact finding inquiry report dated 06.02.2018 wherein she also recommended that the appellant may be reinstated with all allowed benefits. It was further contended that when the departmental authority directed for initiating of de-novo inquiry than it would be deemed that the departmental authority was not in agreement with the first fact finding inquiry initiated against the appellant by Mst. Farida Begum. It was further contended that when two de-novo inquiries were initiated after passing the impugned order as per direction of the departmental authority and both the inquiry officer submitted their report in favour of the appellant than the first fact finding inquiry would be deemed to have been superseded by the two de-novo inquiries report. It was further contended that the departmental authority was bound to accept the departmental appeal on the basis of two de-novo inquiry reports initiated on his direction but the departmental authority has rejected the appeal of the appellant in slipshod manner without mentioning any reason and have overlooked/ignored/bypassed the two de-novo inquiries report initiated on his direction. It was further contended that neither charge sheet, statement of allegation was framed or served upon the appellant nor the appellant was associated in any inquiry proceeding therefore, the appellant was also condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

M. Farhat Begum
6.9.2019

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the Theology certificate of the appellant was found bogus in fact finding inquiry report submitted by Mst. Farida Begum. It was further contended that other allegations leveled against the appellant mentioned in the show-cause notice was also proved through aforesaid fact finding inquiry report. It was further contended that the competent authority is empowered to dispense the regular inquiry therefore, it was vehemently contended that the appellant was rightly imposed major penalty of dismissal from service after fulfilling all the codal formalities and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was appointed as Theology Teacher vide order dated 17.01.1998. The record further reveals that she was appointed as S.S.T (G) vide order dated 28.09.2012 on the recommendation of Khyber Pakhtunkhwa Public Service Commission through proper channel after proper competition, test and interview. The record further reveals that on the basis of fact finding inquiry submitted by Mst. Farida Begum a show-cause notice was issued to the appellant and the appellant was imposed major penalty of dismissal from service. The record further reveals that after submitting departmental appeal by the appellant another de-novo inquiry was initiated on the basis of letter dated 22.02.2017 on the direction of departmental authority and on the basis of said direction of Secretary Elementary & Secondary Education Mst. Farhat Begum Principal Retd GGDC Rustum Khan Kally Mardan submitted de-novo inquiry report (undated) wherein the inquiry officer recommended that the appellant Mst. Bushra Begum Daughter of Nawab Ali Khan Durrani may be reinstated with all allowed back benefits without delay. The record further reveals that another de-novo inquiry was also initiated on the direction of departmental authority through letter dated 17.10.2017 by

M. Amin
6.9.2019

Mst. Yasmeen Ara S.S.S BPS-18 GGDC Mardan and she submitted her de-novo inquiry report dated 06.02.2018 wherein the inquiry officer also recommended that the appellant may be reinstated with all allowed benefits.

Admittedly, when the de-novo fact finding inquiry was initiated on the direction of departmental authority so it is to be presumed that the departmental authority was not in agreement with the finding of the first fact finding inquiry report submitted by Mst. Farida Begum on the basis of which a show-cause notice was issued to the appellant and the appellant was dismissed from service therefore, the first finding inquiry report would be deemed to have been superseded by the second and third de-novo inquiry report. Moreover, when the appellant was exonerated by the inquiry officer in the aforesaid letter two inquiries report than the departmental authority was required to accept departmental appeal but the departmental authority has rejected the departmental appeal of the appellant in slipshod manner without any reason and have ignored/overlooked the report of later two de-novo inquiries initiated on his direction for the reason best known to him. The record further reveals that a show-cause notice was issued to the appellant on the basis of fact finding inquiry submitted by Mst. Farida Begum wherein a regular inquiry was dispensed. The record further reveals that the appellant was imposed major penalty of dismissal from service without initiating a regular inquiry i.e framing of charge sheet, statement of allegation without associating the appellant in inquiry proceeding. Show-cause notice alongwith copy of inquiry report meaning thereby that the appellant was condemned unheard. Moreover, when the appellant was recommended in the letter two de-novo inquiry reports by the inquiry officer to be reinstated with back benefits in such circumstances, the impugned order on the basis of first fact finding inquiry report is illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the

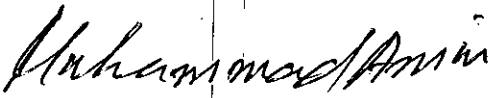
M. Yasmeen
8.9.2019

appellant into service with the direction to respondents to conduct a regular inquiry including framing of charge sheet, statement of allegation, associating of appellant in inquiry proceeding, opportunity of cross examination, issuing of show-cause notice alongwith copy of inquiry report and thereafter pass a proper order within a period of 90 days from the date of copy of receipt of this judgment strictly in accordance with law. The issue of back benefits will be subject to the outcome of regular inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
06.09.2019



(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


06.09.2019

Appellant alongwith counsel present. Mr. Muhammad Jan, Deputy District Attorney alongwith Roheen Naz, ADO (Legal) for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of six pages placed on file, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to respondents to conduct a regular inquiry including framing of charge sheet, statement of allegation, associating of appellant in inquiry proceeding, opportunity of cross examination, issuing of show-cause notice alongwith copy of inquiry report and thereafter pass a proper order within a period of 90 days from the date of copy of receipt of this judgment strictly in accordance with law. The issue of back benefits will be subject to the outcome of regular inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

06.09.2019



(HUSSAIN SHAH)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

10.05.2019

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney present. Appellant seeks adjournment on the ground that her counsel is indisposed. Adjourn. To come up for arguments on 21.06.2019 before D.B.


Member


Member

21.06.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Adjournment requested. Adjourn. To come up for arguments on 26.07.2019 before D.B.

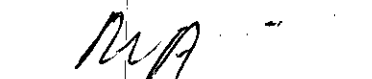

Member


Member

26.07.2019

Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Roheena Naz Legal Advisor for the respondents present. Arguments heard. File Perused. To come up for order on 06.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

Service Appeal No. 829/2018

10.12.2018

Counsel for the appellant present. Mr. Hayat Khan, Assistant Director alongwith Mr. Kabirullah Khattak, Additional AG on behalf of the respondents present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 31.01.2019 before D.B.


Muhammad Amin Khan Kundi
Member

31.01.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney present. Adjourn. To come up for arguments on 20.03.2019 before D.B.


Member


Member

20.03.2019

Clerk of counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

Due to general strike on the call of Bar Council, learned counsel for the appellant is not in attendance.

Adjourned to 10.05.2019 before the D.B.


Member


Chairman

23.07.2018

Learned counsel for the appellant present.
Preliminary arguments heard.

The appellant is aggrieved against the order dated 07.10.16 whereby he was awarded major penalty of dismissal from service and against the order dated 23.05.2018 whereby the departmental appeal of the appellant was regretted.

Points raised need consideration: The present appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 28.08.2018 before S.B.

Appellant Deposited
Security & Process Fee

28.08.2018

Counsel for the appellant and Mr. Kabirullah
Member
Khattak AAG for the respondent present. Written reply not submitted on behalf of the respondents. Requested for further adjournment. Granted. To come up for written reply/comments on 24.10.2018 before S.B.

(Muhammad Amin Kundi)
Member

23-10-18

Due to retirement of Honorable
Chairman the Tribunal is non
functional therefore the case is
adjourned to come up for the
same on 10-12-2018.

Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 829 /2018

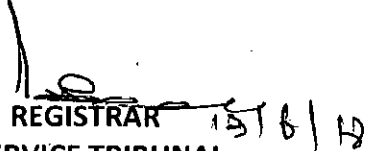
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2018	<p>The appeal of Mst. Bushra Begum resubmitted today by Mr. Amjid Ali Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 28/6/18</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/7/18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

The appeal of Mr. Bushra Begum Ex-SST GGHS Shala Khel Distt. Nowshera received today i.e. on 13.06.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 1220 /S.T,

Dt. 13/06 /2018.


REGISTRAR 15/6/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Adv. Mardan.

Resubmission after completion
Amjid Ali
Mardan
20/6/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 829 /2018

Mst. Bushra BegumAppellant

VERSUS

Govt. of KP through Secretary E&SE and others
...Respondents

I N D E X

S.No.	Description of documents.	Annexure	Dated
1.	Memo of appeal with affidavit.		1-6
2.	Addresses of parties		7
3.	Copy of order dated 17.01.998	A	8-9
4.	Copy of appointment order dated 28.09.2012 as S.S.T(G)	B	10-11
5.	Copy of dismissal order dated 07.10.2016 by Director E&S Peshawar	C	12
6.	Copy of inquiry proceedings/ report dated 07.04.2017	D	13
7.	Copy of inquiry report dated 06.02.2018 and proceedings	E	14-15
8.	Copy of dismissal order of appeal dated 23.05.2018	F	16-25
9.	Copy of preliminary inquiry report dated 17.03.2016	G	26-32
10.	Copy of show cause notice dated 23.06.2016	H	33
11.	reply dated 19.07.2016 to Show Cause notice dated 23.06.2016	I	34-37
12.	Copy of inquiry report dated 11.04.2017 by Administrator Auqaf/ certificate of principle	J/K	38-
13.	Wakalatnama GC DC Nowshera dt 24/10/16		

Appellant 

Through 

Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

Dated: 13/6/2018

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 829 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1046

Dated 13-6-2018

Mst. Bushra Begum, Ex-S.S.T,
GGHS Shala Khel, District Nowshera C/o
Nawab Ali WAPDA Colony Road, Durrani
Street, Nowshera Kalan, District Nowshera.

.....Appellant

VERSUS

1. Govt. of KP through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary Education, Near Govt. Higher Secondary School, G.T. Road, Peshawar.
3. District Education Officer, Nowshera.

.....Respondents

**SERVICE APPEAL U/S 4 OF SERVICE
TRIBUNAL ACT, 1974. AGAINST FINAL
APPELLATE ORDER DATED 23.05.2018,
WHEREBY DEPARTMENTAL APPEAL OF
APPELLANT DATED 05.11.2016 HAS
BEEN DISMISSED AND TERMINATION
ORDER DATED 07.10.2016 IS
MAINTAINED, WHICH IS ILLEGAL,
AGAINST LAW AND FACTS.**

Filed to-day

[Signature]
Registrar
13/6/18

Re-submitted to -day
and filed.

[Signature]
Registrar
20/6/18

(2)

PRAYER

On acceptance of this appeal, the order of dismissal dated 07.10.2016 passed by respondent No.2 and order dated 23.05.2018 may please be set-aside and appellant may please be reinstated in service with all back benefits. KP E&D Rules, 2011 may please be declared as ultravires. Any other relief deemed fit may also be graciously granted.

Respectfully Sheweth:-

Appellant humbly submits as under

- 1) That appellant was appointed as Theology Teacher (BPS-7) vide order dated 17.01.1998. **(Copy of order dated 17.01.998 is Annex "A")**
- 2) That appellant took over charge and regularly performed duty to the satisfaction of his superiors.
- 3) That appellant was appointed as S.S.T(G) vide order dated 28.09.2012 by respondent No.2, on recommendation of KP Public Service Commission, after proper competition, test and interview. **(Copy of appointment order dated 28.09.2012 as S.S.T(G) is Annex "B")**
- 4) That appellant is dismissed vide order dated 07.10.2016, which is illegal, against law and facts.

B1

(Copy of dismissal order dated 07.10.2016 by Director E&S Peshawar is Annex "C")

- 5) That as per Denovo inquiry report dated 07.04.2017, by Farhat Begum, appellant is exonerated. **(Copy of inquiry proceedings/ report dated 07.04.2017 is Annex "D")**
- 6) That another Inquiry Officer, Principal Yasmeen was appointed, who vide Inquiry report dated 06.02.2018, also exonerated the appellant. **(Copy of inquiry report dated 06.02.2018 and proceedings is Annex "E")**
- 7) That inspite of aforementioned two inquiry reports in favour of appellant, departmental appeal of appellant dated 05.11.2016, has been dismissed vide order dated 23.05.2018. **(Copy of dismissal order of appeal dated 23.05.2018 is Annex "F")**
- 8) That dismissal order dated 07.10.2016, and order of dismissal of departmental appeal dated 23.05.2018 is illegal, against law and facts on following grounds:-

GROUND.

- A. Because neither any charge sheet nor statement of allegations has been given to appellant.
- B. Because purportedly appellant has been dismissed from service on the basis of fact finding inquiry report dated 17.03.2016, which is illegal. **(Copy**

of preliminary inquiry report dated 17.03.2016 is Annex "G")

- C. Because show cause notice dated 28.06.2016 is properly replied vide reply dated 19.07.2016. **(Copy of show cause notice dated 28.06.2016 is Annex "H", reply dated 19.07.2016 to Show Cause notice dated 28.06.2016 is Annex "I")**
- D. Because major penalty cannot be inflicted upon without regular inquiry as per consistent judgments of Supreme Court.
- E. Because regular inquiry is the one which is conducted after charge sheet.
- F. Because KP Govt. Servants E&D Rules, 2011 are ultravires firstly the Chief Minister has no authority to frame rules after 18th amendment issued in 2008 as Provincial Govt. is defined in Article 129 of the Constitution of Pakistan, 1973 as Chief Minister and its Cabinet, secondly elaborated in **PLD 2016 SC 808**, thirdly a delinquent its authority.
- G. Because any proceedings under said rules is also illegal, and without lawful authority.
- H. Because T.T appointment is a past story and Director is not competent authority for dismissal of T.T appointment.
- I. Because, it is for the B.Ed programmer organizer, to grant or not grant admission on course

completion, department has got no concern with the same. (5)

J. Because the T.T Sanad has been verified and found genuine even by the Auqaf Administrator vide its report dated 11.04.2017. (**Copy of inquiry report dated 11.04.2017 by Administrator Auqaf is Annex "J"**)

K. Because neither any witness examined in preliminary inquiry proceedings before appellant nor any opportunity of cross-examination inaction, which is mandatory even as per KP Govt. Servants E&D Rules, 2011.

