

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 7763/2021

BEFORE:            MRS. ROZINA REHMAN            ...            MEMBER(J)  
                         MISS. FAREEHA PAUL            ...            MEMBER(E)

Mst. Naila Gul D/o Shafique Ullah R/o Mohallah; Shagai, Village; Turlandi,  
Tehsil Razzar, District Swabi.

.... (*Appellant*)

Versus

1. Director Schools & Literacy, Education Department, Khyber Pakhtunkhwa,  
Peshawar.
2. District Education Officer (Female), School & Literacy, Swabi.

... (*Respondents*)

Mr. Muhammad Usman Khan Turlandi  
Advocate

...

For appellant

Mr. Muhammad Jan  
District Attorney

...

For respondents

----

Date of Institution.....16.11.2021

Date of Hearing.....29.09.2022

Date of Decision.....29.09.2022

**JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** The appeal in hand was initially a writ petition filed in the Hon'ble Peshawar High Court, against the impugned order dated 11.11.2020, whereby appointment order dated 27.04.2020 of the appellant was withdrawn. On the request of learned counsel for the appellant, the writ petition was converted into service appeal and remitted to the Khyber Pakhtunkhwa Service Tribunal vide judgment dated 09.11.2021.


2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Primary School Teacher (P.S.T), BPS-12 vide order



dated 27.04.2020 on the basis of being a permanent resident of village Turlandi, Union Council/Village/Neighbourhood Council Turlandai Khas. She assumed the charge on 28.04.2020. Surprisingly she was presented with impugned order bearing No. 2912-16 dated 11.11.2020, whereby her first appointment order dated 27.04.2020 was withdrawn. She submitted a departmental appeal against that order on 11.12.2020. On the reluctance of respondent department, the appellant initially went into a writ petition before the Hon'ble Peshawar High Court against the impugned order. During arguments in the august court when confronted with the proposition as to whether the petitioner was not a civil servant and withdrawal of her appointment order was not in terms and conditions of her service, the counsel for appellant requested for conversion of writ petition into service appeal and remit it to the Khyber Pakhtunkhwa Service Tribunal which was agreed by the august court in its judgement dated 09.11.2021; hence this service appeal.

3. Respondents were put on notice who submitted written replies/ comments on the appeal. We have heard the learned counsel for the appellant as well as the learned District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant presented the case and argued that the appellant provided all her credentials i.e Domicile Certificate, CNIC as well as educational qualification and there was no concealment of facts on her part. He further argued that no complaint/representation/appeal was ever made by any opponent candidate either resident of concerned union council or belonging to neighborhood council rather the appointment order was withdrawn on a complaint of elders of the locality. He prayed for setting aside the impugned order and direct the respondents to restore the original order.



5. The learned District Attorney on the other hand argued that the appellant was not a civil servant. According to him she was appointed on temporary and adhoc basis for a period of one year and her appointment was on Union Council based merit. He further argued that she was appointed at GGPS No. 1, Naranji whereas she did not belong to that union council, rather she belonged to union council Turlandi, a fact which she herself admitted in her personal hearing before a committee constituted for the purpose on 07.11.2020. He contended that her appointment order was withdrawn in the light of section 16 of the terms and conditions of appointment.


6. From the perusal of record presented before us it is clear that certain posts were advertised including the post of Primary School Teachers. An important condition for applying for the post of P.S.T was that the candidate should belong to the union council where the post was vacant and in case no eligible candidate was available from that union council, a candidate from the adjacent union council was to be appointed. In addition to being school based, the appointment were purely on temporary and adhoc basis for a period of one year. This condition was in line with the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructor and Doctors) Regulatory Act 2011. The appellant instead of applying for union council Turlandi, to which she belonged, applied for union council Naranji and was selected. On a complaint lodged by elders of the area, it was pointed out that she did not belong to union council Naranji. She was provided with a chance of personal hearing before a committee in the office of DEO (Female) Swabi. She appeared before the committee and confessed it herself that she belonged to union council Turlandi and not union council Naranji, upon which her appointment order was withdrawn.




7. In light of the terms and conditions provided in the appointment order, appointment of the appellant was on temporary and adhoc basis. It is a school and union council based appointment. The same appointment order in its term-condition no. 18 states "In case of regularization....." which is a clear indication that her appointment was not on regular basis. This is enough evidence to prove that she was not a civil servant. Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 restricts this Tribunal to the extent of civil servants only. This Tribunal within the meaning of sub-section (2) of Section 7 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 has got powers of a civil court as are vested in the said court under the Code of Civil Procedure, 1908. Order VII Rule 10 CPC confers upon a civil court powers of return of plaint at any stage for its presentation to the court in which suit should have been instituted.

8. In view of the above, the appeal in hand stands returned to the appellant for presentation before the proper forum, if so desired. Parties are left to bear their own costs. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of September, 2022.*

  
(ROZINA REHMAN)  
Member (J)

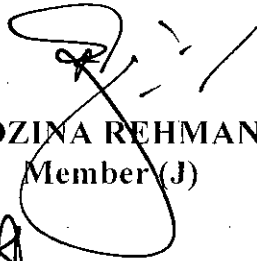
  
(FAREEHA PAUL)  
Member (E)


**Service Appeal No. 7763/2021**

Mr. Muhammad Usman Khan Turlandi, Advocate for appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement, containing 04 pages, we have arrived at a conclusion that in light of the terms and conditions provided in the appointment order, appointment of the appellant was on temporary and adhoc basis. This is enough evidence to prove that she was not a civil servant. Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 restricts this Tribunal to the extent of civil servants only. This Tribunal within the meaning of sub-section (2) of Section 7 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 has got powers of a civil court as are vested in the said court under the Code of Civil Procedure, 1908. Order VII Rule 10 CPC confers upon a civil court powers of return of plaint at any stage for its presentation to the court in which suit should have been instituted. In view of the above, the appeal in hand stands returned to the appellant for presentation before the proper forum, if so desired. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of September, 2022.*

  
(ROZINA REHMAN)  
Member (J)

  
(FAREEHA PAUL)  
Member (E)

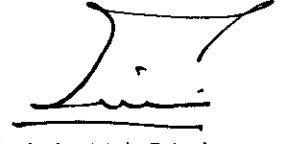
23.08.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant submitted rejoinder and sought time for preparation for arguments. Adjourned. To come up for arguments on 29.09.2022 before the D.B.



(Rozina Rehman)  
Member (Judicial)



(Salah-Ud-Din)  
Member (Judicial)

07.01.2022

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments 14.03.2022.

Appellant Deposited  
Security Process Fee

14/01/22

(Rozina Rehman)  
Member (J)

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 03.06.2022 for the same as before.

Reader.

09.06.2022

Muhammad Tahir brother of the appellant present. Mr. Kabir Ullah Khattak, Addl. AG alongwith Fazal Khaliq, Litigation Officer the respondents present.

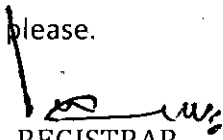

Written reply/comments on behalf of respondents submitted, which is placed on file. A copy of the same is handed over to the brother of the appellant. To come up for rejoinder/arguments on 23.08.2022 before D.B.

(FAREEH PAUL)  
Member (E)

Form-A  
FORM OF ORDER SHEET

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

Case No. 7763/2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/11/2021	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar Bench and the Hon'ble High Court vide its order dated 09.11.2021 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at Peshawar for preliminary hearing to be put up there on <u>7/01/22</u></p> <p style="text-align: right;"> CHAIRMAN</p>

2-





(V)

**The  
PESHAWAR HIGH COURT  
Peshawar**

Ph: No. 091-9210149-58

No. 43120 (1)/465/2021/WP-MN

Dated. 15-November-2021

**From**

**Deputy Registrar (J),  
Peshawar High Court,  
Peshawar.**

**To**

✓  
The Khyber Pakhtunkhwa Service Tribunal, Peshawar.

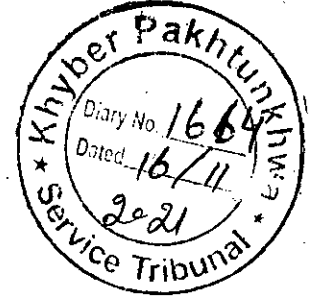
**Subject: Writ Petitions W.P 5732/2020 Title: Mst Naila Gul VS DEO Female Swabi**

**Memo,**

I am directed to send herewith the titled case in original alongwith all annexures and copy of order of this Honble Court dated 09.11.2021 for compliance.

*SE* 15-11-21  
Deputy Registrar (J)

**Encl: As above.**



(3)

**PESHAWAR HIGH COURT PESHAWAR**  
**FORM "A"**

**ORDER SHEET**

<i>Date of Order or Proceedings</i>	<i>Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary</i>
2	3
09.11.2021	<p><b><u>WP No.5732-P/2020.</u></b></p> <p>Present:</p> <p style="padding-left: 40px;">Mr. Mohammad Usman Khan Turlandi, Advocate for petitioner.</p> <p style="padding-left: 40px;">Mr. Arshad Ahmad, AAG, for respondents.</p> <p style="text-align: center;">*****</p> <p><b><u>ROOH-UL-AMIN KHAN, J.-</u></b> In essence the grievance of the petitioner is that after appointment and assuming the charge of the post of Primary School Teacher, vide order dated 27.4.2020 was illegally been removed from the service without conducting any inquiry and adopting the legal procedure.</p> <p>2. When confronted with the proposition as to whether the petitioner is not a civil servant and withdrawal of her appointment order is not terms and condition of her service, he requested for conversion of the writ petition into service appeal and remittance to the competent forum i.e. Khyber Pakhtunkhwa service Tribunal.</p> <p>3. In view of above, this writ petition is not maintainable, however, instead of dismissing it, we deem it</p>

appropriate to convert it into service appeal and transmit the same to the Khyber Pakhtunkhwa Service Tribunal in light of judgment in the case of "Mian Asghar Ali VS Govt. of Punjab through Secretary (Colonies) BOR Lahore and others" (2017 SCMR 118) where it shall be decided in accordance with law subject to all the legal objections from the other side.

*Announced on;*  
*9<sup>th</sup> of November, 2021*

  
**SENIOR PUISNE JUDGE**

  
**JUDGE**

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

Mst: Naila Gul .....VS...DEO, (Female) Schools & Literacy, Swabi etc.

Next Date of hearing is fixed for 14-09-2021.

**HUMBLE REQUEST FOR AN EARLY DATE OF HEARING AS THE SUBJECT MATTER PERTAINS TO LIVELYHOOD/SALARY AND BEING A FEMALE, HAVING NO DEPENDABLE BACKBONE TO SERVE AND BREATHE WITHOUT FINANCIAL FACILITY.**

MOST RESPECTED SIR,

- 1) With due respect, most humbly requested that I have served the education department honestly and dedicatedly for the period of more than six months. Whereafter my appointment order was withdrawn illogically and hence the subject writ petition was filed.
- 2) That two other similar/connected matters were also pending before this honorable court wherein stay has also been granted and which have been clubbed/tagged with my writ petition No. 5732/2020 and now collectively are fixed for 14/09/2021.
- 3) That since I am bearing continuously the financial hardship being a woman, having no other source of income and other hope, because of having no dependable back bone.

It is, therefore, most respectfully requested that the subject matter may very kindly be accommodated in an early roaster convenient to your honor enabling me to get rid of my hardship and financial agonies and in order to meet the need of justice, which would certainly minimize my grievances.

I shall pray for your long life, health and prosperity.

Thanking you sir, in anticipation.

Yours most truly

*Naila Gul*

Mst: Naila Gul (Petitioner/Applicant)

Contact No. 0345 321 0364.

SCANNED

03458135/00

Dated; 14/06/2021.

*09/09/21*

#####

21-April-2021



Adjournment by

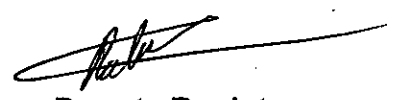
Petitioner	Respondent
0	0

**W.P 5732/2020 (MOTION CASES) (Provincial-Civil**

**Services-Termination) Adjourned by the court from 20-Apr-2021 and fixed before H.D.B on 14-Sep-2021. Inform Petitioner and his Counsel.**

**(A/W wp.5124-p/2020(Main case)**

*RO order, Received  
dr 10-7-21.*



Deputy Registrar

#####

17-July-2021



Adjournment by

Petitioner	Respondent
0	0

**W.P 5732/2020 (MOTION CASES) (Provincial-Civil Services-Termination)**

**Deleted from 16-Jul-2021 and fixed before H.D.B on 09-Nov-2021. Inform**

**Petitioner and his Counsel.(A/W wp.5124-p/2020(N)(Main case)**



Deputy Registrar

P.L

**IN THE PESHAWAR HIGH COURT PESHAWAR**

Inst # 42735

Writ Petitions No. 5732-P/20 with IR

In *(Swabi matter Re-regulated as PST-512)*  
Mst Naila Gul V /s DEO Female Swabi

Presented by Muhammad Usman Khan Turlandi  
on behalf of appellat/petitioner.

Entered in the relevant register.

Be laid Before DB for orders on 18-02-2021

Dated 29 DEC 2020

*170346*  
  
Reader

Dated 29 DEC 2020

Countersigned


Dated 29 DEC 2020

  
Deputy Registrar

W.P 5732/2020 (MOTION CASES) (Provincial-Civil Services-Termination)

Adjourned by the court from 18-Feb-2021 and fixed before H.D.B on  
20-Apr-2021. Inform Petitioner and his Counsel.

*Comments R-122  
Received dt: 12-3-21*

  
Deputy Registrar

17 January 2021

Filed by

*(Signature)*  
Appellant Respondent

**IN THE PESHAWAR HIGH COURT PESHAWAR**

Inst # 21103

Early Hearing No. -P/2021

In in WP 5732/20

Mst. Naila Gul V/s DEO Female S&OL Swabi etc

Presented by \_\_\_\_\_ In Person  
on behlaf of appellat/petitioner.  
Entered in the relevant register.

Put up along with main case .....


Dated 21 JUN 2021

  
Reader

In the instant case early hearing application has been moved for the reasons mentioned therein. the case is in motion/notice.

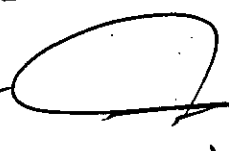
If approved we may accelerate the case from .....14-9-21 to .....  
..... (SB/DB)

Dated 21 JUN 2021

  
Countersigned 24/06/21

Dated 21 JUN 2021

  
Deputy Registrar

*Accelerate it to the possible extent*  
  
24/06/21

*2/21/6*

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

Mst: Naila Gul .....VS.....DEO, (Female) S & L, Swabi etc.

Next Date of hearing is fixed for 14-09-2021.

**HUMBLE REQUEST FOR AN EARLY DATE OF HEARING AS THE SUBJECT MATTER PERTAINS TO LIVELYHOOD/SALARY AND BEING A FEMALE, HAVING NO DEPENDABLE BACKBONE TO SERVE AND BREATHE WITHOUT FINANCIAL FACILITY.**

MOST RESPECTED SIR,

- 1) With due respect, most humbly requested that I have served the education department honestly and dedicatedly for the period of more than six months. Whereafter my appointment order was withdrawn illogically and hence the subject writ petition was filed.
- 2) That two other similar/connected matters were also pending before this honorable court wherein stay has also been granted and which have been clubbed/tagged with my writ petition No. 5732/2020 and now collectively are fixed for 14/09/2021.
- 3) That since I am bearing continuously the financial hardship being a woman, having no other source of income and other hope, because of having no dependable back bone.

It is, therefore, most respectfully requested that the subject matter may very kindly be accommodated in an early roaster convenient to your honor enabling me to get rid of my hardship and financial agonies and in order to meet the need of justice, which would certainly minimize my grievances.

.....MOJIB shall pray for your long life, health and prosperity.

Deputy Registrar

21 JUN 2021

Thanking you sir, in anticipation.

Yours most truly

*Naila Gul*

Mst: Naila Gul (Petitioner/Applicant)

Contact No. 0345 321 0364.

Dated; 21/06/2021.



**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

Mst: Naila Gul .....VS.....DEO, (Female) S & L, Swabi etc.

**AFFIDAVIT.**

Mst: Naila Gul Daughter of Shafiqullah R/O Village Turlandi, Tehsil Razarr, District Swabi do hereby solemnly affirm and declare on oath that the contents of the accompanying application for urgent/early hearing of the main writ-Petition in the subject matter, are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august court.

**DEPONENT**

*Naila*  
Mst: Naila Gul Daughter of Shafiqullah  
R/O Village Turlandi, Tehsil Razarr,  
District Swabi.

CNIC No. 16202-6092570-2  
Contact # 0345-3135100

Dated: 21-06-2021.

28804

Certified that the above was verified on solemnly affirmation before me in office, this 21 day of June 2021 by Naila Gul s/o Shafiqullah who was identified by self

Who is personally known to me:

*POC* 21/6/2021  
Oath Commissioner  
Peshawar High Court, Peshawar.

FILED *ADJAY*  
Deputy Registrar  
21 JUN 2021

*ndm* verified

Reset Password

Logout



# Online Service for verification of NADRA Identity Cards



Card Verification

Identity Card Number : 16202-6092570-2

Verification Date : June 21, 2021

[Start New Verification](#)

### CNIC Verification

Card Status: Verified

Name: Naila Gul  
 نامیہ گیل

Husband Name: حضرت نبی  
 حضرت نبی

Gender: Female  
 خواتین

Country of Stay: Pakistan  
 پاکستان

Citizen Number: 16202-6092570-2

DOB: 30-11-1991

Issue Date: 06-07-2020

Date of Expiry: 06-07-2030

Card Type: Smart CNIC

Present Address: کالی ڈھیر، ڈاک خانہ خاص، کرنل شیر کلے، تحصیل  
 کالی ڈھیر، ڈاک خانہ خاص، کرنل شیر کلے، تحصیل

Permanent Address: کالی ڈھیر، ڈاک خانہ خاص، کرنل شیر کلے، تحصیل  
 کالی ڈھیر، ڈاک خانہ خاص، کرنل شیر کلے، تحصیل




**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

Mst: Naila Gul .....VS.....DEO, (Female) S & L, Swabi etc.

Next Date of hearing is fixed for 14-09-2021.

**HUMBLE REQUEST FOR AN EARLY DATE OF HEARING AS THE SUBJECT MATTER PERTAINS TO LIVELYHOOD/SALARY AND BEING A FEMALE, HAVING NO DEPENDABLE BACKBONE TO SERVE AND BREATHE WITHOUT FINANCIAL FACILITY.**

MOST RESPECTED SIR,

- 1) With due respect, most humbly requested that I have served the education department honestly and dedicatedly for the period of more than six months. Whereafter my appointment order was withdrawn illogically and hence the subject writ petition was filed.
- 2) That two other similar/connected matters were also pending before this honorable court wherein stay has also been granted and which have been clubbed/tagged with my writ petition No. 5732/2020 and now collectively are fixed for 14/09/2021.
- 3) That since I am bearing continuously the financial hardship being a woman, having no other source of income and other hope, because of having no dependable back bone.

It is, therefore, most respectfully requested that the subject matter may very kindly be accommodated in an early roaster convenient to your honor enabling me to get rid of my hardship and financial agonies and in order to meet the need of justice, which would certainly minimize my grievances.

I shall pray for your long life, health and prosperity.

Thanking you sir, in anticipation.

Yours most truly

*Naila Gul*

Mst: Naila Gul (Petitioner/Applicant)  
Contact No. 0345 321 0364.

Dated; 21/06/2021.

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

Mst: Naila Gul .....VS.....DEO, (Female) S & L, Swabi etc.

**AFFIDAVIT.**

Mst: Naila Gul Daughter of Shafiqullah R/O Village Turlandi, Tehsil Razarr, District Swabi do hereby solemnly affirm and declare on oath that the contents of the accompanying application for urgent/early hearing of the main writ-Petition in the subject matter, are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august court.

**DEPONENT**

*Naila*  
Mst: Naila Gul Daughter of Shafiqullah  
R/O Village Turlandi, Tehsil Razarr,  
District Swabi.

CNIC No. 16202-6092570-2  
Contact # 0345-3135100

Dated: 21-06-2021.

2880h

Certified that the above was verified on solemnly affirmation before me in office, this 21 day of June 2021 by Naila Gul s/o Shafiqullah who was identified by self Who is personally known to me

*POC* 21/6/2021  
Oath Commissioner  
Peshawar High Court, Peshawar.

*Naila*

verified

Reset Password

Logout



online  
**Verisys**  
verification system

## Online Service for verification of NADRA Identity Cards



Card Verification

Identity Card Number : 16202-6092570-2

Verification Date : June 21, 2021

[Start New Verification](#)

### CNIC Verification

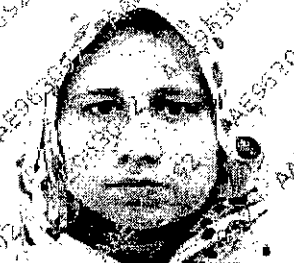
Card Status: Verified

Name	Naila Gul نائیلہ گل
Husband Name	حضرت نبی
Gender	Female
Country of Stay	Pakistan
Citizen Number	16202-6092570-2
DOB	30-11-1991
Issue Date	06-07-2020
Date of Expiry	06-07-2030
Card Type	Smart CNIC
Present Address	

کالی ڈھیر، ڈاک خانہ خاص، کرنل شہر کلبے، تحصیل  
رزو، ضلع صوابی

Permanent Address

کالی ڈھیر، ڈاک خانہ خاص، کرنل شہر کلبے، تحصیل  
رزو، ضلع صوابی



**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

Mst: Naila Gul .....VS.....DEO, (Female) S & L, Swabi etc.

Next Date of hearing is fixed for 14-09-2021.

**HUMBLE REQUEST FOR AN EARLY DATE OF HEARING AS THE SUBJECT MATTER PERTAINS TO LIVELYHOOD/SALARY AND BEING A FEMALE, HAVING NO DEPENDABLE BACKBONE TO SERVE AND BREATHE WITHOUT FINANCIAL FACILITY.**

MOST RESPECTED SIR,

- 1) With due respect, most humbly requested that I have served the education department honestly and dedicatedly for the period of more than six months. Whereafter my appointment order was withdrawn illogically and hence the subject writ petition was filed.
- 2) That two other similar/connected matters were also pending before this honorable court wherein stay has also been granted and which have been clubbed/tagged with my writ petition No. 5732/2020 and now collectively are fixed for 14/09/2021.
- 3) That since I am bearing continuously the financial hardship being a woman, having no other source of income and other hope, because of having no dependable back bone.

It is, therefore, most respectfully requested that the subject matter may very kindly be accommodated in an early roaster convenient to your honor enabling me to get rid of my hardship and financial agonies and in order to meet the need of justice, which would certainly minimize my grievances.

I shall pray for your long life, health and prosperity.

Thanking you sir, in anticipation.

Yours most truly

*Naila Gul*

Mst: Naila Gul (Petitioner/Applicant)  
Contact No. 0345 321 0364.

Dated; 21/06/2021.

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

Mst: Naila Gul .....VS.....DEO, (Female) S & L, Swabi etc.

**AFFIDAVIT.**

Mst: Naila Gul Daughter of Shafiqullah R/O Village Turlandi, Tehsil Razarr, District Swabi do hereby solemnly affirm and declare on oath that the contents of the accompanying application for urgent/early hearing of the main writ-Petition in the subject matter, are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august court.

**DEPONENT**

*Naila*  
Mst: Naila Gul Daughter of Shafiqullah R/O Village Turlandi, Tehsil Razarr, District Swabi.

CNIC No. 16202-6092570-2  
Contact # 0345-3135100

Dated: 21-06-2021.

28804

Certified that the above was verified on solemnly affirmation before me in office of this 21 day of June 2021 by Naila Gul s/o Shafiqullah who was identified by self Who is personally known to me:

*[Signature]* 21/6/2021  
Oath Commissioner  
Peshawar High Court, Peshawar.

