

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No	/ST	Dated_	/	/2022
10	/51	Dated	/	/2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281 Fax:- 091-9213262

To:

The District Education Officer (Male), Swabi.

SUBJECT:-

JUDGMENT IN SERVICE APPEAL NO. 153/2022, TITLED SYED FAHAD ALI SHAH VERSUS THE GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY AND SECONDARY EDUCATION, PESHAWAR ETC.

I am directed to forward herewith a certified copy of order dated 23.06.2022, passed by this Tribunal in the above mentioned service appeal for compliance.

Encl. As above.

(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No.	/ST	Dated	/	_/2022

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(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

	Date of order/	Order or other proceedings with signature of Judge or Magistrate and that
S.No.	proceedings	of parties where necessary.
1	2	3
ı	-	
		KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
		PESHAWAR.
		Service Appeal No. 153/2022
	. •	Syed Fahad Ali Shah S/o Muhammad Zahoor Ullah Shah (Certified Teacher BPS-15), Tordher Mohallah Saina, Tehsil Labor, District Swabi.
		(Appellant)
		Versus
-		•
	-	 The Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. District Education Officer (Male) Swabi. Additional District Education Officer (B&OA) Swabi. (Respondents)
'		
	23 rd June, 2022	ORDER
		KALIM ARSHAD KHAN CHAIRMAN:- Learned counsel for
		the appellant has been heard.
		2. Through this appeal the appellant has sought correction of his
		name, his father's name and his date of birth by alleging that correct name
		of the appellant was Syed Fahad Ali Shah and correct name of his father
		was Muhammad Zahoor Ullah Shah while his correct date of birth,
		according to birth certificate and CNIC, was 05.01.1991; that the
		respondents had wrongly mentioned/recorded in the service book/record,
	(wrong name of the appellant and his father similarly the date of birth was
•	V	also wrongly incorporated. It is averred in the appeal that the appellant
	∫ V	had filed a civil suit No.35/1 of 2020 before learned Civil Judge, Swabi
. •	1	for correction of date of birth which was dismissed on 06.07.2021 on the
		ground of jurisdiction as the appellant was a civil servant and the proper
-		forum was Service Tribunal.
· ·		03. At the very outset, learned counsel was confronted that the school

record particularly the secondary school certificate the date of birth of the appellant was recorded as 15.2.1989, which date of birth was also incorporated in the service record of the appellant, to which the learned counsel did not controvert it and submitted that the date of birth was wrongly entered in the school record. It appears that the date of birth mentioned in the school record and in the service record was the same, therefore, the appeal is incomprehensible because there was no discrepancy of date of birth in the two documents/records produced by the appellant himself before the Tribunal. Since the entry of date of birth in the service record appears to be in consonance with the matriculation certificate of the appellant, therefore, grievance of the appellant seems to be the alleged wrong entry in the matric certificate and this Tribunal cannot order correction in the school record. As regard his contention for correction of his name and his father name that is also not the domain of the Service Tribunal. This appeal is, therefore, misconceived and is dismissed in limine. Consign.

4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 23rd day of June, 2022.



(KALIM ARSHAD KHAN) Chairman

Form- A

FORM OF ORDER SHEET

Court	/ I		
B 1		157/2022	

	Case No	153/2022
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/02/2022	The appeal of Syed Fahad Ali Shah submitted today by Mr. Mubarak Zeb Advocate may be entered in the Institution Register and put up to the
		Worthy Chairman for proper order please.
	, ·	REGISTRAR
2-		This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on 21-014202
		CHAIRMAN
	,	
	01.04.2022	Clerk of learned counsel for the appellant present.
		Former requests for adjournment on the ground that learned counsel is not available today. Adjourned. To come up for
		oreliminary hearing on 23.06.2022 before S.B.
		There
		(MIAN MUHAMMAD) MEMBER(E)
۸.		

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Cas	e Title: Sund Fale of the Sul Vs C	Pent	
S#	CONTENTS	YES	NO
1	This Annual has been presented by: Muhor R Zab / cal		
<u>-</u> -	Whether Counsel/Appellant/Respondent/Deponent have signed	,	
2	the requisite documents?		
-	Whether appeal is within time?		
3	Whether the enactment under which the appeal is filed	~	
4	mentioned?		
5	Whether the enactment under which the appeal is filed is correct?	~	
	Whether affidavit is appended?	~	
6_	Whether affidavit is duly attested by competent Oath		
7	Commissioner?		
<u></u>	Whether appeal/annexures are properly paged?	~	
8	Whether certificate regarding filing any earlier appeal on the		
9	subject, furnished?		
10	Whether annexures are legible?	~	
10	Whether annexures are attested?	-	
<u> </u>	Whether copies of annexures are readable/clear?	-	
12		u	
13	Whether Power of Attorney of the Counsel engaged is attested	1/	
14	and signed by petitioner/appellant/respondents?		
7.5	f f least sixted correct/		
15	the state of the s		
16		1	
17		L	
18	1 (series attached)		
19	: Glad in congrato file cover/		
20	6 1		
21		1	
22		,	
23	Whether index is correct?	<u> </u>	
2	Whether Security and Process Fee deposited? On Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules	;	
	I would be a second and annovities has	5	
2:	1974 Kule II, Holice along with copy of appear and International		
-	been sent to respondents? On Whether copies of comments/reply/rejoinder submitted? On		
2	6 Whether copies of confinents/repty/rejoined 345		
-	Whether copies of comments/reply/rejoinder provided to		
2	7 Whether copies of commens/repry/rejounder provided to]

