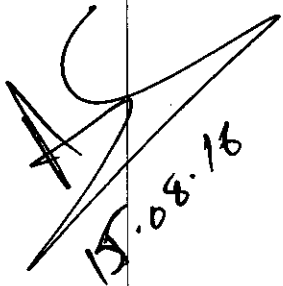


S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	15.08.2016	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center"><u>CAMP COURT ABBOTTABAD</u></p> <p align="center">APPEAL NO. 1082/2014</p> <p>Muhammad Irfan Versus The Secretary Education (E&amp;SE) Department. Government of Khyber Pakhtunkhwa Peshawar and 2 others.</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present.</p> <p>2. Mr. Muhammad Irfan son of Noor Zaman hereinafter referred to as the appellant has preferred the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 03.05.2014 whereby his appointment order was cancelled/withdrawn and where-against his departmental appeal dated 07.05.2014 was not responded and hence the instant service appeal on 08.08.2014.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was appointed against the vacancy of Junior Clerk under deceased son quota vide office order dated 22.02.2014 in Government High School Nawaz Abad, Mansehra. That after submitting arrival report and joining the duty as Junior Clerk show cause notice was issued to the</p>

~~C~~  
15.08.16

appellant on 08.04.2014 which was responded by the appellant on 07.05.2014. That on verification of the Detailed Marks Certificate submitted by the appellant the same was found fake as per report of the Board of Intermediate & Secondary Education (B.I.S.E), Abbottabad and that on the strength of the same the impugned order dated 03.05.2014 withdrawing the appointment order of the appellant from the date of issuance of the notification was passed.

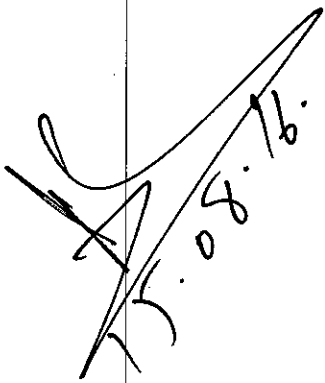
4. Learned counsel for the appellant has argued that the appellant has submitted the D.M.C issued to him by B.I.S.E, Abbottabad wherein his marks were shown 506-D. That the said certificate was found fake due to incorrect numbers as the appellant had in fact secured 406-E Marks and a revised certificate was accordingly issued to the appellant. That the mistake committed by the B.I.S.E was not attributed to the appellant as he has submitted the certificate with a clerical mistake made by the Board and without any malafide on the part of the appellant. That the appellant is even entitled to the said seat reserved for employees sons on the basis of revised certificate wherein his marks are shown as 406-E. That even the appellate authority directed the respondent No. 3, District Education Officer (Male) Mansehra to clarify the entire documents of the employee concerned from the concerned board/quarter and that report to be re-submitted to the appellate authority in the light of verification from the concerned quarter. That neither any enquiry was conducted nor appellant associated with any such enquiry and appellant deprived of his vested right on the basis of a report and ex-parte action taken against him.

A handwritten signature, possibly 'A.C.', is written over the date '15.08.16'. The signature is written in black ink and is somewhat stylized.

5. Learned Senior Government Pleader has argued that show cause notice was issued to the appellant and that certificate submitted by him was found fake. That the appellant has taken undue advantage of the said certificate wherein his marks were shown as 506-D while in fact his marks were 406-E.

6. We have heard arguments of learned counsel for the parties and perused the record.

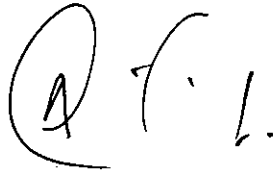
7. It is not disputed before us that certificate submitted by the appellant at the time of seeking his appointment were reflecting 506-D Marks. It is also not disputed before us that the correct marks assigned to the appellant and reflecting in the subsequent D.M.C bearing S.No. AB 840698 were 406-E. The question as to whether the appellant has tampered with the DMC to secure appointment against the post reserved for deceased sons quota through illegal means would require probe. It would also require re-assessment as to whether the appellant was entitled to the said seat on the strength of deceased sons quota on the strength of 406-E marks which were actually secured by him in the Secondary School Certificate examination. In such circumstances we deem it appropriate to remand the case to the competent authority with the directions to re-investigate the issue of DMC of the appellant so as to ascertain as to whether the said certificate was tampered with by the appellant or so issued by the BISE, Abbottabad with an erroneous entry. The competent authority shall also ascertain as to whether the appellant was entitled to the said appointment on the basis of employees sons quota on the strength of his actual marks i.e. 406-E, at the time of

A handwritten signature in black ink, followed by the date '15.08.16.' written vertically.

appointment. The competent authority shall there-after pass an order deemed appropriate.

8. In the light of the above the appeal is accepted and the impugned order dated 03.05.2014 is set aside and appellant stand reinstated in service for the purpose of the denovo enquiry in the mode and manners as observed above which shall be conducted within 2 months from the date of receipt of this judgment. Parties are left to bear their own costs.

File be consigned to the record room.



(Abdul Latif)  
Member



(Muhammad Azim Khan Afridi)

Chairman

Camp Court, A/Abad.

15.08.16.

ANNOUNCED

15.08.2016


19.10.2015


None present for appellant. Mr. Shafiq-ur-Rehman, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 15.2.2016 at Camp Court A/Abad.

  
Chairman  
Camp Court A/Abad.

15.02.2016

Appellant in person and Mr. Shafiq-Ur-Rehman, ADO alongwith Mr.Muhammad Saddique, Sr.G.P for respondents present. Rejoinder submitted. Seeks adjournment as counsel for the appellant has not turned up from Peshawar. To come up for final hearing before D.B on 15.08.2016 at Camp Court A/Abad.

  
Member

  
Chairman  
Camp Court A/Abad

29.04.2015

Appellant in person, Mr. Khurshid Khan, SO for respondent No. 1 and Mr. Javid Ahmad, Supdt for respondent No.2 alongwith Asstt: AG for the respondents present. Representative of the respondents requested for time to submit written reply/comments. To come up for written reply/comments on 11.06.2015 before S.B.



Member

11.06.2015

Appellant in person and Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 17.8.2015 before S.B at camp court Abbottabad as the matter pertains to the territorial limits of Hazara Division.



Chairman

17.08.2015

Appellant in person and Mr. Muhammad Tahir Aurangzeb, GP for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended for submission of written reply. To come up for written reply/comments on 19.10.2015 before S.B at camp court A/Abad.



Chairman

Camp Court Abbottabad

6.


30.01.2015

*Appellant deposited  
process fee & security  
MCA*

*Appeal No. 1082/2014  
Mr. Muhammad Iqbal*


Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 03.05.2014, vide which the appointment order of the appellant has been cancelled/withdrawn. Against the above referred impugned order appellant filed departmental appeal on 07.05.2014 which was not responded within the statutory period of 90 days, hence the instant appeal on 08.08.2014. He further contended that no charge sheet statement of allegation has been issued to the appellant nor any proper enquiry has been conducted against the appellant.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 01.04.2015 before the learned Bench-III.

  
Member

01.04.2015

Counsel for the appellant and Asstt: AG for the respondents present. The learned AAG requested for time to submit written reply/comments. To come up for written reply/comments on 29.04.2015

  
Member

3.

Reader Note:

18.11.2014

Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 15.12.2014 for the same.

*[Signature]*  
Reader

4.

Reader Note:

15.12.2014

Clerk to counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 05.01.2015 for the same.

*[Signature]*  
Reader

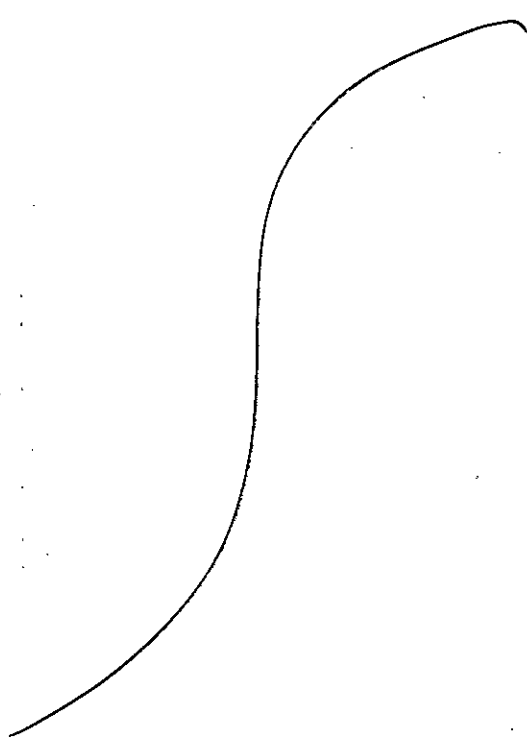
5.