*Nadra*

*verified*

[Reset Password](#)[Logout](#)

## Online Service for verification of NADRA Identity Cards



Card Verification

**Identity Card Number :** 16202-6092570-2

**Verification Date :** June 21, 2021

[Start New Verification](#)

### CNIC Verification

**Card Status:** Verified

**Name:** Naila Gul  
**بائیلہ گل**

**Husband Name:** حضرت نبی  
**حضرت نبی**

**Gender:** Female

**Country of Stay:** Pakistan

**Citizen Number:** 16202-6092570-2

**DOB:** 30-11-1991

**Issue Date:** 06-07-2020

**Date of Expiry:** 06-07-2030

**Card Type:** Smart CNIC

**Present Address:**  
 کالی ڈھیر، ڈاک خانہ خاص، کرنل سیر کالے، تحصیل  
 رزڑ، ضلع صوابی

**Permanent Address:**  
 کالی ڈھیر، ڈاک خانہ خاص، کرنل سیر کالے، تحصیل  
 رزڑ، ضلع صوابی







Writ Br &lt;phc.writbranch@gmail.com&gt;

**WP No. 5732/2020 For submission of comments.**

1 message



Writ Br &lt;phc.writbranch@gmail.com&gt;

Sat, Feb 20, 2021 at 10:25 AM

To: advocategeneralkp@gmail.com, DAG &lt;dagphc161@gmail.com&gt;, "ADO. LIT" &lt;adeo.lit@gmail.com&gt;, litigationesekp@gmail.com, DEO Swabi &lt;deoswabi@gmail.com&gt;

*Dear Sir/Madam,*

السَّلَامُ عَلَيْكُمْ

**URGENT COURT MATTER***Case file alongwith Order of this Honourable Court, is transmitted for information & necessary compliance at the earliest.**please acknowledge receipt of this Email.*WRIT BRANCH (NOTICE SECTION)PESHAWAR HIGH COURT, PESHAWAR**2 attachments** **wp5732-2020(18-02-2021-).pdf**  
21K **WP5732-2020 Mst nalia gul VS DEO SWABI 32PAGES.pdf**  
2052K

**BEFORE PESHAWAR HIGH COURT, PESHAWAR**

**CHECK LIST**

Case Title: Naila Gul vs EDO (F) Shahi & others.

S.#	Contents	Yes	No
01	This petition has been presented by: <u>Muhammad Usman</u>	✓	
02	Whether Counsel / Petitioner / Respondent / Deponent have signed the requisite documents?	✓	
03	Whether the enactment under which the case/petition is filed mentioned?	✓	
04	Whether the enactment under which the case/petition is filed is correct?	✓	
05	Whether affidavit is appended?		
06	Whether affidavit is duly attested by competent oath commissioner?	✓	
07	Whether petition/annexure are properly pagged?	✓	
08	Whether annexures are certified?	✓	
09	Whether certificate regarding filing any earlier appeal/petition on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether Special Power of Attorney filed?		
13	Whether Special Power of Attorney attested?		—
14	Whether copy of application is delivered to A.G/D.A.G?	✓	
15	Whether Appeal, Revision application is within time?		—
16	Whether value for the purpose of Court fee and jurisdiction given in the relevant column of the opening sheet is correct?		—
17	Whether Power of Attorney of the Counsel engaged is attested and signed by all petitioners/appellants/respondents?		—
18	Whether complete spare copy is filed in separate file cover?		—
19	Whether numbers of referred cases given/ are correct?		—
20	Whether petition being sent by post?		—
21	Whether appeal/petition contains cuttings/overwriting?		—
22	Whether appeal/revision/ writ petition is competent?		—
23	Whether list of books has been provided at the end of the petition?		—
24	Whether case relate to this Court?	✓	
25	Whether case relate to this Bench?	✓	



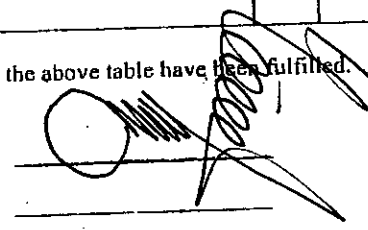
26	Whether petition drafted by a competent person?	✓	
27	Whether name of Jail in which appellant/petitioner/respondent is confined given?		
28	Whether copies of annexures are readable/clear?	✓	
29	Whether Court Fee stamps affixed?	✓	
30	Whether Court Fee stamps annexed are sufficient?	✓	
31	Whether certified copies of impugned order/decrees before District Judge have been filed?		
32	Whether in view of Order 43 Rule 3 CPC/Rule 2(3) Chapter 4-I, Vol: V of High Court Rules & Orders, notice along with copy of appeal/petition and annexures has been sent to respondents?		
33	Whether Judicial Officer whose orders are challenged mentioned at the bottom of the panel of respondents?	✓	
34	Whether index filed?	✓	
35	Whether index is correct?		
36	Whether copies of comments/reply/rejoinder provided to opposite party?		
37	Whether addresses of parties given are complete?	✓	
38	Whether addresses of parties are complete?	✓	
39	Whether list of L.Rs of petitioner filed?		
40	Whether copy of list of L.Rs of respondents as filed before Courts below or, if not, a certificate to this effect attached?		
41	Whether opening sheet filed?	✓	
42	Whether opening sheet is correct / complete?	✓	
43	Whether approved file cover used?	✓	
44	Whether separate application filed for each prayer?		
45	Whether separate request has been made for interim relief in writ petition?		
46	Whether security of Rs. 10,000/- deposited with review petition?		
47	Whether review petition filed and certified by the Advocate who had argued the case resulting into order review of which is sought?		
48	Whether purpose of the document filed explained?		
49	Whether respondents sued by name in the CoC?		

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

**MUSMANKHAN**  
**TURLAHDI**  
 Name:  
 ASC

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_



(D)

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

**Mst: Naila Gul .....VS...DEO, (Female) Schools & Literacy, Swabi etc.**

**I N D E X**

S.No.	DESCRIPTION OF DOCUMENTS.	ANEX	P.NO.
1	Index/Opening Sheet	-	
2	Main Writ Petition.	-	02-07
3	Affidavit.	-	08
4	Addresses of Parties.	-	09
5	Copy of the Domicile Certificate and CNIC.	"A"	10-11
6	Copy of the advertisement.	"B"	12
7	Copy of the Appointment order as PST dated 27-04-2020.	"C"	13-17
8	Charge report, Medical fitness and Copy of Service Book.	"D"	18-22
9	Copy of the first/original impugned order.	"E"	23
10	Copy of the Departmental Representation.	"F"	24-25
11	Stamp Paper worth Rs. 500/-		26
12	Vokalatnama in original.		27

**PETITIONER**

FILED TODAY

Deputy Registrar

28 DEC 2020

Through;

Dated; 9/12/2020.

Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Scanned USB Received  
32 pages  
28 DEC 2020  
Signature [Signature]

(1)

**IN THE PESHAWAR HIGH COURT, PESHAWAR.**

**OPENING SHEET FOR WRIT BRANCH**

Date of Filing:- 27/12/2020  
District:- Peshawar

Case Type: Writ Petition Nature of Original Proceedings: \_\_\_\_\_

Category Code 

0	5	4	6		
---	---	---	---	--	--

Review/Contempt of Court in respect of \_\_\_\_\_

Writ of: 

Heabus Corpus	Prohibition	Mandamus	Qua Warranto	Certiorari
------------------	-------------	----------	-----------------	------------

Form	Date	interlocutory/ Final Order

Case pertains to  
SB  
DB

Petitioner(s) Name	<u>Mst. Naila Gul</u>
Mobile No	<u>0345-3135100</u>
Addresses	<u>Mohallah Shagai Village Turlandi Tehsil Razzar District Swabi</u>
CNIC No	<u>16202-6092570-2</u>
Email Address	

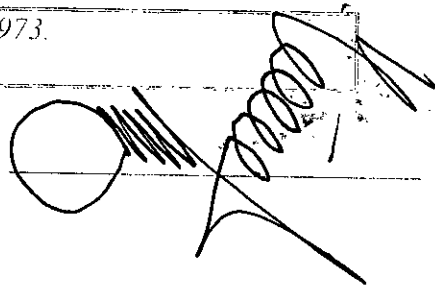
Counsel for Petitioner(s)	<u>Muhammad Usman Khan Turlandi</u>
Mobile No	<u>0333-9153699</u>
Addresses	<u>Flat # C-1, Murad Plaza, Dalazak Road, Peshawar</u>
CNIC No	<u>17301-6004404-9</u>
Email Address	<u>usmanturlandi@gmail.com</u>


Respondents	<u>DEO (Female) Swabi &amp; literacy &amp; others</u>
Addresses	<u>Swabi</u>

Original Order/ Action/ Inaction Complained of	
---	--

Prayer	<i>To declare any such withdrawal of an official order which has taken its legal effect is against the plain language of section 21 of the General clause Act and ultra varies to the constitution of the Islamic Republic of Pakistan 1973. To declare the original impugned order dated 15/11/2020 whereby the first/initial appointment order of the petitioner as PST dated 27/04/2020 was withdrawn as illegal, unlawful, without lawful authority, without jurisdiction, un-Islamic and against the norms of natural justice. To set aside the impugned order and consequent upon thenceforth, direct the respondents to restore the original order of appointment of petitioner as PST 27/04/2020 forthwith.</i>
--------	---

Law/Rules/governing the original proceedings/ action/Inaction	<u>Constitution of Islamic Republic of Pakistan, 1973.</u>
--	--

Signature:- 

**FILED TODAY**  
  
**Deputy Registrar**  
**28 DEC 2020**

2

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

Service Appeal No: 7763/2021

In Ref; to WP No 5732-P/2020.

Mst; Naila Gul D/O Shafique Ullah R/O Mohallah; Shagai, Village;  
Turlandi, Tehsil; Razzar and District Swabi.....**PETITIONER.**

**VERSUS**

- 1) Director Schools & Literacy, Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2) District Education Officer, (Female) Schools & Literacy, Swabi.  
.....**RESPONDENTS.**

**Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973 as amended up-to date.**

May it please this Honourable Court:

The petitioner very earnestly seeks redressal of her grievances through the instant Writ Petition as under:-

**Facts .**

FILED TODAY

Deputy Registrar

28 DEC 2020

**RESPECTFULLY SHEWETH:-**

- 1) That the petitioner is the bonafide citizen of the Islamic Republic of Pakistan, domiciled in Khyber Pakhtunkhwa province, permanent resident of Mohallah; Shagai, Village; Turlandi, Tehsil; Razzar, District Swabi and belongs to a respectable/law-abiding family of the locality, having been aggrieved person within the ambit of Article 199 and has every fundamental right, enjoined by the

3

Constitution of the Country to be enforced in her favour.

(Copy of the Domicile Certificate and CNIC is annexure "A").

- 2) That certain vacancies of Primary School Teacher (PST-BPS-12) in District Swabi for the year 2020 were advertised and henceforth, the petitioner while having been equipped with the requisite qualifications, applied for the post of Primary School Teacher (PST-BPS-12). {Copy of the advertisement is annexed as "B"}.
- 3) That the petitioner being educationally well qualified and as per pre-requisite qualification permanent resident of Village; Turlandi, Union Council/Village/Neighborhood Council "*Turlandi Khas*" duly applied for the job/post of PST on the strength of her own domicile Certificate and CNIC.
- 4) That petitioner while having been equipped with the pre-requisite qualification and requisite skills after observance and fulfillment of all codal formalities was properly appointed as Primary School Teacher (PST) by the competent authority (The District Education Officer Swabi) in accordance with law vide order bearing No. 1033-39 dated Swabi the 27-04-2020. (Copy of the Appointment order is annexure "C").
- 5) That in pursuance to the appointment order supra, assumed the charge dated 28-04-2020 and reported her arrival on duty coupled with the Medical fitness Certificate after assumption of her charge, the Petitioner served the esteemed department with utmost and overwhelming zeal and zest and with beyond fondling of her high ups to the best of her efficiencies whereas no adverse remarks have ever been assigned to her detrimental to her responsibilities whatsoever. (Copy of the charge report, Medical fitness and last attendance sheet is annexure "D").
- 6) That to her astound, the Petitioner, while forwarding the cause of her esteemed department, conversely to her such dedication and devotion, was presented with impugned order bearing No. 2912-16

FILED TODAY  
Deputy Registrar  
28 DEC 2020

4

dated; Swabi the 11-11-2020 of withdrawal of her first appointment order dated 27-04-2020, depriving her illogically from her bread and butter without notching any plausible cause of such action. (Copy of the first/original impugned order is annexure "E").

- 7) That the Petitioner while having been aggrieved of the colorful authority exercised by the respondent No. 2 while passing the impugned order of withdrawal of appointment order of the petitioner, agitated her voice/grievance before the esteemed department in shape of departmental representation under diary No. 2009 dated 11-12-2020. (Copy of the Departmental Representation is annexure "F").
- 8) That while having been aggrieved of the reluctant and abhorrent attitude of the department and having no efficacious remedy available henceforth in the prevailing circumstances, the Petitioner is constrained to approach this honorable forum for the redressal of her grievances inter-alia on the following grounds;

**GROUND S:-**

- a) That it is strongly contended that at the time of submissions of her application for job before the mother department, admittedly the petitioner provided all her residential i.e. Domicile Certificate, CNIC as well as educational qualification and no concealment of a slightest facts on part of the Petitioner has ever been resorted to and as such her appointment had taken legal effect and withdrawal of service appointment order on such flimsy ground is nullity in the eyes of law to be adjudged by this honorable court as such.
- b) That no complaint/representation/appeal whatsoever was ever made by any opponent candidate either resident of concerned Union Council or belong to neighborhood Union Council rather the withdrawal of the appointment order via the impugned order was passed allegedly on

FILED TODAY

Deputy Registrar

28 DEC 2020



complaint of the elders of the locality and as such, plea of respondent No. 2 is highly deplorable and condemnable.

c) **Because** the respondents while having been appointing the petitioner against the post of PST having relying on the undisputed testimonials of her residential and educational qualifications qua to the detriment and exclusion of any suitable candidate being available in the said Union Council so much so that 04 of the available 05 seats has yet to be recruited against awaiting eligible candidate and thus usurpation of any rights on part of the petitioner is question yet to answered while the action of appointment of petitioner by the respondents in essence affirms the very stance of the petitioner and negates vigorously any adverse inference in the back drop of promulgated legal and factual realities.

d) **Because** legally appraised and profoundly worldwide acknowledged un-denounce-able legal principle of "Locus Poenitentiae" is applicable in the instant case as the services rendered to the esteemed department for more than 07 months is but the denounce-able evidence of the fact that her appointment had taken legal effect and after taking legal effect the department is having but no option left in its hand to withdraw its own order and the discontinuation of services in the given scenario is having no pedestal to stand upon.

e) **Because** no one should be burdened with the responsibility for the act of the other and conversely everyone should be burdened with his part of obligation. In the instant case it was the responsibility of the mother department to satisfy itself as to the prerequisite criteria of residence of the Petitioner at the time of submission of documents. As after observing legal effect of such order any adverse action or inaction would be illegal as an order beside being illegal in essence in principal can never be rescinded on the touch-stone of accepted norms of natural justice.

FILED TODAY

Deputy Registrar

28 DEC 2020

6

- f) **Because** “ *no one should be condemned unheard*” which contrariwise can be interpreted as that “ both parties to the issue must be heard thoroughly” is the standard norm of natural justice which in the comity of nations in the present era of democratic predominance is but univocally and vigorously inculcated globally by the courts of law while on the touchstone of this acknowledged legally, ethically, globally and even on the benchmark of religious rites and ceremonials, which has utterly been disregarded and discredited in the instant case and before withdrawal of appointment order of the petitioner , she had been not provided with any opportunity of hearing for the defense of her stance which is mockery played on law on part of the concerned department.
- g) **Because** the impugned withdrawal order passed by the District Education officer is fraught with impalpable infirmities of factual as well as legal score as on the pretext of hearsay of the people of locality without any legal inquiry probing into the matter and providing with the petitioner any opportunity of for her plausible explanation is deplorable as well as condemnable and is liable to be brushed aside as such.
- h) **Because** no notice or explanation whatsoever has ever been issued and similarly no regular inquiry has been conducted and as such irresponsible attitude on part of the department is unlawful without lawful authority, without jurisdiction, un-Islamic, unconstitutional and against the norms of natural justice and hence untenable in the eyes of law, liable to be set aside.
- i) **Because** the action and inaction on part of the respondent No. 2 proclaims its own malafide which is contrary to Article 4, 25 and 27 of the Constitution.

FILED TODAY  
Deputy Registrar  
28 DEC 2020

j) That further submission with the prior permission of this honorable court would be advanced at the time of hearing the petitioner at the bar.

It is therefore humbly prayed that on acceptance of the instant writ petition, this honorable court may very graciously be pleased to hold and declare;

A) To declare any such withdrawal of an official order which has taken its legal effect is against the plain language of Section 21 of the General Clause Act and ultra-varies to the Constitution of the Islamic Republic of Pakistan 1973.

B) To declare the original impugned order dated 15-11-2020 whereby the first/initial appointment order of the petitioner as PST dated 27-04-2020 was withdrawn as illegal, unlawful, without lawful authority, without jurisdiction, un-Islamic and against the norms of natural justice.

C) To set-aside the impugned order and consequent upon thenceforth, direct the respondents to restore the original order of appointment of the petitioner as PST dated 27-04-2020 forthwith.

D) Any other remedy which deemed fit and appropriate in the circumstances of the case and not specifically prayed for may also be extended in favour of the petitioner just to meet the ends of justice.

FILED TODAY  
Deputy Registrar  
28 DEC 2020

Through;

PETITIONER

Muhammad Usman khan  
Turlandi  
Advocate Supreme Court

Note:- No such like application has ever been filed before this august court as per instruction of my client.

**List of Books.**

- i) Constitution of Pakistan 1973.
- ii) Civil Servant Act 1973.
- v) Any other law Books according to need.

Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated:- 27/12/2020

8

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732-P/2020.

**Mst: Naila Gul .....VS.....DEO, (Female) Schools & Literacy, Swabi etc.**

**AFFIDAVIT**

I, Mst: Naila Gul D/O Shafique Ullah R/O Mohallah; Shagai, Village; Turlandi, Tehsil; Razzar and District Swabi, do hereby solemnly affirm and declare on oath that the contents of the accompanying writ petition are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein from this august court.

**DEPONENT.**

*Naila*  
Mst: Naila Gul D/O Shafique Ullah  
CNIC No. 16202-6092570-2  
Mobile # 0345-3135100

**Identified By:**



Muhammad Usman Khan  
Turlandi  
Advocate Supreme Court of Pakistan.

FILED TODAY  
*[Signature]*  
Deputy Registrar  
28 DEC 2020

No. <u>13508</u>
Certified that the above was verified on solemnly affirmation before me in office, this <u>26</u> day of <u>Nov</u> <u>2020</u> by <u>Naila Gul</u> s/o <u>Shafique Ullah</u> who was identified by <u>Mr. Usman Khan</u> who is personally known to me:
<i>[Signature]</i> Oath Commissioner Peshawar High Court, Peshawar.

*Naila verified*

Reset Password

Logout

8/A



**Verisys**  
verification system

## Online Service for verification of NADRA Identity Cards



Card Verification

Identity Card Number : 16202-6092570-2

Verification Date : November 26, 2020

[Start New Verification](#)

**Card Status: Verified**

Name : Naila Gul  
 گیل نائلہ

Husband Name : حضرت نبی  
 نبی

Gender : Female

Country of Stay : Pakistan

Citizen Number : 16202-6092570-2

DOB : 30-11-1991

Issue Date : 06-07-2020

Date of Expiry : 06-07-2030

Card Type : Smart CNIC

Present Address : کالی ڈھیر، ڈاک خانہ خاص، کرنل شیر کالے، تحصیل  
 رز، ضلع صوابی

Permanent Address : کالی ڈھیر، ڈاک خانہ خاص، کرنل شیر کالے، تحصیل  
 رز، ضلع صوابی



(9)

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR.**

In Ref; to WP No. 5732 AP/2020.

**Mst: Naila Gul .....VS...DEO, (Female) Schools & Literacy, Swabi etc.**

**MEMO OF ADDRESSES**

**PETITIONER.**

Mst; Naila Gul D/O Shafique Ullah R/O Mohallah; Shagai, Village; Turlandi,  
Tehsil; Razzar and District Swabi.

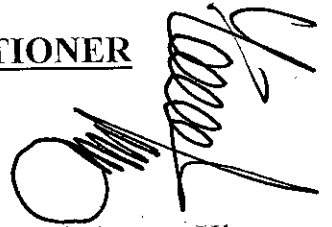
**VERSUS**

**RESPONDENTS.**

- 1) Director Schools & Literacy, Education Department, Khyber  
Pakhtunkhwa, Peshawar.
- 2) District Education Officer, (Female) Schools & Literacy, Swabi.

Through;

**PETITIONER**



Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated; 9/12/2020.

FILED TODAY

Deputy Registrar,

28 DEC 2020

# DOMICILE CERTIFICATE

(10)

S. No. 002115

EXHIBIT A

I, Naila Gul S/D/W of Shafiqullah

declare that i was born of parents who are permanently domiciled in North West Frontier Province having belonged to it by birth/settled in it. I was born in Village Tuxdandi Mohallah Shafi Tehsil Swabi of District SWABI.

Naila  
Signature of the Applicant

Dated 18/06/2007

Pursuant to the declaration filed by Naila Gul S/D/W of Shafiqullah domiciled in the North West Frontier Province it is hereby certified that the said Naila Gul is born of parents who are permanent residents of North, West, Frontier, Province, having belonged to it by birth / settled in it.

I have satisfied myself from personal knowledge/verification that the above declaration is true and certify accordingly.

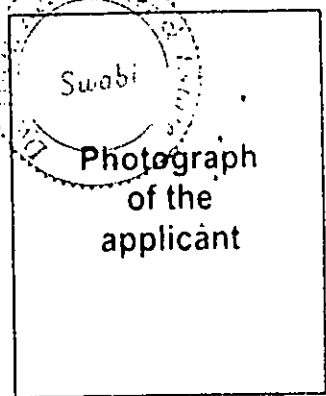
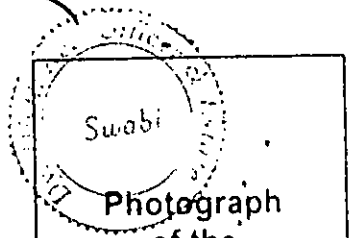
Given, this 25 day of 6 /2007

GR

REVENUE OFFICER  
SWABI / TOPI / LAHOR

COUNTERSIGNED

ATTESTED TO BE  
TRUE COPY



[Signature]  
DISTRICT REVENUE OFFICER,  
Swabi

No 1928 / DOR(S).

Datd 25 / 6 /2007

10/A

تصدیق کی جاتی ہے کہ مسمی اسماءہ نامہ نیل گل

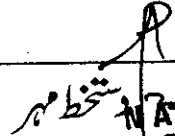
ولد دختر ازوجہ تہذیبی (نہا) ساکن سرائی لاندی

محلہ گنگنی تحصیل سواری ضلع صوابی کا ا کی رہائشی و پیدائشی باشندہ ہے

اور اس کے والدین اشوہر بھی علاقہ مذکورہ کے رہائشی و پیدائشی باشندگان ہے۔ حقیقی پاکستانی ہیں۔  
اور میں ان کو ذاتی طور پر جانتا ہوں۔

نوٹ: ناظم نائب ناظم یونین کونسل، کونسلر تصدیق کے مجاز ہیں۔

نام تصدیق کنندہ

  
NAZIM U. C.  
TURLANDI  
SWARI.