L. Because, it is strange that the worthy Secretary didn't agreed with the two inquiry report dated 07.04.201 and dated 06.02.2018 appointed by himself and agreed to preliminary inquiry report, which by his conduct of appointing other inquiry officer was not believed.

M. Because no personal hearing has been given to appellant.

N. Because on anonymous/ synonymous complaint, no action can be taken.

O. Because, it is nowhere proved that any of the certificate or degree of appellant is bogus.

P. Because all certificates and degrees of appellant are genuine and intact and not found to be bogus.

Q. The principal GGDC Nowshera certified appellant as late college student (Certificate of GGDC Nowshera Dt 24-10-2016 is Annex K)

(6)

It is therefore, humbly prayed that, on acceptance of this appeal, the order of dismissal dated 07.10.2016 passed by respondent No.2 and order dated 23.05.2018 may please be set-aside and appellant may please be reinstated in service with all back benefits. KP E&D Rules, 2011 may please be declared as ultravires.

Any other relief deemed fit may also be graciously granted.

Appellant

W/O

Through

Amjad Ali Mardan

Amjad Ali (Mardan)

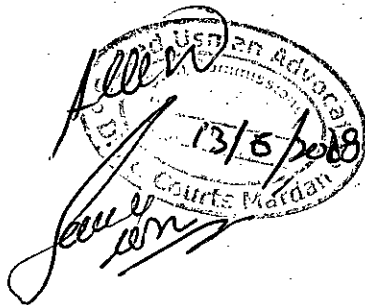
Advocate Supreme Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

W/O

Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

(7)

Service Appeal No. _____/2018

Mst. Bushra BegumAppellant

VERSUS

Govt. of KP through Secretary E&SE and others

...Respondents

ADDRESSES OF PARTIES

APPELLANT

Mst. Bushra Begum, Ex-S.S.T,
GGHS Shala Khel, District Nowshera C/o
Nawab Ali WAPDA Colony Road, Durrani
Street, Nowshera Kalan, District Nowshera.

RESPONDENTS

1. Govt. of KP through Secretary Elementary & Secondary Education, Civil Secretariat, Peshawar.
2. Director Elementary & Secondary Education, Near Govt. Higher Secondary School, G.T. Road, Peshawar.
3. District Education Officer, Nowshera.

Appellant

Through

Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Aux-A

(8)

... by the Departmental ... Following ...

No.	Name	Birth	Grade	Score	Head of School
1.	Bushra Begum D/o Nawab	4.4.78	3/23	66	MS, Durrani ... V/TT Post
2.	Kausar Khalil D/s Khalil	10.8.78	3/22	65	MS, ... V/TT Post
3.	Nasir D/o ...	11.2.68	3/2	63	MS, ... Vacant Post
4.	Zareer Begum D/o Muhammad	5.2.75	3/7	62	MS, ... V/TT Post
5.	... D/o Ghayass	1.9.77	3/25	62	MS, ... V/TT Post
6.	Roheen Naz D/o Abdul Wajid	8.5.79	3/23	62	MS, ... V/TT Post
7.	... D/o ...	1.1.75	3/21	61	MS, ... V/TT Post
8.	Sitarqull ...	11.73	3/2	61	MS, ... V/TT Post
9.	... D/o ...	10.2.75	3/2	61	MS, ... V/TT Post
10.	Akhtar TT ...				MS, ... V/TT Post
11.	Nazneer Akhtar TT ...				MS, ... V/TT Post

TERMS AND CONDITIONS:-

- They shall be governed by such rules & regulations as may be prescribed by the Government from time to time for the category of the Government to which they belong.
- Their services will be liable to termination on one month's notice from either side. In case of resignation without notice, one month's pay will be forfeited in lieu thereof.
- They shall join the service within one month of issue of this notification.

Form No. 2 (Part 2) (Form 2)

M. J. Ali
 ALMOUSTAFA
 SUPREME COURT

9

- 5.
- 6.
- 7.
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- 9.
- 10.

... all concerned.
 ... should be checked and
 ... before handling over charge by the Principal
 ...
 ... must be prepared
 ...
 ...
 ...
 ...
 ...
 ...
 ...

... collected in 1998 based on the following criteria:

	I	II	III
...	50	35	20
...	10	7	5
...	10	10	7
...	17	14	10

(RICHARD CALVIN BROWN)
 DISTRICT EDUCATION OFFICER (DEO)
 SECONDARY EDUCATION

915-33

Subject: ... 17/11 1998

Copy forwarded for information and necessary

- 1. ...
- 2. ...
- 3. ...
- 4. ...
- 5. ...
- 6. ...
- 7. ...
- 8. ...
- 9. ...
- 10. ...

(RICHARD CALVIN BROWN)
 DISTRICT EDUCATION OFFICER (DEO)
 SECONDARY EDUCATION

Air
A. S. ...
 SUPREME COURT

OFFICE OF THE DISTRICT EDUCATION OFFICER (M&F) SECONDARY NOWSHERA.

APPOINTMENT

Consequent upon the Selection by the Departmental Selection Committee, District Nowshera. The following TT Teachers (Female) are appointed at the schools noted against their names in BPS-07 at (Rs.1480-31-2695) plus usual allowances as admissible under the rules with immediate effect to the following existing terms and conditions.

S.#	Name and Address	Date of Birth	No in Intev; M/List	Score	Name of School.	Vacant Post
1.	Bushra Begum D/o Nawab Ali Durrani Moh: Bara Khel Nowshera Kalan	04.04.78	2/13	66	GGMS, Dheri Kati Khel Nowshera	TT V/Post
2.	Kosar Khalid D/o Khalid Ahmad Opposite Imam Bara Saddar Bazar Risalpur	10.04.78	3/38	65	GGMS, Kotli Kala Nowshera	TT V/Post
3.	Nigena Nazneen D/o Fida Muhammad Armour Housing Society Manki Road Nowshera.	11.02.68	4/3	63	GGMS, Manki Sharif NSR	TT V/Post
4.	Faresa Begum D/o Muhammad Idrees Shah Moh: Qasim Khel Cheshmai PO. Akora Nowshera.	05.01.75	5/7	62	GGMS, Chashmai Nowshera	TT V/Post
5.	Rafyat Hussain D/o Ghyyas Ahmad Moh: Sheikh Ala Din Akora Khattak Nowshera.	01.09.77	6/25	62	GGMS, Kahi Nowshera	TT V/Post
6.	Roheena Naz D/o Abdul Wakeel Village Aza Khel Bala NSR.	05.05.79	7/18	62	GGMS, Tarkha Nowshera	TT V/Post
7.	Nasra Iqbal D/o Muhammad Iqbal 344/1 Moh: Dorrani Street Nowshera Cantt.	01.01.72	8/2	61	GGMS, Inzari Nowshera	TT V/Post
8.	Sitara Gul D/o Aurangzeb Village Aza Khel Nowshera.	01.01.73	9/6	61	GGMS, Bara Banda	TT V/Post
9.	Mubshira Saleem D/o Muhammad Saleem Aman Garh NSR.	18.02.75	10A/10	61	GGHS, Jaloza.	TT V/Post
10.	Perveen Akhtar TT GGHS Jaloza	Adjusted at			GGMS, Risalpur Cantt.	TT V/Post
11.	Nazaneen Akhtar TT GGMS, Manki Sharif NSR	Adjusted at			GGHS, Rashaki.	TT V/Post

TERMS AND CONDITIONS.

1. They will be governed by each rules & regulation as may be prescribed by the Govt: from time to time for the category of the Government Servants to which they belong.
2. Their Services will be liable to termination on one month's notice from either side. In case of resignation without notice, one month pay will be forfeited in lieu thereof.
3. The should join the posts with in one month of issue of this Notification.

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(9)

4. Charge report should be submitted to all concerned.
5. Their original Certificate/ Degrees/ Sand should be checked and verified from concerned University/BISE/RDE and Islamic madrassas concerned before handing over charge by the Principal/ Headmistress of the concerned schools.
6. Service Books of the Teacher's concerned must be prepared complete in all respect after taking over charge.
7. Their declaration of assests should be obtained and be kept in safe custody by the Principal/ Headmistress concerned.
8. They are required to produce and age certificate from Medical authority before taking over charge in case of new servants.
9. No TA/DA is allowed.
10. The above selection has been made on the following criteria:-

	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>
1. SAND/MATRIC	50	35	20	
2. FA/FSc	10	7	5	
3. BA/BSc	13	10	7	
4. MA/MSc	17	14	10	

Sd/-

DISTRICT EDUCATION OFFICER(M&F),
SECONDARY NOWSHERA.

Endst.No. 915-33/F.HSE-5/TT/Appointments(F) dated: 17.11.1998

Copy forwarded for information and necessary action to the:-

1. P.S to Minister for Education NWFP, Peshawar.
2. P.S to Secretary to Govt: of NWFP, Education Department, NWFP, Peshawar.
3. PA to Director of Secondary Education NWFP, Peshawar.
4. Divisional Director of Education (S), Peshawar Division Peshawar.
5. District Accounts Officer, Nowshera.
6. Headmistress Govt: Girl High School Concerned.
7. Headmistress Govt: Girls Middle Schools concerned.
8. Candidate concerned.
9. Pay clerk (Female) Section local office.
10. P/File.

Sd/-

DISTRICT EDUCATION OFFICER(M&F),
SECONDARY NOWSHERA.

Box - B
(10)



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
 PH No. 091-9210389, 9210938,
 9210437, 9210957, 9210468
 Fax 091-9210936
 E-mail desekpk@yahoo.com

Notification.

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of Secondary School Teacher Female (SST General) in BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with immediate effect and their Services are placed at the disposal of EDO(E&SE) concerned for further posting against vacant SST General posts:-

S. #	Name	Father's Name	Domicile	Z o n e	Permanent Address	Place of posting
1	Saima Sardar	Sardar-ul-Islam	Nowshera	2	Mohallah Darbar Sharif Village Ziarat Kaka Sahib Tehsil & District Nowshera	Services, placed the disposal of (E&SE) Nowshera for further posting against vacant General post.
2	Bushra Begum	Nawab Ali Durrani	Nowshera	2	Mohallah House No.246. A. R.A. Bazaar Near Rehman Mouse Nowshera Cantt.	---do---
3	Rafaqat Shafiq	Muhamm ad Shafiq	Nowshera	2	Village Aman kot PO Mohib Banda Tehsil Pabbi District Nowshera	---do---
4	Ambarce n Zeb	Jahan Zeb	Peshawar	2	C/O Jahanzeb Hemed Property dealer opposite Iqbal colony Dalazak Road Peshawar city	Services place the disposal of (E&SE) Peshawar for further posting against vacant General post.
5	Khadija Samar Rehman	Abdul Rehman Mano Khan	Peshawar	2	Rehman Manzil Flat No.7, Choke Nishitar Abad Moh: Sikandar Pura Peshawar	---do---
6	Bacha Rahmat	Gul Chaman	Swat	3	Shama Corporation Bisham Road Khawaza Khela Swat	Services place the disposal of (E&SE) Swat further posting against vacant General post.
7	Aftab Bibi	Spin Gul	Bannu	4	Village & P.O Choriwala Tehsil & District Bannu	Services place the disposal of (E&SE) Bannu further posting against vacant General post.

Amjad Ali
 ADVOCATE
 SUPREME COURT

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11

8	Adila Kiran	Nascer Ali Bhatti	DIKhan	4	Gulberg Town Street No.1 Muryali Moor University Road DIKhan	Services placed at the disposal of ED (E&SE) DIKhan for further posting
9	Kalsoom Bibi	Ali Mar Jan	Lakki Marwat	4	Mohallah Toti Abad Tehsil & District Lakki Marwat	Services placed at the disposal of ED (E&SE) Lakki Marwat for further posting
10	Zobia Bibi	Abdul Ghaffoor	Haripur	5	Village & PO Dobandi Tehsil & District Haripur	Services placed at the disposal of ED (E&SE) Haripur for further posting
11	Shabana Jadoon	Aurangzeb Khan	Abbottabad	5	VPO Langra Tehsil & Distt: Abbottabad	Services placed at the disposal of ED (E&SE) Abbottabad for further posting against 5% Ear Quick Quota
12	Humera Bibi	Shah Maqsood	Manshra	5	Moh: Upper Jabri near GPO Masjid-e-Aqsa Manshra	Services placed at the disposal of ED (E&SE) Abbottabad for further posting against 5% Ear Quick Quota

Terms and conditions:-

- 1 Her services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. She will however be entitled to Contributory Provident Fund in such a manner and at such rates as per prescribed by the Govt.
- 2 In case, she is already in Government service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel and selected by the Commission, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to her under her previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to her under new appointment.
- 3 Her service is liable to termination on one month's notice from either side. In case of resignation without notice her one-month pay/allowances shall be forfeited to the Government.
- 4 She should join her post within 30 days of the issuance of this notification. In case of failure to join her post within one month of the issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 5 She should be on probation for a period of one year extendable for another one year.
- 6 She shall be governed by such rules and regulations as may be issued from time to time by the Govt.
- 7 Her service can be terminated at any time, in case her performance is found unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
- 8 Charge report should be submitted to all concerned.
- 9 The EDOs concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of her posting order.

documents before release of

Handwritten signature

Signature of Advocate
 ADVOCATE
 SUPREME COURT



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

D.P.S.A



(12)

Aux-C
DEPARTMENT CHIEF
Director (E&S)
KPK Peshawar

OFFICE ORDER

- 1- WHEREAS, Mst. Bushra Begum SST GGMS Shehla Khel District Nowshera was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011, for the charges mentioned in the show cause notice issued vide this office No.2223 dated 28-06-2016.
- 2- AND WHEREAS, Mst. Bushra Begum SST GGMS Shehla Khel District Nowshera has submitted unsatisfactory reply of the show cause notice dated 19-07-2016.
- 3- AND WHEREAS, The competent authority has appointed Mst. Farida Principal RITE(F) Peshawar as enquiry officer vide Notification No.3617-20 dated 17-03-2016.
- 4- AND WHEREAS, While Mst. Bushra Begum appointed against the post of TT Teacher on 17-01-1998 at GGMS Dheri Katti Khel District Nowshera. The TT certificate is found bogus and competent authority is agreed with the finding of enquiry officer as the said Madrasa also denied the status of sanad.
- 5- AND WHEREAS, the teacher concerned as a regular student in BA Programme in GGDC Nowshera at the time of regular appointment as TT on 17-01-1998. The competent authority is agreed with the enquiry officer finding as Principal GGDC(F) Nowshera has verified her regular attendance in the college.
- 6- AND WHEREAS, the teacher concerned is enrolled in B.Ed Programme in Shah Abdul Latif University in the year 1999-2000 in two semester programme. Whosever her BA result was not announced at the time of her admission in B.Ed Programme.
- 7- AND WHEREAS, the Director Elementary & Secondary Education Khyber Pakhtunkhwa, issued a reasonable chance of personal hearing vide this office letter No.6057 dated 12-08-2016 but she failed to satisfy the Personal Hearing Committee.
- 8- AND WHEREAS, she is guilty of 'Misconduct' Rule 1(i) of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.
- 9- NOW THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The competent authority is pleased to impose Major Penalty of "Dismissal" upon Mst. Bushra Begum SST GGMS Shala Khel District Nowshera, with immediate effect.

Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Dated Peshawar the 7/10/2016

Endst.No. 478-80 /A-17/SST/F/Complain/Nowshera

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) Nowshera
- 2- District Accounts Officer Nowshera
- 3- SST concerned
- 4- PA to Director (E&SE) Local Office.
- 5- Master file.

/Noor/

Secundum
Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,

All My O'Ali
ADVOCATE
SUPREME COURT

The Secretary,
Elementary & Secondary Edu Dept.

Subject: De-novo Enquiry against Mst Bushra Begum

Sir,

Reference letter No. SO (PE) E&SE/5-19 Re-Instt/ 2014 dated 22.2.2017, regarding De-novo enquiry against Mst. Bushra Begum D/O Nawab Ali Khan Durrani Ex-SST, GGMS Shehla Khail Nowshera, dismissed by the Director E&SE on the grounds of bogus TF Sanad and B.Ed degree.

It is submitted on going through the attested copies of Mst. Bushra Begum D/O Nawab Ali Khan Durrani that;

- 1) B,Ed degree of Mst. Bushra Begum D/O Nawab Ali Khan Durrani had been verified by the PSC (No. KP, PSC-SR-1/140843 dated 28.9.12, copy attached) and the office of the Executive District Officer, Elementary and Secondary Education, Nowshera (No. 14479-84/EDO dated 7.11.12, copy hereby attached).
- 2) Administrator Auqaf KPK, Eidgah Charsadda Road Peshawar, had sent the letter (No. 219 dated 24.1.17) to the anticorruption department KPK that the sanad of Mst. Bushra Begum D/O Nawab Ali Khan Durrani is genuine and may be considered in her favour.

Moreover, it is noted that Mst Bushra has passed all the examinations in distinct positions. In the light of above information, it is recommended that Mst. Bushra Begum D/O Nawab Ali Khan Durrani may be reinstated with all the allowed benefits without delay.

Mrs. Farhat Begum,
Principal, (Retd, GGDC, Rustam. Mardan.

Amir D. Q. Q.
SUPREME COURT

2527
714

Aux-D
(13)

Ann-E
14

To
The Secretary
Elementary & Secondary Education Department
Peshawar
KPK, Pakistan

Date: 06/02/2018

Subject: De-novo enquiry against Miss Bushra Baigum

Respected Sir

→ P-298/C

Reference letter No: SO (PE) E & SE/5-19 Re-instt:/2014 dated 17/10/2017 regarding De-novo enquiry against Mst Bushra Baigum D/O Nawab Ali Khan, Ex SST, GGMS Shehla Khei Nowshera, dismissed by the Director of E & SE on the ground that her TT sanad and B. Ed degree is bogus/Fake.

Sir it is hereby submitted on going through the attested copies of the academic and professional record of Mst Mushra Baigum D/O Nawab Ali Khan and studying detail views/comments about the case of Bushra Baigum, sent her certificates for verification and found the following facts:-

- 1-That the first appointment of Mst Bushra Baigum against TT post was made on sanad of Ilme Deniat from Sadat Darul Uloom Toru Mardan Auqaf Department, not on Shahadatu Alia from Tanzimul Madaras (Copy enclosed)
- 2-Sent her sanad for verification to Administrator Auqaf KPK Peshawar on 02/12/2017. Administrator of Auqaf Department sent us the letter No: 8471/1 (c) 11- Dated 11/12/2017 that the sanad of Bushra Baigum D/O Nawab Ali Khan is genuine and may be considered in her favour (Copy Attached)
- 3-Sent her certificate to Mohtamim Darul Uloom Toru Mardan for verification also. He replied in letter No: SDT 214 Dated 20/12/2017 that the Darul Uloom is under the administration of Auqaf Deptt-Peshawar the sanad may be verified from it. (Copy attached). The statement of Administrator of Auqaf may be cited in this respect.


ADVOCATE
SUPREME COURT

(15)

4- Her B, Ed degree is already verified by the PSC (No KP, PS-SR-1) 140843 dated 28/09/2012 and the office of the executive District Officer, Elementary & Secondary Education Nowshera NO: 14479-84/EDO Dated 17/11/2012 and found correct. (Copy attached).

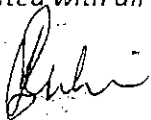
5- The most astonishing point is that the 2nd inquiry officer Mst Farida Baigum Principal RITE (F) Peshawar received the letter from the Shah Abdul Latif University in the favour of Bushra Baigum that her B, Ed degree is correct/genuine, in spite of this she impose very minor penalty on Bushra Baigum for removal of Govt-service. (Copy attached).

6- Her BA result was declared on 22/11/1999. In many institutes admission forms are submitted on assurity base. She was admitted and registered for the session 1999-2000 Off Campus Program. (Copy attached).

7- Mst Bushra Baigum was a regular student of GGDC Nowshera at the time of her first appointment against TT post on 17/01/1998, but later on she appeared as a Late College Student in the examination (She could not continue her studies as a regular student). (Copy attached).

Conclusion:

In the light of above facts it is recommended that Mst Bushra Baigum D/O Nawab Ali Khan may be reinstated with all allowed benefits please.



Mst: Yasmeen Ara

SSS (BPS-18)

GGHSS Shah Dhand, Mardan


ADVOCATE
SUPREME COURT



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)/E&SED/5-19/Re-Instatement/14/Vol-VI
Dated Peshawar the 23.05.2018

(16) Aux-F

To,

Mst. Bushra Begum,
Ex-SST, GGHS Shala Khel, District Nowshera
C/O Nawab Ali, WAPDA Colony Road, Durrani Street,
Nowshera Kalan, District Nowshera.

Subject: - **APPEAL FOR RE-INSTATEMENT IN SERVICE**

Dear Madam,

I am directed to refer to your appeal dated 05.11.2016 for re-instatement in service was considered by the Department at appropriate level which was found untenable and to inform you that the competent authority has regretted your appeal.

Yours faithfully,

Encl: As Above:

Cop: forwarded for information to the Director, Elementary & Secondary Education,
Peshawar.


SECTION OFFICER (PRIMARY)


SECTION OFFICER (PRIMARY)


SUPREME COURT

محضور جناب سلیٹری (جولین خیر خٹواخواہ (S&E) پشاور

3

(17)

عنوان :- محلمانہ اپیل برخلاف حکم چناب ڈائریکٹر صاحب (S&E)

خیبر خٹواخواہ حوالہ نمبر 80-478 مورف 07/10/2016 جو کہ سائل

کو بذریعہ DEO (F) نوشہرہ حوالہ چھٹی نمبر 21-4512 مورف

19/10/2016 کو موصول ہوا جس کے ذریعے اپیلانٹ کو ملازمت سے

Dismiss کرایا گیا -

FACTS OF the CASE

جناب عالی! اپیلانٹ/سائلہ حسب ذیل عرضی رساں ہے -

یہ کہ سائلہ ضلع نوشہرہ کے ایک معزز گھرانے سے تعلق رکھتی ہے جس کی چار
ستیم اور بے سہارا بچیاں بھی سائلہ کے زیر پرورش و زیر کفالت ہیں۔ جبکہ
سائلہ خود ایک بیوہ خالقن ہے -

یہ کہ اپیلانٹ نے بعد از باقاعدہ پرائیوٹ امتحان مدرسہ سعادت دارالعلوم
طور و مردان 66 سے سال 1996ء میں سند علم دینیات حاصل کیا۔ مدرسہ ہذا
حکمر اوقاف سے منظور شدہ اس کے زیر نگرانی حوالہ حکومت NWFP کے

تعلیم چھٹی نمبر 1/78-6 (E-P) S.O مورف 18/12/1978 باقاعدہ طور پر
باسریل نمبر 02 باقاعدہ منظور شدہ مدرسہ ہے - (لغول سند علم دینیات

Annex - A جبکہ حکومتی چھٹی Annex - B)

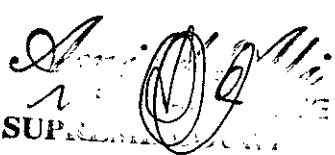
یہ کہ سند علم دینیات مذکورہ کی بنیاد پر سائلہ کو بطور T.T معلمہ حوالہ
DEO (F) نوشہرہ 33/T.T/Appointment - 915 - No - 915

مورف 17-01-98 کو بھرتی کرایا گیا۔ جبکہ سائلہ نے بطور T.T

معلمہ مورف 24-01-98 کو G.G.M.S ڈھیری کی خیل نوشہرہ
میں اپنے فرائض منصبی کا چارج لیا - (نقل Appointment

بطور T.T Annex-c ہے)

1997
7/11


SUP

AS&E
L
7/11

(1) DS(A)
Sc
7/11

(2)

(3)

یہ کہ بعد ازاں سائلہ کی خدمات عوام کی بہتر مفاد میں سائلہ کو
ختم بلائنگ میں بحوالہ حکم نمبری 37-39 مؤرخہ 2009-01-01 کو
کر دیا گیا۔

(18)

یہ کہ قبل از ملازمت 1996ء میں بحوالہ رجسٹریشن نمبر NG-1408
گورنمنٹ گریجویٹ کالج ٹوٹہ میں بطور ریگولر طالبہ بی۔ اے میں داخلہ
چکی تھی جبکہ بی۔ اے دو سال میں عام طور پر ہو جاتی ہے لیکن کچھ گھٹرو
مسائل کی وجہ سے سائلہ 1997ء کے بعد لیٹ کالج طالبہ بن گئی اور بی۔ اے
اجزاء/پارٹس میں پاس کیا۔ یہ بات قابل ذکر ہے کہ لیٹ کالج سٹوڈنٹس
کیلئے حاضری کی ضرورت کالج میں نہیں ہوتی۔ اس بابت DC کالج
نے من سائلہ کی درخواست پر ایک Attendance سرٹیفکیٹ مورخہ 2016-10-24
کو جاری کیا جس پر درست طور پر خود پرنسپل صاحبہ کی دستخط و مہر موجود ہے
(نقول درخواست و حاضری سرٹیفکیٹ بالترتیب Annex-D, D/1 میں)

(5)

یہ کہ سائلہ نے بی ایڈ میں بطور پرائیوٹ طالبہ یونیورسٹی آف پشاور
کے لیے عملی اجازت حاصل کی لیکن سائلہ نے دوسری یونیورسٹیوں کو بھی
معلومات کیلئے خط لکھے تھے جن میں سے شاہ عبداللطیف بھٹائی یونیورسٹی
(SALU) کا امتحان، کورس، فیس اور وقت بہ نسبت دوسری یونیورسٹیوں
کے نہایت آسان اور گرمیوں کی چھٹیوں کی وجہ سائلہ و حکم تعلیم مناسب
بدیں وجہ سائلہ نے بی۔ ایڈ کیلئے SALU سے پرائیوٹ طور پر امتحان
دیکر پاس ہوئی۔ (نقل بی۔ ایڈ سرٹیفکیٹ Annex-E میں)

(6)

یہ کہ چونکہ SALU سے بی۔ ایڈ کا امتحان دینا سائلہ، بچوں اور علم
کیلئے بوجہ Summer Vacation موضوع و مناسب تھا۔ بدیں وجہ سائلہ
درخواست پر یونیورسٹی آف پشاور نے باقاعدہ طور پر ماسٹریٹیشن بحق
SALU خپر پور جاری کی اور یوں سائلہ نے سال 2000 میں بی ایڈ
کا امتحان دیکر پاس کیا۔

(7)


SUPREME COURT

19

یہ کہ سائلہ نے ایم۔ اے۔ اردو یونیورسٹی آف پشاور سے جبکہ ایم۔ اے۔ علامہ اقبال اوپن یونیورسٹی سے کیے۔ (نقول بالترتیب: Annex - F & F/1/F/2)