Reader Note:

05.01.2015

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned 30.01.2015 for the same.

*[Signature]*  
Reader







Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1082/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	27/08/2014	<p>The appeal of Mr. Muhammad Irfan resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	28-8-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>18-11-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Irfan son of Noor Zaman Junior Clerk GHS Nawaz Abad Mansehra received today i.e. on 08.08.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- Copy secondary school certificate mentioned in para-1 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- 2- Copy of show cause mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 1190 /S.T,

Dt. 8/8 /2014.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

- ① copy of SSC is attached on Page 5 as Annexure -A
- ② copy of Show cause is not mention as Annexure in para-4 of the appeal. However the same may plz be requisitioned from <sup>Dept.</sup> 

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

Appeal No. 1082 /2014

Mr. Muhammad Irfan                      V/S                      Education Department

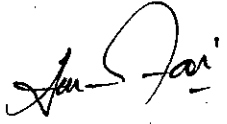
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**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of SSC DMC	- A -	05
3.	Copy of Appointment Order	- B -	06
4.	Copy of Arrival Report	- C -	07
5.	Copy of Reply to Show Cause Notice	- D -	08
6.	Copy of Notification dated 3.5.2014.	- E -	09
7.	Copy of Appeal	- F -	10
8.	Vakalat Nama	-----	10

APPELLANT  
Muhammad Irfan

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

And

  
( Tairmur Ali Khan )  
Advocate Peshawar

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

Appeal No. 1082 /2014

Mr. Muhammad Irfan S/O Noor Zaman,  
Junior Clerk, Government High School,  
Nawaz Abad, Mansehra.

**1056**  
**8/8/2014**

**APPELLANT**

VERSUS

1. The Secretary, Education (E&SE), Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director, Education (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Male), Mansehra

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER 03.05.2014 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED/WITHDRAWN WITHOUT ANY PROPER LEGAL PROCEDURES AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

.....

**1056**  
**8/8/14**

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 03.05.2014 MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO REINSTATE THE APPELLANT INTO SERVICE WITH

re-submitted to ddp  
and filed.

**1056**  
**27/8/14**

DELAY. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:**

1. That the appellant was regular student of GCMS Dadar and passed SSC Examination in 2011 under Roll No.121375. The SSC DMC is attached as Annexure-A.
2. That the appellant was appointed against the vacant post of Junior Clerk under deceased sons quota vide office order dated 22.02.2014. Copy of appointment Order is attached as Annexure-B.
3. That the appellant submitted his Arrival Report on 26.02.2014 and joined the duties as Junior Clerk. Copy of Arrival Report is attached as Annexure-C.
4. That the Show Cause Notice issued on 8.4.2014 in which the SSC DMC was declared as fake, which replied by the appellant on 07.05.2014. Copy of Reply is attached as Annexure-D.
5. That after verification from the BISE Abbottabad, the SSC DMC was declared as correct.
6. That on 03.05.2014, the District Education Officer (Male) Mansehra cancelled/withdrawn the appointment order of the appellant from the date of issue vide Notification dated 03.05.2014. Copy of Notification is attached as Annexure-E.
7. That against the order dated 3.5.2014, the appellant submitted Departmental Appeal on 07.05.2014 and waited for Statutory period of ninety days, but no reply has been received. Copy of Departmental Appeal is attached as Annexure-F.
8. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others.

**GROUND:**

- A) That the impugned order dated 03.05.2014 is against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That the appellant has been not been treated according to law and rules.
- C) That the Cancellation Order of the appellant is against the law and rules. Because under the law executive authority cannot issue order with retrospective effect whereas the appellant's order has been canceled from the date of issue.
- D) That no proper inquiry has been conducted by the respondent department. Even the Directorate asked the DEO to re-verify the documents of the appellant but despite that the DEO did not re-verify the same which proves ulterior motives on his part.
- E) That the appellant was condemned unheard and no chance of personal hearing was provided to the appellant.
- F) That the appellant's appointment order could not be cancelled or withdrawn under the principles of locus poenitentiae because valuable rights were created in favour of appellant after taking over charge of the posts.
- G) That after verification of DMC from the BISE Abbottabad declared as correct, despite that the appellant has not been reinstated into service by the respondent department, which is against the law and rules. Thus under the law and rules and principles of fair play, the appellant should have been re-instated into service.
- H) That the action of the respondent department toward the cancellation order is not permissible under the rules.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

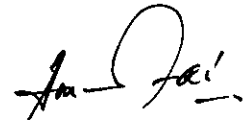
It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT



Muhammad Irfan

THROUGH:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

And



( Tairmur Ali Khan )  
Advocate, Peshawar.

A (5)

S No. ADA: 378549

Roll No. 121375

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



Abbottabad, Khyber Pakhtunkhwa, Pakistan.  
 SECONDARY SCHOOL CERTIFICATE EXAMINATION  
**SESSION ANNUAL 2011**

This is to certify that MUHAMMAD IRFAN

Son of NOOR ZAMAN

A candidate from MANSEHRA DISTRICT

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in March/April, 2011 as a private candidate. He has obtained 406 marks out of 1050 and has been placed in Grade E Representing SATISFACTORY.

The candidate passed in the following subjects:

- |                    |          |                        |
|--------------------|----------|------------------------|
| 1. ENGLISH         | 2. URDU  | 3. ISL-EDUCATION       |
| 4. PAK STUDIES     | 5. MATHS | 6. GENERAL SCIENCE     |
| 7. ISLAMIC STUDIES |          | 8. ART & MODEL DRAWING |

Date of Birth according to admission form is TWELFTH MARCH

One Thousand Nine Hundred and NINETY-THREE ( 12-03-1993 )

Assit. Secretary

This certificate is issued without alteration or erasure.

Secretary

ATTESTED

Head Master  
 Govt. Middle School  
 Shahkhail



B 6

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) MANSEHRA ORDER**

**ORDER**

Consequent upon the approval of D.S committee held on 15-02-2014, in pursuance of Govt of Khyber Pakhtunkhwa Estt & Adm: Department Notification No SOR-VI(E&AD)1-3/2013/Vol: 11/dated 5-09-2006, the following candidates are hereby appointed as Junior Clerk out of Deceased Sons Quota against the vacant posts on regular basis in BPS No 07 @ Rs 5800-320-15400 plus usual allowances as admissible under the rules at the schools, noted against their names in the interest of public services with effect from the date of taking over charge on the following terms and conditions

S. No	Name /Father Name	Home Address	Place of posting	Remarks
1	Yasir Mehmood S/O Muhammad Amin	Vill:&P.O Bissian Teh: Balakot Dist: Mansehra	GHS Phagal Balakot Mansehra	Against Vacant post of J/C
2	Muhammad Irfan S/O Noor Zaman	Vill: Sulan Bandi P.o Dadar Teh: & Dist: Mansehra	GHS Nawaz Abad Mansehra	Against Vacant post of J/C
3	Attique Ur Rehman S/O Abdur Rashid	Vill:&P.O Phulra The: & Dist: Mansehra	GHS Ramkot (Oghi) Mansehra	Against Vacant post of J/C

**TERMS & CONDITIONS:**

1. Their appointments are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. They will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servant which they belongs.
3. They should take over their charge against the posts, within 15 days in case they failed to assume their charge of the appointment, candidature-ship will be stand automatically cancelled.
4. Their services are liable to termination one month prior notice from either side in case of resignation they will be refunded/recovered one month pay/allowances which will be deposited into Govt: treasury.
5. Their services can be terminated at any time if their performance found unsatisfactory will be proceeded against them under E&D Rules 2011.
6. They should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
7. Their age may not be below 18 years and above 30 years.
8. No. F.A./D.A etc is allowed.
9. The DDO concerned is responsible to get verify their certificates through District Education Officer Mansehra from the concerned institutions before the drawl of their pay from District Accounts Office concerned.
10. Charge reports should be submitted to all concerned in duplicate.