ATTESTED TO BE  
TRUE COPY





### اشتہار برائے بیوتی

ملک بھر کی ایجوکیشنل ایجنسیوں کی پیشکش صوبائی کے ذریعہ انتظام (زبانہ) سکولوں میں سے ذیل آسامیاں بھرنے کے لئے ضلع صوبائی کے کونکری اہل امیدواروں سے تجویز نام  
مردہ 10-06-2019 تک درخواستیں طلب ہیں درخواست نام FTS کے ویب سائٹ (www.fpsak.net) پر دستیاب ہے۔ ضروریات گزرنے کے بعد موصول ہونے  
والی درخواستوں کو مانا جائے گا۔

35519	سال	1	کئی (BPS-15)	(I) کسی بھی تسلیم شدہ بیوتی سے بچلے ڈگری۔ (II) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹرینگ کوئی اداروں RITE / PITE سے حاصل کرنی ہوگی۔
35518	سال	2	کئی (BPS-12)	(1) کسی بھی تسلیم شدہ ادارے سے سیکورڈڈ پوزیشن کے حاملین۔ (2) کسی بھی تسلیم شدہ ادارے سے کئی سرٹیفکیٹ ADE
35519	سال	3	ایم (BPS-15)	(I) کسی بھی تسلیم شدہ بیوتی سے بچلے ڈگری۔ (II) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹرینگ کوئی اداروں RITE / PITE سے حاصل کرنی ہوگی۔
35519	سال	4	ایم (BPS-15)	(I) کسی بھی تسلیم شدہ بیوتی سے بچلے ڈگری۔ (II) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹرینگ کوئی اداروں RITE / PITE سے حاصل کرنی ہوگی۔
35519	سال	5	ایم (BPS-15)	(I) ایس ایس ٹی کے ذریعہ تسلیم شدہ اداروں سے ایس ایس ٹی کے حاملین۔ (II) ایس ایس ٹی کے ذریعہ تسلیم شدہ اداروں سے ایس ایس ٹی کے حاملین۔ (III) ایس ایس ٹی کے ذریعہ تسلیم شدہ اداروں سے ایس ایس ٹی کے حاملین۔
35519	سال	6	ایم (BPS-15)	(I) کسی بھی تسلیم شدہ بیوتی سے بچلے ڈگری۔ (II) ایس ایس ٹی کے ذریعہ تسلیم شدہ اداروں سے ایس ایس ٹی کے حاملین۔ (III) ایس ایس ٹی کے ذریعہ تسلیم شدہ اداروں سے ایس ایس ٹی کے حاملین۔
35519	سال	7	ایم (BPS-12)	(I) کسی بھی تسلیم شدہ بیوتی سے بچلے ڈگری۔ (II) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹرینگ کوئی اداروں RITE / PITE سے حاصل کرنی ہوگی۔
35519	سال	8	ایم (BPS-12 (PST))	(I) کسی بھی تسلیم شدہ بیوتی سے بچلے ڈگری۔ (II) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹرینگ کوئی اداروں RITE / PITE سے حاصل کرنی ہوگی۔ جس میں سے ہر کسی کو بھی کئی آسامی کے لئے سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹرینگ کوئی اداروں RITE / PITE سے حاصل کرنی ہوگی۔ بہر حال اس میں سے ہر کسی کو بھی کئی آسامی کے لئے سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹرینگ کوئی اداروں RITE / PITE سے حاصل کرنی ہوگی۔

ANNEXURE

1	200	100	100
2	200	100	100
3	200	100	100
4	200	100	100
5	200	100	100
6	200	100	100
7	200	100	100
8	200	100	100

یہ سہ ماہیوں کے لئے ہے۔  
200 افراد کی تعداد ہے۔  
100 افراد کے لئے ہے۔  
100 افراد کے لئے ہے۔

یہ سہ ماہیوں کے لئے ہے۔  
200 افراد کی تعداد ہے۔  
100 افراد کے لئے ہے۔  
100 افراد کے لئے ہے۔

1. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
2. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
3. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
4. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
5. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
6. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
7. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
8. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
9. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
10. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
11. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
12. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
13. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
14. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
15. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
16. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
17. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
18. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
19. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
20. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
21. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
22. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
23. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔  
24. تمام امیدواروں کے ڈیوٹیوں اور شرائط کارڈ میں متعلقہ ضلع صوبائی کا ہونا چاہئے۔

ATTESTED TO BE TRUE COPY

*[Handwritten Signature]*



# DISTRICT EDUCATION OFFICE (FEMALE) SWABI

(Office Phone & Fax No 0938280339, [emisfswabi@yahoo.com](mailto:emisfswabi@yahoo.com))



## APPOINTMENT OF PST (FEMALE)

EXHIBITURE

Consequent upon recommendations of the Departmental Selection Committee Issued vide this office No:1015 Dated 22-04-2020, appointment of the following candidates is hereby ordered as Primary School Teacher (PST) BPS-12 purely on merit against the vacant posts on adhoc Union Council based policy for one year contract in BPS-12 (13320-960-42120-) @Rs:13220 (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 after vacation and reopening of schools in the best interest of public service.

S.#	Name	Father Name	UNION COUNCIL	Date of Birth	CNIC No	Total Score	PLACE OF POSTING
1	AMINA NAWAZ	MUHAMMAD NAWAZ	TIHAND KOI	20-03-1991	1620273685876	126.85	GGPS No.2 Kaddi
2	UMMI HAANY	HUSSAIN AHMAD	TIHAND KOI	23-11-1993	1620243209840	112.82	GGPS No.1 Dodher
3	SADAF	ADAM KHAN	TIHAND KOI	13-02-1990	1620225988036	110.23	GGPS No.1 Kaddi
4	SHEEMA BEGUM	ALI ZAMAN	TIHAND KOI	01-04-1988	1620293973930	109.82	GGPS No.4 Dodher
5	AMNA YASMEEN	JEHAN ZEB KHAN	TIHAND KOI	17-09-1996	1730188595088	108.92	GGPS No.3 Kaddi
6	SANA KHAN	TILA MUHAMMAD	SWABI KHAS	25-02-1993	1620278776998	127.39	GGPS No.2 Swabi
7	NAZIA	IQBAL MUHAMMAD	SWABI KHAS	12-11-1987	1730180836052	125.93	GGPS No.3 Swabi
8	AFSHEEN	ZAHIR MUHAMMAD	ZAIDA	06-04-1995	1620283037888	123.76	GGPS Potohar Zaida
9	SARA UROOJ	NISAR MUHAMMAD	ZAIDA	30-04-1990	1620270115873	123.18	GGPS No.1 Zaida
10	SAFIA NAZ	ABDUL NAEEM	ZAIDA	04-01-1992	3830209754000	122.76	GGPS No.2 Zaida
11	NABEELA	ABDUR RASHEED	ZAIDA	20-04-1986	1620245982026	118.77	GGPS No.2 Zaida
12	SHAGUFTA NAZ	FAZLI WAHID	PANJPIR	08-10-1990	1620218039138	131.28	GGPS No.1 Panjpir
13	RUQQIA BIBI	HAMD UR REHMAN	PANJPIR	15-07-1993	3710162157444	126.49	GGPS Ismail Abad Darra
14	SARA ZUBAIR	MUHAMMAD ZUBAIR	PANJPIR	14-04-1996	1620289892858	126.38	GGPS No.1 Darra
15	ANNUM ALTAF	ALTAF HUSSAIN	SALIM KHAN	01-06-1994	6110194773420	113.91	GGPS No.2 Saleem Khan
16	SHAZIA	SHATHAMAN D KHAN	SWABI MANERI	05-05-1987	1620288617916	127.10	GGPS Muhammad Sardar Kote
17	ZAINAB FAQIR	FAQIR NABI	SWABI MANERI	20-02-1996	1620287810084	118.10	GGPS Seen Khel
18	RABIA	ROZI KHAN	BANKHIEL	02-06-1992	1620206728360	127.39	GGPS Bam Khel

ATTESTED TO BE  
TRUE COPY

14

14

20	SHABEENA REHMAN	REHMAN SHER	BAMKHEL	19-01-1992	1620235841594	112.26	GGPS Bam Khel
21	SHADAB	ASHFAQ MUHAMMAD	JHANDA	15-05-1992	1620202398212	106.23	GGPS Jhanda
22	MARYAM SIRTAJ NOSHABA	SIRTAJ KHAN	PABAINI	16-03-1995	1620207401652	107.50	GGPS No.1 Malik Abad
23	MEHNAZ	DILAWAR KHAN	MARGHUZ	03-03-1996	1620216677570	129.67	GGPS Serai Banda Marghuz
24	AYESHA KHAN	SIYAD MUHAMMAD	SHAH MANSOOR	03-04-1989	1620241063826	120.37	GGPS No.3 Shahmansoor
25	SADIA BEGUM	SARFARAZ KHAN	ANBAR	26-10-1994	1620169650816	137.18	GGPS No.1 Shiekh Dheri
26	SADAF ASGHAR	ALI ASGHAR	BEKA	14-04-1993	1620142340550	125.91	GGPS Zakrya Khurd
27	SABAWOON	MUNFAT HUSSAIN	BEKA	01-12-1988	1620198231672	122.81	GGPS Nabi
28	HUMA GUL	FAQIR GUL	BEKA	20-03-1991	1620148062118	110.04	GGPS No.1 Beka
29	ASIF NAEEM	MUHAMMAD NAEEM	JALBAI	10-05-1992	1620189499800	123.10	GGPS No.2 Jalbai
30	SIDRA BIBI	MUHAMMAD NISAR	JALBAI	02-01-1993	1620197995216	120.97	GGPS Sherullah Banda
31	SIDRA NAZ	ISLAM BAHADAR	JALSAI	28-03-1996	1620139247862	120.96	GGPS Saifoor Banda Jalbai
32	ZAIB US SAMA	SAIF UR REHMAN	JALSAI	15-07-1990	6110172418912	124.26	GGPS No.3 Jalsai
33	UZMA PERVEZ	PERVEZ KHAN	JEHANGIRA	05-11-1995	1620183601896	116.63	GGPS Ismail Abad Jehangira
34	HABIBA KHAN	HAMEED UR REHMAN	JEHANGIRA	20-05-1991	1620111472012	115.90	GGPS Aladher
35	UMI AMEENA	AMAN KHAN	KUNDA	01-02-1995	1620118055132	118.37	GGPS No.2 Hund
36	LUBNA	JAMIL KHAN	LAHOR WEST	14-10-1993	1620101568226	122.76	GGPS Dabh Koroona Lahor
37	SHABEENA	ABDUL MALIK	LAHOR EAST	19-03-1988	1620166846758	127.82	GGCMS Lahor
38	ZAINAB SANA	SANAULLAH	LAHOR EAST	02-05-1994	1620155367036	123.29	GGPS Umar Dhok Lahor
39	ASMA SULTAN	SULTAN BAHADAR	MANKI	01-08-1995	1620190113308	118.09	GGPS No.2 Manki
40	SHAZIA NAZ	AZIZ KHAN	MATANI CHANGAN	24-04-1993	1620190339706	118.81	GGPS Sheikh Baba Tordher.
41	LAILA ZAFAR	ZAFAR IQBAL	TORDHER	01-01-1996	1620129728116	118.11	GGPS No.1 Tordher
42	SAMINA AHMAD	AHMAD GUL	TORDHER	13-03-1996	1620198605796	117.46	GGPS Subhat Banda Tordher
43	ZEENAT BIB	SAID TAHIR	TOPI WEST	05-01-1987	1620305838216	118.38	GGPS Sher Baz Banda
44	SHAMA ZAHIR	SAID TAHIR	GABASNI	18-04-1988	1620268278194	122.47	GGPS Kund
45	NADIA KHALIL	ZAHIR SHAH	GABASNI	29-03-1995	1620261929798	112.92	GGPS Sarkoi Bala
46	MARYAM JADOON	KHALIL UR REHMAN	GABASNI	10-11-1989	3740552030452	109.64	GGPS Gabai
47	SHUMAILA KHAN	HUSSAN NAWAB	GANDAF	07-01-1993	1620224846294	118.81	GGPS No.2 Gandaf Dhero
48	SHUMAILA TABASSAM	SARFRAZ KHAN	GANDAF	29-08-1992	6110195916236	115.11	GGPS Shamas Khan Banda
49	NASIRA KHAN	MUHAMMAD BASHIR	GANDAF	01-01-1989	1310131985510	109.58	GGPS Shamas Khan Banda
		FATEH KHAN	BATAKARA	21-02-1987	1620224203224	112.52	GGPS Hemlet

ATTESTED TO BE TRUE COPY

*[Handwritten signature]*

51	AISHA BIBI	SHAH JEE MOID	BATAKARA	22-01-1989	1620154735096	107.73	GGPS Batakara
52	FAIZA PARVEEN	MUHAMMAD GHANUS	BATAKARA	06-02-1988	1620272332626	103.94	GGPS Batakara
53	MAMOONA JAN	JAN MUHAMMAD	FALABAT	08-02-1989	1620299897130	114.43	GGPS Khazana
54	UZMA BIBI	ABDUR RAUF	GANI CHATRA	22-11-1995	1620306167926	115.78	GGPS Gani Chatra Gadoon
55	SEEMA SARTAJ	SARTAJ	ASOTA SHARIF	30-12-1990	1620245916210	119.42	GGPS Speen Kani
56	NIBHA SHAH	MUNTAZ ALI	ASOTA SHARIF	26-08-1990	1620264278044	113.99	GGPS Gangodher
57	SAFIA KHAN	SABZ ALI KHAN	ASOTA SHARIF	17-12-1993	1620218616180	109.18	GGPS Rafiq Abad
58	TAHIRA BIBI	ALIF KHAN	CHEEK NODHI	03-01-1992	3740513397688	111.98	GGPS Fazal Abad
59	SARA AKBAR	MUHAMMAD ISMAIL	CHEEK NODHI	01-06-1993	1620225468860	110.98	GGPS Mansabdar
60	NAHIA GUL	SHAFIQ ULLAH	NARANJI	30-11-1991	1620260925702	103.58	GGPS No.1 Naranji
61	ALIA NAZ	FARDULLAH KHAN	PARMOLI	15-05-1994	1620406319616	127.72	GGCMS Parmoli
62	AQEELA	RAJ WALI KHAN	PARMOLI	05-04-1994	1620405924322	123.61	GGCMS Parmoli
63	AZRA NASEEM	RAJ WALI KHAN	PARMOLI	05-04-1992	1620405829514	119.35	GGPS Mehr Ali
64	HINA BIBI	JAN BAHADAR	PARMOLI	23-03-1995	1620258032114	109.65	GGPS Khesha
65	NAZIA	Mian Mehtaj Gul	SARD CHEENA	01-01-1990	1730160072834	129.90	GGPS Fazal Rahim Banda
66	RAISHMA GUL	ZIA ULLAH	SARD CHEENA	20-03-1995	1620146093470	124.17	GGPS Ouch Khwar
67	SALMA ZIARAT	ZIARAT KHAN	SHEIKI JANA	18-03-1991	1620405758500	123.37	GGPS Adam Abad
68	NEELAM AZIZ	AZIZA UR REHMAN	SHEWA	15-05-1990	1620204742308	129.39	GGPS Shah Dher Shewa
69	GULNAZ SARDAR	MUHAMMAD SARDAR JOYIA	SHEWA	02-04-1985	3520254263386	122.94	GGPS Gony Shewa
70	BUSHRA HAMEED	HAMEED GUL	SHEWA	10-01-1990	1620405852938	120.17	GGPS Shah Dher Shewa
71	FATIMA	SARZAMIN	SHEWA	02-04-1993	1620406015346	113.40	GGPS Gony Shewa
72	HIRA	SAEED KHAN	SUDHER	13-02-1995	1720190461950	136.59	GGPS Unwan Abad
73	SAIQA ANJUM	MURAD ALI KHAN	SUDHER	24-06-1987	1620193383316	115.68	GGPS Sano Chek Yar Hussain
74	IRUM IRSHAD	MOHAMMAD IRSHAD	SUDHER	01-04-1993	1620102008058	109.65	GGPS Urmal Dheri
75	FARYAL SAAD	SAADULLAH KHAN	TARAKAI	10-04-1993	1620405757194	122.04	GGPS Managi
76	SUMAYYA	FAZLE TAWAB	TURLANDI	20-03-1996	1620248204192	130.71	GGPS No.3 Turlandi
77	FATIMA HUSSAIN	SHER HUSSAIN	TURLANDI	05-03-1996	1620406039340	128.67	GGPS Khuro Banda Turlandi
78	HAFSA SHAH	SAID NAWAR SHAH	Yar Hussain East	01-04-1990	1620180450504	133.38	GGPS Qazi Abad
79	SABA AKHTAR	Gul badshah	Yar Hussain East	02-03-1992	1620177215268	131.65	GGPS Qazi Abad
80	MARYAM IMTIAZ	IMTIAZ AHMAD	Yar Hussain East	01-04-1992	1620135985988	124.32	GGPS Qazi Abad

ATTESTED TO BE  
TRUE COPY

Scanned with CamScanner

(16)

	ANJUM LIAQAT	LIAQAT ALI	Yar Hussain East	10-07-1989	1620123136804	116.58	GGPS Qazi Abad
81	ASIA	INAM ULLAH	Yar Hussain East	01-01-1996	1620169338910	116.28	GGPS Qazi Abad
82	SABA SALEH	SALEH MUHAMMAD	Yar Hussain West	01-04-1994	1620195068136	125.64	GGPS Aman Abad
83	ZALIDA	MURAD ALI	Yar Hussain West	01-03-1996	1620118699740	123.16	GGPS Aman Abad
84	SALWAT	SHER ALI	Yar Hussain West	18-02-1989	1620190354810	120.07	GGPS Aman Abad
85	UZMA ZEB	DAULAT ZEB	Yar Hussain West	02-04-1991	1730135196052	119.94	GGPS Awan Abad
86	AZRA	GUL MUHAMMAD	Yar Hussain West	03-04-1990	1620153896722	117.80	GGPS Aman Abad
87	SEEMA HAYAT	UMAR HAYAT	Yar Hussain West	06-03-1991	1620205781408	115.79	GGPS Awan Abad

(16)

**TERMS AND CONDITIONS:-**

1. No TA/DA is allowed.
2. Charge Reports should be submitted to all concerned.
3. Appointment is purely on temporary and Adhoc basis for a period of one year after reopening of schools as all schools have been closed due to COVID-19 Emergency in the light of notification issued by the Elementary & Secondary Education Department KP. Vide No:SO(G)/E&SED/1-48/2020 dated 29-03-2020.
4. They will take over charge after the expiry of vacation & Reopening of Schools (Ref: T & Condition No:03).
5. Appointment is purely on temporary and Ad hoc basis for a period of one year.
6. They should not be handed over charge if their age exceeds 35 (Thirty Five) or below 18 (Eighteen) years.
7. Appointment is subject to the condition that their Certificates/Degrees must be verified by the office of the undersigned from the concerned Boards/Universities/Institutions the fee for which will be paid by the candidates. In case anyone was found at any time/stage having produced bogus documents, their appointment shall be cancelled and they will further be treated as per prevailing law and rules.
8. If any meritorious candidate is deprived of appointment by this order, the appointment order of the lowest candidate in merit shall be withdrawn and adjustment order will be reviewed accordingly as per merit.
9. Their services are 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.
10. Their pay shall not be drawn unless this office issues a certificate to the until their documents are verified by this the office of the undersigned and their pay release is issue by this office.
11. They should join their posts within 15 days of after the expiry of vacations. In case of failure to join the post within 15 days after the expiry of vacations (Opening of Schools, Ref: T & Condition No:03), their appointment shall automatically stand expired and no subsequent appeal etc. shall be entertained.
12. Health and Age Certificate should be produced from Medical Superintendent before taking over charge.
13. They will be governed by such rules and regulation as may be issued from time to time by the Government.
14. Their services shall be terminated at any time in case their performance is found unsatisfactory during their service period. In case of misconduct they shall be proceeded against under the relevant rules issued from time to time.
15. Their appointment is adhoc and school based. They will have to serve at their place of posting and their services are not transferable to any other station.
16. Appointment is purely on union Council based merit, if any candidate from wrong Union council have been appointed erroneously, her appointment order will be withdrawn in the best interest of next meritorious candidate.

**ATTESTED TO BE  
TRUE COPY**

17

17. Posting/adjustment on the advertised/available vacancies is the discretionary powers of the Appointing Authority and no one has the right to claim for adjustment at a specific school.
18. In case of regularization their inter-se-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.
19. They will receive Nine (9) months in-service mandatory professional training arranged by PITE/RITE.

17

(SOFIA TABASSUM)  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI

Endst: No. 1033-39 /DA-1/PST F appointment /Dated 27/4 2020.

Copy for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Swabi.
3. District Monitoring Officer (IMU) Swabi.
4. District Accounts Officer Swabi.
5. SDEOs Female Swabi/Lahor/Topi and Razzar.
6. ADEO (B&AO), Local Office.
7. Officials concerned.
8. Master file.

*[Handwritten Signature]*  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI

**ATTESTED TO BE  
TRUE COPY**

97	GLTA-8539	22-Jan-19	22-Jan-19	Kemari	Kotlajam	Moro	
98	GLTA-8535	22-Jan-19	22-Jan-19	Kemari	Kotlajam	Moro	
99	GLTA-8599	22-Jan-19	22-Jan-19	Kemari	Daulatpur	Daulatpur	Awaiting Unloading
100	GLTA-8603	22-Jan-19	22-Jan-19	Kemari	Daulatpur	Daulatpur	Awaiting Unloading
101	GLTA-8613	22-Jan-19	22-Jan-19	Kemari	Chakpirana	Noushehro Feroze	
1	JV-0049	N/Benz	56 KL		BWK (LCC-1)		Demand already received on 20 Jan 18
2	860401	Volov	44 KL		BWK (LCC-1)		Demand already received on 22 Jan 18
3	882312	Hino	40 KL		BWK (LCC-2)		Demand already received on 22 Jan 18
4	GLTA-8556	Hino	52 KL		BWK (LCC-1)		Demand already received on 22 Jan 18
5	882341	Hino	40 KL		Sultanabad (LCC-1)		
6	882334	Hino	40 KL		FWL (LCC-1)		
7	GLTA-8532	Hino	52 KL		FWL (LCC-1)		
8	GLTA-8598	Hino	52 KL		FWL (LCC-1)		
9	860479	Volov	44 KL		FWL (LCC-1)		
10	882286	Hino	40 KL		FWL (LCC-1)		
11	882353	Hino	40 KL		FWL (LCC-1)		
12	JV-0059	N/Benz	52 KL		FWL (LCC-1)		
13	860359	Volov	44 KL		Sultanabad (LCC-2)		
14	GLTA-8588	Hino	52 KL		Sultanabad (LCC-2)		
15	JV-0215	N/Benz	52 KL		BWK (LCC-2)		
16	882006	Rnit	40 KL		FWL (LCC-2)		
17	860353	Volov	52 KL		FWL (LCC-2)		
18	882344	Hino	40 KL		FWL (LCC-2)		
19	JV-0058	N/Benz	52 KL		FWL (LCC-2)		
20	GLTA-8592	Hino	52 KL		FWL (LCC-2)		

18

ANNEXURE DD

خارج رپورٹ

من مسماء نائیک کی بی بی الین بی بی نے اپنے  
عہدہ کا خارج حی حی بی بی الین طبرہ تاریخی  
سکول میں منظور کردہ اسامی کا تجزیہ آرڈر نمبر  
39-1033 کے مطابق آج مورخہ 28-04-2020 کو  
فیل ازدہ پیر جناب اسٹیشن سب ڈویژنل  
انجکشن آفسیئر جناب (زنانب) مدارس انجارج  
محلہ حلقہ کے توسط سے کیا

دستخط خارج دیکھ والی

دستخط خارج لیتے والی

ASDEO (F) Razzar  
District (Swabi)

ATTESTED TO BE  
TRUE COPY







**OFFICE OF THE MEDICAL SUPERINTENDENT DHQ TEACHING HOSPITAL SWABI**

Telephone & Fax #: 0938-920047  
dhqteachinghospitalswabi@gmail.com

15

(19)

**MEDICAL CERTIFICATE**

D/1

Official's Name : MST. NAILA GUL

Father's Name : MR. SHAFIQ ULLAH

Religion : ISLAM

Residence : KALUDHER.P.O KHAS KERNAL SHER KALI, TESHIL  
RAZZAR, DISTRICT SWABI

Date of Birth : 30/11/1991

Exact height : 5'-3"

Mark of Identification : Mole near Rt eye brow

Official Signature : \_\_\_\_\_

Signature of Deptt: Incharge: \_\_\_\_\_

Seal of Deptt: Incharge: \_\_\_\_\_

I do hereby certify that I have examined MST. NAILA GUL is a candidate for employment in the office of the DEO (FEMALE) SWABI and cannot discover that he/she had any disease communicable or other constitutional infection or bodily infirmity except

None

I do not consider this as disqualification for employment in the office of the AS ABOVE (PST)

His/Her age according to his/her own statement is 28 and by appearance about TWENTY EIGHT (28) years.