It is certified that formalities/documentation as required in the above table have been fulfilled.

opposite party? On

Name:

Mukrykech

Signature:

Dated:

PESHAWAR

Service Appeal No. 153 / 2022

Syed Fahad Ali Shah s/o Muhammad Zahoor Ullah Shah (Certified Teacher BPS-15), Tordher Mohalla Saina, Tehsil Lahor, District Swabi. (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education and others.

(Respondents)

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Through

Mubarak Zeb

Advocate High Court Office FR, 3 Forth Floor Bilour Plaza Peshawar Cantt.. Cell: 0334-4274247

Email:Mubarakzeb13@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 153 / 2022

Diary No. 1944
Dated 02/02/2022

Syed Fahad Ali Shah s/o Muhammad Zahoor Ullah Shah (Certified Teacher BPS-15), Tordher Mohalla Saina, Tehsil Lahor, District Swabi.

(Appellant)

VERSUS

- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Khyber road, Peshawar
- 2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer (Male) Swabi.
- 4. Additional District Education Officer (B&OA) Swabi.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the inaction of the respondents for not correcting name, father name and the date of birth 05.01.1991 of the appellant, against which the appellant filed departmental appeal dated 28.10.2021, which was not responded within the statutory period of 90 days.

Prayer in Appeal: -

On acceptance of this appeal the inaction of the respondent by not correcting / updating the name, father name and date of birth 05.01.1991 of the appellant may be declared illegal, unlawful and without lawful authority, violative upon the rights of the appellant and necessary correction may be made in the service record of the appellant. Any other relief which is not specifically asked may also be granted to the appellant.

Respectfully Submitted:

- 1) That the appellant is law abiding citizen of Pakistan and is the permanent resident of Tordher Mohalla Saina, Tehsil Lahor, District Swabi. (Copy of the CNIC is attached as annexure A)
- 2) That various Posts including the post of the CT BPS-15 were advertised by the respondent department, the appellant being fit and eligible in all respect duly applied to the post of CT BPS-15.
- 3) That after gone through all the rigors of selection process and being top in the merit position the appellant was appointed on the post of CT BPS-15 vide office order dated 04.02.2020. (Copy of the Appointment order is attached as annexure B)
- 4) That the correct name of the appellant is **Syed Fahad Ali Shah** while correct father name if the appellant is **Muhammad Zahoor Ullah Shah** and the correct date of birth of the appellant is **05.01.1991.** (Copy of the Birth Certificate and CNIC are attached as annexure C)
- 5) That the respondents wrongly mentioned / written in the service book / record of the appellant's name, as FAHAD ALI SHAH while the father name is written as ZAHOOR ULLAH and the date of birth as 15.2.1989. (Copy of the service book is attached as annexure D).
- 6) That the appellant has produced cogent and reliable evidence in the shape of Birth certificate and vaccination card duly

issued by the competent authority, but the respondents ignored this fact and refused to correct the same. (Copy of vaccination card is attached as annexure E)

- 7) That the appellant filed civil suit no 359/1 of 2020 before the Learned Civil Judge Swabi for the correction of date of birth which was dismissed on 06.07.2021 on the ground of Jurisdiction as the appellant is a civil servant and the proper forum is Service Tribunal. (Copy of the Judgment is attached as annexure F)
- 8) That being aggrieved from the illegal and unlawful corrigendum issued by the respondent department the appellant filed a departmental appeal dated 28.10.2021, which was not responded within the statutory period of 90 days. (Copy of the departmental appeal is attached as annexure G).
- 9) That the appellant has filed this appeal on the following grounds inter alia.

GROUNDS OF SERVICE APPEAL:

- A. That the Appellant has not been treated in accordance with law, her rights secured and guaranteed under the law and Constitution has been violated.
- B. That the conduct of the respondents by not correcting the name, father name and date of birth is apparently tainted with malice, malafide and bias, and against the law and rules.
- C. That since appointment the appellant performed his duties with great zeal and devotion and to the entire satisfaction of his superiors without any complaint whatsoever regarding performance till date.
- D. That the Appellant has not been treated as per notified gazetted rules by the respondents which deprived the Appellant from his due right.

- E. That inaction on the part of respondents is adversely affecting the Appellant career and has not treated according to law
- F. That the Appellant seeks the permission of this honourable Tribunal to rely on additional grounds at the hearing of this Appeal.

It is, therefore, humbly prayed that On acceptance of this appeal the inaction of the respondent by not correcting / updating the name, father name and date of birth 05.01.1991 of the appellant may be declared illegal, unlawful and without lawful authority, violative upon the rights of the appellant and necessary correction may be made in the service record of the appellant. Any other relief which is not specifically asked may also be granted to the appellant.