Sd/-

**DISTRICT EDUCATION OFFICER**

**(M) MANSEHRA**

Order No. 2033-41 C.IV/ Apptt/ Dated Mansehra the 22/2/2014

Copy to the:-

1. PS to Secretary to Govt: of KPK Education Department Peshawar.
2. PA to Director E&SE Department KPK Peshawar.
3. District Education Officer (Male) Mansehra.
3. District Accounts Officer Mansehra.
4. Head Masters concerned.
6. Candidate concerned.

**DISTRICT EDUCATION OFFICER**

**(M) MANSEHRA**


**ATTESTED**

# Arrival Report C 7

In Compliance with office order issued vide DED (M) Mansehra Endst. No. 2033-41 dated 22.2.2014, I Mr. Muhammad Irfan s/o Noor Zaman appointed as Junior Clerk at GHS Nawaz Abad do hereby submit my arrival for duty today 26/02/2014.

26/02/2014  
Arrival report accepted.

  
HEAD MASTER  
Govt High School  
Nawazabad Mansehra

  
26-2-2014

*Irfan*

Muhammad Irfan  
J Clerk GHS  
Nawaz Abad.

To

The Worthy District Education Officer,  
(Male) Mansehra.

D 8

Subject: SHOW CAUSE NOTICE

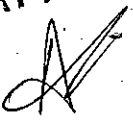
R/Sir,

Reference to your office Order No: 4125/Dated:08-04-2014 received to me on 03-05-2014 through ABDUL REHMAN Superintendent D.E.O (F) Office Mansehra on the subject noted above.

With due respect I have the honor to state that detail reply is as under.

1. My Father who was a PST teacher at GPS Dadar and died on 17-07-2006, and then I was student and all of the school teachers look after me being orphan .
2. I was regular student of GCMS Dadar and first time appear in SSC Annual Examination 2010, and One subject i.e English became Comport .
3. I reappeared in SSC Annual Examination 2011 under Roll No:121375 and declared Passed..
4. I have received my DMC From GCMS No 03 Mansehra and the same DMC in which Total Marks shown 506/1050 and the Same DMC produced to your office for my appointment out of Deceased Son quota which was submitted to the board through your Office for verification which was Erroneously by the Board. *found.*
5. when I informed by the office that your DMC is fake so I contacted with the Board and Applied for Correction of DMC. (Copy of form attached).
6. I solemnly affirmed that I have never tempered /removed this DMC/neither thinks any bogus practice.
7. It is stated that A Note on the body of every DMC is mentioned that Error/ Omission accepted .
8. The error noted after laps of time i.e from that date of Declaration of result.

ATTESTED



It is humbly requested that I may kindly be exonerated from this claim an affidavit on Stamp paper duly Attested by Notary Public Mansehra is attached.

Dated: 07-05-2014



MUHAMMAD IRFAN S/O NOOR ZAMAN  
JUNIOR CLERK GHS NAWAZ ABAD MANSEHRA.

E 9

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA

NOTIFICATION

Whereas Mr. Muhammad Irfan S/O Noor Zaman Resident of Sulan Bandi was appointed as a Junior/Clerk at GHS Nawaz Abad against vacant post under deceased son quota vide this Office Endst: No.2033-41 dated 22/02/2014.

Whereas as per condition No. 9 of the appointment order, this Office submitted his documents for verification which was returned to this office by the controller BISE Abbottabad Vide No 339-F/Secy/BISE/ATD Dated 21-03-2014 on "Subjects marks tampered by the candidate. Hence found fake actual marks 406-E instead of 506-D"

Whereas a Show case notice was issued to the candidate through Mr. Abdur Rehman Supdt: DEO (F) Mansehr, his cousin, for clarification on 8/4/2014 Vide No.4125, and to reply within 07 days but after laps of 25 days neither the reply received to this office nor the J/Clerk approach this office to clear his position.

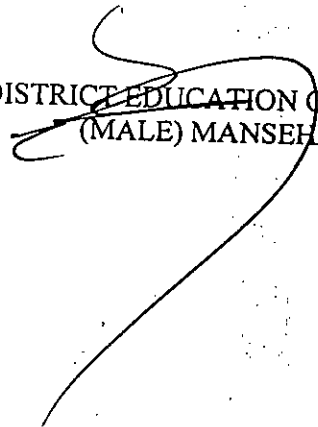
Hence the competent authority is satisfied that the documents submitted for Appointment by Mr Muhammad Irfan S/O Noor Zaman is fake & bogus.

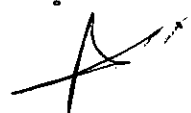
Hence the appointment order issued under office Endst: No.2033-41 dated 22/02/2014 in r/o Mr. Muhammad Irfan S/O Noor Zaman J/C GHS Nawaz Abad at S.No.2 is here by cancelled/ withdrawn from the date of issue.

Sd/-  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

Endst: No. 5110-14 /Apptt:J/C Dated Manshra the 03/5 /2014  
Copy to:-

1. The Director Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer Mansehra.
3. The Headmaster GHS Nawazabad.
4. Mr. Muhammad Irfan S/O Noor Zaman village sulan bandi P/O Boghar Mang Mansehra.
5. Office order file.

  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA

ATTESTED  


F 10  
=

To  
The Worthy Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa Peshawar.

Subject: **MERCY APPEAL FOR RE-INSTATEMENT.**

R/Sir,

With due respect I have the honor to state that:-

1. I was appointed as a Junior Clerk vide DEO (Male) Mansehra order No.2033-41 dated 22.02.2014.
2. I was produced my DMC issued by the BISE Abbottabad for my appointment which was declared fake by the Board.
3. When it was pointed out I approached to the board authority for correction of record and the issued a DMC on 22.04.2014 which is correct.
4. The District Education Officer (Male) Mansehra has cancelled my appointment order vide his No.5110-14 dated 03.05.2014.
5. I have also collected my original secondary School Certificate from the board of the said examination.
6. I solemnly affirm that I have never think about any bogus practice and never concealed the facts, rather that DMC provided to me by board concerned and if any incorrect figures was given then in that case the board authorities are responsible for that.

It is humbly prayed that my original certificate may be got verified and then my appointment order may please be restored on humanitarian/compassionate grounds being orphan even other wise I am qualified SSC holder.

Note:- (Copy DMC/Original Certificate/Correction form attached).

Dated 07.05.2014.

**ATTESTED**



*J.Rew*  
MUHAMMAD IRFAN  
S/O NOOR ZAMAN (LATE)  
JUNIOR CLERK GHS  
NAWAZ ABAD (MANSEHRA).

# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal, Peshawar

Muhammad Irfan (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Deptt. (Respondent)  
(Defendant)

I/We Muhammad Irfan

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate, Peshawar,** <sup>§ Taimur Ali Khan (Adv)</sup> to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

A. Reel

( CLIENT )

ACCEPTED

M. Asif Yousafzai

**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

Taimur Ali Khan  
**TAIMUR ALI KHAN**  
Advocate

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

**Service Appeal No.1082/2014**

Muhammad Ifran.....PETITIONER

VERISUS

Govt of KPK Through Secretary E&SE Department KPK Peshawar and  
others.....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974 OF  
KHYBER PAKHTOONKHWA

**INDEX**

**Writ Petition**

<i>S.No</i>	<i>Description of documents</i>	<i>Annexure</i>	<i>Pages</i>
1.	Comments of Respondents		1-4
2.	Affidavit		5
3.	Copy of Verification form BISE Abbottabad	Annexure A	6
4.	Copy of DMC Declare Fake by BISE Abbottabad	Annexure B	7

①

**Before Khyber Pakhunkhwa Service Tribunal Peshawar.**

**Appeal No.1082/2014**

Muhammad Irfan.....**Appellant**

**VERISUS**

1. Govt of KPK through Secretary E & SE Department KP Peshawar
2. The Director E & SE Peshawar.
3. District Officer (Elementary & Secondary) Education Department  
Mansehra

.....**Respondents**

**SERVICE APPEAL.**

**PARA WISE COMMENTS ON BEHALF OF  
RESPONDENTS No.1,2 & 3 AS UNDER:-**

Respectful Sheweth

**PRELIMINARY OBJECTIONS.**

1. That the Appellant is not aggrieved person.
2. That the Appellant has got no cause of action/locus standi to file the instant appeal.
3. That the appeal is not maintainable in the present circumstances of the issue.
4. That the appellant has concealed the material facts from Honorable Service Tribunal.
5. That the appeal is time barred and not maintainable in eye of Law.
6. That the appeal is groundless and based on malafide, hence the same is liable to be dismissed.
7. That the appellant is estopped by his own conduct.
8. That the appeal is against the fact, prevailing rules and Law. The same is liable to be dismissed.