یہ کہ سائلہ نے 2012ء میں پبلک سروس کھٹن فیڈریشن خواتین پشاور سے مطابق قواعد و ضوابط SST (جنرل) پوسٹ کیلئے لسٹ و انٹرویو بھی پاس کیا اور باقاعدہ طور پر سائلہ کی مقام اسپناد و ڈگریاں وغیرہ منعلقہ یونیورسٹیوں اور اداروں سے Verify کرانے کے بعد سائلہ کو PCS نے

(ج) SST پوسٹ کیلئے Recommended. حوالہ نوٹیفکیشن نمبر 40843/No. K.P.PSC-SR-1/

مورخہ 28/09/2012ء کیا۔ جلی بنیاد پر حکمہ تعلیم کے ڈائریکٹر صاحب نے

میری بطور (ج) SST تعیناتی کی۔ جس پر E.D.O ایجوکیشن نوٹس نے میری

تعیناتی H.S ڈھیری کی خیل نوٹس میں کی۔ (نقول PCS سفارش،

اپوائنٹمنٹ آرڈر، Clearance Certificate و پوسٹنگ آرڈر بالترتیب Annex-

(4/4 to 4/4) سے

یہ کہ بدقسمتی سے 28/03/15ء کو سائلہ کا شوہر مستی سید جمیل شاہ جو کہ خود بھی حکمہ

تعلیم میں بطور S.P. معلم تھے جو کہ مردان بورڈ کے SSC امتحان پر H.S

بگڑ گئے مردان Invigilator تھے رات گئے تھے گھر واپس نہ آسکے اس بابت مورخہ

29/3/15ء کو سائلہ کے دیور مستی اقبال شاہ منعلقہ تھانہ میں رپورٹ بھی درج کرائی

یہ کہ سائلہ بمعہ شوہر مذکورہ سسرال سے علیحدہ تقریباً 15 بندرہ سالوں

سے نوٹسہ کلڈن میں خوش و خرم زندگی گزار رہی تھی جس پر شروع سے سسرال

و سائلہ کے مابین حالات سازگار تھے جبکہ سائلہ کے شوہر مریض کی پرکاش

غیبی و قتل سے حالات سائلہ کے سابق سسرال کے اور کشید ہوئے اور مورخہ

03/4/15ء کو مذکورہ دیور نے سائلہ کو یہی FIR نمبر 165 میں سازگار

نافرمان کیا تاکہ سائلہ کو بھی سامنے سے بیٹایا جائے (نقل FIR, Annex-H)

یہ کہ سائلہ کے سسرال وائے نیابت خود غرض اور لالچی ہیں جسکی واضح ثبوت

سائلہ کے مریض شوہر کے موٹر کار کو پٹرپٹنے کیلئے انہوں نے جعلی ضمانت لپرز

بنوایا۔ جس پر جوڈیشل میجسٹریٹ آفتاب اقبال صاحب نے باقاعدہ

دنگوائری کرانے کے بعد FIR نمبر 1172

برخلاف ساس سمات یاسین بیگم زوبہ انور شاہ اور مستی جعفر شاہ
ولد مصاحب شاہ وغیرہ بہ جرم

(20)

تفانہ سیٹی مردان نے درج کرائی۔ قابل غور بات یہ ہے کہ مذکورہ FIR
میں ملزم جعفر شاہ ولد مصاحب شاہ نے سائلہ کے خلاف جناب ڈائریکٹر
صاحب عکبہ تعلیم کو خود ساختہ Complaint کی جیلہ حیران کن بات یہ بھی
ہے کہ مذکورہ Complaint پر نہ تو کوئی تاریخ لکھی ہے اور نہ ہی Complaint

نے دستخط کیے ہیں۔ (نقول FIR نمبر 1172 و کمپلینٹ جعفر شاہ 1/1 & 1/2 Annex - A)
یہ کہ جعفر شاہ مذکورہ جو کہ ایک موٹر سائیکل ملینک و بارگینر نے صرف سائلہ
و اسکی چارہ تیمیم پھیون کو تنگ و ہراساں کرنے کیلئے؛ مذکورہ کمپلینٹ جو کہ
غلط، من گھڑت خود ساختہ و مبنی بر سازش و بدینتی کمپلینٹ ہے۔

(13)

کیونکہ یہ بات بھی ثبت دلچسپ و قابل غور ہے کہ فریقین کے خلاف جو FIR
فوجداری مقدمات عدالت میں زیر تجویز ہیں۔ عام طور پر ایسے حالات
میں کسی بھی کمپلینٹ پر غور نہیں کیا جاتا۔

یہ کہ جناب ڈائریکٹر صاحب عکبہ تعلیم KPIK نے کئی اہنران کو ابتدائی
طور پر کمپلینٹ مذکورہ پر تعینات کیا جن میں جناب دلاور خان (بہوں) جناب
سراج گلہ (چار سہ) جناب حامد خان (رسالی پور) وغیرہ شامل تھے۔ لیکن
انہوں نے الزامات و حالات واقعات کو قدر نظر رکھتے ہوئے انکو آئری آرڈر
انکار / معذرت کی۔ (نقول نوٹیفیکیشن یا الترتیب Annex - J/1 to J/3)

(14)

یہ کہ آفیسر کارمس فریدہ بیگم پرنسپل RITE پشاور کو بحوالہ چھٹی نمبر 20-25
مورخہ 16/03/17 کو انکو آئری آفیسر تعینات کرایا گیا۔ جس نے یک طرفہ و بدینتی
کی بنیاد پر انکو آئری کی جس نے سائلہ کو کمپلینٹ اور خود ساختہ الزامات
جرح کا کوئی موقع بمطابق قواعد و ضوابط و شرائط نہ دیا (نقول انکو آرڈر Annex - K)

(15)

یہ کہ جناب ڈائریکٹر صاحب آفیس آڈر نمبر 80-478 مورخہ 16/10/07 کو
Major Penalty عائد کرنے ہوئے سائلہ کو ملازمت سے Dismiss کیا گیا۔
(نقول آفیس آڈر ڈائریکٹر DEO (F) نوشہرہ Annex - L/1 & L/2)

(16)

Allah Anwar Ali
ADVOCATE
SUPREME COURT

یہ کہ سائلہ بلکہ سائلہ کاپورا خاندان بمعہ چار یتیم بچیوں کے مذکورہ
 Dismissal Order from Service سے متاثر (Aggrieved) سائلہ بلکہ سائلہ ہمدردانہ و ملتجیانہ درخواست کرتی ہے کہ مذکورہ غلط آفس آرڈر
 ڈائریکٹر (E & S) محکمہ تعلیم KPK پشاور منسوخ فرماتے ہوئے سائلہ کو
 اپنی ملازمت پر حسب ذیل GROUNDS پر بمعہ تمام سابقہ آئینہ
 مراعات بحال فرمایا جائے۔ تاکہ وہ اپنی اور اپنی یتیم بچیوں کی کفالت و پرورش
 احسن طریقے سے کر سکے۔

G R O U N D S

(الف) یہ کہ سائلہ نے محکمہ تعلیم میں حصول ملازمت کے بعد بطور T.T معلمہ
 اور بعد ازاں بطور SST جنرل اپنے فرائض منصبی نہایت خوش اسلوبی
 سے نبھائے کہ تمام متعلقہ افسران کو کسی قسم کی شکایت کا موقع نہ دیا اور
 اس کا واضح اور روز روشن کی طرح ثبوت افسران بالا کی طرف سے مثبت

(ب) A.C.Rs ہیں۔ داغ خدمات فراہم کی گئیں جس
 یہ کہ سائلہ نے محکمہ تعلیم میں اٹھارہ سالہ بے داغ خدمات فراہم کی گئیں جس
 کا واضح ثبوت یہ بھی ہے کہ آج تک کسی نے بھی سائلہ کے خلاف کوئی

شکایت وغیرہ نہ کی لیکن FIR نمبری 165 مورخہ 15/4/03 اور بعد ازاں
 FIR نمبری 1172 مورخہ 16/11/05 کے نتیجے میں انتقام سائلہ کے

سسرالیوں کی سازش پر کمپلیٹ ہذا بذریعہ جعفر شاہ ولد صاحب شاہ
 و خاندانی دشمنی کی بنیاد پر دائر کی۔ جو خود موٹر سائیکل فلینک
 اور اسکی بیٹی کی بوجہ ناپا ہونے سائلہ کی ملازمت سے کوئی حق تلفی
 نہ ہوئی ہے۔

(ج) یہ کہ اعتراض کردہ آفس آرڈر غلط ہے بنیاد بلا اختیار اور مبنی پر
 بددینی و سازش ہیں۔ بدیں وجہ قابل منسوخ ہے۔

(د) یہ کہ انکو ایئرڈ افسر نے غیر قانونی و بلا اختیار کارروائی کرتے ہوئے سائلہ کو
 کمپلیٹ و گواہاں پر جرح کرنے کا موقع / اجازت نہ دے کر قانونی غلطی

کی ہے۔
 Advocate
 SUPREME COURT

یہ کہ انکوائری افسر نے جو طریقہ کار اپنایا تھا وہ E & D کی
کی بالکل خلاف درزی کے زمرے میں آتا ہے۔ جو کہ قانون کی نظر میں
غلط و بے بنیاد ہے۔

(۱)

یہ کہ سند علم دینیات باقاعدہ طور پر مدرسہ مسعادت دارالعلوم طور میں
سے سائلہ کو پرائیوٹ طور پر امتحان پاس کرنے کے بعد جاری ہوا ہے۔ مدرسہ
جو کہ محکمہ اوقاف خیبر پختونخواہ پشاور کے زیر نگرانی وزیر انتظام ہے۔
لیکن انکوائری افسر صاحب نے نامعلوم وجوہات کی بناء پر اتنی بھی کوشش
وزحمت نہ کی کہ وہ میں آفس محکمہ اوقاف جو کہ مدرسہ مذکورہ کا اعلیٰ و
مقام ہے جاکر مدرسہ کی رجسٹریشن و سند کے بابت کوئی تفریق حاصل
کر سکے۔ جو کہ سول ملازمین کے لیے E & D قواعد و ضوابط برائے انکوائری
کی قانون شکنی و غفلت کے مترادف ہے۔

(۲)

یہ کہ یہ بات خاص طور پر قابل ذکر ہے کہ ایک طرف تو محکمہ اوقاف خیبر
مدرسہ مذکورہ کے انتظام و انصراف کے خود ذمہ داری ہے جبکہ دوسری طرف حکومت
صوبہ سرحد/KPK نے بحوالہ چھٹی مجلس 6-1/78 S.O (F.P) حوزہ 18/12/78
نے محکمہ تعلیم کے ڈائریکٹر خیبر پختونخواہ و فاٹا کو اطلاع دیا ہے۔
(نقل سرکاری چھٹی Annex-M ہے)

(۳)

یہ کہ یہ بات بھی قابل غور ہے کہ انکوائری افسر و صدر مدرس (فضل اللہ)
مدرسہ سعادت دارالعلوم کے خط و کتابت میں کوئی مخالفت نہ ہونے کی
وجہ سے بھی شکوک اُبھر رہے ہیں۔ جس پر محکمہ اوقاف نے اس کے خلاف
انکوائری شروع کی ہے کیونکہ صدر مدرس مذکورہ کی چھٹی عمر 10/5/06
پر انکوائری افسر صاحب نے اپنی سفارشات/Findings مرتب کیے ہیں۔ حالانکہ
قبل ازیں ایک دوسری خالون آ.آ. فقلمہ مسلمات روحین ناز کے خلاف
انکوائری میں محکمہ اوقاف نے بحوالہ چھٹی مجلس 9042 حوزہ 21/12/05
محکمہ تعلیم ہی کے EDO ایجوکیشن نوٹہ کو لکھا تھا کہ مذکورہ مدرسہ میں
خواتین کے لیے مدرسہ میں کوئی ہاسٹل نہ ہونے کی وجہ سے ان کے لیے
ریگولر طریقہ تدریس کا کوئی انتظام نہیں تھا۔ جبکہ مدرسہ مذکورہ

(۴)

چونکہ منظور شدہ از حکمہ تعلیم بحوالہ چھٹی نمبر 1/78-6 (E.P) S.O

ہے۔ 18/12/78 - تو خواہن بھی بطور پرائیوٹ طالبات امتحان میں

شامل ہو کر ان کو دینی اسناد جاری ہوا کرتے تھے۔ قابل اوقاف بابت

یہ بھی ہے کہ مذکورہ خاتون روحین ناز دختر عبدالوہیل نے بھی اسی مدرسہ

سے سند برائے علم دینیات حاصل کیا تھا جسکی بنیاد پیر وہ بھی سائلہ کے

بمراہ بطور T.O مقدمہ ایک ہی Appointment order میں ایک سابقہ

تعمینات ہوئی۔ اوقاف کی مذکورہ چھٹی کی بنیاد پیر بعد ازاں اس کے

خلاف اسی مدرسہ سے جاری کردہ سند دینیات کو درست قرار دیتے ہوئے

اس بنیاد پیر انکوائری میں Complainant کو بے بنیاد قرار دیتے ہوئے

اسے بری الزمہ Exonerate کرایا گیا۔ اور یوں وہ آج بھی حکمہ تعلیم

میں فرائض سرانجام دے رہی ہے۔ اس لیے سائلہ کے خلاف انکوائری

آئیر کی Finding اور جناب ڈائریکٹر حکمہ تعلیم (E&S) کے آفس

آڈر میں چارج نمبر 4 بابت سند دینیات غلط و بے بنیاد و بلا ثبوت و

شہادت اور خود ساختہ ہے۔ اور یوں آفس آڈر نمبر 80-478 مورف

شہادت اور خود ساختہ ہے۔ (نقول چھٹی نمبر 4042 مورف

07/10/16 بھی بے بنیاد و قابل منسوخی ہے۔) چھ قطعہ Annex-N

21/12/05 حکمہ اوقاف نغمہ دیگر کاغذات مشتمل بر (6) چھ قطعہ Annex-N

یہ کہ انکوائری آئیر کی Findings بابت Double clash Degree program

بھی بلا ثبوت خود ساختہ و سازشی اور بے بنیاد ہے لہذا H.E.C سے منسوخ

انکوائری میں منع شدہ پالیسی برائے Two Degrees 27/10/15 کو بحوالہ

13/11/2015 مورف Dual Degree /AD-1/QA/HEC/2015/674 چھٹی نمبر

چھٹی نمبر 674/2015/HEC/AD-1/QA/HEC/2015/674 مورف اور بی۔ ایڈ کی ڈگریاں

کو Notice ہوا ہے۔ جبکہ سائلہ کی بی۔ ایڈ اور بی۔ ایڈ کی ڈگریاں

(اگرچہ وہ ڈبل کلش ڈگری میں درست تسلیم بھی نہ ہے) سال 2000-1999

سے تعلق رکھتا ہے۔ اس لیے یہ قواعد و پالیسی سائلہ کے ڈگریوں پر لاگو

نہیں ہوتی۔ اور یوں انکوائری افسر صاحبہ کی Finding اس مدرسہ میں

غلط و بے بنیاد اور قابل منسوخی و قابل موافقہ ہے۔

(نقول H.E.C پالیسی سال 2015 → O - Annex-N)