Appellant

Through

MUBARAK ZEB

Advocate Peshawar

IMRAN KHAN

Advocate Peshawar

AFFIDAVIT

I, Syed Fahad Ali Shah s/o Muhammad Zahoor Ullah Shah, Tordher Mohalla Saina, Tehsil Lahor, District Swabi, do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. / 2022

Syed Fahad Ali Shah s/o Muhammad Zahoor Ullah Shah (Certified Teacher BPS-15), Tordher Mohalla Saina, Tehsil Lahor, District Swabi. (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education and others.

(Respondents)

ADDRESSES OF PARTIES

Appellant

Syed Fahad Ali Shah s/o Muhammad Zahoor Ullah Shah (Certified Teacher BPS-15), Tordher Mohalla Saina, Tehsil Lahor, District Swabi.

Respondents

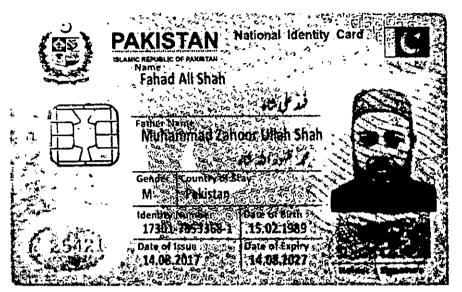
- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Civil Secretariat Khyber road, Peshawar
- 2. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer (Male) Swabi.
- 4. Additional District Education Officer (B&OA) Swabi

Appellant

Through

MUBARAK ZEB
Advocate Peshawar

AMISON A:



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aw '	منطع صواتي	
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Registrar General of Palustan		man resident
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ATTESTED

AMIX: B



DISTRICT EDUCATION OFFICE (MALE) SWABI



(Office Phone & Fax No 0938280239, emis_swabi@yahoo.com)

APPOINTMENT OF CT (MALE).

Consequent upon recommendations of the Departmental Selection Cammittee, appointment of the following candidates is hereby ordered as Certified Teachers (C.T) purely on merit against the vacant pasts on adhoe school based one year contract in BPS-15 (16120/-1330/-56020/-) fixed plus usual allowance as admissible to them under the Rules and existing policy of the Provincial Government on the terms and conditions given below with effect from the date of taking over charge in the interest of public service.

5#	Name	Father Name	NIC	Address	Total Score	Place of posting	position code
1	SAHIBZADA MUHAMMAD ZEESHAN	AURANG ZEB	1620150810005	VPO SARD CHEENA YAR HUSAIN	146.08	GH5 Shahdad Killi	80663230
2	ABDUS SAMAD	SAID FAROSH	1520286235929	Village BOQO PO JHANDA	143.99	GHS Pabaini	80391431
3	AFSAR ALI	FAREED GUL	1620112481687	VILLAGE ZAKARIA PO ŁAHOR	138.63	GHS Pak Kaya	80233453
4	MUHAMMAD ASIM	SALIH MUHAMMAD	1520403480411	VPO ISMAILA	137,84	GHSS Kalu Khan	80225422
5	INZAMAM UL HAQ	MAZRAT KHAN	1620217782721	VPO Rashakai	136.27	GHS Turtandi	80226739
6	HAROON	FAZALE AHAD	1620185075917	MIAZZUH RAY OQV	134.54	GHS No.1 Yar Hussain	80230134
7	SAIID AALAM	GUL KHAN YOUSAF ZAI	1620165 9 96871	VPO IALSAI, TEH LAHOR	134.50	GHS No.1 Zaida	B0229279
8	SAID AHMAD	UAZ RAHMAN	1620284502915	V&PO MAINI	134.41	GHS Maini	80225837
9	AMSAR SHAM	KHAUD KHAUD	1620213910331	VPO ZAIDA	134.31	GHS No.1 Zaida	80375255
10	SALEEM ELAHI	RAKIM GUL	1620133426075	VPO SARD CHEENA	133,77	GHS No.1 Yar Hussain	80230150
11	ihayat ur Rehiaan	FAZAL GHAFOOR	1620230476625	VPO KALU KHAN	133.32	GHSS Saleem Khan	80228733
12	BIS RIHATUM	JEHAN ZEB	1620198641125	VPO Tordher	133.24	GHS Bazar	E0226230
33	NIZAR AHMED	MUHAMMAD YAQOOB KHAN	1620210244519	VPO Swabi	132.32	GHSS Bamkhel	80227362
14	MUNFARIQ KHAN	astab khah	1620292607957	VPO BAJA	132.18	GHSS Topi	80574845
15	AWAIS ALI	Redal Khan	1670103035907	VPO Ghazi Kot, SUdher	131.96	GHS Lahor Sharqi	80576336
16	abourlah Khan	AVAAH ULLAH KILAH	1620303729785	VPO KOTHA	131.07	GHS Kotha	80228141
17	MUHIB SHAM	MOMIN Shan	1620303733633	VPO BEESAK (GADOON)	131.75	GHS Malak Abad	80574794
18	ABDUL MAT[[H EKAN	MENIA DIL KHAN	1620272361713	MOH KHWAIDAD KHEL	131.53	Marghut GCMHS	80229798