**FACTUAL OBJECTIONS.**

1. Para No.1 is related to record of Appellant, hence No comments.
2. Para No. 2 is correct and admitted.
3. Correct.
4. Correct, Proper show cause Notice issued to the appellant by respondent No 3, vide his office No 4125 dated 08-04- 2014, after getting verified the documents of appellant by BISE Abbottabad, but incorrect to the extent that appellant properly replied the show cause notice, the appellant neither replied the show cause notice and nor approach to the DEO office to clear his position .
5. In-correct, All the documents of appellant were sent to the concerned quarters for verification after the appointment as per law and rules, In response to this BISE Abbottabad declared fake the SSC DMC of the appellant with remarks that ' subject marks tempered by the candidate' vide its letter No 339/F secy/BISE/Atd Dated 21-3-2014 along with dully stamped DMC as fake.(copy annexed as annexure A&B)
6. Correct, para 6 is correct, because appellant was given a time of seven days in show cause notice to make clear his position as his DMC was declared fake and bogus by the BISE Abbottabad but after laps of 25 days neither the replied received nor the appellant approached to office to clear his position. Hence the competent authority became satisfied that the documents submitted by the appellant for appointment are fake and bogus, so the appointment order issued

under Endstt No 2033-41 dated 22-02-2014 in r/o appellant at s.NO 2 cancelled / withdrawn from the date of its issuance vide DEO Male Mansehra Office Endst NO 5110-14 dated Mansehra the 03-05-2014.

7. No comments

8. In- correct ,the appellant has no right to file an appeal before the Honourable Service Tribunal ,as all the proceeding has made against him as per law and rules and respondents have further genuine grounds against the appellant discussed at the time of arguments.

### **Grounds**

**A** .Para a is incorrect,the withdrawal order of appellant issued according to the law and rules after observing all the legal and codal formalities.

**B.** Para B is in- correct to the appellant was given full opportunity and time for his defence according to the law.

**C.** Para C is incorrect , the competent authority is authorized to withdraw and cancel such type of orders as per law and rules.

**D.** incorrect, after verification from the concerned Board there is no further need of any inquiry.

**E.**Para e is incorrect a showcause notice issued to appellant which he admits himself in which proper time was given to him for his defence but he remained failed to appear or reply to competent authority.

F. Para F is incorrect.

G. In correct BISE Abbottabad declared the DMC fake as already discussed in previous paras.

H. In correct.

I. In correct. Respondent Department have also further genuine grounds which will be discussed at the time of arguments.

**PRAYER.**

*It is therefore humbly prayed that this Honorable Service Tribunal may very graciously dismiss the appeal with cost.*

Respondent 1 to 3.....

1. The Secretary (E & SE) KPK -----



2. The Director (E & SE) KPK -----

3. The DEO (M) Mansehra -----

5

## AFFIDAVIT

I, Abdullah District Education Officer (Male) Mansehra, do hereby solemnly affirm and declare that the Reply in service appeal No.1082/2014 of titled Muhammad Ifran versus Govt; is true to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

  
DISTRICT EDUCATION OFFICER  
(MALE) MANSEHRA  


(6)

86

A

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD**

No: 339/F Secy/BISE/Atd

Dated: 21/3/2014

From: Assistant Controller of Exams (S)  
Board of Intermediate &  
Secondary Education  
Abbottabad.

To: The District Education  
Officer (Male)  
Mansehra

Subject: VERIFICATION OF DETAILED MARKS CERTIFICATE

*Supert  
Pl. Put up  
by Today*

Your Letter No. 2573 dated 14/3/2014 refers.

The Detailed Marks Certificate(s) attached herewith containing following particulars are found fake. *Due to marks Tampered*

<u>S.No.</u>	<u>Roll No.</u>	<u>Session</u>	<u>Name</u>	<u>Father's Name</u>
<u>580966</u>	<u>121375</u>	<u>SSC(A) 2011</u>	<u>Muhammad Irfan</u>	<u>Noor Zarnan</u>
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/

1201  
04/4/14  
District Officer  
Education, Mansehra

Assistant Controller of Examinations (S)  
Board of Intermediate & Secondary  
Education, Abbottabad

**NOTE:**

1. Only photocopies of DMCs must be sent to Assistant Controller Secrecy.
2. Provisional Certificates/Original Certificates must be sent to Assistant Secretary Certificates for verification.

Certificate No: A 580966

7

B 85

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD



Roll No: 121375

Group: HUMANITIES

SECONDARY SCHOOL CERTIFICATE EXAMINATION  
DETAILED MARKS CERTIFICATE

(CLASS X)

Session: 2011 (Annual)

Name: MUHAMMAD IRFAN  
Father's Name: NOOR ZAMAN  
Date of Birth: 12-MAR-93  
Reg: No: 0851032066  
Institution / District: MANSEHRA

**FOUND FAKE**

**FOUND FAKE**

*Both No Subjects marks Tampered by the candidate. Hence*

has secured the marks shown against each subject in the Secondary School Certificate Examination (Class 10) held in the month of March/April as a Private Candidate.

Subjects	Part-I		Part-II		Total	Marks in Words	
	Marks	Th   Pract	Th   Pract	Th   Pract			
English	150	37	47	84	Eighty-Four	<i>Actual</i>	
Urdu	150	42	47	89	Eighty-Nine		
Islamiat Comp	75	36	36	36	Thirty-Six	<i>marks 40/50 - E instead of Sub</i>	
Pakistan Studies	75	45	45	45	Forty-Five	<i>21/31</i>	
General Science	150	33	42	75	Seventy-Five		
Mathematics	150	26	25	51	Fifty-One		
Islamic Studies	150	28	35	63	Sixty-Three		
Art & Model Drawing	150	21	13	16	13	63	Sixty-Three

**FOUND FAKE**

**FOUND FAKE**

**FOUND FAKE**

**SECRETARY OFFICER**  
**BISE, ABBOTTABAD**

Total: 1050

506-D Five Hundred Six Only

Dated: 15-JUN-11

Remarks:

Checked By: *[Signature]*

*[Signature]*

Note:- Errors/Omissions excepted. Any mistake in the Name, Father's Name etc must be intimated within 30 days of the issuance date of this certificate to BISE Abbottabad. Visit us: www.biseatd.edu.pk

Controller of Examinations



To

Regd Confidential by name

339/F

The District Education  
Officer (Male) Manshera

1372  
Board of Intermediate & Secondary Education

Abbottabad

Ph: (0992) 392012-392014

BOARD OF  
INTERMEDIATE  
& SECONDARY  
EDUCATION  
ABBOTTABAD

ABBOTTABAD  
24.14  
EMP-2

28.11

ABBOTTABAD  
28.11

MANSEHRA  
5 APR 11  
M.O. P.S. 10

PERMISSION CERTIFICATE



**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA**

No \_\_\_\_\_  
Dated \_\_\_\_\_/2014

To

The Controller,  
Of Examination Board of Intermediate and Secondary Education  
Abbottabad.

Subject

**VERIFICATION OF DOCUMENTS**

Memo;

Reference Director of Elementary and Secondary Education Khyber Pakhtun Khwa  
Peshawar No. 3443 Dated 13/6/2014.

The documents i.e. SSC/DMC for Annual Examination 2011 under roll No. 121375 issued by your good self on 22/4/2014 in respect of Mr. Muhammad Irfan son of Noor Zaman Ex-Junior Clerk of GHS Nawaz Abad are submitted herewith for verification and returned to this office for further necessary action please.

Note:

Two Bank receipts of Rs: 200/- each fee for verification of Degree/DMC are attached.