*S. Farley*  
**Medical Superintendent**  
**DHQ Teaching Hospital**  
**Swabi**

Left/Right hand thumb and fingers Impression:



**ATTESTED TO BE TRUE COPY**

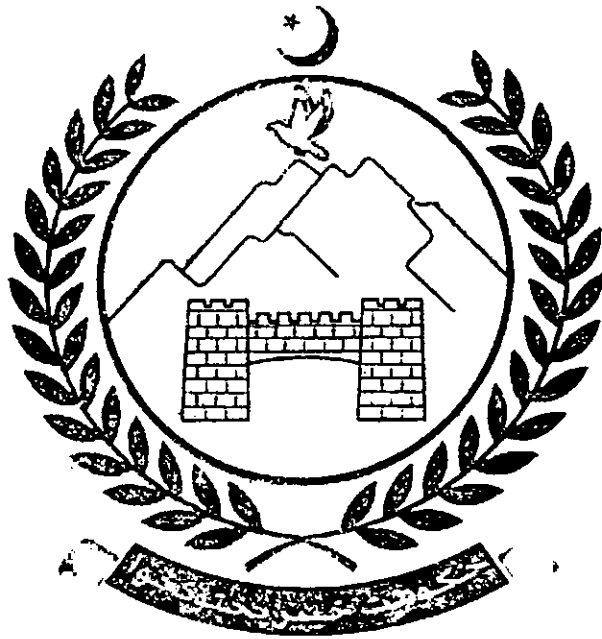
*MW*

GOVT. OF KHYBER PAKHTUNKHWA  
20  
SU-6304

Department: \_\_\_\_\_

# SERVICE BOOK

Grade 1 to 15 (Non Gazetted)



TESTED TO  
TRUE COPY

*RM*

Mr. Naila Gul

S/o Shahin Ullah

Designation PST BPS 12

Date of appointment 27-04-2020

Place of Posting/Station Naranji No 1

21

Note: The holder of this certificate is not entitled to any special privilege or concession in the matter of recruitment.

1. Name Quila Gule

2. NIC No. 11202-6072-2

3. Race Afghan 4. District of Domicile Swabi

5. Residence Kala Gher P.O. Khas BSK, Mohit Razzar Distt Swabi

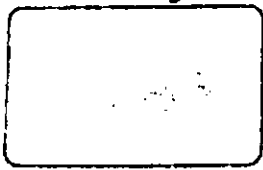

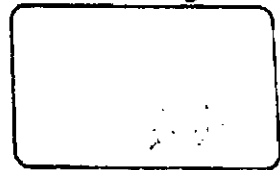


6. Father name and residence Shafiqullah (as above)

7. Date of Birth by Christian era as nearly as can be ascertained: 30-11-1991

8. Exact height by measurement: 5' 3"

9. Personal Marks for Identification: Mole near Rt eyebrow

10. Left Hand Thumb and Finger Impression of (Non Gazetted Officer)

<p>Little Finger</p> 	<p>Ring Finger</p> 	<p>Middle Finger</p> 
<p>Fore Finger</p> 	<p>Thumb</p> 	

11. Signature of Government Servant:

*Quila*

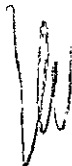
12. Signature & Designation of the Head of the Office, or other attesting officer.

SDEO (F)  
Mohit Razzar, District Swabi



22-A

**ORDER** Consequent upon the recommendation of DPC issued vide DEO (F) Swabi endorsement No. 1015 dated 22-04-2020, miss Naila Gul is hereby appointed as PST #12 purely on merit on ad-hock UC based policy for one year contract in BPS # 12 (13320-960-42120) fixed plus usual allowances as admissible to her under the rules and existing policy of the provincial government vide DEO (Female) Swabi endorsement No. 1033-39 dated 27-04-2020.



Sd/-  
SDEO (f) Razarr.

**ATTESTED TO BE  
TRUE COPY**



23



# ANNEXURE E

**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**  
(Office phone Fax No 0938280339, emisfswabi@yahoo.com)

**OFFICE ORDER:-**

The Competent Authority advertised various District cadre posts including Primary School Teacher Posts. The primary School teacher posts were advertised on Union Council Based as per presently prevailing recruitment policy. You (NAILA GUL D/O SHAFIQ ULLAH) have applied to Union Council Naranji (Swabi). You were appointed at S.No.59 in GGPS No.1 Naranji vide order Endst: NO. 1033-39/DA-1/PST F Appointment dated 27.4.2020.

A complaint against your appointment in Union Council Naranji was lodged by the elders of Union Council Narnji dated 28.10.2020. According to the statement of the elders your appointment is illegal. You are not from Union Council Naranji.

In the light of complaint lodged against you by the elders of Union Council Naranji, You were provided the chance of personal hearing vide letter No. 2763/Estab/DA-V/app/dated 2.11.2020. Wherein you were directed to appear before the committee on 7.11.2020(Saturday) for personal hearing at the Office of the Undersigned along with the resident certificate/Union council Certificate of concerned union council and other related documents including your original CNIC, father's CNIC and husband's CNIC.

You appeared before the committee on 7.11.2020. You confessed yourself that you belong to Union Council Turlandi. Union Council Naranji is neither a native Union Council nor adjacent Union Council of Union Council Turlandi. Therefore, your appointment in Union Council Narnaji is wrong.

NOW, THEREFORE, in exercise of the powers conferred under Section 16 of the terms & conditions of appointment of PST (Female) order to withdraw your appointment with immediate effect in the best interest of the public.

(SOFIA TABASSUM)  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI  
Dated Swabi the 11/11 /2020

Endst. No., 2912-16 /

- 1. Copy forwarded for information and n/action to the: -
- 2. District Accounts Officer Swabi.
- 3. Deputy Commissioner Swabi.
- 3. District Monitoring Officer Swabi.
- 3. S.D.E.O (F) Razzar.
- 4. Officials concerned

**ATTESTED TO BE  
TRUE COPY**

DISTRICT EDUCATION OFFICER  
(Female) SWABI

(24)

ANNEXURE F

To,

2009

THE WORTHY DIRECTOR,  
ELEMENTARY AND SECONDARY EDUCATION,  
KHYBER PAKHTUNKHWA PESHAWAR.

Dairy No. 2009  
dt 11/12/20

Departmental appeal against the original impugned order bearing No. 2912-16 dated Swabi the 11-11-2020, passed by the kind District Education Officer (Female) Swabi, Communicated to the appellant dated 15-11-2020 whereby the first/initial appointment order of the appellant as PST dated 27-04-2020 was withdrawn and on acceptance of this appeal, the impugned withdrawal order supra dated 11-11-2020, may very graciously be set-aside and the appellant may be reinstated in service with all consequential back benefits.

Respected Sir,

- 1) That the appellant is the peaceful and law abiding citizen of the Islamic Republic of Pakistan, domiciled in Khyber Pakhtunkhwa and belongs to a respectable family of Village Turlandi, Tehsil Razarr, District Swabi having to enjoy and has every legal and constitutional right duly protected by the command of the Constitution.
- 2) That the appellant while being equipped with the requisite skill and qualification, legally entitled as such and after observing all codal formalities, was properly appointed as Primary School Teacher (PST) in accordance with law vide order bearing No. 1033-39 dated Swabi the 27-04-2020, passed by the kind District Education Officer (Female) Swabi and since then, after assuming her charge, has been serving the esteemed department with great zeal, zest, and enthusiasm and no adverse remarks whatsoever has ever been assigned from any quarter to the appellant.
- 3) That the appellant was greatly shocked and surprised to get the first /original impugned order, bearing No. 2912-16 dated Swabi the 11-11-2020, passed by the kind District Education Officer (Female) Swabi, Communicated to the appellant dated 15-11-2020 whereby the first/initial appointment order of the appellant as PST dated 27-04-2020 was illogically withdrawn without any legal/good reason.
- 4) That the appellant while aggrieved of her fate and colorful exercising of power and jurisdiction by the local authority, prefers this departmental appeal for setting aside the impugned order supra inter-alia on the following grounds.

GROUNDS:

ATTESTED TO BE

TRUE COPY



lawful authority, without jurisdiction, un-Islamic and against the norms of natural justice, hence liable to be set-aside.

- B) That the appellant has served the esteemed department with great zeal and zest having no stigma on her service career but her spotless service has not been taken into consideration at all.
- C) That no complaint whatsoever has ever been brought against the appellant either by the public or by the colleagues or my immediate officers and prior to the impugned order no chance of personnel hearing has ever been bestowed upon and it is the demand of natural justice that no should be condemned unheard.
- D) That the appellant has been victimizing at the hands of political figures and such interference and intervention in the services of a public/civil servant is not warranted by the law on the subject and also against the law of the land and natural justice.
- E) That the appellant has been serving continuously/ceaselessly since her appointment and illogically, the appellant has been pushed in between two fires in lieu of her loyalty, honesty, devotion, dedication, hardworking and punctuality.
- F) That the appellant will be highly grateful if a chance of personnel hearing is given.

It is therefore humbly prayed that on acceptance of this appeal the impugned order dated 11-11-2020 may kindly be set-aside and the appellant may very graciously be reinstated in service with all consequential back benefits in order to meet the ends of justice.

Appellant

*Nail*

Mst: Naila Gul Daughter of Shafiqullah  
R/O Village Turlandi, Tehsil Razarr,  
District Swabi.  
Contact # 0345-3135100

Dated 10-10-2020.

**ATTESTED TO BE  
TRUE COPY**

*[Signature]*



20

21

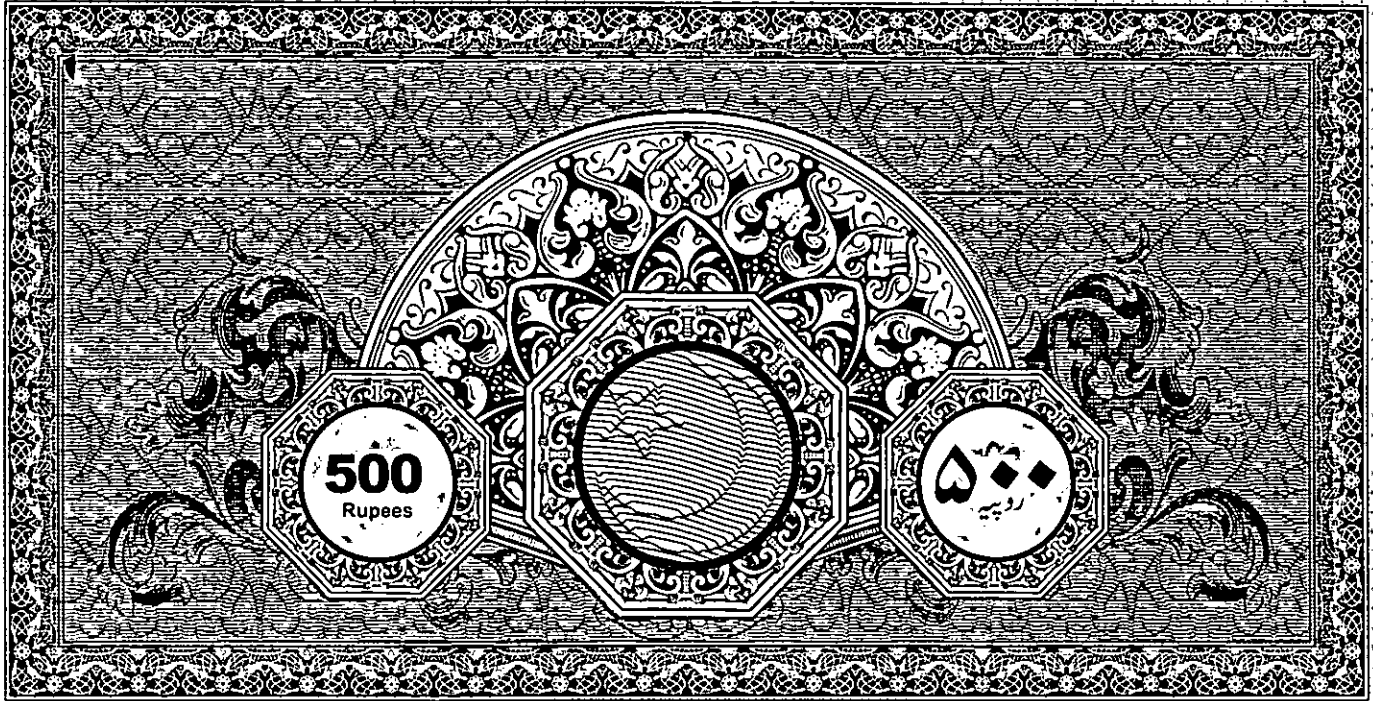
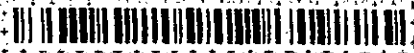
Handwritten text, possibly a title or header, mostly illegible due to blurriness.

Handwritten text, possibly a date or reference number, mostly illegible.

Handwritten text, possibly a name or signature, mostly illegible.

Handwritten text, possibly a name or signature, mostly illegible.

Handwritten text, possibly a date or reference number, mostly illegible.



PAKISTAN COURT FEE

**BEFORE THE PESHAWAR HIGH COURT PESHAWAR**

In Ref; to W.P No. \_\_\_\_\_ of 2020.

Mst: Naila Gul PST.....VERSUS..... Director General Education etc.

Stamp paper worth Rs. 500/-

**CANCELLATION**

of \_\_\_\_\_  
PETITIONER.

Date:.....

Through;

Dec 28 2020

Muhammad Usman Khan  
Deputy Registrar  
Peshawar

**FILED TODAY**  
**Deputy Registrar**  
**28 DEC 2020**

RECEIVED

Through;

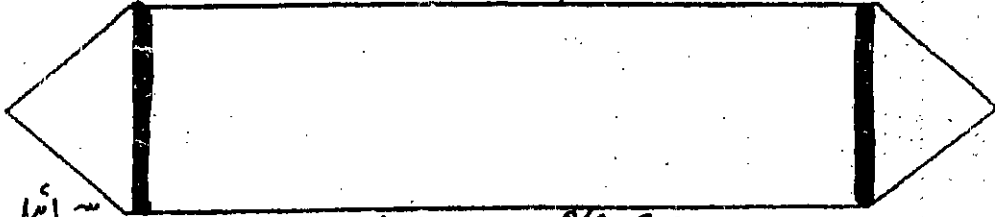
Muhammad Usman Khan  
Deputy Registrar  
Peshawar

Dated: 28/12/2020

✓ 11/11/2020  
District Comptroller of Accounts  
26/11/2020

District Comptroller of Accounts  
23 NOV 2020  
(Treasury Wing) Foshawaz

بعدالت عالیہ ایسا اور حوائی کورٹ ایسا اور



مورخہ \_\_\_\_\_  
 مقدمہ \_\_\_\_\_  
 دعویٰ \_\_\_\_\_  
 جرم \_\_\_\_\_

HP NO. ——— P/2020  
 2020ء منجانب سائیل  
 DEO مسما نائیکل بنام  
 دختہ شفیق اللہ  
 ساکن ترلانڈی سہول  
 Respondents. Petitioner

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل کارروائی متعلقہ آن مقام PHC کیلئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا اکیلا ہونا۔ نیز دکل صاحب کو راضی نامہ کرنے و تقرر حالت فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق ذرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جات التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

ATTESTED & ACCEPTED

الرقوم 3 صبیح  
 2020 دسمبر  
 واہ العب  
 کے لئے منظور ہے  
 PHC بمقام

Petitioner

محمد عثمان خان ترلانڈی  
 ایڈووکیٹ پشاور حوائی کورٹ  
 Cell: 0333-9153699  
 CMC No. 17301-1723606-3  
 bc no. 10-7472

FILED TODAY  
 Deputy Registrar  
 28 DEC 2020

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**

Writ Petition No.5732-P/2020

Mst. Naila Gul D/O Shafique Ullah R/O Mohallah Shagai Village, Turlandi Tehsil  
Razzar District Swabi..... **Petitioner**

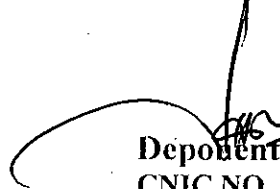
**VERSUS**

1. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa,  
Peshawar
2. District Education Officer (Female) E&SE, Swabi..... **Respondents**

**INDEX**

S#	Description of Documents	Annexure	Page
1	Parawise Comments	-	01-03
2	Affidavit	-	04
3	Regulatory Act-2011	"A"	05-12
4	Advertisement	"B"	13
5	Final Merit List of Union Council Naranji	"C"	14
6	Final Merit List of Union Council Turlandi	"D"	15-16
7	Reply of Departmental appeal to Director	"E"	17-18
8	Complaint against appointment in U/C Naranji	"F"	19

W.P Copy Received  
F. P. G.  
10-3-2021

  
Dependent  
CNIC NO. 16202-0893178-1  
Cell No.03018351107

FILED TODAY  
Deputy Registrar  
11 MAR 2021

SCANNED  
11 MAR 2021

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.**

(1)

Writ Petition No.5732-P/2020.

Mst. Naila Gul D/O Shafique Ullah R/O Mohallah Shagai Village, Turlandi Tehsil  
Razzar District Swabi..... **Petitioner**

**VERSUS**

1. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa,  
Peshawar
2. District Education Officer (Female) E&SE, Swabi.....**Respondents**

**PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 & 2**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS.**

1. That the petitioner did not apply neither to the native Union Council nor adjacent Union Council and was appointed in wrong Union Council, therefore, her appointment order was withdrawn, hence the petition is not maintainable.
2. That the petitioner has no locus standi or cause of action to file the instant petition.
3. That the instant petition is badly time barred and not maintainable.
4. That the petitioner has filed the instant petition just to pressurize the respondents.
5. That the petition is bad for misjoinder and non joinder of necessary party.
6. That the petitioner has not come to the Court with clean hands, hence not maintainable.
7. That the petitioner has concealed the material facts from the Honourable Court.
8. That the petitioner is estopped by her own conduct to file the instant petition.
9. That Rule 3 (2) of NWFP Civil servants (Apptt., Promotion & Transfer) rules, 1989, authorize the department to lay down method of appointment qualification and other conditions applicable to post in consultation with S&GAD and Finance Department.
10. That, the writ petition is not maintainable in the present form and also in the present circumstances of the issue.

**Facts:-**

1. That para relates to the bonafide residence, domicile, belonging to a respectable/ law abiding family of the locality and fundamental rights of the petitioner. All these cannot create any right of the petitioner to be appointed in the Union Council which is neither her native Union Council nor her adjacent Union Council.
2. That according to the Khyber Pakhtunkhwa (Appointment, Deputation Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) regulatory Act, 2011, section 3(1)" The Vacancy of Primary School Teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situated, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils.

FILED TODAY  
Deputy Registrar  
11 MAR 2021

Provided that on availability of a vacancy, a Primary School Teacher, appointed from adjacent Union Council as referred to in this Sub-Section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days".

The respondent No.2, District Education Officer (Female) Swabi, advertised various district cadre posts including the posts of Primary School Teachers, for which last date of submission of applications on prescribed form was 10.06.2019. As per advertisement general condition No.1 candidates having Domicile and computerized National Identity Card with permanent residence Swabi can apply. otherwise applications cannot be considered. In case of Primary School Teacher vacant post, candidates belonging to the permanent residence of the Union Council where the school is situated can apply, if no eligible candidate in that Union Council is available where the school is situated, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Council. "Application form after cut off date will not be entertained. Change in permanent address in CNIC after cut off date will not acceptable. The petitioner violated section 3 (1) of the Regulatory Act, 2011 and Section (1) & (2) of the advertisement. Therefore, she was mistakenly / erroneously appointed in the school which is situated in Union Council Naranji, because she opted Union Council Naranj. Union Council Naranji is neither the native Union Council nor the adjacent Union Council of the petitioner. Regulatory Act, 2011, advertisement and merit lists of Union Council Naranji and Union Council Turlandi are annexed as A,B,C&D.

- 3. That the petitioner violated Section 3 (1) of the Regulatory Act, 2011 and Section (1) & (2) of the advertisement. Therefore, is not entitled to be appointed. She did apply to Union Council Turlandi post. She only applied to Union Council Naranji. Therefore, she did not deserve to be appointed in Union Council Naranji, because neither her native nor adjacent Union Council.
- 4. That the petitioner neither apply to her native Union Council nor adjacent Union Council. Therefore, the appointment order extent to the petitioner was illegal, so was rightly withdrawn.
- 5. That the appointment of the petitioner was a human error, which was rectified rightly.
- 6. That the withdrawal of appointment order was in accordance with law, regulatory Act, facts, policy and advertisement. That withdrawal order is also self explanatory.
- 7. Incorrect, hence denied. She was provided the opportunity of show cause and personal hearing but she failed to defend her case. The petitioner filed the appeal to the appellate authority on 11.12.2020, which is time barred. The petitioner did wait of the decision of the appellate authority and filed the writ petition pre mature on 24.12.2020. The petitioner should wait for reply up to the period of 90 days. Thus writ petition is illegal and not maintainable.
- 8. Incorrect, hence denied. The petitioner did not wait of the decision for the period of 90 days. Thus writ petition is not maintainable. The petitioner is not aggrieved person at all because she did not wait for decision on appeal for the period of 90 days. Therefore, she has no cause of action to file the instant petition and the petition in hand is liable to be dismissed with cost inter alia amongst the following grounds.

**Grounds:-**

- A. Incorrect, hence denied. At the time of first apply for test to third Party Fair Testing Services (FTS), the petitioner did not submit a single paper with the application form, She violated the regulatory Act, 2011 and advertisement 2019. Thus she concealed the material facts. She opted Union Council Naranji instead of Union Council Turlandi. This is a forgery on part of the petitioner. The


FILED TODAY  
Deputy Registrar  
11 MAR 2021

appointment was made on her false statement . Therefore, her appointment order was rightly withdrawn.


- B. That the complaint was lodged by the inhabitant of Union Council Naranji which is annexed as F. If the petitioner proves that Union Council Naranji is her native Union Council or adjacent Union Council even today, she shall be honoured.
- C. Incorrect, hence denied. The Union Council Naranji is neither her native nor adjacent Union Council. Thus she has no right to be retained into service in that Union Council. Furthermore, she herself opted that Union Council her native Union Council and has committed forgery.
- D. Incorrect, hence denied, The rule of locus poenitentiae is not applicable in the instant case, because the base provided for order by the petitioner is illegal." Rule of locus poenitentiae (Power to recall an order) will not be applicable. In case in which basic order is illegal." Same is reported in NLR 2005 TD (Service) 286: 2002 PLC (CS) 1093 2000 PLC (CS) 1260: 2000 SCMR 9027: PLD 2000 LAH 253: 1999 SCMR 2089:1998 PLC (CS) 389. locus poenitentiae will not be attracted, when employee got the appointments through back door. Reliance is placed on 2001 PLC (CS) 121 & 2000 PLC (LC) 1172. No perpetual rights could be gained on basis of such illegal order. Principle of locus poenitentiae would not apply to such case. Same is reported in 2005 SCMR 1040. As the appointment order of the petitioner was illegal due to her concealment of facts and forgery. Therefore, the discontinuation of services in the given scenario is having high pedestal to stand upon.
- E. Incorrect, hence denied. It was the responsibility of the petitioner to opt a correct Union Council according to the terms and conditions of the advertisement.
- F. Incorrect, hence denied. The petitioner was issued a show cause and also provided the opportunity of personal hearing but she badly failed to defend her case. The withdrawal of order was issued after observing all the codal formalities. Thus appointment order was withdrawn according to the norms and principle of natural justice.
- G. Incorrect, hence denied. The appointment order was based on incorrect information provided by the petitioner. It was also a violation of Regulatory Act, 2011 and advertisement.
- H. Incorrect, hence denied. Show cause was issued and opportunity of personal hearing was provided to the petitioner but she failed to defend herself.
- I. Incorrect, hence denied, Malafide in this particular case is out of question. The appointment withdrawal order of the petitioner was in accordance with law, rules, facts, policy, advertisement, regulatory Act,2011 and Articles 4, 25 and 27 of the constitution.

The respondents seek permission of the honourable court to raise other points/ grounds on the day of hearing this case,

In view of the above stated submissions, it is earnestly requested that the writ petition may very graciously be dismissed with cost in favour of the respondents.