19	ANYAR S-AADAT	NISAR MUHAMAMD	1630335556803	VILL ASTOA SHARIF PO KARNAL SHERI KILLI	131.39	GSBASHS Shews	જોમેનાર)
20	NAGAR ALI	AURANG7[0	1620403480395	VPO SHEWA	131.37	GSBASIIS Sliewa	וניהונונש
21°	HAANZA	ATUHANIMAD SHAHID	1620242813497	VPO THAND KOL	111.01	GHS Hast Zerte	2011:212
22	NUMAN KHAN	DAWAR MAHAN	1620274025683	Vill: Asota Sharif PO KSK	110.97	GHS Alled Klien	84.1611°
23	JANJAR IQBAL	MUHAMMAD ULLAH	1620211153465	VILLAGE MATHITA	130.74	GSBASHS Shewa	ബാനുവ
24	MUHANINIAD IBRAHIM	DAMIAAHUM TAYAH	1620146896441	VPO YAR HUSSAIN	130.58	GHS Zarobi	(4)772197
25	SHABEER CATANA	LAL ZADA	1620183053945	VPO BABU DHERI DOBIAN	130.40	GHSS Saleem Khan	20172734
26	KHALEEQ ISRAR	MUHAMMAD ISRAR	1620290625811	VPO PANIPIR DIST. & TEH. SWABI	110.34	GHS No.1 Zaida	20457507
27	aamir ehan	SHER ASUHAMMAD	1630403556161	VPO FIRDOUS ABAD	110.16	GHS Qadra	80AG782G
29	FAHAD ALI SHAH	MUHAMMAD ZAHOOR ULLAH SHAH	1730178533681	VPO Tardher	130.04	GHSS Johangira	80467819
29	SHAHAB ZAMAN	QAMAR ZAMAN	1620403481655	VPO MUGHAL KOT, SIKANDARI, DAGAI	129.48	GMS Bakar	£0224779
30	KALEEM RAZA	LIA DAITHŽI	1620225718979	VPO MARGUZ	129.84	GHSS Barnkhel	20227356
31	ATTA UR RAHMAN	SHAHZAD GUL	1620260754909	VPO MARGUZ	129.81	GHS Kotha	80467854
32	irfan ali	FAZAL KARIM	1620249247473	VILL FAZAL ABAD, SALEEM KHAN P/O QAZI ABAD	129.36	GHSS Saleem Khan	80228685
33	SAUAD AKBAR	SALED AKBAN	1620282783557	VPO Zarobi	129.19	GMS Zarobi	£0224726
34	Muhammad Naveed Bhan	MUHAMMAD SADIQ KHAN	1620144899325	VPO MANKI	129.10	GH5 No.1 Zaida	80229165
35	SHAVKAT ALI	SHAMSHAD KHAN	1620233098569	MOH KHARARI TEH & PO TOPI	128.67	GHS Malak Abad	20367902
35	Kanirah Tham	MUHAMMAD TOUHAS	1620303551871	VPO GANDAF	126.85	GHSS Kabgani	80574618
37	WAPELLEHAN	MIR AZAM KHAN	1620195011925	VPO JALIL ABAD (SADRAY JADEED), DAGI	128.78	GHS Zarobi	20375252
38	MUHAMMAD RISKA	IHSAN ULLAH	1620184419511	VPO YAR HUSSAIN	128.49	GKS Malak Abad	20367903
39	GUNUH GANIHA	RAFEEQ AHMAD	1620252835613	VPO ZAIDA	128.32	GHSS Kabgani	80225557

Terms and Conditions

- I. No TA/DA is allowed.
- 2. Charge Reports should be submitted to all concerned.
- 3. Appointment is purely on temporary and Ad hoc basis for a period of one year with effect from 01-02-2020 to 31-01-2021.
- 4. They should not be handed over charge if their age exceeds 35 (Thirty Five) or below 19 (Nineteen) years.
- 5. Appaintment is subject to the condition that their Certificates/Degrees must be verified by DEO office from the concerned Hoards/Universities/Institutions. In case phyone was found



at any time/stage having produced bogus documents, their appointment shall be concelled and they will further be treated as per prevailing law and rules.

- 6. If any meritorious candidate is deprived of appaintment by this order, the appointment order of the lowest candidate in merit shall be withdrawn on acceptance of the appeal and adjustment order will be reviewed accordingly as per merit.
- 7. Their services me liable to termination on one month prior notice from either side. In case of resignation without notice their one month salary shall be forfeited to the Government treasury.
- Their pay shall not be drawn unless this office issues a certificate to the effect that their documents have been verified.
- 9. They should join their posts within 15 days of the issuance of this order. In case of failure to join the post within 15 days, their appointment shall automatically stand expired and no subsequent appeal etc. shall be entertained.
- Health and Age Certificate should be produced from Medical Superintendent before taking over charge.
- 11. They will be governed by such rules and regulation as may be issued from time to time by the Covernment.
- 12. Their services shall be terminated at any time in case their performance is found installatory during their service period. In case of misconduct they shall be proceeded against under the relevant rules issued from time to time.
- 13. Their appointment is ad line and school based. They will have to serve at their place of posting and their services are not transferable to any other station.
- 14. Posting/adjustment on the advertised/available vacancies is the discretionary powers of the Appainting Authority and no one has the right to claim for adjustment at a specific school.
- 15. In case of regularization their inter-ac-seniority shall be determined on the basis of their merit position and the date of taking over charge shall not affect their inter-se-seniority.
- 16. Appointers already serving as regular/contract employees shall tender resignation from their previous service before joining the present post.
- 17. They will receive Nine (9) months in-service mandatory professional training arranged by PITIMETE.
- 18. Errors and omissions will be accepted for further rectification within the specified period.