**DISTRICT EDUCATION OFFICER  
(MALE ) MANSEHRA**

For Bank Price Rs.5

VISITORS ONLY

Gazette Registration, Dup. Original, Prov.  
s. DMC Question Paper, Syllab. Prt. Exams.  
ction Fee, Late Fee, Creation & Change of Centre Fee  
Date 16/6/14

S. No. 10

ALLIED BANK LIMITED  
Current Account Pay-in-Slip

Name of Candidate Mohd gofar  
Father's Name Noor Zaman  
On Account Verification SSC Certif.  
Rs. (In Figures) 200/-  
Rupees (In Words) Two hundred only

For Bank Use Only  
Received

Rs. \_\_\_\_\_  
Date 16 JUN 2014  
Sign. Of Head Cashier \_\_\_\_\_  
Cash Scroll no \_\_\_\_\_  
Officer's Signature \_\_\_\_\_

Roll No. 121375

SECONDARY EDUCATION

hwa, Pakistan.

SSC CERTIFICATE EXAMINATION  
SESSION ANNUAL 2011

This is to certify that MUHAMMAD IRFAN

Son of NOOR ZAMAN

A candidate from MANSEHRA DISTRICT


has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education Abbottabad held in March/April, 2011 as a private candidate. He has obtained 406 marks out of 1050 and has been placed in Grade E Representing SATISFACTORY.

The candidate passed in the following subjects:

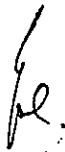
- |                    |          |                        |
|--------------------|----------|------------------------|
| 1. ENGLISH         | 2. URDU  | 3. ISL-EDUCATION       |
| 4. PAK STUDIES     | 5. MATHS | 6. GENERAL SCIENCE     |
| 7. ISLAMIC STUDIES |          | 8. ART & MODEL DRAWING |

Date of Birth according to admission form is TWELFTH MARCH

One Thousand Nine Hundred and NINETY-THREE (12-03-1993)

  
Asstt. Secretary

This certificate is issued without alteration or erasure.

  
Secretary

**DEPOSITORS ONLY**

(i.e. Mig, Gazette Registration, Dup, Original, Prov. Certs. DMC Question Paper, Syllab, Prt. Exams, Correction Fee, Late Fee, Creation & Change of Centre Fee

S. No. 9 Date 16/6/14

**ALLIED BANK LIMITED**  
Current Account Pay-in-Slip

Name of Candidate Mohd irfan  
Father's Name Noor zaman  
On Account verification DMC  
Rs. (In Figures) 200  
Rupees (In Words) Two hundred only

For Bank Use Only  
Received

16 JUN 2014

**SECONDARY EDUCATION**  
**BOARD**

(Pakistan)

Secondary School Certificate Examination

S.No. AB 840698



Sec.

Name : MUHAMMAD IRFAN  
Father's Name : NOOR ZAMAN  
Date of Birth : 12-MAR-93  
Reg. No: 0851032066  
Institution / District : MANSEHRA

has secured the marks shown against each subject in the Secondary School Certificate Examination (Class 10th) held in the month of March/April as a Private Candidate.

Subjects	Total	Part-I		Part-II		Total	Marks in Words
		Marks Obtained		Marks Obtained			
		Th	Pract	Th	Pract		
English	150	27	--	27	--	54	Fifty-Four
Urdu	150	32	--	37	--	69	Sixty-Nine
Islamiat Comp	75	26	--	--	--	26	Twenty-Six
Pakistan Studies	75	--	--	25	--	25	Twenty-Five
General Science	150	33	--	32	--	65	Sixty-Five
Mathematics	150	26	--	25	--	51	Fifty-One
Islamic Studies	150	28	--	25	--	53	Fifty-Three
Art & Model Drawing	150	21	13	16	13	63	Sixty-Three

Total : 1050

406-E Four Hundred Six Only

Remarks :

Dated: 22-APR-14

Checked by: \_\_\_\_\_

*[Signature]*

Controller of Examinations

Note: Errors/Omissions excepted. Any mistake in the Name, Father's Name & DOB etc

Directorate of Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.  
No. \_\_\_\_\_/A-23/MS/Mansehra,  
Dated Peshawar the 15/6/2014.

To

The District Education Officer  
(Male) Mansehra.

Subject:  
Memo:

**MERCY APPEAL FOR RE-INSTATEMENT**

I am directed to refer to the subject cited above and to enclose herewith an appeal dated 07.05.2014 in respect of Mr. Muhammad Irfan S/O Late Noor Zaman Ex- Junior Clerk GHS Nawazabad Mansehra first appointed as Junior Clerk vide Order No. 2033-41 dated 22-02.2014 and later on his appointment order was cancelled/withdrawn vide Notification No. 5110-14 dated 03.05.2014, due to production of fake SSC document. According to the appellant it was typing mistake on the part of concerned Board authorities. He has further stated that now the Board has issued him revised SSC documents duly corrected.

You are requested to verify the entire documents of the appellant concerned from the concerned Board/quarters and report may be submitted to this office in the light of verification and enclosed appeal for further necessary action.

Encls:- As Above.

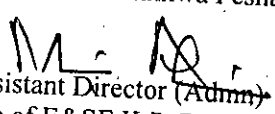
Assistant Director (Admn)  
Directorate of E&SE K.P,K Peshawar

Endst; No.

3444-48

Copy forwarded to the: -

1. Appellant concerned w/r to his appeal dated 07.05.2014
2. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

  
Assistant Director (Admn)  
Directorate of E&SE K.P, Peshawar

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

Service Appeal No. 1082/2014

Mr. Muhammad Irfan S/O Noor Zaman,  
Junior Clerk, Government High School,  
Nawaz Abad, Mansehra.....

**(Appellant)**

Versus

1. Govt of KPK through Secretary E&SE Department Khyber  
Pakhtunkhwa, Peshawar & others..... **(Respondents)**

**REJOINDER ON BEHALF OF APPELLANT**

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

- (1-8) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 No comments endorsed by respondents, which mean that they have admitted Para-1 of the appeal as correct.
- 2 Para-2 of appeal is admitted correct by the respondents, which mean that Para-2 of the appeal as corrects.
- 3 Para-3 of appeal is admitted correct by the respondents, which mean that Para-3 of the appeal is correct.
- 4 In First portion of Para-4 of reply, the respondents was admitted correct the First portion of Para-4 of

appeal and remaining Para-4 of reply is incorrect. Moreover, the show cause notice was properly replied by appellant which copy was attached with appellant's appeal.

- 5 Incorrect. While Para-5 of the appeal is correct.
- 6 Para-6 of appeal is admitted correct by the respondents, which mean that Para-3 of the appeal is correct. Moreover, the appellant properly replied show cause notice and after verification of DMC from the BISE Abbottabad declared as correct, despite that appellant has not been reinstated into service by the respondent department and no chance of personal hearing was provide to the appellant and the impugned order is issued which is against the law, facts, and norms of justice.
- 7 No comments endorsed by respondents, which mean that they have admitted Para-7 of the appeal as correct.
- 8 Not replied accordingly to Para-8 of the appeal.

**GROUND:**

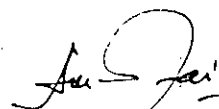
- A) Incorrect. Action of the respondents is not according to law & rules, as the impugned order dated 03.05.2014 is against the law, rule and norms of justice.
- B) Incorrect. While Para-B of the appeal is correct.
- C) Incorrect. While Para-c of the appeal is correct. Moreover, under the law executive authority cannot issue order with retrospective effect.
- D) Incorrect. While Para-D of the appeal is correct.
- E) Incorrect. While Para-E of the appeal is correct.
- F) Incorrect. While Para-F of the appeal is correct.
- G) Incorrect. While Para-G of the appeal is correct.