  
 District Education Officer  
 (Female) Swabi

**District Edu. Officer  
(Female) Swabi**

  
 Director E&SE  
 Khyber Pakhtunkhwa, Peshawar

**Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar**

**FILED TODAY**  
**Deputy Registrar**  
**11 MAR 2021**



4

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No.5732-P/2020.

Mst. Naila Gul D/O Shafique Ullah R/O Mohallah Shagai Village, Turlandi Tehsil Razzar District Swabi..... **Petitioner**

**VERSUS**

- 1. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar
- 2. District Education Officer (Female) E&SE, Swabi.....**Respondents**

**AFFIDAVIT**

I, Fazle Khaliq, (Litigation Officer) office of the District Education Officer (Female) Swabi on the instructions of DEO (F) Swabi, do hereby solemnly affirm and declare on oath that the content of para wise comments submitted by the Respondent No.1 & 2 is true and correct to the best of my knowledge and belief, nothing has been concealed from this Honourable Court.

**Identified by**

*[Handwritten Signature]*

**Advocate General of Khyber Pakhtunkhwa Peshawar**

*[Handwritten Initials]*

**Deponent**

CNIC NO. 16202-0893178-1  
Cell No.03018351107

*[Handwritten Signature]*

FILED TODAY  
Deputy Registrar  
11 MAR 2021

No: 21933

Certified that the above was verified on solemnly affirmation before me in office this 10 day of March 21 by Fazle Khaliq who was identified by A.G. Who is personally known to me:

*[Handwritten Signature]*  
Dist. Commissioner  
Peshawar High Court, Peshawar

10/3/2021

AN  
ACT

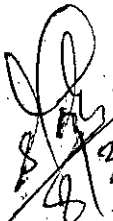
*to regulate by law appointments, postings and transfers of teachers  
serving in primary, middle, secondary and higher secondary  
schools, lecturers in colleges and instructors in technical institutions  
and doctors in health facilities.*

**Preamble.**---WHEREAS it is expedient to regulate by law appointments, postings and transfers at local level, of teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges and instructors in technical institutions and doctors in health facilities and to ensure the availability of teachers in schools, lecturers in colleges and instructors in technical institutions and the doctors in health facilities, and to regulate deputation of doctors abroad, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

1. **Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

(2) It shall apply to teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges as well as commerce colleges and instructors serving in technical institutions and doctors serving in the health facilities in the Province of the Khyber Pakhtunkhwa.

  
8/3/2021  
District Officer  
(F&A), Peshawar

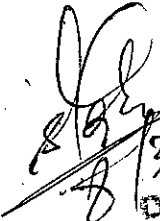
Annexure - A

(5)

6  
(3) It shall come into force at once.

2. **Definitions.**---(1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-

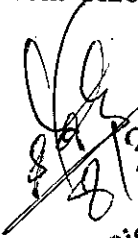
- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (aa) "college" means a degree college;
- (b) "doctor" means a doctor serving in the health facility;
- (c) "Government" means the Government of the Khyber Pakhtunkhwa;
- (d) "health facilities" mean all health facilities established and managed by Government to provide medical facilities to general public;
- (e) "lecturer" and "instructor" respectively means a lecturer or an instructor serving in a Technical Institution as well as in a college, as the case may be;
- (f) "prescribed" means prescribed by rules made under this Act;

  
8/3/2021  
District Ed. Officer  
(Finance) Swabi

- (g) "rules" mean the rules made under this Act;
- (h) "school" means school in the public sector including primary, middle, secondary school, higher secondary school or an institution of equivalent level imparting education through any system or medium of instruction in the public sector;
- (i) "teacher" means a teacher of primary, middle, secondary or higher secondary school; and
- (j) "technical institution" means and includes a Commerce College or Government College of Management Sciences or Technical Institute or Technical and Vocational Training Center or Skill Development Center in the public sector imparting technical education to students leading to the award of a degree or a diploma or a certificate.

(2) Words and phrases used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant federal law or provincial law or any other statutory order or rules for the time being in force.

3. **Appointment, posting and transfer of primary school teachers.**---(1) The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situate, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils:

  
8/3/2021  
District Officer  
(Faisalabad)

7

8

Provided that on availability of a vacancy, a primary school teacher, appointed from adjacent Union Council, as referred to in this sub-section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days.

(2) Upon marriage, the primary school teacher on request may be transferred to the school in the Union Council, where his spouse, ordinarily resides, subject to the availability of vacancy.

(3) The primary school teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed or before completion of tenure, subject to the policy of rationalization for maintaining certain students teachers ratio, if any.

(4) Government shall, within a period not exceeding one year of the commencement of this Act, make arrangement for posting of all the primary school teachers appointed prior to coming into force of this Act, to the schools of their respective Union Councils or adjacent Union Councils, as the case may be.

4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.---(1)  
Government may, through the competent authorities make adhoc appointment on merit against the vacant posts of doctors,

8/13/2021  
District Education Officer  
(Female) Swabi

5. Initial posting. --- (1) The doctors, lecturers, instructors subject specialist or teachers, upon their appointment shall be first posted in the periphery of the zone against whose quota they have been recruited, and they shall not be transferred for a period of at least three years.

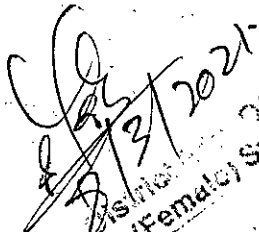
(2) Upon expiry of the tenure as referred to in sub-section (1), transfer shall be made only upon the availability of substitute.

6. Deputation of Doctors.---(1) Government may allow deputation abroad for all categories of doctors only once in their entire service, for a period not exceeding three years.

(2) Deputation to "Foreign Service" within Pakistan shall be permissible only in respect of medical officers for a period not exceeding three years:

Provided that no further extension, on expiry of agreed tenure shall be given to the doctors who are already on deputation abroad or within Pakistan.

7. Postgraduate Medical Education.---(1) The Health Department, on the basis of objective need assessment and analysis, shall determine the intake number of Trainee Medical Officers (TMOs) in Postgraduate Medical Institute (PGMI) and Junior Registrars in Tertiary Care Hospitals every year. This stipulated number shall not exceed in any case.

  
23/2/2021  
Officer  
(Female) Swabi

9

10

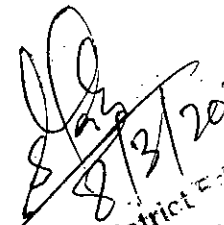
lecturers, instructors, subject specialists and teachers, falling within the purview of Commission, in a district concerned from the domicile holders of that district for a period of one year or till the arrival of recommendees of Commission, whichever is earlier after fulfilling the pre-requisites of giving wide publicity in the press. On assumption of charge of post by recommendee of the Commission, the services of such ad hoc appointee shall stand automatically terminated.

Provided that if no suitable and eligible candidate is available in the district concerned for appointment, then the candidates belonging to the neighbouring districts shall be considered for appointment in the order of their merit.

(2) Save as the appointment made under proviso of this section, "ad hoc appointee" shall serve in the district of his domicile.

(3) The post of a doctor, lecturer, instructor, subject specialist or teacher who proceeds on training or long leave may be treated as vacant post for the purpose of contract or contingent appointment till the return of such employee from training or long leave and assumption of charge of the post:

Provided that the period of such training or long leave shall not be less than one year and no appointment on contract or contingent shall be made on the post which may fall vacant for a period less than one year.

  
8/3/2021  
District Edn. Officer  
(Female) Dist. Bd.

(2) Any doctor selected or permitted for postgraduate medical training shall be treated on leave without pay and may be entitled only for stipend fixed by Government from time to time for such training.

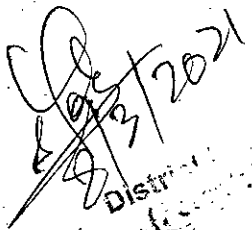
(3) A doctor selected or permitted for postgraduate medical training shall provide surety bond prescribed by Government ensuring that upon completion of his studies for which he was initially selected, shall compulsorily serve for three years in the district of his domicile and in case of non-availability of a post in the district of domicile, he shall serve for three years in the rural area.

(4) For the purpose of sub-section (3), the doctor shall also provide guarantee of two government officers.

(5) In case of violation of sub-section (3), Government shall serve one month notice upon the doctor for resumption of duty, failing which the amount shall be recovered from him or from the guarantor, as the case may be.

8. Provisions relating to doctors apply to lecturers and instructors. ---The provisions relating to doctors in section 7 of this Act shall *mutatis mutandis* apply to lecturers and instructors.

9. Act to over-ride other laws.---The provisions of this Act shall have effect notwithstanding any thing contained in any other law for the time being in force.

  
District Officer  
Surabi

11



12

10. Jurisdiction barred.---Save as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No: XVIII of 1973), the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 and the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), no order made or proceedings undertaken under this Act, or the rules made there under or any officer authorized by it shall be called into question in any Court, and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance or by any power conferred by or under this Act or the rules.

11. Removal of difficulties.---Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

12. Power to make rules.---Government may make rules for carrying out the purposes of this Act.

© 2014 Provincial Assembly of Khyber Pakhtunkhwa. All Rights Reserved.

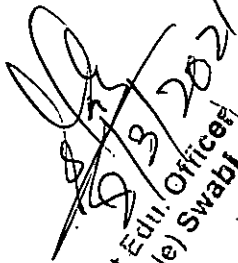
[Terms of Use](#) | [Privacy](#)

*[Handwritten Signature]*  
18/3/2021  
District In-charge  
(Revenue) Swat



Annexure - C (14)

S.#	Roll No	Name	Father Name	Date of Birth	NIC	Gender	Domicile	SSC	Total	Score	HSSC	Total	Score	BA 14 Y OBT	BA 14 Y Total	BA/BSC 14 Y Score	MA/B.S 15 Y OBT	MA/B.S 16 Y Total	MA/B.S 16 Y Score	B.Ed Obtain	B.Ed Total	B.Ed Score	M.Ed OBT	M.Ed Total	M.Ed Score	M.Phil Obtain	MS Total	MS Score	PhD OBT	PhD Total	PhD Score	ACAD Total	FTS Marks	Total Score		
<b>PST Female Final Merit List</b>																																				
UC NARANJI No. of Posts = 05																																				
1	35069122	NAILA GUL	SHAFIQ ULLAH	30-11-1991	1620260925702	Female	Swabi	556	900	12.36	583	1100	10.60	313	550	11.38	1160	1850	12.54	815	1200	3.40	804	1200	3.35						0.00		0.00	53.62	50	103.624

  
 29/3/2021  
 District Edu. Officer  
 (Female) Swabi

Annexure - D

(15)

2

S.#	Roll No	Name	Father Name	Date of Birth	NIC	Gender	Domicile	SSC	Total	Score	HSSC	Total	Score	BA 14 Y OBT	BA 14 Y Total	BA/BSC 14 Y Score	MA/B.S 16 Y OBT	MA/B.S 16 Y Total	MA/B.S 16 Y Score	B.Ed Obtain	B.Ed Total	B.Ed Score	M.Ed OBT	M.Ed Total	M.Ed Score	M.Phil Obtain	MS Total	MS Score	PHD OBT	PHD Total	PHD Score	ACAD Total	FTS Marks	Total Score	REMARKS/
-----	---------	------	-------------	---------------	-----	--------	----------	-----	-------	-------	------	-------	-------	-------------	---------------	-------------------	-----------------	-------------------	-------------------	-------------	------------	------------	----------	------------	------------	---------------	----------	----------	---------	-----------	-----------	------------	-----------	-------------	----------

## PST Female Final Merit List

UC TURANDI , No. of Posts =02

1	35070141	RUKHSANA BEGUM	SHER HUSSAIN	14-02-1991	1620406323508	Female	Swabi	690	900	15.33	850	1100	15.45			0.00	3.5	4	35.00			0.00			0.00			0.00			0.00	65.79	68	133.788	REFUSED
2	35017222	SUMAYYA	FAZLE TAWAB	20-03-1996	1620248204192	Female	Swabi	795	1050	15.14	813	1100	14.78			0.00	3652	4200	34.78			0.00			0.00			0.00			0.00	64.71	66	130.706	
3	35069180	FATIMA HUSSAIN	SHER HUSSAIN	03-03-1996	1620406039340	Female	Swabi	810	1050	15.43	783	1100	14.24	444	550	16.15	1745	2200	15.86			0.00			0.00			0.00			0.00	61.67	67	128.674	MARKS CORRECTED
4	35068353	DUR MARJAN	SHAJI ULLAH	09-01-1996	1620406142058	Female	Swabi	827	1050	15.75	762	1100	13.85	424	550	15.42	1836	2100	17.49			0.00			0.00			0.00			0.00	62.51	65	127.511	MARKS CORRECTED
5	35069158	MUNAZZA BEGUM	HAZRAT KHAN	17-11-1990	1620220346028	Female	Swabi	679	900	15.09	807	1100	14.67	430	550	15.64	914	1200	15.23	633	900	3.52			0.00			0.00			0.00	64.15	55	119.148	
6	35069859	SABAHAT KHAN	HEIKAM KHAN	01-04-1994	1620272006592	Female	Swabi	889	1050	16.93	845	1100	15.36	411	550	14.95	3.63	4	18.15			0.00			0.00			0.00			0.00	65.39	53	118.392	
7	35068508	RIZNAQ SHAH	TAJ ALI SHAH	03-09-1990	1620249045444	Female	Swabi	685	1050	13.05	585	1100	10.64	340	550	12.36	645	1100	11.73	727	1100	3.31			0.00			0.00			0.00	51.08	62	113.080	
8	35069425	SIDRA	MIRAJ MUHAMMAD	14-11-1995	1620406189028	Female	Swabi	752	1050	14.32	794	1100	14.44	347	550	12.62	725	1100	13.18			0.00			0.00			0.00			0.00	54.56	58	112.560	
9	35069664	SHAISTA IRSHAD	MURHAMMAD IRSHAD	10-04-1990	16204060218172	Female	Swabi	703	1050	13.39	629	1100	11.44	302	550	10.98	1709	2300	14.86	866	1200	3.61			0.00			0.00			0.00	54.28	56	110.278	
10	35067661	SOBIA GUL	SHAFIQ ULLAH	01-04-1997	16202490346612	Female	Swabi	836	1050	15.92	718	1100	13.05	400	550	14.55	631	1100	11.47			0.00			0.00			0.00			0.00	55.00	55	109.997	
11	35070181	BEENA AFSAR	AFSAR ALI	27-05-1989	1710171889636	Female	Swabi	738	1050	14.06	556	1100	10.11	778	1500	10.37	3.7	4	18.50	597	900	3.32			0.00			0.00			0.00	56.36	53	109.357	
12	35064323	OLNASHMEEN	SABIR KHAN	20-01-1989	1620270519438	Female	Swabi	758	1050	14.44	672	1100	12.22	308	550	11.20	1298	1900	13.66	884	1200	3.68	766	1200	3.19			0.00			0.00	58.39	49	107.394	
13	35064546	Subkita saleem	saleem ulah	05-04-1990	1620290430186	Female	Swabi	822	1050	15.66	731	1100	13.29	305	550	11.09	695	1100	12.64			0.00			0.00			0.00			0.00	52.67	53	105.675	
14	35064309	NAYAB SHAH	TAJ ALI SHAH	11-09-1964	1620280154364	Female	Swabi	511	850	12.02	717	1100	13.04	311	550	11.31	543	1100	9.87	716	1100	3.26	810	1200	3.38			0.00			0.00	52.87	49	101.872	
15	35069346	BUSHRA BIBI	SYED SAMIN JAN	25-02-1980	1620249737970	Female	Swabi	513	850	12.07	575	1100	10.45	291	550	10.58	523	1100	9.51			0.00			0.00			0.00			0.00	42.62	59	101.616	
16	35066802	ONIBA RIAZ	RIAZ ALI	14-08-1994	1620405902282	Female	Swabi	830	1050	15.81	750	1100	13.64	438	550	15.93			0.00			0.00			0.00			0.00			0.00	45.37	56	101.373	
17	35018390	SAIRA KHAN	HAZRAT KHAN	18-03-1995	1620222345078	Female	Swabi	793	1050	15.10	814	1100	14.80			0.00	4037	4700	17.18			0.00			0.00			0.00			0.00	47.08	53	100.083	
18	35068879	GUL BADAAN	SHAUKAT ALI	04-04-1995	1620406116940	Female	Swabi	764	1050	14.55	706	1100	12.84	370	550	13.45	3.03	4	15.15			0.00			0.00			0.00			0.00	55.99	44	99.993	

8/3/2021  
District E.I. Officer  
(Female) Swabi

16

S. #	Roll No	Name	Father Name	Date of Birth	NIC	Gender	Domicile	SSC	Total	Score	HSSC	Total	Score	BA 14 Y DBT	BA 14 Y Total	BA/BSC 14 Y Score	MA/B.S 16 Y DBT	MA/B.S 16 Y Total	MA/B.S 16 Y Score	B.Ed Obtain	B.Ed Total	B.Ed Score	M.Ed DBT	M.Ed Total	M.Ed Score	M.Phil Obtain	MS Total	MS Score	PhD DBT	PhD Total	PhD Score	ACAD Total	PTS Merit	Total Score	REMARKS/
------	---------	------	-------------	---------------	-----	--------	----------	-----	-------	-------	------	-------	-------	-------------	---------------	-------------------	-----------------	-------------------	-------------------	-------------	------------	------------	----------	------------	------------	---------------	----------	----------	---------	-----------	-----------	------------	-----------	-------------	----------

PST Female Final Merit List

19	35067440	MIRA SAYYED	HQJAR SAYYED	04-04-1993	162029764618	Female	Swabi	729	1050	13.89	615	1100	11.18	369	550	13.42	3.77	4	18.85			0.00			0.00			0.00			0.00	57.34	42	99.336	
20	35070307	BUSHRA WAHAB	NOOR UL WAHAB	01-04-1986	1620206679822	Female	Swabi	457	850	10.75	615	1100	11.18			0.00	2025	3900	20.77			0.00			0.00			0.00			0.00	42.70	56	98.704	
21	35064488	SHADAB	QAMAR ALI	02-03-1992	1620405910026	Female	Swabi	669	1050	12.74	725	1100	13.18	246	550	8.95	661	1100	12.02	618	900	3.43	811	1200	3.38			0.00			0.00	53.70	42	95.700	
22	35068881	ALQAF BEGUM	MUHAMMAD AMIN	20-04-1985	1730184335488	Female	Swabi	472	850	11.11	694	1100	12.62	288	550	10.47	667	1100	12.13			0.00	744	1200	3.10			0.00			0.00	49.42	45	94.424	
23	35064571	SHAHZADI SHAH	FAZAL HABI SHAH	20-01-1990	161016876226	Female	Swabi	581	900	12.91	571	1100	10.38	350	550	12.73	571	1100	10.38			0.00			0.00			0.00			0.00	46.40	48	94.402	
24	35067041	RANI KAUSAR	SARDAR HUSSAIN	15-04-1986	4230163116904	Female	Swabi	589	850	13.86	626	1100	11.38	321	550	11.67	816	1100	14.84			0.00			0.00			0.00			0.00	51.75	40	91.749	
25	35067787	SANJA	QAMAR ALI	30-06-1992	1620405903248	Female	Swabi	656	1050	12.50	684	1100	12.44	298	550	10.84	630	1100	11.46			0.00			0.00			0.00			0.00	47.22	42	89.223	
26	35067733	NEELAM NAVEESH	MUHAMMAD NAVEESH	02-07-1986	162026480132	Female	Swabi	768	1100	13.96	752	1100	13.67	379	550	13.78			0.00			0.00			0.00			0.00			0.00	41.42	46	87.418	
27	35064597	SHAH RUKH	MUHAMMAD HUSSAIN	02-08-1994	1620406039154	Female	Swabi	721	1050	13.73	781	1100	14.20	342	550	12.44			0.00			0.00			0.00			0.00			0.00	40.37	47	87.370	
28	35070254	UMM E KALSOOM	MUHAMMAD SALIM	28-03-1995	1620299099502	Female	Swabi	743	1050	14.15	680	1100	12.36	781	1200	13.02			0.00	1019	1360	3.75	3.05	4	0.00			0.00			0.00	43.28	44	87.279	
29	35067010	AMREEN ALI	MUHAMMAD ALI	06-11-1988	162029652284	Female	Swabi	606	850	14.26	740	1100	13.45	330	550	12.00			0.00	597	900	3.32			0.00			0.00			0.00	43.03	44	87.030	
30	35069361	AYESHA	NEHAD ALI	03-02-1997	1620406369622	Female	Swabi	610	1050	11.62	706	1100	12.84	337	550	12.25			0.00			0.00			0.00			0.00			0.00	36.71	49	85.710	
31	35067297	FAHREENA BEGUM	FAZAL UL MAHAN	25-12-1995	1620406362226	Female	Swabi	699	1050	13.31	696	1100	12.65	368	550	13.38			0.00			0.00			0.00			0.00			0.00	39.35	46	85.351	
32	35064591	ANNA AMIN	MUHAMMAD AMIN	01-02-1996	3740527426074	Female	Swabi	791	1050	15.07	729	1100	13.25	388	800	9.70			0.00			0.00			0.00			0.00			0.00	38.02	42	80.021	

*[Signature]*  
8/3/2021  
District Edu. Officer  
(Female) Swabi

Annexure - E



DA (6)  
DFA -  
(17)

**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**

(Office phone Fax No 0938280339, [emisfswabi@yahoo.com](mailto:emisfswabi@yahoo.com))

No. 203 /DA-I/File/reinstatement/ Dated 27/11 /2021

To,

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

Subject; -  
Memo: -

**DEPARTMENTAL APPEAL.**

Reference to your good Office Letter No. 6801/F.No.566/F/ Appeal Swabi dated Peshawar the 24.12.2020 the subject cited above, the requisite report and comments are as under.

1. Admitted to the extent that the appellant is domiciled in Khyber Pakhtunkhwa and belongs to village and union council Turlandi, Tehsil Razzar, District Swabi. A District cadre posts including PST posts were advertised through daily news papers in the year 2019. PST posts were advertised union council Based. The appellant did not apply to her native union council. She belongs to union council Turlandi but applied for PST post to union council Naranji, which is neither her native union council nor her adjacent union council. She was wrongly appointed against union council Naranji post vide Endst. No. 1033-39 at S.No. 59. Then a complaint against the appointment of the appellant was lodged by the elders of union council Naranji. The appellant was proceeded and a speaking order of withdrawal was issued.
2. That the appellant did not apply to her native union council. She applied to out union council and she was wrongly appointed there.
3. That the appellant does not belong to union council Naranji and union council Naranji is also not adjacent union council of union council Turlandi. Thus her illegal appointment order was withdrawn.
4. That the appellant is not an aggrieved person at all because she does not belong to union council Naranji. Union council Naranji is also not an adjacent union council of union council Turlandi. Thus she has no cause of action to file the instant appeal and the appeal in hand may be dismissed inter alia the following grounds.
  - A. Incorrect, hence denied, the Impugned order, whereby the first appointment order of the appellant as PST dated 27.4.2020 was withdrawn is legal, lawful, with lawful authority, with jurisdiction and norms of natural justice.
  - B. That during apply and process of recruitment the appellant had concealed the material facts.

*[Handwritten signature]*  
28/3/2021  
Df  
lf

- C. Incorrect, hence denied, she concealed the material facts from the department.
- D. Incorrect, hence denied, her appointment order was illegal, thus rightly withdrawn.
- E. Incorrect, hence denied, her illegal order was rightly withdrawn.
- F. That the appellant herself confessed she did not belong to the union council, where she was appointed.

Report and comments are submitted for your kind perusal and consideration.

*[Handwritten signature]*  
8/9/2021  
DIST

*[Handwritten signature]*  
8/11/2021  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI  
*[Handwritten initials]*

Annexure - F

19  
D.A.V

To,

District Education Officer,  
Female Swabi.



Subject: Complaint Appointment in UC Naranji from Wrong  
Union Council.

Madam

I want to bring into your kind notice that a teacher Naila Gul has been appointed at Union Council Naranji but she is resident of another Union Council. She is not from that Union Council Naranji.

It is requested to kindly cancel his appointments illegal,, and give her proper punishment please.