Advocate
SUPREME COURT

باج

یہ کہ جہاں تک انکوائری افسر صاحبہ کی سفارش بابت بی۔ اے ملازم سے
۱۹۹۶ تا ۱۹۹۸ء ہے۔ اس کو بھی غلط تشریح و توضیح کی ہے۔ کیونکہ سائل
گرنڈ ٹری کالج ٹوشنہ میں ۱۹۹۶ء تا ۱۹۹۷ء تک باقاعدہ طالبہ تھی کیونکہ ہم
بی۔ اے دو سال میں مکمل ہوتی ہے اور دو سال بعد کالج کی طلبہ و طالبات لیٹ
کالج سٹوڈنٹس بن جاتے ہیں اور سائلہ کے بارے میں بھی B.D.C. ٹوشنہ
کی پرنسپل صاحبہ نے مورخہ 24/10/16ء کو ایک حاضری سرٹیفکیٹ دی ہے جس
سے انکوائری افسر کی خود ساختہ و یک طرفہ کارروائی عیاں ہوتی ہے (نقل سرٹیفکیٹ حاضری

Annex - D/1 سے ہے۔)

پہلے سے (رض)
یہ کہ سائلہ کی Pcs لٹ و انٹرویو پاس کرنے کے بعد بطور آئی ڈی ٹیو چارج لینے
سے پہلے حکمہ تعلیم نے سائلہ کے تمام دستاویزات / اسناد باقاعدہ طور پر Veriffy
کیے تھے جو کہ درست و صحیح قرار پائے۔ اور ریپلو بھی انکوائری افسر صاحبہ نے اپنی
میں مد نظر نہ رکھتے ہوئے غلط اور بے بنیاد Finding دی۔ جو کہ قابل مسخوفی ہے۔
یہ کہ پرنسپل ہیئرنگ اور جرح برہمچلینٹ و جھوٹے گواہان کا موقع بھی سائلہ کو نہ دیا گیا۔ اس
وجہ سے بھی تمام انکوائری کارروائی خلاف قانون و سروسہ قواعد و ضوابط ہے۔

(ظ)
یہ کہ سائلہ کی طرح سینکڑوں خواتین نے ۱۹۷۸ سے سیکر 2002ء تک مدرسہ سعادت دارالعلوم
مردان سے سند دینیات حاصل کیے جن کی بنیاد پر وہ حکمہ تعلیم میں بھرتی ہو کر ملازمت حاصل
کر چکی ہیں جس بابت ان کو نقصان پہنچانے بغیر سائلہ نے انکوائری افسر صاحبہ کو بعنوان
وو تفصیل بحوالہ انکوائری محفوظ 66 ایک درخواست دی جو کہ انکوائری فائل پر موجود ہے۔
(نقل درخواست Annex - F سے ہے۔)

(ع)
یہ کہ سائلہ چار سقیم و نابالغ بچیوں کی واحد سہارا اور کفیل ہے۔ جن کی تمام
اخراجات بود و باش، تعلیم، علاج و معالجہ وغیرہ سائلہ اپنی ملازمت کی تنخواہ
سے پوری کرتی ہے۔ اس وجہ سے بھی سائلہ درست و غیر جانبدار سلوک
کی حقدار ہے۔ مزید یہ کہ سائلہ نے کسی قسم کی Misconduct وغیرہ
اپنی پوری 18 سالہ ملازمت میں نہ کی ہے۔ حتیٰ کہ سائلہ کے خلاف
Misconduct کسی بھی طرح ثابت نہ ہوئی ہے۔ اور یوں Misconduct
کی چارج بھی خلاف قانون، خلاف حقیقت و خلاف واقعات و سببیہ
سازش و غلط بیانی ہونے کی وجہ سے قابل مسخوفی ہے۔ (نقل ڈیپوڈ و ڈیپوڈ سرٹیفکیٹس
Annex G/15 G/15

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یہ کہ سائلہ کے مسز ایون اور کمپلیٹ کا اصل مفقود یہ ہے کہ سائلہ سے جائداد شکل
گامڑی، شوہر مرحوم کی ڈیٹنگ گرانٹ و فنڈیشن پر پک کر سٹک جو کہ FIR نمبر 72

لاگو

سے عیاں ہے۔
یہ کہ انٹوائری افسر صاحبہ کی Findings بابت Detainment از BMS ڈھیری کی اصل
تا BMS ڈنگ بلاڈنگ بھی یوں غلط ہے کہ انٹوائری افسر صاحبہ کی نوٹیفکیشن برائے انٹوائری
نمبری 17/A-20/3617-20 مورخہ 17/3/16 کو ہوئی جبکہ اُس نے جس نازن شاہ کے بیانات
مورخہ 17/10/15 اور 26/10/15 کے اپنی انٹوائری فائل میں جمع کرائے ہیں جس سے انٹوائری افسر
کی غلط کارروائی و یک طرفہ ہونے سے سائلہ کے Major Penalty میں
کتنی دلچسپی تھی و عیاں ہوئی ہے۔ (فقول بیان نازن شاہ کی) (Annex - Q سے)۔
یہ کہ سائلہ اپنے خلاف کمپلیٹ کی اصل و حقائق پر مبنی حالات واضح کرنے سے پہلے ہی
کے لئے ہیں آپ جناب سیکٹری صاحب سے عاجزانہ استدعا کرتی ہے۔

(ق)

لہذا استدعا ہے کہ مجتوری اپیل عملانہ ہذا، اعتراض شدہ آفس آڈر برائے سائلہ
کی Dismissal from Service کو سیدراندہ طور پر منسوخ فرمائے ہوئے سائلہ کو
بے بنیاد، جھوٹ، غلط، غیر قانونی، خلاف قانون و واقعات چارجز سے
برہی الذمہ فرمایا جائے کہ سائلہ کو اپنے سکول میں اپنی پوسٹ پر طبع
All Back benefits بحال فرمایا جائے۔ مزید یہ کہ جو دار
- اسی سائلہ نے اپیل ہذا میں سپورٹ مانگی ہوں۔ اور سائلہ اس کی حقدار
ہوں۔ وہ بھی درج بالا مندرجات اور حالات واقعات کو مد نظر رکھتے ہوئے
سائلہ کے حق میں حکم صادر فرمایا جائے۔ سائلہ اُس کی چار بیستیم چھیاں
اور بوڑھے والدین ناصیات دعائیں دیں گے۔

مخبر نوم 05/11/16

صند

سائلہ بسنتی بیگم بیوہ سید جمیل شاہ (مرحوم) دختر نواب علی درانی
سکنہ واہڈا کالونی روڈ درانی سٹیٹ کابیل ایور
نورنگہ فلان کو رہتے ہیں۔

مان حلفی
لفظاً اقرار کرتی ہوں
جملہ مراتب اپیل
بانا حد علم و یقین
بشورے ہیں۔

عبد
بسنتی بیگم
واہڈا

M. Anwar
ADVOCATE
SUPREME COURT

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Aux-G

PROCEEDINGS OF THE ENQUIRY CONDUCTED AGAINST MS. BUSHRA BEGUM, SST, GGMS
SHALA KHEL DISTRICT NOWSHERA

Ms. Farida Begum, Principal RITE (F) Peshawar was appointed as Enquiry Officer vide letter Endst.NO.3617-20/A-17/complaint/f/Nowshera/Bushra Begum dated 17/03/2016) to investigate into the allegations leveled against Ms. Bushra Begum SST, GGMS, Shala Khail as are listed below:

1. She was appointed against TT Post having bogus sanad.
2. She was regular student of GGDC Nowshera in 1998 while on the other hand she was appointed against TT Post in 1998 and received monthly salary regularly.
3. She was appointed at GGMS Dheri Katti Khel and performed duty at GGMS Khattak Building, NSR while received salary from GGMS Dheri Katti Khel NSR.
4. Shahadatul Alia Sanad shown acquired from Tanzimul Maddaris Lahore is fake.
5. Her B.Ed degree was acquired from Shah Abdul Latif University, while she sought departmental permission for B.Ed degree examination from Peshawar University which is suspicious.
6. Appointment order of SST shown, recommended by PSC, is totally bogus.
7. Performing duties in various examination regularly.

The complainant Mr. Sayad Jafar Shah s/o Sayad Masahib Shah was called vide letter No.141/Inquiry file Ms. Bushra, GGMS, Shala khail dated 31-03-2016 to appear before the enquiry officer to substantiate his allegations leveled against Ms. Bushra Begum


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SUPREME COURT



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TT, GGMS Shala Khail and to produce evidences if any, in support of his allegations. (Annex-1)

The accused teacher, Ms. Bushra Begum was also called vide letter No.137-38 Inquiry file Ms. Bushra, GGMS, Shala khail dated 26-03-2016 to appear before the Enquiry officer to produce any evidence, documentary or others, to prove herself not guilty / innocent. (Annex-2)

The complainant appeared before the Enquiry Officer on the scheduled date, time and venue and stated that he stands by his written statement and that he has already provided sufficient documentary evidences in support of his statement. (Annex-3)

The accused teacher presented herself before the Enquiry Officer on 26/3/2016 and filled out a questionnaire form designed for the purpose of inquiry. (Annex-4)

Allegation No:-1

She was appointed as TT teacher under Endstt: no: 915-33f/TT dated 17-01-1998, While her academic/Professionals certificates/Degrees have been verified from the concern Boards / Universities under Endstt: No. 14479-84/EDO(E&SE)NSR/Clearance/SST(G)/M... Dated 17-11-2012 but in fact no document regarding verification of istidadi sanad shoba e elm e Deniyat (TT Certificate) is available on record in the office of EDO/DEC(F), Nowshera OR Teacher concern

(Annex-5,6)

A letter No:139/ complaint/f/Nowshera/Bushra Begum was written to Madrassa Saadat Darul Aloom Toru, Mardan for the verification and confirmation of genuineness of the Sanad, titled Istadadi Sanad Shoba Elmo Daniyat (TT Certificate) District Mardan issued to the accused teacher on the basis of which she was appointed as Theology Teacher vide Notification 915-33 dated 17-01-1998

(Annex-7)

Amir Q. Ali
ALSO
SUPREME COURT

Page no-3

The reply dated 10/05/2016 received back from the said Madrassa states,

"That there was no arrangement of female education,

nor the Madrassa issued any sanad to any female"

(Annex-8),

Hence the sanad found fake.

Allegation No:-2

The accused teacher got job in Education Department when she was appointed as Theology Teacher on 17-01-1998 but at the same time she was a regular student of B.A in GGDC Nowshera. She remained student at GGDC Nowshera till June 1998, a fact not refuted by the accused teacher.

(Annex - 9, 10, (Annex-4 Answer NO: 8)

Hence the allegation found correct.

Allegation No:-3

The head Mistress GGHS, Dheri Katti Khail stated that the accused teacher took charge as TT at local school vide no: 915-33 dated 17-01-1998. She further stated that in the light of order of then EDEO E&SE Nowshera, she was detailed to GGMS Khattak Building from 01-01-2009 to 03-07-2012. She further stated that later on her order had been cancelled but the accused

teacher performed duty regularly at GGMS khattak Building Nowshera. The same was verified

by the attendance register and found correct.

(Annex-1 A,B)

Hence the allegation found correct.

Allegation No:-4

The Sanad called Shahadatul Alia issued by Tanzeem Ui Madaris (Ehl e Sunnat) Lahore is not owned by the accused teacher, therefore no action for the verification of the same was deemed appropriate. Although she stated that she disown the sanad, however she was


ASIF ALI KHAN
JUDGE
SUPREME COURT

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promoted to BPS 14 and also has received financial benefits accruable on the basis of the said sanad.

(Annex-12, 13, 14, 15, Annexure 16...Answer-6) Annexure-17..Service Book page No:7

Annex-No: 18)

Allegation No:-5

Her B.Ed degree was acquired from Shah Abdul Latif University, while she have sought departmental permission for B.Ed degree-examination from Peshawar University for which her degree was suspicious. (Annexure 19, 20)

The matter was inquired in detail. Her B.Ed degree was verified on 10-11-2012 vide NO: Exam/very/SALU/KHP/207 and Re verified by the Shah Abdul Latif University Khairpur on 09-05-2016. (Annex- 21-22)


The accused teacher obtained B.Ed degree from the Shah Latif University Khairpur under session 1999-2000. However at the time of enrollment for B.Ed programme didn't qualify her B.A, which is a precondition for the enrollment.