- H) Incorrect. While Para-B of the appeal is correct.  
I) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

**APPELLANT**  
Muhammad Irfan

Through:



**(M. ASIF YOUSAFZAI)**  
**ADVOCATE, PESHAWAR.**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



**DEPONENT**

Roll No	Name	Father's Name	DOB	Marks	Grade	Remarks
104360	Asif Shahzad	Abdul Khanan	03-02-1994	532	C	
104361	Arshed Ali	Muhammad Irshad	24-08-1993	686	B	
104362	Muhammad Shabbir	Muhammad Bashir	16-03-1994	664	B	
104363	Faisal Siraj	Siraj Ud Din	06-03-1992	715	B	
104364	Ehnaib Gul	Muhammad Haneef	01-05-1995	697	B	
104365	Muhammad Riaz	Jumeer Khan	20-04-1994	649	B	
104366	Khawar Mehmood	Zahoor Ahmed	09-07-1991	625	C	
104367	Muhammad Shakeel	Muhammad Farooq Hussain	08-03-1994	729	B	
104368	Muhammad Waqas	Ghulam Hussain	05-02-1992	647	B	
104369	Aamir Sohail	Abdul Mahroof	10-05-1994	625	C	
104370	Mohib Sheraz	Sheraz Khan	16-09-1993	610	C	
104371	Umair Ahmed	Atta Muhammad	07-11-1993	615	C	
104372	Abdul Rouf	Mahroof Khan	10-05-1994	625	C	
104373	Umair Bashir	Muhammad Bashir	14-05-1994	686	B	
104374	Rizwan Khalid	Muhammad Khalid	01-02-1994	659	B	
104375	Muhammad Atif Khan	Muhammad Ashraf Khan	10-02-1992	687	B	
104376	Liaqat Ali	Arshed Khan	28-03-1991	595	C	
104377	Bilal Khan	Miskeen Khan	02-03-1993	588	C	
104378	Zia Ur Rehman	Muhammad Ishaq	15-03-1994	607	C	
104379	Yasir Aziz	Aziz Ur Rehman	16-03-1995	544	C	
104380	Muhammad Bilal	Muhammad Iqbal	15-11-1992	547	C	
104381	Naqqash Ahmed	Muhammad Riaz	01-01-1993	529	C	
104382	Bilal Ahmed	Muhammad Salakheen	01-02-1992	606	C	
104383	Sadaqat Khan	Hakam Dad Khan	20-12-1993	524	D	
104384	Naheed Hameed	Abdul Hameed	15-02-1994	556	C	
104385	Muhammad Bilal Aziz	Abdul Aziz	01-06-1993	568	C	
104386	Muhammad Fareed	Muhammad Sadiq	15-04-1993	592	C	
104387	Zaheer Ahmed	Muhammad Aziz	04-09-1994	543	C	
104388	Abid Hussain	Nazeer Ahmed	15-05-1994	638	B	
104389	Muhammad Razaqat	Muhammad Maroof	04-01-1992	576	C	
104390	Zaheer Samundar	Samundar Khan	05-09-1992	566	C	
104391	Muhammad Shafaqat	Mumtaz Hussain	01-02-1991	539	C	
104392	Waseem Shah	Nooran Shah	22-08-1992	610	C	
104393	Faizan Ahmed	Habib Ur Rehman	21-03-1993	570	C	
104394	Amjid Hussain	Abdul Qayyum	16-04-1993	573	C	
104395	Syed Mubarak Shah	Syed Masroor Ahmed Shah	01-02-1992	600	C	
104396	Ummar Ali	Abdul Momen	17-06-1993	531	C	
104397	Muhammad Noman	Noor Zaman	01-05-1993	550	C	
104398	Sohail Muhammad Khan	Muhammad Maroof Khan	13-01-1995	579	C	
104399	Ehsaan Ahmed	Muhammad Pervaz	24-02-1994	599	C	
104400	Iftikhar Hussain	Ashiq Hussain	10-02-1993	589	C	
104401	Kashif Ali	Muhammad Ashiq	24-02-1993	668	B	
104402	Muhammad Adil	Fazal Dad	15-04-1993			IE.
104403	Muhammad Waseem	Muhammad Miskeen	01-08-1993	530	C	
104404	Faisal Ashraf	Muhammad Ashraf	02-08-1992	568	C	
104405	Mazhar Ali	Muhammad Saleem	02-11-1992	487	D	
104406	Zahfran Ahmed	Ghulam Hussain	05-03-1993	536	C	
104407	Muhammad Awais	Muhammad Javed	06-05-1993	540	C	
104408	Aamir Rafique	Muhammad Rafique	01-01-1995	551	C	
104409	Muhammad Safeer	Muhammad Zaman	11-10-1992	517	D	
104410	Shahbaz Ahmed	Muhammad Noshad	20-02-1992	527	C	

**GOVT. CENTENNIAL MODEL HIGH SCHOOL DADAR MANSEHRA**

104411	Sadam	Muhammad Gulzar Khan	31-03-1993	465	D	
104412	Asif Shahzad	Muhammad Yaseen	26-09-1991	541	C	
104413	Abdul Basit	Raja Shamroz	04-05-1994	735	A	
104414	Jawad Ahmad	Dildar Ahmad	28-11-1992	562	C	



Roll No	Name	Father's Name	DOB	Marks	Grade	Remarks
104415	Abdul Wahid	Meer Ahmad	10-03-1995			PH-II,
104416	Muhammad Nawaz	Ghulam Hussain	01-03-1994			PH-II,
104417	Saqib Mumtaz	Muhammad Mumtaz	15-01-1992			PH-II,
104418	Adnan	Awal Khan	14-03-1996	560	C	
104419	Fahad Hussain	Muhammad Yaseen	24-07-1993	519	D	
104420	Faisal	Wali Ur Rehman	08-04-1994	561	C	
104421	Waqas Aziz	Aziz Ur Rahman	29-06-1993	480	D	
104422	Bilal Hussain	Muhammad Riaz	10-04-1992			IE,
104423	Muhammad Ashfaq	Muhammad Ayaz Khan	11-04-1995			PS,
104424	Sadaqat Hussain Shah	Riaz Ali Shah	01-02-1992			PH-II,
104425	Danish Khan	Aurang Zaib Khan	12-04-1994	441	D	
104426	Abrar Ahmad	Ghulam Nabi	14-07-1991	498	D	
104427	Faizan Ahmad Bhatti	Khalil Ur Rahman Bhatti	07-06-1994	490	D	
104428	Zakir Ferdus	Ali Zaman	11-05-1993	493	D	
104429	Malak Babar Khalil	Khalil Ur Rahman	02-04-1996	572	C	
104430	Shah Nawaz Khan	Khair Muhammad Khan	01-04-1991			CH-I,PH-II,
104431	Junaid Khan	Arbab	04-01-1992			BIO-II,
104432	Muhammad Wajid	Muhammad Shafique	11-02-1994	458	D	
104433	Muhammad Anas Khan	Sharafat Hussain	05-05-1994	617	C	
104434	Abbas Ahmad	Muhammad Ejaz	08-05-1995	499	D	
104435	Arshad Hussain	Fazal Ur Rahman	01-04-1994			CH-I,
104436	Awais Ali Shah	Syed Munawar Shah	21-03-1994			(EGM)CH-I,
104437	Umar Hayat	Shakar Muhammad	02-02-1993			CH-I,PH-II,
104438	Shohaib Rafique	Muhammad Rafique Khan	15-05-1993			CH-I,PH-II,
104439	Rizwan	Muhammad Yousaf	28-02-1994			CH-I,
104440	Zeeshan Ali	Ali Asghar Khan	18-05-1992			PH-I,E-II,
104441	Muhammad Shabbir	Muhammad Younis	11-01-1993			PH-I,E-II,
104442	Muhammad Saleem	Muhammad Sakandar	05-04-1993			PH-I,
104443	Dildar Saeed	Saeed Ur Rehman	01-02-1994	507	D	
104444	Muhammad Nawaz	Khan Jee	01-01-1993	547	C	
104445	Abdul Waheed	Muhammad Shafi	07-02-1992	489	D	
104446	Muhammad Arshad	Ghulam Ali	01-05-1993			E-II,
104447	Sar Baland	Samandar	01-08-1993			E-II,M-II,
104448	Ghulam Hassan	Khan Baz	12-02-1994	486	D	
104449	Gul Bahar Shah	Shah Hussain	10-05-1994	539	C	
104450	Muhammad Rashad	Muhammad Zaman	06-04-1993			E-II,
104451	Tehmas Khaliq	Abdul Khaliq	01-09-1992	481	D	
104452	Mazhar Irfan	Muhammad Irfan	13-05-1994			E-II,
104453	Muhammad Khurshed	Wazeer Muhammad	04-01-1992			E-II,
104454	Rashid Mehmood	Abdur Raheem	13-03-1994	545	C	
104455	Zulfiqar Ahmad	Mithoo	02-02-1993			E-II,M-II,
104456	Awais Rasheed	Abdur Rasheed Khan	03-09-1993	423	D	
104457	Muhammad Rizwan Gohar	Gohar Aman	25-04-1994	484	D	
104458	Muhammad Saeed	Noor Gul	10-05-1993			E-II,
104459	Syed Imdad Hussain Shah	Syed Zubair Shah	20-04-1992			E-II,M-II,
104460	Muhammad Nasir	Muhammad Iqbal	30-12-1991			E-II,
104461	Waqas Ahmad	Ishtiaq Ahmad	04-04-1992			E-II,
104462	Muhammad Asif	Khani Zaman	21-05-1992			E-II,
104463	Yasir Ali	Khair Muhammad Khan	06-06-1993			E-I,E-II,
104464	Muhammad Sajid	Abdur Raheem	10-04-1994			E-I,E-II,
104465	Jehan Zeb	Muhammad Haroon	10-01-1992			E-I,PS,E-II,
104466	Noor Hassan	Abdul Qadeer	01-02-1990			E-I,E-II,M-II,
104467	Ashfaq Ahmad	Muhammad Miskeen	01-03-1993			E-II,
104468	Tahir Awais	Muhammad Gulzar	03-05-1994	490	D	
104469	Saddam Hussain	Muhammad Azeem	04-04-1993			E-II,
104470	Muhammad Aslam	Marjan	08-01-1992	483	D	