Dat : 28-10-2020

District Edu. Officer  
(Female) Swabi

عبد الرحمن  
Elders of Adjacent Union Council  
Naranji

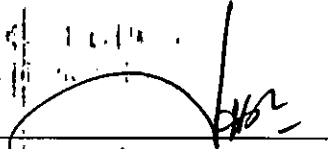
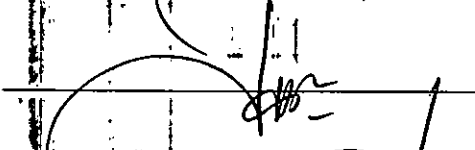



**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**

(Office phone & Fax No 0938280239, emis\_swabi@yahoo.com)

**AUTHORITY LETTER**

I, District Education Officer (Female) Swabi do hereby authorize Mr.Fazli Khaliq Litigation Officer, Office of the District Education Officer (Female) Swabi to attend the Honourable Peshawar High Court Peshawar, in connection with filing of para wise comments in writ Petition No.5732-P/2020 titled Mst.Naila Gul versus Govt:of Khyber Pakhtunkwa on my behalf. His CNIC No. 16202-0893178-1 and Cell No. 0301-8351107. His specimen signatures are as under:

1. 
2. 
3. 

**DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI**

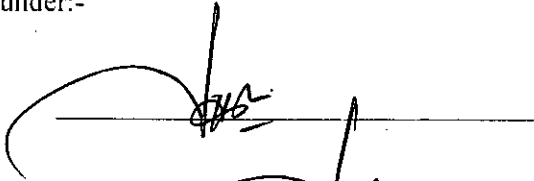
District Edu. Officer  
(Female) Swabi

**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**  
(Office phone & Fax No 0938280239, [emis\\_swabi@yahoo.com](mailto:emis_swabi@yahoo.com))

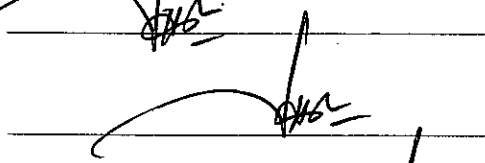
**AUTHORITY LETTER**

I, District Education Officer (Female) Swabi do hereby authorize Mr.Fazli Khaliq Litigation Officer, Office of the District Education Officer (Female) Swabi to attend the Honourable Peshawar High Court Peshawar, in connection with filing of para wise comments in writ Petition No.5732-P/2020 titled Mst.Naila Gul versus Govt:of Khyber Pakhtunkwa on my behalf. His CNIC No. 16202-0893178-1 and Cell No. 0301-8351107. His specimen signatures are as under:-

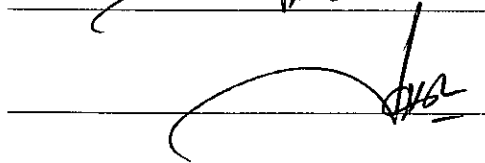
1.



2.



3.



  
**DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI**

**District Edu. Officer  
(Female) Swabi**

①

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

In Ref: to WP No.5732-P/2020.

Mst. Naila Gul .....VS....Director E & SE Department KPK c.

Rejoinder on behalf of the Petitioner to the comments  
filed by the Respondents in WP No.5732-P/2020.

**Respectfully Sheweth;**

The Petitioner humbly submits as under:

Reply to the Preliminary objections:

1. Incorrect. The Petitioner having genuine arguable case on the score that in response to the advertisement for certain posts of PST, the petitioner applied accordingly and the respondents accepted the testimonials of Petitioner and no objection whatsoever had been raised at that time.
2. Incorrect. The Petitioner has a genuine & good cause of action and locus standi to file the instant petition hence the instant Petition is vigorously maintainable.
3. Incorrect. The instant petition is fully maintainable and fully competent being well within time.
4. Incorrect. The Petitioner has a candid & straight forward stance having relying on the accepted norms of justice is but optimistic to acquire relief in the instant case from this honorable court and any alleged pressure game is out of question.
5. Incorrect. All necessary parties have fully been arrayed in the hierarchy of Respondents and the petition is fully competent having in no way in any want of any other party to be arrayed in the list of Respondents as such.
6. Incorrect. The petitioner came to this honorable court with a genuine cause for the enforcement of her legally vested and acknowledged rights and is but optimistic with vigor for relief in her favor.
7. Incorrect. The Petitioner has nothing to do with any alleged concealment of facts on her part as she has duly submitted her testimonials including her CNIC and Domicile Certificate with

**FILED TODAY**  
Deputy Registrar  
05 JUL 2021

SCANNED  
07 JUL 2021  
Signature

2

the Respondents which were duly accepted and no objection whatsoever was forwarded at that time.

8. Incorrect. Rather Respondents have badly been estopped by their own conduct as they validly appointed the Petitioner as PST then, and now on one pretext or other recalling their previous orders which conduct is incompatible with the equitable rights of the Petitioner and as such the Respondents badly estopped by their own conduct.
9. Incorrect. The indicated rules doesn't permit the Respondents and doesn't authorize them in any way to jeopardize the vested rights of the petitioner by first appointing a person and then recalling their orders and thus Playing mockery on the rights of citizen of Pakistan more so, under the temple of constitutional, Islamic, equitable, temporal and even ethical phenomena, the Respondents have but no way to avoid the reality and overlook the vested rights of Petitioner with a stroke of a pen. .
10. Incorrect. The petition is fully maintainable within the frame work of present scenario and form.

### REPLY ON FACTS:-

1. Incorrect. The petitioner violated but no rules or regulations rather it was the act of the Respondents who duly accepted the testimonial of the Petitioner including her CNIC and Domicile Certificate and now on belated misplaced and misconceive grounds recall their previous orders as the Respondents right from the inception were aware about the knowhow and whereabouts of the Petitioner but no objection was raised as such and now on the edifice of malafide intention recalling the vested rights of the Petitioner which is incompatible with the accepted norm of justice and equity.
2. Correct to the extent that certain post of PST were advertised under certain rules and regulation but incorrect for the rest of the Para as the testimonials including her CNIC and Domicile Certificate of the Petitioner were duly submitted to the Respondent department which were accepted and the Petitioner was duly appointed. The petitioner duly took charge and for a long span of time acceded to her duties with utmost hard work and dedication and no objection as regards her residence or performance was raised but at the spur of moments her service were terminated on the cause which is not maintainable more so there were no suitable nominee to the questioned PST post in the concerned Union Council or adjacent Union Council.
3. Incorrect. The Petitioner doesn't violated any law, rules and regulations rather it was respondents who violated the fundamental rights of bread and butter of the Petitioner by terminating her services on the pretext of illegal and illogical footings as the Petitioner did apply in response to the advertisement to the vacant post being

FILED TODAY

Deputy Registrar

05 JUL 2021

3

resident of District Swabi and was duly selected to the post of PST teacher by the Respondent and now the respondents are violating their own conduct by terminating her services and their such act comes within the purview of Estoppel and as such condemnable and deserve to be recalled and the Petitioner is entitled to re-instated.

4. Incorrect. It were the Respondents who selected the Petitioner to the PST post and after selection the appointment has taken legal effect and can in no eventuality be recalled by the Respondents, that is what the doctrine of Locus Poenitentiae inculcates.
5. Incorrect. The appointment of appointee (Petitioner) has taken its legal effect and in no upshot it could be withdrawn.
6. Incorrect. The withdrawal order is fraught with impalpable surges of flaws as the appointment order of Petitioner has taken its legal course and effect and withdrawal of such order at this belated stage is liable to be repudiated of being violative of the principle of Locus Poenitentiae.
7. Incorrect. The petitioner was condemned unheard and no opportunity of personal hearing was bestowed upon her more so appeal is well within time and fully matured.
8. Incorrect. The petition is maintainable as being matured and petitioner is an aggrieved person as her fundamental rights of service have been usurped by the Respondents while she has a good arguable cause of action and the petitioner is sanguine of relief in her favor.

**On Grounds:-**

A. Incorrect. The Petitioner in response to the advertisement of PST Teachers published by the Respondents submitted her testimonials including her CNIC and Domicile Certificate which were duly accepted by the Respondents and no objection as to the concealment of any fact either of her union council or any material fact of her Union Council whatsoever and did not commit any alleged forgery or in any way indulged in giving any false statement rather the matter of fact is that she was duly appointed by the Respondent department and now on one pretext or other is amenable to withdraw her appointment order to appoint their blue eyed ones in her stead.

B. Incorrect. The underlying matter of fact is that while in response to the advertisement published by the Respondents for recruitment to the PST posts, the Petitioner moved application along with her testimonials including her CNIC and Domicile Certificate for recruitment to the mentioned post being resident of district Swabi,

FILED TODAY

Deputy Registrar

05 JUL 2021

(4)

which testimonials in glaring way crystal clarifying the fact that the Petitioner was the permanent inhabitant of Turlandi Union Council but Petitioner was not stigmatized for any alleged concealment of any fact then as her testimonials were in the possession of Respondents, who duly appointed her to the said post and now terminating her services for such matter of fact is against the accepted norms of justice.

- C. Incorrect. The matter has viciously been discussed in Para A & B above.
- D. Incorrect and hence denied. The Rule of Locus Poenitentiae is applicable with its full grace and power. The respondents recruited the petitioner to the post of PST while duly accepting and adhering to her fulfillment of her pre-requisite criteria for the said post after taking charge and serving the Respondent department for a length of time, the department is not to be heard uttering her appointment as illegal as on legal parlance no one could be condemned for the act of other, now recalling the previously legal order is not mandated by law and will come within the ambit of Locus Poenitentiae. The precedents quoted have different matter of facts and in turn different bearings.
- E. Denied. Time and again inculcated that the testimonials including her CNIC and Domicile Certificate were duly accepted and in turn she was duly appointed and no fact was allegedly concealed either.
- F. Incorrect. The promulgated laws, rules and regulations, principles of natural justice, equity were taken at stake and thrown away while recalling the recruitment order as such and no Codal formalities were complied with which is incompatible to the accepted norms of justice. The petitioner was condemned unheard and Coram non Judice was resorted to hence recalling order is grossly illegal and come within the purview of Locus Poenitentiae.
- G. Incorrect and hence denied. The petitioner provided her testimonials including her CNIC and Domicile Certificate which contain information regarding her native Union Council and hence no incorrect information has ever been provided as such and the Petitioner did not violate and law or stipulations of advertisement.
- H. Incorrect. She was condemned un-heard and the order does not hold the filed on legal footings.
- I. Incorrect. Various fundamental rights enshrined by the legislature in the constitution which are embodied in article 4, 25 and 27 were grossly violated by the Respondents and malafide is floating on the

FILED TODAY  
Deputy Registrar

05 JUL 2021

surface of recalling order having a bird eye view glance at the available record.

That other factual and legal ground will be agitated at the time of hearing the petitioner at the bar.

It is, therefore, requested that on accepting the instant case along-with rejoinder, the Petitioner may kindly be reinstated in her services with all back benefits and the impugned order be declared void ab-initio and be set-aside.

PETITIONER

Through

Muhammad Usman Khan  
Turlandi  
Advocate Supreme Court.

Dated: \_\_\_/07/2021.

**AFFIDAVIT**

I, Muhammad Usman Khan ASC, Council for the petitioner, do hereby solemnly affirm and declare that the contents of the accompanying rejoinder on behalf of the petitioner to the comments filed by the respondents are true and correct to the best of my knowledge and belief and nothing has ever been kept secret or concealed therein from this august court.

DEPONENT

Muhammad Usman Khan  
Turlandi  
Advocate Supreme Court.  
(Council for the Petitioner)

Dated: \_\_\_/07/2021.

**FILED TODAY**  
Deputy Registrar  
05 JUL 2021

No: 30181

Certified that the above was verified on solemnly affirmation before me in office, this 5<sup>th</sup> day of July 2021 at Islamabad by M. Usman Khan s/o Self who was identified by Self Who is personally known to me:

Oath Commissioner  
Peshawar High Court, Peshawar  
05/07/2021

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

Service Appeal No.7763/2021.

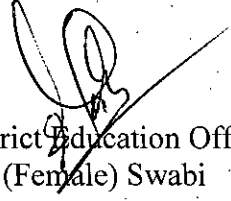
Mst. Naila Gul D/O Shafique Ullah R/O Mohallah Shagai Village, Turlandi Tehsil  
Razzar District Swabi..... **Appellant**

**VERSUS**

1. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa,  
Peshawar
2. District Education Officer (Female) E&SE, Swabi.....**Respondents**

**INDEX**

S#	Description of Documents	Annexure	Page
1	Parawise Comments with affidavit	-	01-04
2	Regulatory Act-2011	"A"	05-12
3	Advertisement	"B"	13
4	Final Merit List of Union Council Naranji	"C"	14
5	Final Merit List of Union Council Turlandi	"D"	15-16
6	Reply of Departmental appeal to Director	"E"	17-18
7	Complaint against appointment in U/C Naranji	"F"	19
2	S.A.NO 1256/2017 Contract EMPalsh	G	20-27

  
District Education Officer  
(Female) Swabi  
District Edu. Officer  
(Female) Swabi



(1)

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

Service Appeal No.7763/2021.

Mst. Naila Gul D/O Shafique Ullah R/O Mohallah Shagai Village, Turlandi Tehsil  
Razzar District Swabi..... **Appellant**



**VERSUS**

1. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa,  
Peshawar
2. District Education Officer (Female) E&SE, Swabi..... **Respondents**

**PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 & 2**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS.**

1. That the appellant was appointed on contract basis and was at the same capacity till withdrawal of his appointment order, hence the service appeal is not maintainable.
2. That the appellant was a contact employee at the time of withdrawal of his appointment order and was excluded from the definition of civil servant, hence the service appeal is not maintainable.
3. That the appellant was neither belonged to native nor adjacent Union Council; illegality was corrected through withdrawn order, thus principle of locus potantie is not attracted, hence the appeal is not maintainable.
4. That the service appeal is wholly incompetent, misconceived and untenable.
5. That the service appeal is wrong, baseless and not maintainable, it shows no strong cause to be taken for adjudication, therefore, the same service appeal is liable to be rejected/ dismissed.
6. That the service appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed with the order of special compensatory cost in favour of respondents.
7. That no constitutional or legal right of the appellant has been violated, therefore, the appellant is not entitled to invoke the constitutional jurisdiction of this honourable Service Tribunal under Article 212 of the constitution of Pakistan.
8. That the appellant has not come to the Court/Tribunal with clean hands.
9. That the appellant has concealed the material facts from this Honourable Tribunal.
10. That the appeal is bad for misjoinder and non-joinder of the necessary party.
11. That the appellant has filed the instant appeal just to pressurize the respondents.
12. That the appellant has no cause of action to file the instant appeal.
13. That the appeal is not maintainable in the eye of law.
14. That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue.

**Facts:-**

1. That para relates to the bonafide residence, domicile, belonging to a respectable/ law abiding family of the locality and fundamental rights of the appellant. All these cannot create any right of the appellant to be appointed in the Union Council which is neither her native Union Council nor her adjacent Union Council.

2. That according to the Khyber Pakhtunkhwa (Appointment, Deputation Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) regulatory Act, 2011, section 3(1)" The Vacancy of Primary School Teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situated, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils.

Provided that on availability of a vacancy, a Primary School Teacher, appointed from adjacent Union Council as referred to in this Sub-Section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days".

The respondent No.2, District Education Officer (Female) Swabi, advertised various district cadre posts including the posts of Primary School Teachers, for which last date of submission of applications on prescribed form was 10.06.2019. As per advertisement general condition No.1 candidates having Domicile and computerized National Identity Card with permanent residence Swabi can apply, otherwise applications cannot be considered. In case of Primary School Teacher vacant post, candidates belonging to the permanent residence of the Union Council where the school is situated can apply, if no eligible candidate in that Union Council is available where the school is situated, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Council. "Application form after cut off date will not be entertained. Change in permanent address in CNIC after cut off date will not acceptable. The appellant violated section 3 (1) of the Regulatory Act, 2011 and Section (1) & (2) of the advertisement. Therefore, she was mistakenly / erroneously appointed in the school which is situated in Union Council Naranji, because she opted Union Council Naranj. Union Council Naranji is neither the native Union Council nor the adjacent Union Council of the petitioner. Regulatory Act, 2011, advertisement and merit lists of Union Council Naranji and Union Council Turlandi are annexed as A,B,C&D.

3. That the appellant violated Section 3 (1) of the Regulatory Act, 2011 and Section (1) & (2) of the advertisement. Therefore, is not entitled to be appointed. She did apply to Union Council Turlandi post. She only applied to Union Council Naranji. Therefore, she did not deserve to be appointed in Union Council Naranji, because neither her native nor adjacent Union Council.

4. That the appellant neither applies to her native Union Council nor adjacent Union Council. Therefore, the appointment order extent to the petitioner was illegal, void abinitio, so was rightly withdrawn.

5. That the appointment of the appellant was a human error, which was rectified rightly.

6. That the withdrawal of appointment order was in accordance with law, regulatory Act 2011, facts, policy and advertisement. That withdrawal order is also self explanatory.

7. Incorrect, hence denied. She was provided the opportunity of show cause and personal hearing but she failed to defend her case. The appellant filed the appeal to the appellate authority on 11.12.2020, which is time barred. The appellant did not wait of the decision of the appellate authority and filed the writ petition premature on 24.12.2020. The appellant had to wait for reply up to 90 days. Thus writ petition is illegal and not maintainable.

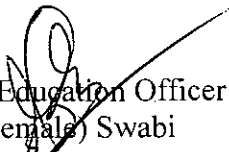
- (3)
8. Incorrect, hence denied. The appellant did not wait of the decision for the period of 90 days. Thus the writ petition is not maintainable. The petitioner is not aggrieved person at all because she did not wait for decision on appeal for the period of 90 days. Therefore, she has no cause of action to file the instant petition and the petition in hand is liable to be dismissed with cost inter alia amongst the following grounds.

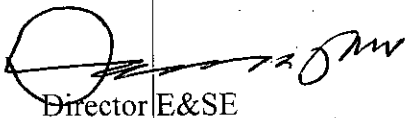
**Grounds:-**

- A. Incorrect, hence denied. At the time of first apply for test to third Party Fair Testing Services (FTS), the appellant did not submit a single paper with the application form, she violated the regulatory Act, 2011 and advertisement 2019. Thus she concealed the material facts. She opted Union Council Naranji instead of Union Council Turlandi. This is a forgery on part of the appellant. The appointment was made on her false statement. Therefore, her appointment order was rightly withdrawn.
- B. That the complaint was lodged by the inhabitant of Union Council Naranji which is annexed as F. If the petitioner proves that Union Council Naranji is her native Union Council or adjacent Union Council even today, she shall be honoured.
- C. Incorrect, hence denied. The Union Council Naranji is neither her native nor adjacent Union Council. Thus she has no right to be retained into service in that Union Council. Furthermore, she herself opted that Union Council her native Union Council and has committed forgery.
- D. Incorrect, hence denied, The rule of locus poenitentiae is not applicable in the instant case, because the base provided for order by the appellant is illegal." Rule of locus poenitentiae (Power to recall an order) will not be applicable. In case in which basic order is illegal." Same is reported in NLR 2005 TD (Service) 286: 2002 PLC (CS) 1093 2000 PLC (CS) 1260: 2000 SCMR 9027: PLD 2000 LAH 253: 1999 SCMR 2089:1998 PLC (CS) 389. locus poenitentiae will not be attracted, when employee got the appointments through back door. Reliance is placed on 2001 PLC (CS) 121 & 2000 PLC (LC) 1172.  
No perpetual rights could be gained on basis of such illegal order. Principle of locus poenitentiae would not apply to such case. Same is reported in 2005 SCMR 1040. As the appointment order of the appellant was illegal due to her concealment of facts and forgery. Therefore, the discontinuation of services in the given scenario is having high pedestal to stand upon.
- E. Incorrect, hence denied. It was the responsibility of the petitioner to opt a correct Union Council according to the terms and conditions of the advertisement.
- F. Incorrect, hence denied. The petitioner was issued a show cause and also provided the opportunity of personal hearing but she badly failed to defend her case. The withdrawal of order was issued after observing all the codal formalities. Thus appointment order was withdrawn according to the norms and principle of natural justice.
- G. Incorrect, hence denied. The appointment order was based on incorrect information provided by the appellant. It was also a violation of Regulatory Act, 2011 and advertisement.
- H. Incorrect, hence denied. Show cause was issued and opportunity of personal hearing was provided to the appellant but she failed to defend herself.
- I. Incorrect, hence denied, Malafide in this particular case is out of question. The appointment withdrawal order of the appellant was in accordance with law, rules, facts, policy, advertisement, regulatory Act, 2011 and Articles 4, 25 and 27 of the constitution Islamic Republic of Pakistan.

J. The respondents seek permission of the honourable court to raise other points/ grounds on the day of hearing this case,


In view of the above stated submissions, it is earnestly requested that the writ petition/service appeal may very graciously be dismissed with special compensatory cost in favour of the respondents.

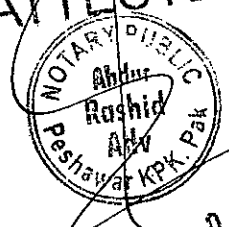
  
District Education Officer  
(Female) Swabi  
~~District Edu. Officer~~  
(Female) Swabi

  
Director E&SE  
Khyber Pakhtunkhwa, Peshawar  
~~Director~~  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar

**AFFIDAVIT**

I, Sofia Tabssum, District Education Officer (Female) Swabi do hereby solemnly affirm and declare on oath that the content of para wise comments is true and correct to the best of my knowledge and belief, nothing has been concealed from this Honourable Tribunal.

  
District Education Officer  
(Female) Swabi  
~~District Edu. Officer~~  
(Female) Swabi

**ATTESTED**  
  
03 JUN 2022

AN

ACT

*to regulate by law appointments, postings and transfers of teachers  
serving in primary, middle, secondary and higher secondary  
schools, lecturers in colleges and instructors in technical institutions  
and doctors in health facilities.*

**Preamble.**---WHEREAS it is expedient to regulate by law appointments, postings and transfers at local level, of teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges and instructors in technical institutions and doctors in health facilities and to ensure the availability of teachers in schools, lecturers in colleges and instructors in technical institutions and the doctors in health facilities, and to regulate deputation of doctors abroad, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

1. **Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011.

(2) It shall apply to teachers serving in primary, middle, secondary and higher secondary schools, lecturers in colleges as well as commerce colleges and instructors serving in technical institutions and doctors serving in the health facilities in the Province of the Khyber Pakhtunkhwa.

*[Signature]*  
8/3/2021

*Annexure - A*

*Annexure - A*

*(5)*

*(5)*

6  
6  
(3) It shall come into force at once.

2. Definitions.---(1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say,-

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(aa) "college" means a degree college;

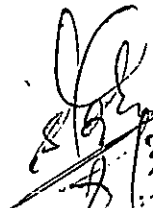
(b) "doctor" means a doctor serving in the health facility;

(c) "Government" means the Government of the Khyber Pakhtunkhwa;

(d) "health facilities" mean all health facilities established and managed by Government to provide medical facilities to general public;

(e) "lecturer" and "instructor" respectively means a lecturer or an instructor serving in a Technical Institution as well as in a college, as the case may be;

(f) "prescribed" means prescribed by rules made under this Act;

  
8/3/2021  
2021

- (g) "rules" mean the rules made under this Act;
- (h) "school" means school in the public sector including primary, middle, secondary school, higher secondary school or an institution of equivalent level imparting education through any system or medium of instruction in the public sector;
- (i) "teacher" means a teacher of primary, middle, secondary or higher secondary school; and
- (j) "technical institution" means and includes a Commerce College or Government College of Management Sciences or Technical Institute or Technical and Vocational Training Center or Skill Development Center in the public sector imparting technical education to students leading to the award of a degree or a diploma or a certificate.

(2) Words and phrases used in this Act, but not defined, shall have the same meanings as respectively assigned to them under the relevant federal law or provincial law or any other statutory order or rules for the time being in force.

3. Appointment, posting and transfer of primary school teachers.---(1) The vacancy of primary school teacher shall be filled in from the candidates belonging to the Union Council of their permanent residence mentioned in their Computerized National Identity Card and domicile, on merit and if no eligible candidate in that Union Council is available where the school is situate, such appointment shall be made on merit from amongst eligible candidates belonging to the adjacent Union Councils:

*[Handwritten signature]*  
8/13/2021  
Officer

② ⑦

Provided that on availability of a vacancy, a primary school teacher, appointed from adjacent Union Council, as referred to in this sub-section, shall be transferred against a vacant post in a school of the Union Council of his residence within a period of fifteen days.