Endst: No. 1152 Duted 4 2 2020.

(Dr. MOHAMMAD IDREES) DISTRICT EDUCATION OFFICER (MALE) SWABI

Copy for information to the:-

- 1. Director Elementary & Secondary Education Khyber Pakhtukhwa Peshawar.
- Deputy Commissioner Swabl.
- 3. District Manitoring Officer (IMU) Swahi.
- 4. District Accounts Officer Swabi,
- Principals/ Head Masters concerned.
- 6. ADEO (B&AO), Local Office.
- 7. Officials concerned.
- 8. Master file.

DISTRICT EDUCATION OFFICER
(MALE) SWADI

TATTERTED'

APAILERO C



مكومت فيبريخة نمؤا بأكتان Govt of Khyber Pakhtunkhwa Pakistan

Tracking 18: 50076410016166 CRMS No: B500764-22-16714 الدران بيرائش سر نيكيت Birth Registration Certificato

31124

Fürm No. 9/12832432

ولإالدون ووداعي

OLD/M REG #: 27 Name:

SYED FAHAD ALI SHAH

Date of Birth:

05-January-1991

Gender:

Male

Religion: ISLAM

سدف فی شاہ

05-14nuary-1991

District of Birth: SWABI

Parental information

Address

Child's Dotails

كرخواف الماثاه

. تعز.

Father's Name: MUHAMMAD ZAHOOR ULLAH SHAH

Nationality:

Pakistani

CNIC No :

16202-3775607-1

Mother's Name: ZAHIDA NASREEN

Nationality:

Pakistani.

CNIC No:

17301-7203733-6

Grand Father's Name; SAHIB SHAH

CNIC No:

16702-3775607-1 زنوار فر 17301-7203733-6 يعنوا انبر ماميداره : (28/1 يمنى رد مر .

مذببء امنام

Address:

Mohalia saini, City TORDHER,

Tehsil:

LAHOR

District:

SWABI

Applicant's Details

Name:

ZAHIDA NASREEN

CNIC No:

17301-7203733-6

Relation of Child: SON

21-January: 2022

Entry Date: Issue Date:

21-January-2022

Entry Status:

Late

ژنبره تهرشت شِيْنَ أَمْرِي: 6-17301-7203733-6 يَوْمُونَ أَمْرِينَا الْمُرِينَا الْمُرْمِينَا الْمُرْمِينَا الْمُرْمِينَا ا

نخر سی، شر دردمے .

21-January-2022 21-January-2022

المناجر:

حمدان امنيش : كيت

Neighbor Hood Council Tordher No.2 (Swabii

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Mr. FAHAD ALI SHAH

SIO ZAHOOR ULLAH SIAH

Designation CT (BPS-15)

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Race: AFGIHAN	•
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Father's name and residence: ZAHOOR CLLAH S	SHAH, TORDHER, SWART.
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Personal marks for identification:	Nil.
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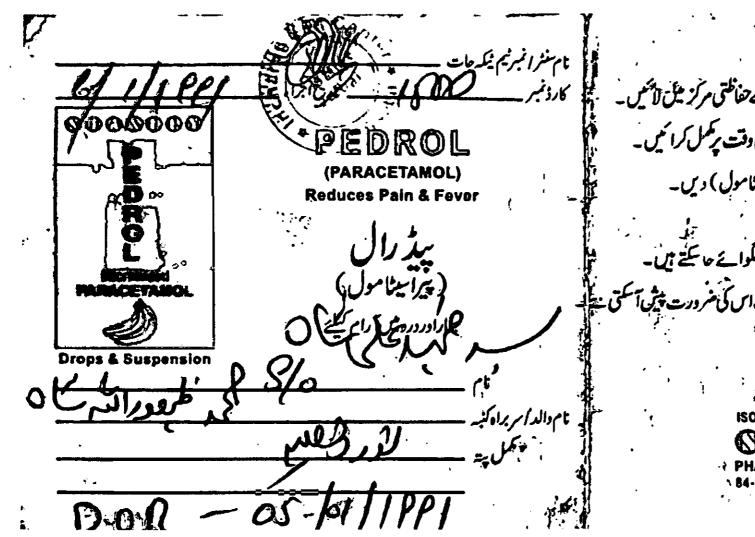
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علیہ حفاظتی بینکہ جات کے شیڈ ول کے مطابق ٹیکوں کا کورس وقت پر کمل کرائیں۔

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PHARMACEUTICALS (PVT) LTD.