Roll No	Name	Father's Name	DOB	Marks	Grade	Remarks
104471	Muhammad Sadiq	Ghulam Hussain	08-03-1992			E-II,
104472	Muhammad Waqar Ahmad	Muhammad Zaman Ahmad	13-01-1992			IE, E-II,
104473	Waqas Ahmad	Ghulam Mustafa	15-01-1992	521	D	
104474	Muhammad Zubair	Abdul Hameed	08-01-1992	459	D	
104475	Nasir Irfan	Abdul Kharran	25-04-1992			E-II, M-II,
104476	Muhammad Shahzad Ahmad	Muhammad Zaman Ahmad	25-01-1993			IE, E-II,
104477	Saeed Ahmad	Muhammad Rafique	20-05-1993			E-II,
104478	Muneer Khan	Feroz Khan	02-02-1993			E-II, M-II,
104479	Tasleem Khan	Sahadi Khan	05-03-1993			IE, E-II,
104480	Ali Asghar	Muhammad Khan	27-05-1992			IE, E-II,
104481	Shahzad	Muhammad Shafique	01-03-1992			E-II,
104482	Abdur Razzaq	Malik Aman	02-11-1990			E-II,
104483	Muhammad Irfan	Noor Zaman	12-03-1993			IE, E-II,
104484	Muhammad Umar	Gul Zaman	01-03-1993			IE, E-I, E-II,
104485	Muhammad Fiaz	Ali Zaman	10-12-1992			IE, E-I, E-II,
104486	Muhammad Sheeraz	Muhammad Yaqub	07-04-1993			E-I,
104487	Muhammad Shahzad	Muhammad Ismail	01-05-1993			IE, E-I, E-II,
104488	Muhammad Kamran	Muhammad Alam	04-07-1993			E-I,
104489	Muhammad Tahir	Abdur Razzaq	17-04-1994			M-I, E-I, E-II,
104490	Muhammad Majid	Abdur Rasheed	18-05-1993			E-II,
104491	Bilal Ali	Shaukat Ali	02-05-1994			E-II,
104492	Muhammad Younis	Muhammad Daud	04-02-1993			E-I, E-II,
104493	Muhammad Rashid	Muhammad Zaman	03-04-1993			E-II,
104494	Khursheed Ahmad	Noor Hussain	05-05-1994			AMD-I,
104495	Muhammad Rashid	Ali Zaman	10-11-1993			AMD-I,

**GOVT. HIGH SCHOOL DATTA MANSEHRA**

104496	Naqash Ahmed Shah	Syed Maqbool Shah	14-10-1992			PH-II,
104497	Muhammad Waqas	Taj Muhammad	10-02-1992	523	D	
104498	Usman Saeed	Muhammad Saeed	31-03-1993	567	C	
104499	Qaiser Ahmed	Muhammad Ahmed	03-06-1994			E-II,
104500	Nohman Khan	Muhammad Yousaf	15-03-1994	575	C	
104501	Tassaddaq Hussain	Muhammad Sadiq	13-03-1995	580	C	
104502	Zeeshan Nazir	Nazir Ahmed	15-03-1994	620	C	
104503	Awais Ali Shah	Pir Muhammad Shah	03-04-1993	616	C	
104504	Muhammad Asif	Muhammad Sadiq	10-06-1994	664	B	
104505	Nabeel Ahmed	Mushtaq Ahmed	28-02-1993	678	B	
104506	Bilal Haneef	Muhammad Haneef	29-04-1993	708	B	
104507	Ahtsham Ali	Inayat Ur Rehman	04-09-1994	675	B	
104508	Shahid Ali Khan	Naseer Ahmed	27-05-1996	634	B	
104509	Faheem Ahmed	Abdul Hameed	18-09-1993	657	B	
104510	Bilal Siddique	Muhammad Siddique	01-04-1995	612	C	
104511	Muhammad Rizwan	Muhammad Gulzar	01-04-1994			PH-II,
104512	Abdur Rehman	Muhammad Ali	16-01-1993	623	C	
104513	Nohman Siddique	Muhammad Siddique	02-11-1993			PH-II,
104514	Muhammad Zubair	Abdur Razzaq	02-04-1992	583	C	
104515	Akmal Khan	Muhammad Sadiq Khan	20-04-1992			E-II,
104516	Assad Shafiq	Shafiq Ur Rehman	15-03-1994	568	C	
104517	Faizan	Muhammad Saleem	10-05-1994	588	C	
104518	Muhammad Azeem	Muhammad Pervez	11-12-1994	653	B	
104519	Waqas	Riaz Muhammad	12-06-1994	543	C	
104520	Abdullah Jan	Muhammad Ashraf	03-01-1993	577	C	
104521	Muhammad Junaid	Qazi Ahmed	02-10-1992	500	D	
104522	Muhammad Waqas	Muhammad Bashir	12-04-1993	580	C	
104523	Muhammad Awais	Muhammad Parvez	20-05-1994			E-II,
104524	Nadeem Ahmed	Muhammad Nazir	05-03-1995	618	C	
104525	Waqas Ahmed	Aziz Ur Rehman	01-04-1994	598	C	

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

Service Appeal No. 1082/2014

Mr. Muhammad Irfan S/O Noor Zaman,  
Junior Clerk, Government High School,  
Nawaz Abad, Mansehra.....

**(Appellant)**

Versus

1. Govt of KPK through Secretary E&SE Department Khyber  
Pakhtunkhwa, Peshawar & others..... **(Respondents)**

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

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- 8 Not replied accordingly to Para-8 of the appeal.

**GROUND:**

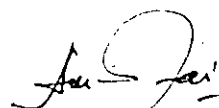
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- C) Incorrect. While Para-c of the appeal is correct. Moreover, under the law executive authority cannot issue order with retrospective effect.
- D) Incorrect. While Para-D of the appeal is correct.
- E) Incorrect. While Para-E of the appeal is correct.
- F) Incorrect. While Para-F of the appeal is correct.
- G) Incorrect. While Para-G of the appeal is correct.

- H) Incorrect. While Para-B of the appeal is correct.  
I) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

**APPELLANT**  
Muhammad Irfan

Through:



**(M. ASIF YOUSAFZAI)**  
**ADVOCATE, PESHAWAR.**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



**DEPONENT**

**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION  
ABBOTTABAD**

**Khyber Pakhtunkhwa (Pakistan)**

**Secondary School Certificate Examination**

Roll No: 121375  
Group: HUMANITIES

S.No. AB 840698

**( CLASS X )**

**Session: 2011 (Annual)**

Name : MUHAMMAD IRFAN  
Father's Name : NOOR ZAMAN  
Date of Birth : 12-MAR-93  
Reg: No: 0851032066  
Institution / District : MANSEHRA

has secured the marks shown against each subject in the Secondary School Certificate Examination (Class 10th) held in the month of March/April as a Private Candidate.