(2) Upon marriage, the primary school teacher on request may be transferred to the school in the Union Council, where his spouse, ordinarily resides, subject to the availability of vacancy.

(3) The primary school teacher shall be transferred to other school within the Union Council on completion of tenure as may be prescribed or before completion of tenure, subject to the policy of rationalization for maintaining certain students teachers ratio, if any.

(4) Government shall, within a period not exceeding one year of the commencement of this Act, make arrangement for posting of all the primary school teachers appointed prior to coming into force of this Act, to the schools of their respective Union Councils or adjacent Union Councils, as the case may be.

4. Appointment of doctors, lecturers, instructors, subject specialists and teachers on adhoc basis.---(1)  
Government may, through the competent authorities make adhoc appointment on merit against the vacant posts of doctors,

*[Handwritten signature]*  
8/3/2021  
SECRETARY  
EDUCATION  
GOVT. OF PUNJAB



5. Initial posting. --- (1) The doctors, lecturers, instructors subject specialist or teachers, upon their appointment shall be first posted in the periphery of the zone against whose quota they have been recruited, and they shall not be transferred for a period of at least three years.

(2) Upon expiry of the tenure as referred to in sub-section (1), transfer shall be made only upon the availability of substitute.

6. Deputation of Doctors.---(1) Government may allow deputation abroad for all categories of doctors only once in their entire service, for a period not exceeding three years.

(2) Deputation to "Foreign Service" within Pakistan shall be permissible only in respect of medical officers for a period not exceeding three years:

Provided that no further extension, on expiry of agreed tenure shall be given to the doctors who are already on deputation abroad or within Pakistan.

7. Postgraduate Medical Education.---(1) The Health Department, on the basis of objective need assessment and analysis, shall determine the intake number of Trainee Medical Officers (TMOs) in Postgraduate Medical Institute (PGMI) and Junior Registrars in Tertiary Care Hospitals every year. This stipulated number shall not exceed in any case.

*[Handwritten signature]*  
27/3/2021  
OFFICES

*[Handwritten scribble]*

*[Handwritten scribble]*

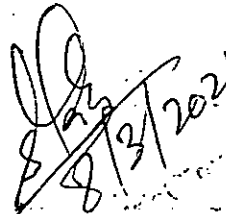
lecturers, instructors, subject specialists and teachers, falling within the purview of Commission, in a district concerned from the domicile holders of that district for a period of one year or till the arrival of recommendees of Commission, whichever is earlier after fulfilling the pre-requisites of giving wide publicity in the press. On assumption of charge of post by recommendee of the Commission, the services of such ad hoc appointee shall stand automatically terminated:

Provided that if no suitable and eligible candidate is available in the district concerned for appointment, then the candidates belonging to the neighbouring districts shall be considered for appointment in the order of their merit.

(2) Save as the appointment made under proviso of this section, "ad hoc appointee" shall serve in the district of his domicile.

(3) The post of a doctor, lecturer, instructor, subject specialist or teacher who proceeds on training or long leave may be treated as vacant post for the purpose of contract or contingent appointment till the return of such employee from training or long leave and assumption of charge of the post:

Provided that the period of such training or long leave shall not be less than one year and no appointment on contract or contingent shall be made on the post which may fall vacant for a period less than one year.

  
8/13/2021  
District Officer  
District Office

(2) Any doctor selected or permitted for postgraduate medical training shall be treated on leave without pay and may be entitled only for stipend fixed by Government from time to time for such training.

(3) A doctor selected or permitted for postgraduate medical training shall provide surety bond prescribed by Government ensuring that upon completion of his studies for which he was initially selected, shall compulsorily serve for three years in the district of his domicile and in case of non-availability of a post in the district of domicile, he shall serve for three years in the rural area.

(4) For the purpose of sub-section (3), the doctor shall also provide guarantee of two government officers.

(5) In case of violation of sub-section (3), Government shall serve one month notice upon the doctor for resumption of duty, failing which the amount shall be recovered from him or from the guarantor, as the case may be.

8. Provisions relating to doctors apply to lecturers and instructors. ---The provisions relating to doctors in section 7 of this Act shall *mutatis mutandis* apply to lecturers and instructors.

9. Act to over-ride other laws.---The provisions of this Act shall have effect notwithstanding any thing contained in any other law for the time being in force.

10/19/2021

(11)

10. Jurisdiction barred.---Save as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 and the Khyber Pakhtunkhwa Service Tribunal Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974), no order made or proceedings undertaken under this Act, or the rules made there under or any officer authorized by it shall be called into question in any Court, and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance or by any power conferred by or under this Act or the rules.

11. Removal of difficulties.---Government may, by order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

12. Power to make rules.---Government may make rules for carrying out the purposes of this Act.

© 2014 Provincial Assembly of Khyber Pakhtunkhwa. All Rights Reserved.

[Terms of Use](#) | [Privacy](#)

*[Handwritten signature]*  
14/03/2021  
Director General  
Khyber Pakhtunkhwa

x





محکمہ اعلیٰ سیکرٹری اینڈ سیکنڈری ایجوکیشن ضلع صوابی کے زیر انتظام (زنانہ) سکولوں میں درجہ ذیل آئٹمز پر کرنے کے لئے ضلع صوابی کے سکولوں میں امیدواروں سے مجوزہ فارم مورخہ 10-06-2019 تک درخواستیں مطلوب ہیں درخواست فارم FTS کی ویب سائٹ (www.ftspak.net) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں، بنائی جانے والی دستاویزات اور حاصل کردہ اسناد پر غور نہیں کیا جائے گا۔

35 تا 19 سال	(I) - کسی بھی تسلیم شدہ یونیورسٹی سے بیچلر ڈگری۔ (II) - سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریننگ حکومتی اداروں RITE / PITE سے حاصل کرنی ہوگی۔	سی ٹی (BPS-15)	1
35 تا 18 سال	(1) کسی بھی تسلیم شدہ ادارے سے سیکنڈ ڈویژن انٹرمیڈیٹ سرٹیفکیٹ یا مساوی قابلیت بمعہ ایک سالہ ڈپلومہ کمپیوٹر سائنس (2) - کسی بھی تسلیم شدہ ادارے سے سی ٹی سرٹیفکیٹ یا ADE	سی ٹی - آئی ٹی (BPS-12)	2
35 تا 19 سال	(I) - کسی بھی تسلیم شدہ یونیورسٹی سے بیچلر ڈگری۔ (II) - سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریننگ حکومتی اداروں RITE / PITE سے حاصل کرنی ہوگی۔	ایم ڈی (BPS-15)	3
35 تا 19 سال	(I) - کسی بھی تسلیم شدہ یونیورسٹی سے بیچلر ڈگری۔ (II) - سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریننگ حکومتی اداروں RITE / PITE سے حاصل کرنی ہوگی۔	پی ای ٹی (BPS-15)	4
35 تا 19 سال	(I) - ایس ایس سی سیکنڈ ڈویژن کسی بھی تسلیم شدہ بورڈ سے بمعہ شہادۃ العالمیہ فی العلوم العربیہ والاسلامیہ کسی بھی مستند تنظیمات یا وفاقات المدارس یا دارالعلوم سید و شریف سوات، دارالعلوم چارباغ، دارالعلوم دروش چترال یا کوئی دیگر دارالعلوم جو گورنمنٹ کے زیر انتظام ہو اور اس کا نوٹیفیکیشن حکومت نے وقتاً فوقتاً جاری کیا ہو یا کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے اسلامیات میں سیکنڈ کلاس ڈگری۔ (II) - سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریننگ حکومتی اداروں RITE / PITE سے حاصل کرنی ہوگی۔	ٹی ٹی (BPS-15)	5
35 تا 19 سال	(i) - کسی بھی تسلیم شدہ یونیورسٹی سے بیچلر ڈگری بمعہ شہادۃ العالمیہ فی العلوم العربیہ والاسلامیہ کسی مستند تنظیمات یا وفاقات المدارس یا دارالعلوم سید و شریف سوات، دارالعلوم چارباغ سوات، دارالعلوم چترال، دارالعلوم دروش چترال یا کوئی اور دارالعلوم جو گورنمنٹ کے زیر انتظام ہو اور اس کا نوٹیفیکیشن حکومت نے وقتاً فوقتاً جاری کیا ہو۔ یا کسی بھی تسلیم شدہ یونیورسٹی سے عربی میں سیکنڈ کلاس ڈگری۔ (II) - سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریننگ حکومتی اداروں RITE / PITE سے حاصل کرنی ہوگی۔	اے ٹی BPS-15	6
35 تا 19 سال	(I) - کسی بھی تسلیم شدہ یونیورسٹی سے بیچلر ڈگری، سید قرأت کسی بھی منظور شدہ ادارے سے (II) - سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریننگ حکومتی اداروں RITE / PITE سے حاصل کرنی ہوگی۔	قاری / قاریہ (BPS-12)	7
35 تا 19 سال	(I) - کسی بھی تسلیم شدہ یونیورسٹی سے بیچلر ڈگری۔ (II) - سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریننگ حکومتی اداروں RITE / PITE سے حاصل کرنی ہوگی۔ جس ضلع میں پرائمری سکول کی آسامی کے لئے بیچلر امیدوار دستیاب نہ ہوں وہاں انٹرمیڈیٹ سیکنڈ ڈویژن کی بنیاد پر BPS-10 میں تقرری ہوگی جبکہ بیچلر اور انٹرمیڈیٹ امیدواران کی عدم دستیابی کی صورت میں میٹرک سیکنڈ ڈویژن کی بنیاد پر سکیل BPS-07 میں تقرری ہوگی۔ البتہ BPS-10 اور BPS-07 میں تقرری حکومت کی طرف سے قوانین کی منظوری سے مشروط ہے۔	پرائمری سکول ٹیچر BPS-12 (PST)	8

سلیکشن کریٹیریا: اساتذہ کے سلیکشن کیلئے کریٹیریا درج ذیل ہے۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔

(ا) - سکریننگ ٹیسٹ بذریعہ FTS = 100 نمبر (ب) - تعلیمی قابلیت = 100 نمبر جس کی مزید تقسیم اس طرح ہوگی

تعلیمی قابلیت	کل نمبر
ایس ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
ایف اے / ایف ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
بی اے / بی ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
ایم اے / ایم ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
بی ایڈ	حاصل کردہ نمبر 05x تقسیم کل نمبر
ایم ایڈ	حاصل کردہ نمبر 05x تقسیم کل نمبر
ایم فل	حاصل کردہ نمبر 05x تقسیم کل نمبر

بی ایس چار سالہ کورس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ حاصل کردہ نمبر 40x تقسیم کل نمبر،

جبکہ پیشہ ورانہ ایم اے ایجوکیشن کی صورت میں نمبر کی تقسیم بطریقہ ذیل ہوگی۔ ایم اے ایجوکیشن حاصل کردہ نمبر 10x تقسیم کل نمبر (5 نمبر بی ایڈ + 5 ایم ایڈ) اور TT کے امیدواروں کے لئے شہادۃ العالمیہ کو ایم اے کے برابر تسلیم کرتے ہوئے مارکس ایم اے کے برابر دیے جائیں گے۔ البتہ شہادۃ العامہ، شہادۃ الجامعہ اور شہادۃ العالمیہ کے کوئی نمبر نہیں دیئے جائیں گے۔ TT اور AT کے علاوہ کسی اور کیڈر کے لیے شہادۃ العالمیہ کے کوئی نمبر امارکس نہیں ہوں گے۔

**نوٹ:** (1) ہر ضلعی آسامی کے لئے ضلع کی سطح پر علیحدہ علیحدہ میرٹ لسٹ مرتب کی جائیگی جس میں امیدواروں کے ٹیسٹ کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائیگا۔ (2) پرائمری سکول ٹیچر کے لئے میرٹ لسٹ یونین کونسل کی سطح پر مرتب کی جائیگی جس میں امیدواروں کے ٹیسٹ کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائیگا۔ (3) ٹیسٹ میں 40 فیصد نمبر لینا ضروری ہے۔ 40 فیصد سے کم نمبر لینے والا امیدوار نااہل تصور ہوگا اور میرٹ لسٹ میں شامل نہیں ہوگا۔ (4) CGPA کی صورت میں کاؤٹنگ نمبروں میں کی جائے گی۔ جس کے لئے متعلقہ یونیورسٹی سے نمبرات یا نمبرات کی فیصدی کی تصدیق شدہ سرٹیفکیٹ حاصل کرنا ضروری ہوگا۔

### عمومی شرائط

(1) تمام امیدواروں کے ڈومیسائل اور شناختی کارڈ میں مستقل سکونت ضلع صوابی کا ہونا چاہئے ورنہ درخواست پر غور نہیں کیا جائیگا۔ جبکہ پی ایس ٹی پوسٹوں کے لئے جس سکول میں آسامی خالی ہے امیدوار کا اسی یونین کونسل کا مستقل باشندہ ہونا ضروری ہے اگر اسی یونین کونسل میں امیدوار موجود نہ ہو تو اُس آسامی کے لئے ملحقہ یونین کونسل کے امیدواروں کو زیر غور لایا جائیگا۔ درخواستوں کی وصولی کی آخری تاریخ گزرنے کے بعد شناختی کارڈ کے پتہ میں کسی قسم کی تبدیلی قابل قبول نہ ہوگی۔ (2) تمام تقرریاں محکمہ ابتدائی و ثانوی تعلیم حکومت خیبر پختونخوا کے مقرر کردہ قوانین، پالیسی اور مجوزہ طریقہ کار کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی (3) معذور افراد کیلئے دو فیصد کوٹہ مختص ہے جس کیلئے سٹینڈنگ میڈیکل بورڈ کا سرٹیفکیٹ پیش کرنا لازمی ہے بشرطیکہ وہ معذور یا فرائض کی انجام دہی میں رکاوٹ نہ ہو۔ (4) اقلیت کیلئے تین فیصد کوٹہ مختص ہے۔ (5) انٹرویو کے وقت اصلی تعلیمی اسناد بمعہ اصل شناختی کارڈ اور ٹیسٹ کے دن صرف اصلی شناختی کارڈ لانا لازمی ہے۔ (6) میرٹ پر آنے والے امیدواروں کی اسناد متعلقہ ادارے سے تصدیق کرائی جائے گی جس کے تمام اخراجات امیدواروں کو برداشت کرنا ہوں گے۔ (7) انٹرویو کے لئے آنے والے امیدواروں کو کوئی TA / DA نہیں دیا جائے گا۔ (8) صرف مقررہ وقت کے اندر موصول ہونیوالی درخواستوں پر غور کیا جائے گا۔ مقررہ تاریخ کے بعد دستاویزات میں کسی قسم کا رد و بدل بھی نہیں کیا جائے گا۔ (9) زیر تخطی کو اختیار حاصل ہے کہ وہ کوئی وجہ بتائے بغیر کسی بھی وقت کلی یا جزوی طور پر انٹرویو منسوخ کر دے۔ (10) اگر اس اشتہار کے بعد حکومت وقت کی طرف سے بھرتی کے طریقہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (11) محکمہ ایلیمینٹری اینڈ سیکنڈری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار بھرتی کرے۔ (12) تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوگی۔ (13) اگر کسی امیدوار کی اسناد جعلی پائی گئی تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور آئندہ کے لئے اسے سرکاری ملازمت کے لئے نااہل تصور کیا جائے گا۔ (14) نامکمل فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائے گا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی۔ (15) انٹرویو کے لئے الگ شیڈول جاری کیا جائیگا۔ جس میں ڈاکومنٹس چیک کئے جائیں گے (16) درخواست دینے کا طریقہ کار FTS کے ویب سائٹ پر موجود ہے۔ (17) متعلقہ اضلاع کے خالی آسامیوں کی تعداد FTS کی ویب سائٹ پر موجود ہے۔ (18) پرائیویٹ (نئی) یونیورسٹیوں کی ڈگریاں ہائر ایجوکیشن کمیشن (HEC) سے تصدیق شدہ ہونی چاہیں۔

(19) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین و مجوزہ طریقہ کار کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی۔ (20) پشاور ہائی کورٹ پشاور کے فیصلے کے مطابق پانچ سکولوں کو درخواست دینے کی شرط ختم کر دی گئی ہے۔ (21) درخواست دینے کا طریقہ کار FTS کے ویب سائٹ پر دی گئی ہے۔ (22) زنانہ امیدوار پرائمری سکول ٹیچر کی آسامی کے لئے اپنے والد یا شوہر کے ڈومیسائل کے مطابق درخواست دے سکتی ہے۔ (23) امیدواروں کا ڈومیسائل کا پتہ اور قومی شناختی کارڈ کا مستقل پتہ ایک ہونا چاہئے۔

## (دلشاد بیگم)

ڈسٹرکٹ ایجوکیشن آفیسر (زنانہ) محکمہ ایلیمینٹری اینڈ سیکنڈری ایجوکیشن ضلع صوابی

Annexure - C (14)

(7)

Annexure - C (14)

S.P	Roll No	Name	Father Name	Date of Birth	NIC	Gender	Domicile	SSC	Total	Score	HSSC	Total	Score	BA 14 Y OBT	BA 14 Y Total	BA/ESC 14 Y Score	MA/BS 16 Y OBT	MA/BS 16 Y Total	MA/BS 16 Y Score	B.Ed Obtain	B.Ed Total	B.Ed Score	M.Ed OBT	M.Ed Total	M.Ed Score	M.P.M Obtain	MS Total	MS Score	P.D OBT	P.D Total	P.D Score	ACAD Total	ITS Marks	Total Score
-----	---------	------	-------------	---------------	-----	--------	----------	-----	-------	-------	------	-------	-------	-------------	---------------	-------------------	----------------	------------------	------------------	-------------	------------	------------	----------	------------	------------	--------------	----------	----------	---------	-----------	-----------	------------	-----------	-------------

**PST Female Final Merit List**

UC NARANJI No. of Posts = 05

1	85089122	NAGA GUL	SHAFIQ ULLAH	30-11-1981	1620260925701	Female	Swabi	556	900	12.35	583	1100	10.60	313	550	11.38	1160	1850	12.54	815	1200	3.40	804	1200	3.35			0.00		0.00	53.62	50	103.624
---	----------	----------	--------------	------------	---------------	--------	-------	-----	-----	-------	-----	------	-------	-----	-----	-------	------	------	-------	-----	------	------	-----	------	------	--	--	------	--	------	-------	----	---------

*[Handwritten signature]*  
 12/3/2021



Annexure - D  
(15)

Sr	Roll No	Name	Father Name	Date of Birth	NIC	Gender	Qualification	SSC	Total	Score	HSC	Total	Score	BA 14 Y	BA 14 Y	BA/BC 14 Y	MA/BA 16 Y OR	MA/BA 16 Y	MA/BS 16 Y	B.Ed	B.Ed	B.Ed	M.Ed	M.Ed	M.Ed	M.POR	MS	MS	PHD	PHD	PHD	ACAD	ITS	Total	REMARKS/
----	---------	------	-------------	---------------	-----	--------	---------------	-----	-------	-------	-----	-------	-------	---------	---------	------------	---------------	------------	------------	------	------	------	------	------	------	-------	----	----	-----	-----	-----	------	-----	-------	----------

PST Female Final Merit List

UC TURANDI, No. of Posts = 02

1	35070141	MUNHSANA BEGUM	SHER MUSAIB	14-02-1991	1829408343506	Female	Swabi	690	900	15.33	850	1100	15.45			0.00	3.5	4	35.00													0.00	0.00	65.79	68	133.788	REFUSED			
2	35017222	SUMAYYA	FADEL TAWAB	20-03-1996	1628748204187	Female	Swabi	795	1050	15.14	813	1100	14.78			0.00	3652	4200	34.78													0.00	0.00	64.71	66	130.706				
3	35069180	FATIMA MUSSAM	SHER MUSSAM	03-03-1996	1629406039340	Female	Swabi	810	1050	15.43	783	1100	14.24	444	550	16.15	1745	2200	15.86													0.00	0.00	61.67	67	128.674	MARKS CORRECTED			
4	35064253	DUR MARJAN	SHAFI ULLAH	08-01-1994	1629408142958	Female	Swabi	827	1050	15.75	762	1100	13.85	424	550	15.42	1836	2100	17.49													0.00	0.00	62.51	65	127.511	MARKS CORRECTED			
5	35069184	MUNHAZZA BEGUM	HADRAT KHAN	17-11-1990	1628228846826	Female	Swabi	679	900	15.09	807	1100	14.67	430	550	15.64	914	1200	15.23	633	900	3.52											0.00	0.00	64.15	55	119.148			
6	35069459	SABAHAT KHAN	HUKAM KHAN	01-04-1994	1620273004332	Female	Swabi	889	1050	16.93	845	1100	15.36	411	550	14.95	3.63	4	18.15														0.00	0.00	65.39	53	118.392			
7	35064308	ROKAD SHAH	TAJ ALI SHAH	03-09-1990	1628249843444	Female	Swabi	685	1050	13.05	585	1100	10.64	340	550	12.36	645	1100	11.73	727	1100	3.31												0.00	0.00	51.08	62	113.080		
8	35069475	SIDRA	MIRAJ MUHAMMAD	14-11-1995	1620408189828	Female	Swabi	752	1050	14.32	794	1100	14.44	347	550	12.62	725	1100	13.18															0.00	0.00	54.56	58	112.560		
9	35069664	SHAUSTA BESHAD	MUHAMMAD BESHAD	18-04-1990	1629406083172	Female	Swabi	703	1050	13.39	629	1100	11.44	302	550	10.88	1709	2300	14.86	866	1200	3.61												0.00	0.00	54.28	56	110.278		
10	35067661	SOBHA GUL	SHAFIQ ULLAH	01-04-1997	1620243058832	Female	Swabi	836	1050	15.92	718	1100	13.05	400	550	14.55	631	1100	11.47															0.00	0.00	55.00	55	109.997		
11	35070161	BEENA AFSAR	AFSAR AJ	27-05-1989	87207171899638	Female	Swabi	738	1050	14.06	556	1100	10.11	778	1500	10.37	3.7	4	18.50	597	900	3.32												0.00	0.00	56.36	53	109.357		
12	35088123	OLKASHHEEN	SABIR KHAN	20-01-1989	1620273533928	Female	Swabi	758	1050	14.44	672	1100	12.22	308	550	11.20	1298	1900	13.66	884	1200	3.68	766	1200	3.19										0.00	0.00	58.39	49	107.394	
13	35066586	Subhda Latoun	subhda ulah	05-04-1990	1620290429786	Female	Swabi	822	1050	15.66	731	1100	13.29	305	550	11.09	695	1100	12.64																0.00	0.00	52.67	53	105.675	
14	35068509	NAYAB SHAH	TAJ ALI SHAH	11-05-1984	1620280356264	Female	Swabi	511	850	12.02	717	1100	13.04	311	550	11.31	543	1100	9.87	716	1100	3.25	810	1200	3.38										0.00	0.00	52.87	49	101.872	
15	35089546	BUSHRA BIBI	SYED SAMDAN JAN	25-02-1980	1624248737670	Female	Swabi	513	850	12.07	575	1100	10.45	291	550	10.58	523	1100	9.51																0.00	0.00	42.62	59	101.616	
16	35066802	OHIBA RAJ	RAJ AJ	14-08-1994	1620405908282	Female	Swabi	830	1050	15.81	750	1100	13.64	438	550	15.93			0.00															0.00	0.00	45.37	56	101.373		
17	35018390	SAMA KHAN	HADRAT KHAN	18-03-1995	1620220345876	Female	Swabi	793	1050	15.10	814	1100	14.80			0.00	4037	4700	17.18															0.00	0.00	47.08	53	100.083		
18	35068879	ELA BADAN	SHAIKAT AJ	04-04-1993	1620406116848	Female	Swabi	764	1050	14.55	706	1100	12.84	370	550	13.45	3.03	4	15.15															0.00	0.00	55.99	44	99.993		