(Annexure-23 B.Ed. Notification Note No.3 Admission form page No: 2

Annexure 24-Examination Form-Column No-6, regulations for Private Candidate -2)

During the course of inquiry a chronic disorder came under notice relating her B.ED Program and was discussed with the controller of examination SALU Khairpur. As

- (i) She appeared in B.A Examination in July
- (ii) According to the statement of the accused teacher she appeared for B.A examination from 6th June 1999 to 31 August 1999
- (iii) She registered with SALU Khairpur in September 1999 (Annexure-25)


A.
SUPREME COURT

Page no-5

- (iv) Her date of result declaration of B.A is November 1999
- (v) She got Departmental Permission for B.Ed examination from University of Peshawar on 29-05-2000 vide Endstt: No: 3564 office of DEO(f) Primary, Nowshera. (Annexure -19)

(According to policy of HEC the Degrees with time clash are not allowed in any case.

(Annexure No:-26 HEC Policy Guide line for two degrees page-1, Note No-2, page-2-note-2,3)

Hence the allegation found correct.

Allegation No:-6

The recommendation by the Public Service Commission for the post of SST was verified by the PSC, Khyber Pakhtunkhwa under letter No: 166 dated 07-04-2016 and her recruitment against the said post found correct vide no. PSC/SR-II Dated 20-04-2016. (Annexure No: 27)

Hence the allegation was not correct.

Allegation No:-7

The attendance register was checked and found no irregularity regarding performing frequent duties under BISE in various examination.

Hence the allegation is not correct.

FINDINGS/CONCLUSION

The above proceedings clearly establish three facts;

1:- That the accused teacher has committed certain serious irregularities which warrant appropriate punishment(s) as defined by section 26 of KPK civil servant

Act, 1973(Act NO XVIII, of 1973) E&D Rule 2011, 4a III & b III.

2:- The concern officials of the department have miserably failed to timely verify the


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SUPREME COURT

(311)

credentials of the accused teacher and the genuineness of her documents the time of appointment /Promotions due to which the accused teacher stayed on Job for past (18) Eighteen Years.


3:- Shah Abdul Latif University is equally responsible for Enrollment/Registration/issuing of verified B.Ed degree to an ineligible candidate As no submission of any fake document by the candidate for enrollment / Registration of B.Ed Examination was found on record of Shah Abdul Latif University.

No justification by the controller of Examination was provided.

RECOMMENDATIONS.


It is therefore, recommended that the following penalties be imposed on the accused teacher:

- 1:- A Recovery of financial benefits derived on account of Shahadat ul Alia and B.Ed.
- B:- Removal from service on account of acquiring Govt Job on the basis of fake sanad e deniyat (TT Certificate) and other irregularities committed by her.
- 2:- The concern officials of Department may be punished under E&D Rule being inefficient.
- 3:- The case may be forwarded to Higher Education Commission against Shah Abdul Latif University Khairpur for Registration of an ineligible candidate and issuing of B.Ed Degree to a candidate who did not qualify her B.A, Which is a pre requisite for enrollment In B.Ed program.


Farida Begum

PRINCIPAL


RITE (F), PESHAWAR


Ms. Sajida Ali
ADVOCATE
SUPREME COURT

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Degree of B.ed is verified by Shah Abdul Latif University Khairpur but she got herself admitted in the B.ed programme at a time when she had not yet qualified her BA which is the prerequisite qualification.

An early reply from your end shall be highly appreciated.


Yours sincerely,

Principal

RITE (F), PESHAWAR

Endst:-238-1

Copy to: - Director E&SE, Peshawar.


ADVOCATE
SUPREME COURT

SHOW CAUSE NOTICE

Aux - H

I, Muhammad Rafiq Khattak Director Elementary & Secondary Education Khyber Pakhtunkhwa as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Mst. Bushra Begum SST GGMS Shala Khel Nowshera, as follows:-

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- As per recommendation of inquiry officer Mst. Farida Begum Principal RITE(F) Peshawar vide No.248 dated 30-05-2016.
- The TITLED ISTADADI SANAD SHOBA ELM -O-DANIYAT (TT certificate) District Mardan issued to you on the basis of which you were appointed as TT vide Notification No.915-33 dated 17-1-1998 is found fake.
- ① You were appointed as TT on 17-1-1998 but at the same time you were a regular student of BA in GGDC Nowshera.
- ② Your B.Ed degree was acquired from Shah Abdul Latif University while you have sought departmental permission for B.Ed degree examination from Peshawar University for which your degree is suspicious.
- ③ At the time of enrollment for B.Ed Programme you did not qualify your BA degree which is a pre-requisite/precondition for the enrollment in B.Ed course.
- ④ Thus on the basis of BA/B.Ed Degree you were recommended by PSC KPK under letter No.166 dated 07-04-2016 and appointed as SST vide Notification No.5001-8 dated 03-10-2012 by this Directorate is doubtful.
- I am satisfied that you are guilty of misconduct and inefficiency as specified in rules 3 (a,b) of the said rules. Thus you have rendered yourself liable to be proceeded against under the said rules.

In exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent authority, is hereby pleased to dispense with the conduct of a formal enquiry and serve you with the instant show cause notice with a the direction to submit your defense in writing within 07(seven) days of the receipt of this notice as to why one of the major or minor penalty of rule-4 of the said rules should not be imposed upon you and also intimate whether you desire to be heard in person.

In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and an ex-parte decision will be taken against you.

COMPETENT AUTHORITY

Mst. Bushra Begum, SST
GGMS Shala Khel Nowshera


SUPREME COURT

Aux-I

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To,

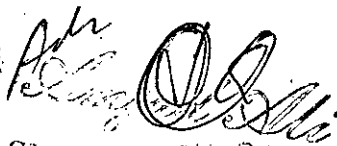
Inquiry Officer,

Subject: REPLY TO SHOW CAUSE NOTICE

I, Mst. Bushra Begum SST GGMS Shala Khel Nowshera submit my reply to the Show Cause notice to your Honour and benevolent consideration as I am sanguine that your Honour will accept my reply to the show cause notice:

Respectfully Sheweth,

1. That the said show cause notice is illegal, unlawful, void and without jurisdiction.
2. That the same is against the principle of natural justice also.
3. That allegations leveled against me in the show cause notice is illegal void as the Sanad obtained by me is according to law and procedure because the "Darulullom" was registered with education department, but the inquiry officer did not took notice of the said registration, it is also brought in your kind notice that so many other teacher still serving in Education Department also appointed through the said Sanad and at the time of appointment the certificate had duly been verified by education department, and not only this but according to the Education Department rule and


JUDGE
SUPREME COURT

procedure the whole educational documents have been duly verified each and every year also. So the whole allegations is based on malafide intentions just to the hairs and mentally tortured me and my family, as I am only bread winner for my family, because my husband has been died and I have to look after my four little daughters and if there is any illegality or irregularity, then the competent authority at the time of my appointment i.e. 17/01/1998 will have ample power to cancel my appointment order.

4. That the allegations in the show cause notice no.2 is baseless and without jurisdiction because I was appointed as T.T. Teacher on 17/01/1998, while I appeared in BA Part I Examination in year 1997 and then the BA part II examination, the session has almost completed and then I joined the services, and for BA Part II examination I obtained permission from my High Ups so after appointment I was not in position to cancel my admission rather I adopted legal procedure to complete BA degree Course, during that period I performed my duties to the utmost satisfaction of my high-ups and never gave any chance of complaint to my high Ups.



JUDGE
SUPREME COURT

5. That allegations leveled against me in show cause notice is highly baseless and liable to be set aside as the whole procedure adopted by me, was legal and lawful because I took migration certificate from Peshawar University at that time and then I appeared in B.Ed examination at Shah Abdul

Latif University as private candidate, the whole procedure is legal and genuine one and I requested the competent authority to verified my degree there from the said university and the competent authority will be able to understand the whole situation as the whole allegations which is based upon a complaint is illegal and unlawful and there is malafide intention because I obey the law of land and also obey the rule and regulation of department also.

6. That the allegations leveled against me in the show cause notice NO. 4, is without facts and jurisdiction because it is impossible to get admission in High Program without having requisite qualification for the same, but this fact has totally ignored by the competent authority also, which is against the law, facts and also against the rules and procedure of education department. It is also portent to bring into your kind notice that Shah Abdul Latif University did not object and the same B.Ed degree had also been verified time and again by the education department also. So the said allegation may please be set aside according to law.

7. That public service commission is recognized department for recruitment in the whole province of Khyber Pakhtunkhwa and before appointment they had thoroughly checked all the educational documents not only from the concerned department but also from the concerned university also. So in my case the PSC KPK also adopted the same procedure


ADVOCATE
SUPREME COURT

(37)

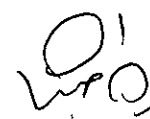
and after due satisfaction my appointment order had been issued as according to law.

8. That from the last 18 years I am serving Education Department to the utmost satisfaction of my high ups and never face any inquiry before this and nor I received any adverse remarks in my annual ACR as I have unblemished service record.

So, it is therefore most humbly requested that on acceptance of this reply to the show cause notice that allegations leveled against me may please be set aside and the show cause notice may please be withdrawn as according to law and in the best interest of justice.

Dated: 19/7/2016


ADVOCATE
SUPREME COURT



MST. BUSHRA BEGUM
W/o Syed Jamil Shah
Presently serving as
SST GGMS Shela Khel,
District Nowshera



OFFICE OF THE
ADMINISTRATOR AUQAF
KHYBER PAKHTUNKHWA.

Eidgah Charsadda Road, Peshawar
Phone: 2043428 Fax: 2043427

No. 2041/10/11

Dated // 10/12/2017

To:

Miss: Farhat,
Retired Principal,
Govt. Girls Degree College Rustam, Mardan

Annex-J
(38)

**Subject: OPEN ENQUIRY NO. 90/2016 EDUCATION AGAINST MISS BUSHRA (SST)
EDUCATION DEPARTMENT, DISTRICT NOWSHERA**

Reference your application dated "Nil", on the subject noted above.

It is submitted that this office has already sent a letter to EDO, Nowshera vide No. 9042/ME/Auqaf, dated 21.12.2005 within detail, (copy enclosed), that this Darul Uloom was recognized by the Education Department since 18.12.1978. (copy enclosed)

Therefore, students (Male & Female) who wanted to appear in the examination as private candidates, were allowed, in case of passing the examination and then the successful candidates were issued Sanad accordingly.

Hence the Sanad issued to private candidates including Miss: Bushra Begum D/O Nawab Ali Khan R/O District Nowshera under Roll No. 187, dated 29.04.1996 may be considered in the light of the above factual position.

M. Anwar Ullah
ADVOCATE
SUPREME COURT

[Signature]
Administrator Auqaf
Khyber Pakhtunkhwa
Peshawar

Ans K.

(39)

OFFICE OF THE PRINCIPAL GOVT. GIRLS DEGREE COLLEGE NOWSHERA

ATTENDANCE CERTIFICATE

It is certify that Miss. Bushra Begum D/O Nawab Ali Khan was a late college student of this institution, under Roll No. 178, Registration No. 96-NG-1408, Session 1996-97. Moreover our college complete record is destroyed in 2010, flood.



PRINCIPAL
Govt. Girls Degree College
Nowshera 24-10-2016
Principal
Govt. Girls Degree College
Nowshera



SUPREME COURT

بعد الت خراب شروتن شریوں لکھو
صدرین

2018ء منجانب اسٹیشن

13-6-2018

مورخہ:

مقدمہ:

دعویٰ:

جرم:

بنام:

حکومت

سید علی بیگم

سید علی بیگم
باجت تھرر آنک

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیردی و جواب دہی وکل کاروانی متعلقہ

این مقام کیلئے امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان اسٹیشن

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروانی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک و روپیہ عارضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری تکسٹرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروانی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

2018ء

3 ماہ جون

المرقوم:

العبد

گواہ

العبد

Amir Ali
SUPREME COURT

Accepted
Amir Ali Mardan

Amir Ali

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، لسٹڈ کنٹ کورٹس مردان

0321-9882434 0321-9870175

5/

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Service Appeal No: 829/2018

Bushra Begum Ex-SST GGHS Shala Khel, District Nowshera.Appellant.

VERSUS

Secretary E&SE Department, Khyber Pakhtunkhwa & others.Respondents

PARAWISE COMMENTS ON & FOR BEHALF OF THE RESPONDENTS No: 1-3.

Respectfully Sheweth :-

The Respondents submit as under:-

PRELIMINARY OBJECTIONS.

1. That the Appellant has got no cause of action/locus standi .
2. That the instant Service Appeal is badly time barred.
3. That the Appellant has concealed material facts from this Honorable Tribunal.
4. That the instant Service Appeal is based on mala fide intentions.
5. That the Appellant has not come to this Honorable Tribunal with clean hands.
6. That the Appellant is not entitled for the relief she has sought from this Honorable Tribunal.
7. That the instant Service Appeal is against the prevailing law & rules.
8. That the Appeal is not maintainable in its present form.
9. That the Appeal is bad for mis-joinder & non joinder of the necessary parties.
10. That this Honorable Tribunal has got no jurisdiction to entertain the instant case.
11. That the impugned Notifications dated 07/10/2017 & 23/5/2018 are legally competent & liable to be maintained in favour of the Respondents.
12. That formal legal procedure has been adopted by the Respondent Department prior to the issuance of the said notifications.
13. That the appellant has been found guilty of her fake & bogus documents.
14. That the appellant was a regular student of GGDC Nowshera at the time of her appointment against the TT post.
15. That the appellant also was enrolled as regular student of Shah Abdul Latif University Sindh at the time of her appointment against the TT post.