84-B, Industrial Estate, Haystabad,
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IN THE COURT OF SAQIB KHAN

Civil Judge-VI, Swabi

Suit No.....359/1 of 2020 Date of institution.....16.12.2020 Date of decision.........06.07.2021

Fahad Ali Shah s/o Zahoor Ullah Shah r/o Mohallah Senay, Tordher, Tehsil Lahor, presently residing at Shah Mansoor, Tehsil & District

VERSUS

- 1. Head Teacher Sir Sahib Shah Public School Tordher, Tehsil Lahor, District Swabi.
- 2. Principal Frontier Children Academy Hayatabad, Peshawar.
- 3. Controller of Intermediate & Secondary Education, Peshawar.
- 4. Principal Islamia College, Peshawar.
- 5. Assistant Director NADRA, Tehsil Lahor, District Swabi

SUIT FOR PRO-INJUNCTION.

JUDGMENT:

Fahad Ali Shah/the plaintiff has filed the instant suit against the defendants for declaration to the effect that his correct date of birth is 05.01.1991 while date of birth entered by the defendants in their record as 15.02.1989 which is wrong, illegal, against the law & facts and ineffective upon his rights! He also sought mandatory injunction for directing the defendants to make correction of his date of birth in their record.

Succinct facts of the case as per averments of the plaint are that the correct date of birth of the plaintiff is 05.01.1991, however the defendants have wrongly entered the same in their record as

Fahad Ali Shah VS Head Teacher & others

Page I of 4



3/

15.02.1989 which is wrong, illegal, against the law & facts and ineffective upon the rights of the plaintiff. The defendants were repeatedly asked to correct the plaintiff's date of birth in their record but in vain, hence, the suit in hand.

Defendants were summoned. Defendant No.03 and 05 to 07 appeared through their representatives & contested the suit by filing their respective written statements, while rest of the defendants failed to appear before the court and ex-parte proceedings were initiated against them.

The divergent pleadings of the parties were reduced into the following issues by my predecessor in office.

Issues:

- 1. Whether the plaintiff has got cause of action? OPP
- 2. Whether this court has got jurisdiction to entertain the present suit? OPP
- 3. Whether the suit is within time? OPP
- Whether the correct date of birth of the plaintiff is 05.01.1991, whereas the defendants have wrongly entered the same as 15.02.1989 in their record? OPP
 - 5. Whether plaintiff is entitled to get the decree as prayed for?

 OPP
 - 6. Relief?

The parties were then directed to produce their evidence which they adduced and the same is available on the record.

I have heard the arguments of learned counsel for the parties and perused the record. Now my issue wise findings are as under;

Issue No.02

Whether this court has got jurisdiction to entertain the present suit? OPP

Falud Ali Strik WWW. Teacher & Others

Sect 1 of 4

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The plaintiff filed the instant suit for declaration and perpetual cum mandatory injunction in respect of correction of his date of birth as 05.01.1999 instead of 15.02.1989.

Perusal of the record available on file reveals that during cross examination of plaintiff as PW-01, he himself admitted that he is performing his duty as SST(SC) in Government High School No.01, which means that the plaintiff is government servant. Correction of date of birth falls within terms and conditions of Service of Civil Servants, therefore jurisdiction of this court is barred vide section 23 (B), which is reproduced as follow:

Jurisdiction barred..... save as provided under this Act and the service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. 1 of 1997), or the rules made thereunder, no order made or proceedings taken under this Act or the rules made thereunder by the Governor or any officer authorized by him shall be called in question in any court and no jurisdiction shall be granted by any court in respect of any decision made, or proceedings taken in pursuance of any power conferred by or under this Act or the rules made thereunder.

As the plaintiff is a government servant and in the light of section 23(B) of service Tribunal Act, 1974, jurisdiction of this court is barred; hence the issue decided accordingly.

Issue No. 3& 4

In the light of discussion on issue No.02 it is already held that the jurisdiction of this court is barred, therefore, there is no need to discuss the issues in hand; hence decided accordingly.

Issues No.1 & 5:

In the light of what has been discussed above, it is held that the plaintiff has got no cause of action and he is not entitled to the decree as prayed for.

Both the issues are decided accordingly

Panas All Shan VS Head Teacher & others



Relief

As sequel to my issue wise findings, the suit of plaintiff is hereby dismissed.

completion and compilation,

Announced;

File be consigned to the record room after its necessary letion and compilation

Certified that this judgment consists of four (04) pages. Each page has been read, checked and signed by me after making necessary

corrections therein.

مخضور حنیات دُار لمیر المینیری انید سلندی الجولئی شا در مد بانہ کر ارکس ہے کر گ علم عنزامی بطور آی بری سوا ب ادر 6,63 4-2-20 Appointment order 1 jes ples « Join vy i _ vi ~ w ا کے کے سرکر رہاد ر میں نام فیدی ہ در در کرا ہے جبہ در تر نام سر تھر کا کا ہے۔ المع مر ع سال ما والد ما ما عبور الله ناه درا ج صبكردرست ما محسد طهر الله أه ب ساس کی درست از عیدالت عطانی رسود لفستره 1981-10-5 جي جيرعالمي سي السنها م که عظری محکوال درست کوالعه ماست مام د درست ماج میرای سری رهادد می درای را کا معدات سر نبر میر فرد می این میرال می ایم مهوالی آی ادر میت فری سنزی سول ها میره مهوالی

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INTERMEDIATE EXAMINATION

SESSION 2007-ANNUAL



This is to Cortify that —	Fahad Ali Shah	Son of	Zahoor Ullah Shah
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The University of Agriculture Peshawar

Provisional Certificate

Fahad Ali Shah S/O Zahoor Ullah Shah

Class No: <u>001</u> Reg: No. <u>2009-Agr-U-19669</u> Session: <u>2014 - 2015</u> a student of

The University of Agriculture (Main Campus) Peshawar

has passed all the prescribed Examinations for the Degree of

M.Phil Biotechnology and Genetic Engineering

under Semester System. He has obtained 3.55 / 4.00

Cumulative Grade Point Average (CGPA) with 77.94 % Marks.