Subjects	Total	Part-I		Part-II		Total	Marks in Words
		Marks Obtained		Marks Obtained			
		Th	Pract	Th	Pract		
English	150	27	--	27	--	54	Fifty-Four
Urdu	150	32	--	37	--	69	Sixty-Nine
Islamiat Comp	75	26	--	--	--	26	Twenty-Six
Pakistan Studies	75	--	--	25	--	25	Twenty-Five
General Science	150	33	--	32	--	65	Sixty-Five
Mathematics	150	26	--	25	--	51	Fifty-One
Islamic Studies	150	28	--	25	--	53	Fifty-Three
Art & Model Drawing	150	21	13	16	13	63	Sixty-Three

**Total : 1050**

406-E Four Hundred Six Only

Remarks :

Dated: 22-APR-14

Checked by: \_\_\_\_\_

\_\_\_\_\_  
Controller of Examinations

Note:- Errors/Omissions excepted. Any mistake in the Name, Father's Name & DOB etc must be intimated within 30 days of the issuance date of this certificate. Visit us: www.biseatd.edu.pk

S No. ADA: 378549

Roll No. 121375

**BOARD OF INTERMEDIATE & SECONDARY EDUCATION**



**Abbottabad, Khyber Pakhtunkhwa, Pakistan.**  
**SECONDARY SCHOOL CERTIFICATE EXAMINATION**

**SESSION ANNUAL 2011**

This is to certify that MUHAMMAD IRFAN

Son of NOOR ZAMAN

A candidate from MANSEHRA DISTRICT

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in March/April, 2011 as a private candidate. He has obtained 406 marks out of 1050 and has been placed in Grade E Representing SATISFACTORY.

The candidate passed in the following subjects:

- |                    |          |                        |
|--------------------|----------|------------------------|
| 1. ENGLISH         | 2. URDU  | 3. ISL-EDUCATION       |
| 4. PAK STUDIES     | 5. MATHS | 6. GENERAL SCIENCE     |
| 7. ISLAMIC STUDIES |          | 8. ART & MODEL DRAWING |

Date of Birth according to admission form is TWELFTH MARCH

One Thousand Nine Hundred and NINETY-THREE ( 12-03-1993 )

  
Asstt. Secretary

This certificate is issued without alteration or erasure.

  
Secretary

Roll No	Name	Father Name	DOB	Marks	Grade	Remarks
121368	Shah Nawaz Saeed	Saeed Ur Rehman	16-04-91	447	D	Rs.100/-
121369	Shakeel Ahmad	Abdul Lateef	02-04-93	449	D	
121370	Bilal Ali	Shaukat Ali	02-05-94			E-II,
121371	Shahzad	Muhammad Shafique	01-03-92	463	D	
121372	Yasir Ali	Khair Muhammad Khan	06-06-93			E-II,
121373	Zahid Hussain Shah	Raheem Shah	04-04-89	494	D	
121374	Ejaz	Aziz Ur Rehman	20-02-91	499	D	
121375	Muhammad Irfan	Noor Zaman	12-03-93	406	E	
121376	Sar Baland	Samandar	01-08-93	533	C	
121377	Jehan Zeb	Muhammad Haroon	10-01-92	440	D	
121378	Muhammad Umar	Gul Zaman	01-03-93			IE,E-II,
121379	Muhammad Zahid	Abdul Ghani	01-02-94			PS,
121380	Saeed Ahmad	Muhammad Miskeen	22-01-92			PS,E-II,
121381	Muhammad Taveed	Muhammad Haroon	02-01-92			M-II,
121382	Muhammad Arshad	Khan Wali	25-02-92			E-I, Fail-II
121383	Mazhar Hussain	Muhammad Hassan	12-06-93	517	D	
121384	Afsar Khan	Muhammad Ezzat Khan	01-06-92			PS,
121385	Yasir	Fazal Ur Rehman	02-04-93			PS,M-II,
121386	Ghulam Murtaza	Ali Zaman	12-11-93			Rs.100/- PS,
121387	Muhammad Irfan	Fazal Ur Rahman	28-03-93			(EGM)M-II,
121388	Kashif Khan	Abdur Rashid Khan	06-01-93			PS,
121389	Mukhtar Ahmed	Abdul Qayyum	05-04-84			E-II,M-II,
121390	Sajjad Ahmad	Wali Ahmad	08-11-91			PS,
121391	Muhammad Naqash	Muhammad Ayaz Khan	02-04-94			E-II,GS-II,
121392	Muhammad Zia Ur Rehman	Muhammad Miskeen	04-05-90			E-I,E-II,
121393	Zahid Ali Akbar	Abdullah Jan	06-02-89	547	C	
121394	Muhammad Zahoor	Najju	02-02-87			Fail-II
121395	Zahid	Malang	17-02-94			Rs.140/- E-I, Fail-II
121396	Jabar Hussain	Muhammad Nazeer	08-04-94			PS,
121397	Muhammad Sudheer	Ghulam Mustafa	04-03-92			E-I,PS,E-II,
121398	Waqas	Muhammad Siddique	28-02-95	587	C	
121399	Bilal Hussain	Kala Khan	15-02-88			M-II,
121400	Acil	Said Alam	06-05-94			U-I,IS-I, Fail-II
121401	Muhammad Nawaz	Muhammad Azad Khan	29-04-68			Fail-II
121402	Muhammad Rasheed	Muhammad Ayub				PS,
121403	Muhammad Asif	Muhammad Miskeen	31-03-90			M-II,
121404	Khalid	Muhammad Ismaeel	01-02-85			M-II,
121405	Ghulam Annis Siddiqui	Muhammad Younis Siddiqui	31-12-76			PS,E-II,
121406	Majid Khan	Muhammad Taseem Khan	11-09-94	584	C	
121407	Muhammad Riaz	Aurang Zeb Khan	05-05-85			Fail-II
121408	Shahzad Ahmed	Khaoidad	05-01-89			PS,
121409	Nazakat Ali	Muhammad Shabbir Khan	02-04-93			PS,
121410	Muhammad Anif	Zar Bakht Khan	12-04-85			PS,M-II,
121411	Muhammad Niaz	Meer Abdullah	10-03-81			M-II,
121412	Bashir Ahmed	Maroof	01-01-93			M-II,
121413	Muhammad Shakir	Anwar Rasheed	03-02-94	625	C	
121414	Zafeer Ahmad Usmani	Muhammad Masood	01-06-87			E-I, Fail-II
121415	Sarda Ahmad	Muhammad Irfan	20-12-84	580	C	
121416	Junaid	Sarfraz Khan	04-04-91			PS,M-II,
121417	Badal Sheryar Khan	Muhammad Riaz Khan	20-07-97			Rs.575/- GS-II,
121418	Rizwan Ali	Muhammad Farid	05-09-89	477	D	
121419	Jameel Ahmed	Muhammad Azam	03-04-92	525	C	
121420	Muhammad Danish	Muhammad Siddique	26-05-93	575	C	
121421	Zeeshan	Aurangzeb	12-06-92	469	D	
121422	Taimoor Khan	Chan Zeb	06-05-91			E-II,
121423	Muhammad Saad	Muhammad Riaz				Fail(Add)
121424	Ehsan Ahmad	Ali Akbar	13-03-91			E-II,
121425	Liaqat	Noor Alam	15-05-92			E-II,
121426	Muhammad Rashid	Fazal Dad	11-02-92			E-II,
121427	Shahid Nawaz	Muhammad Nawaz	29-11-93	517	D	
121428	Shahid	Aurangzeb	07-02-93	435	D	
121429	Waqas Khan	Muhammad Aslam Khan	09-08-94	555	C	
121430	Imran Nazir	Nazir Ahmad	15-04-90	518	D	
121431	Muhammad Naveed	Muhammad Ashraf	26-06-93	533	C	
121432	Umer Zeb	Chan Zeb	17-12-92	453	D	

Attested  
 H. G. Chowdhary  
 PRINCIPAL  
 G.C.M.H.S  
 DADAR MANSEHRA



15/2

**BEFORE THE KHYBER PAKHTUNKHWA,  
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Mr. Muhammad Irfan S/O Noor Zaman,  
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Nawaz Abad, Mansehra.....

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Versus

1. Govt of KPK through Secretary E&SE Department Khyber  
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**REJOINDER ON BEHALF OF APPELLANT**

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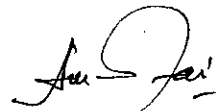
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Through:



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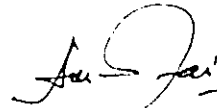
I) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

**APPELLANT**

Muhammad Irfan

Through:



**(M. ASIF YOUSAFZAI)  
ADVOCATE, PESHAWAR.**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



**DEPONENT**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1419 /ST

Dated 29 / 8 / 2016


To

The DEO (Male),  
Mansehra.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 15.8.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.