ON FACTS

- So
- 1 That Para-1, is correct to the extent that vide appointment order dated 17/01/1998, the appellant was inducted as TT BPS-07 in the Respondent Department with further submission that at the time of her appointment against the TT in BPS-07 Post, the appellant has been found guilty of production of fake & bogus TT Sanad to the selection committee as per enquiry report. She was also a regular student at GGDC Nowshera in BA program at the time of her appointment against the TT Post on dated 17/01/1998. Similarly, the appellant was also got herself admitted /enrolled as a regular student in B.Ed program at Shah Abdul Latif University Sindh during the academic Session of the year 1999-2000 as per enquiry report submitted by the Principal GGDC Nowshera. **(Copies of the appointment order dated 17/01/1998 & enquiry report at annexed as Annexures-A&B).**
 - 2 That Para-2, is incorrect & denied on the grounds that when her TT Sanad was found fake & bogus by the enquiry officer then the claim of the appellant regarding taking over duty charge against the TT BPS-07 post in the Respondent is itself an illegal act on the part of the appellant.
 - 3 That Para-3 is correct. The appellant was recommended by the Khyber Pakhtunkhwa, Public Service Commission against the SST(G) B-16, post vide Notification dated 28/9/2012.
 - 4 That Para-4 is also correct that vide the notification dated 07/10/2016 the appellant was dismissed from service on charges of production fake & bogus Sanads for TT Post at the time of her recruitment. She was also enrolled as BA regular student in BA Program at GGDC Nowshera. Besides this, the appellant has also been found guilty of dual enrolment at Shah Abdul Latif University, Province Sindh in B Ed program & at GGDC Nowshera & this fact has been proved in the per report submitted by the enquiry officer in her enquiry report. **(Copy of the enquiry report is attached as Annexure-C).**
 - 5 That Para-5 is incorrect & denied on the grounds that the enquiry report dated 07/4/2017 of MS Farhat Begum has been set aside & another enquiry was conducted through the Principal GGDC Nowshera who has recommended the removal of the appellant from service against SST(G) Post. Hence, the appellant was dismissed from service vide the impugned notification & order dated 23/5/2018, issued by the Respondent No: 2 against the appellant.
 - 6 That Para-6 is correct. Another enquiry was conducted who submitted her report to the Respondent in a mis-directed form vide her enquiry report dated 06/2/2018 which was also set-aside by the Respondent Department.
 - 7 That Para-7 is incorrect & misleading. The Departmental Appeal of the appellant has been rejected on merit of the case vide the impugned Notification dated 23/5/2018 by the Respondent Department.
 - 8 That Para-8 is incorrect & denied on the grounds that both the orders/notifications dated 07/10/2016 & 23/5/2018 are legal & liable to be maintained in favour of the Respondent Department on the following grounds inter alia:-
- ✓

GROUNDS.

- A Incorrect & denied. The appellant has been treated as per law, rules & criteria by the Respondent Department by serving a Show Cause Notice upon the appellant dully replied but in an unsatisfactory form to the Respondent Department which resulted in the impugned Notification dated 07/10/2016 issued by the Respondent No: 2 in view of the facts as & circumstances of the case submitted by the Respondent Department. **(Copies of the Show Cause Notice & reply are attached as Annexures-D&E).**
- B Incorrect & not admitted. The appellant has been found guilty of charges of allegation leveled against her by the Respondent Department in view of the material available on record. Hence, the enquiry officer has recommended her removal from service. **(Copy of the enquiry report dated 17/3/2016 is annexed as Annexure-F).**
- C Correct to the extent that reply to the Show Cause Notice dated 28/6/2016 has been submitted by the appellant in an unsatisfactory form which resulted in her removal from service vide notification dated 07/10/2016 which is legal & liable to be maintained in favour of the Respondents. **(Copies of the Show Cause Notice & its reply arte annexed as Annexures-G&H).**
- D Incorrect & denied. All the codal formalities including conducting of a regular enquiry has been observed & conducted by the Respondent Department prior to the issuance of the impugned Notification dated 07/10/2016 against the appellant by the Respondents.
- E Incorrect & not admitted. The statement of the appellant is baseless & even without legal force. Hence, liable to be dismissed.
- F Incorrect & denied. The plea of the appellant is illegal & without any legal justification with the additional submission that the cited rulings is not applicable upon the case of the appellant.
- G Incorrect & not admitted. The Respondent Department has acted as per law, rules & criteria in the instant case. Hence, the stand of the appellant is liable to be dismissed.
- H Incorrect & denied. The stand of the appellant has been recruited against the SST(G) Post on the basis of TT Post/experience. She has submitted a Departmental permission certificate to the Khyber Pakhtunkwah Public Service Commission for the SST(G) Post.

Therefore, the stand of the appellant is baseless as she has produced fake & bogus documents to the Respondent Department at the time of her induction against the TT Post in BPS-07.
- I Incorrect & denied. As per criteria of the Higher Education Commission pre-condition for admission in B. ED is BA Passed degree whereas, the appellant has not passed her BA examination at the time of her admission in B. Ed at Shah Abdul Latif University, Sindh.
- J Incorrect & misleading. The statement of the appellant is baseless as the TT Sanad has been found fake & bogus by the enquiry office in her report.
- K Incorrect & denied. Each & everything has been proved against the appellant during the departmental proceedings under the rules.
- L Incorrect & misleading. The stand of the appellant is without any force & it is competency of the competent authority to set-aside any enquiry report which is mis-directed.

- M Incorrect & denied. The appellant has been given due chance & opportunity in the whole Department Proceedings by the Respondent Department.
- N Incorrect & denied. The complaint against the appellant has been proved during the departmental proceedings against the appellant.
- O Incorrect & denied. The asnad of the appellant have been found fake & bogus by the enquiry officer as per her enquiry report.
- P Incorrect & denied. No such certificate has been given by the Principal GGDC Nowshera in favour of the appellant.
- Q Legal. However, the Respondent Department further seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments before this Honorable Bench on the date fixed.

In view of the above made submissions, it is most humbly Prayed that this Honorable Tribunal may very graciously be pleased to dismiss the instant service appeal with cost in favor of the Respondent Department in the interest of justice.

Dated ___ / ___ /2018

Hameed
 Director
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondents No: 2&3)

[Handwritten signature]

Secretary
 E&SE Department Khyber
 Pakhtunkhwa, Peshawar.
 (Respondent No: 1)

AFFIDAVIT

I, Hameedur Rehman Asstt: Director (Litigation-II) E&SE Department do hereby solemnly affirm and declare that the contents of the instant Comments are true & correct to the best of my knowledge & belief.

Hameed
 Deponent

Ann-A

(8)

Bushra	Begum D/o Awais	14.4.78	5/72	66	Govt. ...
Kausar	Khalid D/s Khalid	10.4.78	3/72	65	Govt. ...
Zareer	Begum D/o Muhammad	1.1.75	5/72	62	Govt. ...
	D/o Ghayass	1.9.77	5/72	62	Govt. ...
Roheen Naz	D/o Abdul Waki	...	...	61	Govt. ...
	D/o ...	1.1.77	3/72	61	Govt. ...
Sitangull	D/o ...	1.7.73	...	60	Govt. ...
	D/o ...	10.3.75	...	60	Govt. ...
Akhtar TF	...	...	...	...	Govt. ...
Nazneer	Akhtar TF	...	...	...	Govt. ...

The Government of Punjab hereby announces that for the extension of the ...

... to termination on one month's notice ...

... resignation without notice, one month's ...

... thereof.

... in the month of issue of this ...

Sd/- P. ... (Punjab)

⑨

...has been reviewed and approved. ...the following criteria:

	U	III	IV
Acad.	10	7	5
Exp.	10	10	7
Sch.	17	11	10

915-33

(OFFICIAL LETTERHEAD)
DISTRICT EDUCATION OFFICER (DEO)
SCHOOL DIVISION

MEMORANDUM FOR THE DEO DATED 17/11/1998.

Copy forwarded for ...

RE: ...

1. ...
2. ...
3. ...
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9. ...
10. ...

(OFFICIAL LETTERHEAD)
DISTRICT EDUCATION OFFICER (DEO)
SCHOOL DIVISION

T.H. Khan

OFFICE OF THE DISTRICT EDUCATION OFFICER (M&F) SECONDARY NOWSHERA.

APPOINTMENT

Consequent upon the Selection by the Departmental Selection Committee, District Nowshera. The following TT Teachers (Female) are appointed at the schools noted against their names in BPS-07 at (Rs.1480-31-2695) plus usual allowances as admissible under the rules with immediate effect to the following existing terms and conditions.

S.#	Name and Address	Date of Birth	No. in Intev; M/List	Score	Name of School.	Vacant Post
1.	Bushra Begum D/o Nawab Ali Durrani Moh: Bara Khel Nowshera Kalan.	04.04.78	2/13	66	GGMS, Dheri Kati Khel Nowshera	TT V/Post
2.	Kosar Khalid D/o Khalid Ahmad Opposite Imam Bara Saddar Bazar Risalpur	10.04.78	3/38	65	GGMS, Kotli Kala Nowshera	TT V/Post
3.	Nigena Nazneen D/o Fida Muhammad Armour Housing Society Manki Road Nowshera.	11.02.68	4/3	63	GGMS, Manki Sharif NSR	TT V/Post
4.	Faresa Begum D/o Muhammad Idrees Shah Moh: Qasim Khel Cheshmai PO Akora Nowshera.	05.01.75	5/7	62	GGMS, Chashmai Nowshera	TT V/Post
5.	Rafyat Hussain D/o Ghyyas Ahmad Moh: Sheikh Ala Din Akora Khattak Nowshera.	01.09.77	6/25	62	GGMS, Kalia Nowshera	TT V/Post
6.	Roheena Naz D/o Abdul Wakeel Village Aza Khel Bala NSR.	05.05.79	7/18	62	GGMS, Tarkha Nowshera	TT V/Post
7.	Nasra Iqbal D/o Muhammad Iqbal 344/I Moh: Durrani Street Nowshera Cantt.	01.01.72	8/2	61	GGMS, Inzari Nowshera	TT V/Post
8.	Sitara Gul D/o Aurangzeb Village Aza Khel Nowshera.	01.01.73	9/6	61	GGMS, Bara Banda	TT V/Post
9.	Mubshira Saleem D/o Muhammad Saleem Aman Garh NSR.	18.02.75	10A/10	61	GGHS, Jaloza.	TT V/Post
10.	Perveen Akhtar TT GGHS Jaloza	Adjusted at			GGMS, Risalpur Cantt.	TT V/Post
11.	Nazaneen Akhtar TT GGMS, Manki Sharif NSR	Adjusted at			GGHS, Rashaki.	TT V/Post

TERMS AND CONDITIONS.

1. They will be governed by each rules & regulation as may be prescribed by the Govt: from time to time for the category of the Government Servants to which they belong.
2. Their Services will be liable to termination on one month's notice from either side. In case of resignation without notice, one month pay will be forfeited in lieu thereof.
3. The should join the posts with in one month of issue of this Notification.

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BETTER COPY

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4. Charge report should be submitted to all concerned.
5. Their original Certificate/ Degrees/ Sand should be checked and verified from concerned University/BISE/RDE and Islamic madrassas concerned before handing over charge by the Principal/ Headmistress of the concerned schools.
6. Service Books of the Teacher's concerned must be prepared complete in all respect after taking over charge.
7. Their declaration of assests should be obtained and be kept in safe custody by the Principal/ Headmistress concerned.
8. They are required to produce and age certificate from Medical authority before taking over charge in case of new servants.
9. No TA/DA is allowed.
10. The above selection has been made on the following criteria:-

	I	II	III	IV
1. SAND/MATRIC	50	35	20	
2. FA/FSc	10	7	5	
3. BA/BSc	13	10	7	
4. MA/MSc	17	14	10	

Sd/-

DISTRICT EDUCATION OFFICER(M&F),
SECONDARY NOWSHERA.

Endst:No. 915-33/F.HSE-5/TT/Appointments(F) dated: 17.11.1998

Copy forwarded for information and necessary action to the:-

1. P.S to Minister for Education NWFP, Peshawar.
2. P.S to Secretary to Govt: of NWFP, Education Department, NWFP, Peshawar.
3. PA to Director of Secondary Education NWFP, Peshawar.
4. Divisional Director of Education (S), Peshawar Division Peshawar.
5. District Accounts Officer, Nowshera.
6. Headmistress Govt: Girl High School Concerned.
7. Headmistress Govt: Girls Middle Schools concerned.
8. Candidate concerned.
9. Pay clerk. (Female) Section local office.
10. P/File.

Sd/-

DISTRICT EDUCATION OFFICER(M&F),
SECONDARY NOWSHERA.

Annex - B

(10) (29)



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
 PH No. 091-9210389, 9210938,
 9210437, 9210957, 9210468
 Fax 091-9210936
 E-mail desekpk@yahoo.com

Notification.