Result declared: November 15, 2018

Date of issue: November 16, 2018

Prepared by: <u>Muhammad Siraj</u>

Checked by:

Eontroller of Examinations



S.No..



The University of Agriculture, Peshawar Rhyber Pakhtunkhwa - Pakistan

Provincional Cretificate

Fahad Ali Shah S/O Zahoor Ullah Shah

has passed all the prescribed Examinations for the Degree of

BACHELOR OF SCIENCE (HONS) IN BIOTECHNOLOGY AND GENETIC ENGINEERING

under Semester System, the result declared on January 30, 2014

and obtained Cumulative Grade Point Average (CGPA) 3.86/4.00

With <u>87.88</u>% marks.

Univ. Registration No. 2009-Agr-U-19669

Enrollment No. 24

Session:

2009-2012

Date of issue: February 03, 2014

Prepared by:

Muhammad Siraj

Checked by:

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The University of Agriculture Peshawar

Official Cranscript of Record

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Roll No 65567
Group SCIENCE

PESHAWAR
PROVISIONAL AND DETAIL MARKS CERTIFICATE
SECONDARY SCHOOL CERTIFICATE EXAMINATION





SESSION ANNUAL-2005

Fohad Ati Shah	SorvDaughter of Zahour Ullah Shah
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1. English	150	62	**	65	-	127	One Horonal Teachy-Saina
2. Urdu	150	58	•••	64		122	Con Hordest Teamy-Two
3. Islamiyat (Comp)	75	55	*	**		55	Eq. Fine
4. Pakistan Studies	75	**		55	-	58	Faysage .
5. Maths	150	72	-	5		126	One Headred Teachy-Eagls
6. Physics	150	S-8	13	40	14	132	Coe Hardad Thing-Two
7. Chemistry	150	5 5	12	48	14	1/29	Cre recest tecophics
8. Biology	150	49	14	48	13	124	One Hondred Telegraphy (1994)

Total 1050 Verified & Ti and Correct St. | Eight Hunde

Date of Birth: 15th February, 1989

18-06-2005

Note: Error / Omissission accepted. Any missialle in about

Controlle

PESHAWAR
PROVISIONAL AND DETAILED MARKS CERTIFICATE
ONTERMEDIATE & SECONDARY
PESHAWAR
PROVISIONAL AND DETAILED MARKS CERTIFICATE
ONTERMEDIATE (ANNUAL) EXAMINATION, 2008



PRE-MEDICAL (Part-II)

Eahad Ali Shah	Son / Daughter of Zahoor Ullah Shah	
of ISLAMIA COLL		
has secured the marks	shown against each subject in the H.S.S.C. Examination held, in the month of	-
May 2008	83 Ex-Student	

			Marks Obtained '									
Subjects	Marks	Part-I		Part-II		Total	Marks in Words					
		Theory	Praet	Theory Pract								
English	200	68	 	65	-	133	One Hundred Thirty-Three					
Urdu	200	79	-	89	-	168	One Hundred Sixty-Eight					
Islamic Education	50	40		-	••	40	Forty Only					
Pakistan Studies	50	4444		42	-	42	Forty-Two					
Physics	200	62	23	50	23	158	One Hundred Fifty-Eight					
Chemistry	200	61	17	53	23	154	One Hundred Fifty-Four					
Biology	200	62 (19	46	23	150	One Hundred Fifty Only					
												

Total: 1100

Eight Hundred Forty-Five Only

Remarks:

Checked By:

Date of issue: 10-08-08

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THE UNIVERSITY OF AGRICULTURE, PESHAWAR OFFICIAL TRANSCRIPT OF RECORD