Consequent upon the recommendation of the Khyber Pakhtunkhwa Public Service Commission, appointment of the following candidates is hereby ordered against the post of Secondary School Teacher Female (SST General) in BPS-16 (Rs.10000-800-34000) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with immediate effect and their Services are placed at the disposal of EDO(E&SE) concerned for further posting against vacant SST General posts:-

S. #	Name	Father's Name	Domicile	Z. o. n. #	Permanent Address	Place of posting
1	Saima Sardar	Sardar-ul-Islam	Nowshera	2	Mohallah Darbar Sharif Village Ziarat Kaka Sahib Tehsil & District Nowshera	Services, place the disposal of (E&SE) Nowshera for further posting against vacant General post.
2	Bushra Begum	Nawab Ali Durrani	Nowshera	2	Mohallah House No.246. A. R.A. Bazaar Near Rehman Mouse Nowshera Cantt.	---do---
3	Rafaqat Shafiq	Muhamm ad Shafiq	Nowshera	2	Village Aman kot PO Mohib Banda Tehsil Pabbi District Nowshera	---do---
4	Ambarceen Zeb	Jahan Zeb	Peshawar	2	C/O Jahanzeb Hemed Property dealer opposite Iqbal colony Dalazak Road Peshawar city	Services place the disposal of (E&SE) Peshawar for further posting against vacant General post.
5	Khadija Samar Rehman	Abdul Rehman Mano Khan	Peshawar	2	Rehman Manzil Flat No.7, Choke Nishtar Abad Moh: Sikandar Pura Peshawar	---do---
6	Bacha Rahmat	Gul Chaman	Swat	3	Shama Corporation Bisham Road Khawaza Khela Swat.	Services place the disposal of (E&SE) Swat further posting against vacant General post.
7	Aftab Bibi	Spin Gul	Bannu	4	Village & P.O Ghoriwala Tehsil & District Bannu	Services place the disposal of (E&SE) Bannu further posting against vacant General post.

Appointment Order No 25 th SST (G) Advt No 1/2002

11/29

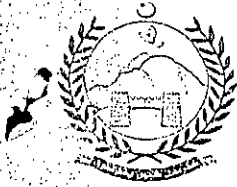
8	Adila Kiran	Nascer Ali Bhatti	DIKhan	4	Gulberg Town Street No.1 Muryali Moor University Road DIKhan	Services placed at the disposal of ED (E&SE) DIKhan for further posting
9	Kalsoom Bibi	Ali Mar Jan	Lakki Marwat	4	Mohallah Toli Abad Tehsil & District Lakki Marwat	Services placed at the disposal of ED (E&SE) Lakki Marwat for further posting
10	Zohia Bibi	Abdul Chafoor	Haripur	5	Village & PO Dobandi Tehsil & District Haripur	Services placed at the disposal of ED (E&SE) Haripur for further posting
11	Shabana Jadoon	Aurangzeb Khan	Abbottabad	5	VPO Langra Tehsil & Distt: Abbottabad	Services placed at the disposal of ED (E&SE) Abbottabad for further posting against 5% Ear Quick Quota
12	Humera Bibi	Shah Maqsood	Manshra	5	Moh: Upper Sabri near GPO Masjid-e-Aqsa Manshra	Services placed at the disposal of ED (E&SE) Abbottabad for further posting against 5% Ear Quick Quota

Terms and conditions:-

- 1 Her services will be considered regular but without Pension & Gratuity in terms of Section-19 of the NWFP Civil Servant Act, 1973 as amended vide NWFP Civil Servants (Amendment) Act, 2005. She will however be entitled to Contributory Provident Fund in such a manner and at such rates as per prescribed by the Govt.
- 2 In case, she is already in Government service and working against pensionable post on regular basis before 1st day of July 2001, without any service break, on application to Khyber Pakhtunkhwa Public Service Commission through proper channel and selected by the Commission, is appointed and allowed choice of option either to retain benefit of pension & gratuity as allowed to her under her previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to her under new appointment.
- 3 Her service is liable to termination on one month's notice from either side. In case of resignation without notice her one-month pay/allowances shall be forfeited to the Government.
- 4 She should join her post within 30 days of the issuance of this notification. In case of failure to join her post within one month of the issuance of this notification, her appointment will expire automatically and no subsequent appeal etc shall be entertained.
- 5 She should be on probation for a period of one year extendable for another one year.
- 6 She shall be governed by such rules and regulations as may be issued from time to time by the Govt.
- 7 Her service can be terminated at any time, in case her performance is found unsatisfactory during probationary period. In case of misconduct, she shall be proceeded under the rules framed from time to time.
- 8 Charge report should be submitted to all concerned.
- 9 The EDOs concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after one month of the issue of her posting order.

documents before release of

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DIRECTORATE OF ELEMENARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

E.P.S.E.

Aux-C
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DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

OFFICE ORDER

- 1- WHEREAS, Mst. Bushra Begum SST GGMS Shehla Khel District Nowshera was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011, for the charges mentioned in the show cause notice issued vide this office No.2223 dated 28-06-2016.
- 2- AND WHEREAS, Mst. Bushra Begum SST GGMS Shehla Khel District Nowshera has submitted unsatisfactory reply of the show cause notice dated 19-07-2016.
- 3- AND WHEREAS, The competent authority has appointed Mst. Farida Principal RITE(F) Peshawar as enquiry officer vide Notification No.3617-20 dated 17-03-2016.
- 4- AND WHEREAS, While Mst. Bushra Begum appointed against the post of TT Teacher on 17-01-1998 at GGMS Dheri Katti Khel District Nowshera. The TT certificate is found bogus and competent authority is agreed with the finding of enquiry officer as the said Madrasa also denied the status of sanad.
- 5- AND WHEREAS, the teacher concerned as a regular student in BA Programme in GGDC Nowshera at the time of regular appointment as TT on 17-01-1998. The competent authority is agreed with the enquiry officer finding as Principal GGDC(F) Nowshera has verified her regular attendance in the college.
- 6- AND WHEREAS, the teacher concerned is enrolled in B.Ed Programme in Shah Abdul Latif University in the year 1999-2000 in two semester programme. Whomever her BA result was not announced at the time of her admission in B.Ed Programme.
- 7- AND WHEREAS, the Director Elementary & Secondary Education Khyber Pakhtunkhwa, issued a reasonable chance of personal hearing vide this office letter No.6057 dated 12-08-2016 but she failed to satisfy the Personal Hearing Committee.
- 8- AND WHEREAS, she is guilty of 'Misconduct' Rule 4(i) of Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011.
- 9- NOW THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The competent authority is pleased to impose Major Penalty of "Dismissal" upon Mst. Bushra Begum SST GGMS Shala Khel District Nowshera, with immediate effect.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst.No. W78-80 /A-17/SST/F/Complaint/Nowshera

Dated Peshawar the 7/10 /2016

Copy of the above is forwarded to the:-

- 1- District Education Officer(Female) Nowshera
- 2- District Accounts Officer Nowshera
- 3- SST concerned
- 4- PA to Director (E&SE) Local Office.
- 5- Master file.

[Signature]
Deputy Director Establishment(F)
(E&SE) Khyber Pakhtunkhwa,

/Noor/

The Secretary,
Elementary & Secondary Edu Dept.

Aux-D

(26)
(13)

Subject: De-novo Enquiry against Mst. Bushra Begum

Sir,

Reference letter No. SO (PE) E&SE/5-19 Re-Instt/ 2014 dated 22.2.2017, regarding De-novo enquiry against Mst. Bushra Begum D/O Nawab Ali Khan Durrani Ex-SST, GGMS Shehla Khail Nowshera, dismissed by the Director E&SE on the grounds of bogus TT Sanad and B.Ed degree.

It is submitted on going through the atested copies of Mst. Bushra Begum D/O Nawab Ali Khan Durrani that;

- 1) B,Ed degree of Mst. Bushra Begum D/O Nawab Ali Khan Durrani had been verified by the PSC (No. KP, PSC-SR-1/140843 dated 28.9.12, copy attached) and the office of the Executive District Officer, Elementary and Secondary Education, Nowshera (No. 14479-84/EDO dated 7.11.12, copy hereby attached).
- 2) Administrator Auqaf KPK, Eidgah Charsadda Road Peshawar, had sent the letter (No. 219 dated 24.1.17) to the anticorruption department KPK that the sanad of Mst. Bushra Begum D/O Nawab Ali Khan Durrani is genuine and may be considered in her favour.

Moreover, it is noted that Mst. Bushra has passed all the examinations in distinct positions. In the light of above information, it is recommended that Mst. Bushra Begum D/O Nawab Ali Khan Durrani may be reinstated with all the allowed benefits without delay.

Mrs. Farhat Begum,
Principal, (Retd, GGDC, Rustam, Mardan.

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To

The Secretary

Elementary & Secondary Education Department

Peshawar

KPK, Pakistan

Date: 06/02/2018

Subject: De-novo enquiry against Miss Bushra Baigum

Respected Sir

Reference letter No: SO (PE) E & SE/5-19 Re-instt./2014 dated 17/10/2017 regarding De-novo enquiry against Mst Bushra Baigum D/O Nawab Ali Khan, Ex SST, GGMS Shehla Khei Nowshera, dismissed by the Director of E & SE on the ground that her TT sanad and B. Ed degree is bogus/Fake.

Sir it is hereby submitted on going through the attested copies of the academic and professional record of Mst Mushra Baigum D/O Nawab Ali Khan and studying detail views/comments about the case of Bushra Baigum, sent her certificates for verification and found the following facts:-

1- That the first appointment of Mst Bushra Baigum against TT post was made on sanad of Ilme Deniat from Sadat Darul Uloom Toru Mardan Auqaf Department, not on Shahadatu Alia from Tanzimul Madaras. (Copy enclosed)

2- Sent her sanad for verification to Administrator Auqaf KPK Peshawar on 02/12/2017. Administrator of Auqaf Department sent us the letter No: 8471/1 (c) 11- Dated 11/12/2017 that the sanad of Bushra Baigum D/O Nawab Ali Khan is genuine and may be considered in her favour (Copy Attached)

3- Sent her certificate to Mohtamim Darul Uloom Toru Mardan for verification also. He replied in letter No: SDI 214 Dated 20/12/2017 that the Darul Uloom is under the administration of Auqaf Deptt-Peshawar the sanad may be verified from it. (Copy attached). The statement of Administrator of Auqaf may be cited in this respect.

(15) (24)

4- Her B,Ed degree is already verified by the PSC (No KP,PS-SR-1) 140843 dated 28/09/2012 and the office of the executive District Officer, Elementary & Secondary Education Nowshera NO: 14479-84/EDO Dated 17/11/2012 and found correct. (Copy attached).

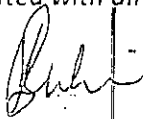
5- The most astonishing point is that the 2nd inquiry officer Mst Farida Baigum Principal RITL (F) Peshawar received the letter from the Shah Abdul Latif University in the favour of Bushra Baigum that her B, Ed degree is correct/genuine, in spite of this she impose very minor penalty on Bushra Baigum for removal of Govt-service. (Copy attached).

6- Her BA result was declared on 22/11/1999. In many institutes admission forms are submitted on assurity base. She was admitted and registered for the session 1999-2000 Off Campus Program. (Copy attached).

7- Mst Bushra Baigum was a regular student of GGDC Nowshera at the time of her first appointment against TT post on 17/01/1998, but later on she appeared as a Late College Student in the examination (She could not continue her studies as a regular student). (Copy attached).

Conclusion:

In the light of above facts it is recommended that Mst Bushra Baigum D/O Nawab Ali Khan may be reinstated with all allowed benefits please.



Mst: Yasmeen Ara

SSS (BPS-18)

GGHSS Shah Dhand, Mardan



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)/E&SED/5-19/Re-Instatement/14/Vol-VI
Dated Peshawar the 23.05.2018

(23)
(16) Aux-F

To,

Mst. Bushra Begum,
Ex-SST, GGHS Shala Khel, District Nowshera
C/O Nawab Ali, WAPDA Colony Road, Durrani Street,
Nowshera Kalan, District Nowshera.

Subject: - APPEAL FOR RE-INSTATEMENT IN SERVICE

Dear Madam,

I am directed to refer to your appeal dated 05.11.2016 for re-instatement in service was considered by the Department at appropriate level which was found untenable and to inform you that the competent authority has regretted your appeal.

Yours faithfully,

Encl: As Above:

Cop: forwarded for information to the Director, Elementary & Secondary Education,
Peshawar.

SECTION OFFICER (PRIMARY)

SECTION OFFICER (PRIMARY)

C. A
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PROCEEDINGS OF THE ENQUIRY CONDUCTED AGAINST MS. BUSHRA BEGUM, SST, GGMS
SHALA KHEL, DISTRICT NOWSHERA

1. Ms. Farida Begum, Principal RFFE (F) Peshawar was appointed as Enquiry Officer vide letter Endst.NO.3617-20/A-17/complaint/f/Nowshera/Bushra Begum dated 17/03/2016) to investigate into the allegations leveled against Ms. Bushra Begum SST,GGMS,Shala Khail as are listed below:

1. She was appointed against TT Post having bogus sanad.
2. She was regular student of GGDC Nowshera in 1998 while on the other hand she was appointed against TT Post in 1998 and received monthly salary regularly.
3. She was appointed at GGMS Dheri Katti Khel and performed duty at GGMS Khattak Building NSR while received salary from GGMS Dheri Katti Khel NSR.
4. Shahadatul Alia Sanad shown acquired from Tanzimul Maddaris Lahore is fake
5. Her B.Ed degree was acquired from Shah Abdul Latif University, while she sought departmental permission for B.Ed degree examination from Peshawar University which is suspicious.
6. Appointment order of SST shown, recommended by PSC, is totally bogus.
7. Performing duties in various examination regularly.

The complainant Mr.Sayad Jafar Shah s/o Sayad Masahib Shah was called vide letter No.141/Inquiry file Ms. Bushra,GGMS,Shala khail dated 31-03-2016 to appear before the enquiry officer to substantiate his allegations leveled against Ms. Bushra Begum