M.Phil Biotechnology and Genetic Engineering

Name & Porentage: Fahad Ali Shah S/O Zahoor Ullah Shah

a student of The University of Agriculture (Main Campus) Peshawar

C. No: 001 Univ. Reg. No: 2009-Agr-U-19669 Session: 2014-2015

Institute of Biotechnology & Genetic Engineering

Course No.	Course Title			Credit Hours	Theo Obtd	Prac Obid	Total Obtaine	GP	Grade
Eirat Sem	Ster.								
IBGE-701	Genetic-1			3	66	,	66	9.00	8
1BGE-702	Biochemistry-I (Minor)			3	92		92	12.00	A*
IBGE-703	Plant Tissue Culture			3	90		90	12.00	A+
1BGE-704	Gene Regulation and Expression			3	75		75	9.99	B+
1BGE-705	Tissue Culture Lab-l			1	82		62	3.67	A
IBGE-706	Agricultural Biotechnology			3	70		70	9.99	B +
IBGE-707	Principles of Plant Breeding (Minor)			3	61	29	90	12.00	A+
	Total Marks 700	%age	80.71	19	un. It		565	_ 68.65	GPA 3.61
Second Se	emester		3/ ************************************	*		manusco and alle	armen communication	T parameter	
LECE-706	Genetics-11			3	76		76	9,99	8+
IBGE-707	Blochemistry-II (Minor)			3	84		84	11,01	A
IBGE-708	Recombinant DNA Technology			3	83		83	11.01	A
IBGE-709	Elements of Biotechnology			3	71		71	9.99	B+
18GE-711	Lab II (GE DNA Technology)			1	57		57	2_50	C+
1BGE-712	Microbial Biotechnology			3	57	23	80	t 1.01	A
PP-703	Plant Virology (Minor)			3	49	17	66	9.00	В
Staf-704	Experimental Design and Analysis (Minor)	•		3	40	22	62	7.50	C+
••	Total Marks 800	%age	72,38	22			579	71.01	GPA 3.27
Third and	Fourth Semester					***************************************			,
IBGE-794	Seminar			ı	90		90	4.00	Λ+
IBGE-795	Thesis			10	91		91	09.00	A+
	Total Marks 200	%ng+	90.50	ñ	***************************************	****** ***	181 .	44.00	GPA 4.00
The exami	nation was taken as a whole				-	~~		1	CGPA 3.55

Total Marks 1700 Marks Obtained 1325 %age 77.94

NOTE: Errors and Omissions if any, in Name, Father Name, Class No., Registration, Subject, GPA/CGPA etc. must be intimated in writing within 60 days

Prepared by.

Rioz Khan

Checked by.

Date.

De Calento

15-11-2018

Grading Procedure:

The equivalence of marks %age, letter grade & grade point is as under:

•				,	
Marks Sage	Letter Grade	Grade Paint	Marks %ags	Letter Grade	Grade Point
90-100	A+	4 00	56-64	C+	2 50
80-89	A	3 67	50-55	C	7 99
70-70	B+	3.33	itelow 50	e	0.00
65-69	B	3 Ô9			



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Controller of Examinations

POWER OF ATTORNEY	
In the Court of Les Rames Hogh Court Poe	Show
S I I I I I I I I I I I I I I I I I I I	SI SUMO
Syed Fake y Mr Shak	}For
	}Plaintiff
	}Appellant }Petitioner
	Complainant
VERSUS	· · · ·
C Delia	
GOVY PEPKED Otto	}Defendant
	}Respondent
· · · · · · · · · · · · · · · · · · ·	}Accused
Appeal/Revision/Suit/Application/Petition/Case No of	3
Fixed for	
I/We, the undersigned, do hereby nominate and appoint	
	,
MUBARAK ZEB and IMRAN KHAN ADVOCATES HIGH COUR	
my true and lawful attorney, for me in my same and on my beh	
to appear, plead, act and answer in the above Court or ar	ny Court to which
the business is transferred in the above matter and is agreed to sign and	file petitions. An
appeal, statements, accounts, exhibits. Compromises or other documen	ts whatsoever, in
connection with the said matter or any matter arising there from and also	to apply for and
receive all documents or copies of documents, depositions etc, and to ap	oply for and issue
summons and other writs or sub-poena and to apply for and get is	ssued and arrest
attachment or other executions, warrants or order and to conduct any pro-	ceeding that may
arise there out; and to apply for and receive payment of any or all sums	or submit for the
above matter to arbitration, and to employee any other Legal Practitione	or submitted the
to exercise the power and authorized hereby conformed on the Advances	aumorizing mm
to exercise the power and authorizes hereby conferred on the Advocate	wherever he may
think fit to do so, any other lawyer may be appointed by my said couns	sel to conduct the
case who shall have the same powers.	1
AND to all acts legally necessary to manage and conduct the	s gold aggs in all
respects, whether herein specified or not, as may be proper and expedient.	said case in all
The system of the system of the system of proper and expedient.	•
AND I/we hereby agree to ratify and confirm all lawful acts done	on my/our behalf
under or by virtue of this power or of the usual practice in such matter.	on my, our behalf
PROVIDED always, that I/we undertake at time of calling of	the case by the
Court/my authorized agent shall inform the Advocate and make him appe	ear in Court, if the
case may be dismissed in default, if it be proceeded ex-parte the said co	unsel shall not be
held responsible for the same. All costs awarded in favour shall be the right	ght of the counsel
or his nominee, and if awarded against shall be payable by me/us	-
IN WITCHESS1SI/	•
the day to the vear	
the day to the year Executant/Executants Accepted subject to the terms regarding fee	• (1)
Accepted subject to the terms regarding fee	₹ /2
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Im Wa Imran khan advocate

MUBARAK ZEB ADVOCATE

ADVOCATES, LEGAL ADVISORS,
SERVICE & LABOUR LAW CONSULTANT
FR-3, Fourth Floor, Bilour Plaza, Saddar
Road, Peshawar Cantt
Mobile-0334-4274247