Signature  
8/9/2021

96

16

S.#	Roll No	Name	Father Name	Date of Birth	NIC	Gender	DomKla	SSC	Total	Score	HSSC	Total	Score	BA 14 Y GT	BA 14 Y Total	BA/BSC 14 Y Score	MA/B.S 15 Y Obt	MA/B.S 15 Y Total	MA/B.S 16 Y Score	B.Ed Obtain	B.Ed Total	B.Ed Score	M.Ed Dnt	M.Ed Total	M.Ed Score	M.Phil Obtain	MS Total	MS Score	PhD Obt	PhD Total	PhD Score	ACAD Total	PTS Marks	Total Score	REMARKS/
-----	---------	------	-------------	---------------	-----	--------	--------	-----	-------	-------	------	-------	-------	------------	---------------	-------------------	-----------------	-------------------	-------------------	-------------	------------	------------	----------	------------	------------	---------------	----------	----------	---------	-----------	-----------	------------	-----------	-------------	----------

### PST Female Final Merit List

19	3505440	MIRA SAYYED	IQRAR SAYYED	04-04-1993	1620287646818	Female	Swabi	729	1050	13.89	615	1100	11.18	369	550	13.42	3.77	4	18.85			0.00			0.00			0.00			0.00	57.34	42	99.336	
20	35070302	BUSHRA WAHAB	NOOR UL WAHAB	01-04-1986	1620204879822	Female	Swabi	457	850	10.75	615	1100	11.18			0.00	2025	3900	20.77			0.00			0.00			0.00			0.00	42.70	56	98.704	
21	35068488	SHADAB	QAMAR ALI	02-09-1992	1620403910026	Female	Swabi	669	1050	12.74	725	1100	13.18	246	550	8.95	661	1100	12.02	618	900	3.43	813	1200	3.38			0.00			0.00	53.70	42	95.700	
22	35069883	ALQAF BEGUM	MUHAMMAD AMIN	20-04-1985	1730186235488	Female	Swabi	472	850	11.11	694	1100	12.62	288	550	10.47	667	1100	12.13			0.00	744	1200	3.10			0.00			0.00	49.42	45	94.424	
23	35066571	SHAHZADI SHAH	FAZAL HABI SHAH	20-01-1990	1610168726226	Female	Swabi	581	900	12.91	571	1100	10.38	350	550	12.73	571	1100	10.38			0.00			0.00			0.00			0.00	46.40	48	94.402	
24	35067041	RANI KAUSAR	SARDAR HUSSAIN	15-04-1986	42301632216904	Female	Swabi	589	850	13.86	626	1100	11.38	321	550	11.67	816	1100	14.84			0.00			0.00			0.00			0.00	51.75	40	91.749	
25	35067787	SAMIA	QAMAR ALI	30-06-1993	1620403903246	Female	Swabi	656	1050	12.50	684	1100	12.44	298	550	10.84	630	1100	11.46			0.00			0.00			0.00			0.00	47.22	42	89.223	
26	35067233	NIZELAM NAVEESH	MUHAMMAD NAVEESH	02-02-1986	1620268380131	Female	Swabi	768	1100	13.96	752	1100	13.67	379	550	13.78			0.00			0.00			0.00			0.00			0.00	41.42	46	87.418	
27	35066397	SHAH RUKH	MUHAMMAD HUSSAIN	01-08-1994	1620404039158	Female	Swabi	721	1050	13.73	781	1100	14.20	342	550	12.44			0.00			0.00			0.00			0.00			0.00	40.37	47	87.370	
28	35070254	UMM E KALSODI	MUHAMMAD SALIM	28-03-1995	1620298089502	Female	Swabi	743	1050	14.15	680	1100	12.36	781	1200	13.02			0.00	1019	1360	3.75	3.05	4	0.00			0.00			0.00	43.28	44	87.279	
29	35067010	AMREEN ALI	MUHAMMAD ALI	06-11-1988	1620288652284	Female	Swabi	606	850	14.26	740	1100	13.45	330	550	12.00			0.00	597	900	3.32			0.00			0.00			0.00	43.03	44	87.030	
30	35069361	AYESHA	HEHAD ALI	01-02-1997	1620406369622	Female	Swabi	610	1050	11.62	706	1100	12.84	337	550	12.25			0.00			0.00			0.00			0.00			0.00	36.71	49	85.710	
31	35067297	FARHEENA BEGUM	FAZAL UL MANAN	25-12-1995	1620406368226	Female	Swabi	699	1050	13.31	696	1100	12.65	368	550	13.38			0.00			0.00			0.00			0.00			0.00	39.35	46	85.351	
32	35066591	HINA AMIN	MUHAMMAD AMIN	02-02-1996	3740522426074	Female	Swabi	791	1050	15.07	729	1100	13.25	388	800	9.70			0.00			0.00			0.00			0.00			0.00	38.02	42	80.021	

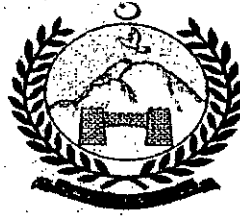
*[Handwritten Signature]*  
 18/3/2021  
 OFFICIAL USE ONLY  
 18/3/2021

Annexure - E

(17)

Annexure - E

DA (6)  
DFA -  
(13)



**DISTRICT EDUCATION OFFICE (FEMALE) SWABI**

(Office phone Fax No 0938280339, [emisfswabi@yahoo.com](mailto:emisfswabi@yahoo.com))

No. 203 /DA-I/File/ reinstate/ Dated 27/11 /2021

To,

The Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar.

Subject; - **DEPARTMENTAL APPEAL.**  
Memo: -

Reference to your good Office Letter No. 6801/F.No:566/F/ Appeal Swabi dated Peshawar the 24.12.2020 the subject cited above, the requisite report and comments are as under.

1. Admitted to the extent that the appellant is domiciled in Khyber Pakhtunkhwa and belongs to village and union council Turlandi, Tehsil Razzar, District Swabi. A District cadre posts including PST posts were advertised through daily news papers in the year 2019. PST posts were advertised union council Based. The appellant did not apply to her native union council. She belongs to union council Turlandi but applied for PST post to union council Naranji, which is neither her native union council nor her adjacent union council. She was wrongly appointed against union council Naranji post vide Endst. No. 1033-39 at S.No. 59. Then a complaint against the appointment of the appellant was lodged by the elders of union council Naranji. The appellant was proceeded and a speaking order of withdrawal was issued.
2. That the appellant did not apply to her native union council. She applied to out union council and she was wrongly appointed there.
3. That the appellant does not belong to union council Naranji and union council Naranji is also not adjacent union council of union council Turlandi. Thus her illegal appointment order was withdrawn.
4. That the appellant is not an aggrieved person at all because she does not belong to union council Naranji. Union council Naranji is also not an adjacent union council of union council Turlandi. Thus she has no cause of action to file the instant appeal and the appeal in hand may be dismissed inter alia the following grounds.
  - A. Incorrect, hence denied, the Impugned order, whereby the first appointment order of the appellant as PST dated 27.4.2020 was withdrawn is legal, lawful, with lawful authority, with jurisdiction and norms of natural justice.

B. That during apply and process of recruitment the appellant had concealed the material facts.

*[Handwritten signature]*  
8/3/2021

18

18

- C. Incorrect, hence denied, she concealed the material facts from the department.
- D. Incorrect, hence denied, her appointment order was illegal, thus rightly withdrawn.
- E. Incorrect, hence denied, her illegal order was rightly withdrawn.
- F. That the appellant herself confessed she did not belong to the union council, where she was appointed.

Report and comments are submitted for your kind perusal and consideration.

*[Handwritten signature]*  
8/2/2021

*[Handwritten signature]*  
11/1/2021  
DISTRICT EDUCATION OFFICER  
(FEMALE) SWABI  
*[Handwritten initials]*

Annexure-F

(19)

Annexure-F

(19)

DA.V

To,

District Education Officer,  
Female Swabi.



Subject: Complaint Appointment in UC Naranji from Wrong Union Council.

Madam

I want to bring into your kind notice that a teacher Naila Gul has been appointed at Union Council Naranji but she is resident of another Union Council. She is not from that Union Council Naranji.

It is requested to kindly cancel his appointments illegal,, and give her proper punishment please.

Dat : 28-10-2020

District Education Officer,  
(Female) Swabi.

اعلیٰ العزیز نانی  
Elders of Adjacent Union Council

Naranji



BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1046

Dated 06-09-2017

Appeal No. 1056/2017

Manzoor Ali Ex- C T, GMS Sarkoi Bala, (Gadoon)  
District Swabi. (Appellant)

VERSUS

- ✓ 1. Govt of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- ✓ 2. Director, Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- ✓ 3. District Education Officer (Male) Swabi.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the Order dated 02.05.2017, whereby the appellant has been Removed from Service, against which his departmental Appeal dated 09.05.2017 has not been responded despite the lapse of 90 days statutory period.

Filed to-day

Registrar

6/9/17

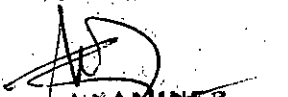
Prayer in Appeal: -

Re-submitted to-day  
and filed.

Registrar

On acceptance of this appeal the impugned order dated 02.05.2017, may kindly be set aside and the appellant may be re-instated into service with all back benefits of service.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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

Service Appeal No. 1056/2017

Date of Institution ..... 06.09.2017

Date of Decision ... 18.06.2021



Mazoor Ali Ex CT, GMS Sarkoi Bala, (Gadoon) District Swabi

... (Appellant)

VERSUS

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

... (Respondents)

Present:

MR. ZARAJ ANWAR

Advocate.

--- For Appellant

MUHAMMAD ADEEL BUTT

Additional Advocate General

--- For Respondents

AHMAD SULTAN TAREEN

ROZINA REHMAN

--- CHAIRMAN

--- MEMBER(Judicial)

JUDGEMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named above has invoked the jurisdiction of this Tribunal through service appeal described above in the heading challenging thereby the order of Departmental Appellate Authority as to his removal from service against which his departmental appeal was not responded to till ending of 90 days waiting period.

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

2. The facts as precisely gathered from the memo of appeal include that the appellant, in pursuance to an advertisement published in the year 2014 inviting candidacy for various posts including the post of CT Teacher, had applied in the prescribed manner and was tested and interviewed by NTS (National Testing Service). He, when found fit and eligible for the post of CT, was appointed by the competent authority with approval of the selection committee, vide order as annexed with the memo of appeal. He took over the charge in pursuance to his appointment order and had performed his duties as CT teacher. While he was performing his duties in the said capacity, in the year 2015, a writ petition was filed by one Hamza Ali Khan in the Peshawar High Court, Peshawar seeking appointment against the CT post and the present appellant was arrayed as party in panel of respondents. However, the appellant was not notified about the same by the Hon'ble Peshawar High Court, Peshawar and the said writ petition was disposed of without affording opportunity of hearing to him. According to copy of the judgment annexed with memo of appeal, the operative part of said judgment is as follows: *"Keeping in view the above stated position, we are afraid we cannot entertain the request of the petitioner as far as his appointment is concerned. However, before parting with this order, we have noticed with a great degree of concern the performance of the NTS Authorities in compiling their result and the case of the respondent No. 4 is one such instance whereby he has been give 40 extra marks and that is how he stood on a better merit position when it come to the final result of the candidates. They are, therefore, not just directed but warned to be very careful as the future of so many persons is involved with the result which they ultimately present before the concerned departments. As far as the respondent No.4 is concerned,*

ATTESTED

EXAMINER  
 Scholastic & Subjective  
 National Testing Service  
 Islamabad



*respondent department shall look into the matter and decide accordingly keeping in view out directions.* That the respondents in light of directions made in order and judgment of the High Court in the writ petition conducted the so called inquiry to probe into the matter by doing so as to save their own side and NTS authorities shifted all the allegations on should of appellant. He duly appeared in the NTS test and qualified the same and that was the NTS authority who submitted the test result to the office of District Education Officer and on the basis of which the appointment order was issued. The respondents on the basis of their so called inquiry issued illegal and unlawful show cause notice to the appellant on 15.04.2017 which was duly replied by denying all the allegations levelled against the appellant. Consequently, he was removed from service vide office order dated 02.05.2017 without affording him proper opportunity and without inquiring the conduct of the NTS authorities. Being dissatisfied with the order of his removal from service, he filed departmental appeal 09.05.2017 which was not responded to till ending of 90 days waiting period leading to its presumptive rejection. In the next course, the appellant approached this Tribunal by the service appeal at hand.

3. The respondent after admission of the appeal for full hearing were put on notice. They on attending the proceedings filed written reply/comments refuting the claim of appellant for the relief as sought by him in the memorandum of appeal.

4. We have heard the arguments and perused the record.

5. It was argued on behalf of the appellant that he was not treated in accordance with law and as such, his rights guaranteed under the Constitution were badly violated; that proper procedure was not adopted before condemnation

*[Handwritten signature]*

ATTESTED

*[Handwritten signature]*  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

of the appellant with the impugned order of his removal from service in a quite disregard to the principles of natural justice; that he was not afforded with opportunity of personal hearing and was condemned unheard; that he never committed any act or omission which could bring his case within mischief of misconduct taken as ground for disciplinary proceedings against him resulting into his removal from service. The counsel for the appellant concluded his arguments with the submission that the disciplinary action of respondents against the appellant is totally against the facts and law and impugned order resulting therefrom is not tenable and liable to be set aside. He requested for acceptance of appeal as prayed for.

6. It was argued on behalf of respondents that appointment of the appellant was procured by a misleading result submitted to the department by NTS in connivance with the appellant; that it stood proved through fact finding inquiry conducted after the direction of Hon'ble High Court that result produced by the NTS in favor of the appellant was maneuvered by the appellant by intentional misrepresentation; that axiomatically a man cannot be permitted to take advantage of his own wrong and he will not be allowed to find any claim on his own inequity; and that this Tribunal lacks jurisdiction to adjudicate in the case of appellant for the reason that by virtue of his appointment being on contract basis bringing him out of the definition of civil servant as defined under Section 2(1) (b) of Khyber Pakhtunkhwa Civil Servants Act, 1973 was not entitled to invoke the jurisdiction of this Tribunal. Learned AAG concluded his arguments with the submission that the appellant was rightly removed from service and his appeal is worth dismissal with costs, on merits as well as due to lacking of jurisdiction by this Tribunal.

*[Handwritten signature]*

ATTESTED

*[Handwritten signature]*  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

7. We will firstly take up the question of bar of jurisdiction of this Tribunal for determination; and if we are able to exclude the jurisdictional bar, then decision of the case on merit will be possible. According to the written reply of respondents, the foremost preliminary objection was related to the bar of jurisdiction. Accordingly, it was asserted that the appellant was contract employee, and the Service Tribunal has no jurisdiction to entertain cases of employees on contract basis. This objection was not settled at motion stage of the appeal but expediency of settlement of this objection is still relevant before saying any word on merits. It is evident from copy of the appointment order annexed with memo of appeal that appointment of the appellant was made on contract basis. He was removed from service by the impugned order passed on 2/5/2017 wherein it is also provided that his removal was made from *ad hoc*/contract school based government service. Although the services of the contract employees were regularized by promulgation of Khyber Pakhtunkhwa Employees of the Elementary and Secondary Education Department (Appointment and Regularization of Services) Act, 2017 but after removal of the appellant from service. The said Act was passed by the Provincial Assembly on 15<sup>th</sup> December, 2017 and got assent of the Governor on 4<sup>th</sup> January, 2018. The appellant by then had lost the incumbency of CT post against which his appointment was made on contract basis. According to Section 3(1) of the Act *ibid*, the employees who held posts till commencement of the Act, were deemed to have been validly appointed on regular basis from the day of initial appointment. Thus, having no right accrued to him by virtue of the said Act, the appellant was a contract employee at the time of his removal from service and was excluded from the definition of civil servant as already dilated upon herein

*[Handwritten signature]*

ATTESTED

*[Handwritten signature]*  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

above. Under sub section (2) of Section 3 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, the jurisdiction of this Tribunal extends exclusively in respect of matters relating to the terms and condition of service of civil servants. Similarly, right of appeal to Tribunal under section 4 of the Act ibid has been given a civil servant. Thus, appeal to Tribunal by a government servant not falling within definition of civil servant is impliedly barred by law. The objection of respondents as to lacking of the jurisdiction of this Tribunal in case of the appellant and absence of his right of appeal to this Tribunal is well placed. Absence of jurisdiction of this Tribunal and of the appellant's right of appeal to this Tribunal due to his not falling within the definition of civil servant under Khyber Pakhtunkhwa Civil Servants Act, 1973, require a determination as to fate of his appeal in accordance with law. This Tribunal within meaning of sub section (2) of section 7 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 has got powers of a Civil Court as are vested in the said Court under the Code of Civil Procedure, 1908. Order VII Rule 10 CPC confers upon a civil court powers of return of plaint at any stage for its presentation to the Court in which suit should have been instituted. Order VII Rule 11 CPC deals with eventualities necessitating rejection of a plaint and one among them is that where the suit appears from the statement in the plaint to be barred by any law. So, this Tribunal having powers of a civil court is competent to have resort to the said provisions of CPC for dealing with this appeal. When we are not able to indicate another proper forum to deal with the matter in appeal, it would not be a befitting course to return the appeal within meaning of Order VII Rule 10 CPC and rejection of appeal on analogy of Order VII Rule 11 CPC is doable when appellant's right of

*[Handwritten signature]*

ATTESTED


*[Handwritten signature]*  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar


27

appeal to Tribunal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 is impliedly barred due to his lacking status of a civil servant.

8. For what has gone above, the appeal described above in the heading of this judgment is rejected. There is not order as to costs. File be consigned to the record room.

Announced  
18.06.2021

  
(ROZINA REHMAN)  
MEMBER(J)

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

Certified to be true copy

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 14-9-21

Number of Words 320

Copying Fee 34/-

Urgent 5/-

Total 38/-

Name of Copyist \_\_\_\_\_

Date of Completion of Copy 14-9-21

Date of Delivery of Copy 14-9-21

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

In Ref: to Service Appeal No.7763/2021.

**Mst; Naila Gul .....VS....Director E & SE Department KPK etc.**

Rejoinder on behalf of the appellant to the comments  
filed by the Respondents in Service Appeal No 7763/2021.

**Respectfully Sheweth;**

The appellant humbly submits as under:

Reply to the Preliminary objections:

1. Incorrect. The appellant being well qualified was validly appointed against the vacant and sanctioned post of PST in accordance with law, Rules, Practice and Policy promulgated by the Government of Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act, 2011. It is pertinent to mention here that initially the appellant had filed a Writ Petition bearing No. 5732-P/2020 whereas the appellant being declared as Civil Servant was directed and accordingly the Writ Petition was converted into Service Appeal and subsequently transmitted to this august Tribunal for disposal.
2. Incorrect. Detailed reply has been given in Para-"1" above.
3. Incorrect. The appointment Order of the appellant as PST teacher had taken legal effect who had served the esteemed Department as PST for more than 06 months and hence principle of locus Poinententia is validly attracted.
4. Incorrect. The instant appeal is fully competent, vigorously maintainable and the appellant has genuine cause of action locus and this august Tribunal has the jurisdiction to adjudicate upon the matter.
5. Incorrect. Detailed reply has been given in Para-"4" above.
6. Incorrect. The appellant having genuine arguable case on the score that in response to the advertisement of Respondents for certain post of PST, those were Respondents who accepted the testimonials of the appellant and no objection whatsoever had been raised at that time

7. Incorrect. The instant appeal having a solid locus standi and cause of action is fully maintainable and fully competent being well within time.
8. Incorrect. The appellant came to this honorable court with a genuine cause for the enforcement of her legally vested and acknowledged rights with quite clean hand.
9. Incorrect. The appellant has nothing to do with any alleged concealment of facts on her part as she had duly submitted her testimonials with the Respondents which were duly accepted and no objection whatsoever was forwarded at that time.
10. Incorrect. All necessary parties have fully been arrayed in the hierarchy of Respondents.
11. Incorrect. The appellant has a candid & straight forward stance and cause of action having relying on the accepted norms of justice is but optimistic to acquire relief in the instant case from this honorable court and any alleged pressure game is out of question.
12. Incorrect. Detailed reply has been given in Para-"8" above.
13. Incorrect. Detailed reply has been given in Para-"7" above.
14. Incorrect. Detailed reply has been given in Para-"7" above.

**REPLY ON FACTS:-**

1. Incorrect. The appellant violated but no rules or regulations rather it was the act of the Respondents who duly accepted the testimonial of the appellant and now on belated misplaced and misconceive grounds recall their previous orders as the Respondents right from the inception were aware about the knowhow and whereabouts of the appellant but no objection was raised as such and now on the edifice of malafide intention recalling the vested rights of the appellant which is incompatible with the accepted norm of justice and equity.
2. Correct to the extent that certain post of PST were advertised under certain rules and regulation but incorrect for the rest of the Para as the testimonials of the appellant were duly submitted to the Respondent department which were accepted and the appellant was duly appointed. The appellant duly took charge and for a long span of time acceded to his duties with utmost hard work and dedication and no objection as regards his residence or performance was raised but at the spur of moments her service were terminated on the cause which is not maintainable more so there were no suitable nominee to the indicated PST post in the pointed union council or adjacent union council.

3. Incorrect. The appellant doesn't violated any law, rules and regulations rather it was respondents who violated the fundamental rights of bread and butter of the appellant by terminating her services on the pretext of illegal and illogical footings as the appellant did apply in response to the advertisement to the vacant post on the level of swabi district and was duly selected to the post of PST teacher by the Respondent and now the respondents are violating their own conduct by terminating her services and their such act come within the purview of Estoppel and as such condemnable and deserve to be recalled and Petitioner re-instated.
4. Incorrect. It were the Respondents who selected the appellant to the PST post and after selection the appointment has taken the legal effect and can in no eventuality be recalled by the Respondents, that is what the doctrine of Locus Poenitentiae inculcates.
5. Incorrect. The appointment of the appellant has taken its legal effect and in no upshot it could be withdrawn.
6. Incorrect. The withdrawal order is fraught with impalpable surges of flaws as the appointment order of the appellant has taken its legal course and effect and withdrawal of such order is able to be repudiated of being violative of the principle of Locus Poenitentiae.
7. Incorrect. The appellant was condemned unheard and no opportunity of personal hearing was bestowed upon her more so appeal is well within time and fully matured.
8. Incorrect. The appeal is maintainable as being matured and appellant is an aggrieved person as her fundamental rights of service have been usurped by the Respondents while she has a good arguable cause of action and the appellant is sanguine of relief in her favor.

**On Grounds:-**

- A. Incorrect. The Petitioner in response to the advertisement of PST Teachers promulgated by the Respondent submitted her testimonials which were duly accepted by the Respondents and no objection as to the concealment of any fact either of her union council or any material fact of her union council whatsoever and did not commit any alleged forgery or in any way indulged in giving any false statement rather the matter of fact is that she was duly appointed by the Respondent department and now on one pretext or other is amenable to withdraw her appointment order to appoint their blue eyed ones in her stead.
- B. Incorrect. The underlying matter of fact is that while in response to the advertisement promulgated by the Respondents for recruitment to the



PST posts, the appellant moved application along with her testimonials coupled with the Domicile Certificate and a copy of her CNIC for recruitment to the mentioned post based in swabi cadre, which testimonials in glaring way crystal clarifying the fact that the appellant was the permanent inhabitant of Turlandi Union Council but appellant was not stigmatized for any alleged concealment of any fact then as her testimonials were in the possession of Respondents, who duly appointed her to the said post and now terminating her services for the such matter of fact is against the accepted norms of justice.

- C. Incorrect. The matter has viciously been discussed in Para-"A" & "B" above.
- D. Incorrect and hence denied. The Rule of Locus Poenitentiae is applicable with its full grace and power. The respondents recruited the appellant to the post of PST while duly accepting and adhering to her fulfillment of her pre-requisite criteria for the said post after taking charge and serving the Respondent department for a length of time, the department is not to be heard uttering her appointment as illegal as on legal parlance no one could be condemned for the act of other, now recalling the previously promulgated order is not mandated by law and will come will within the ambit of Locus Poenitentiae. The precedents quoted have different matter of facts and in turn different bearings.
- E. Incorrect and denied. Time and again inculcated that the testimonials were duly accepted and in turn she was duly appointed and no fact was allegedly concealed either.
- F. Incorrect. The promulgated laws, rules and regulations, principles of natural justice, equity were taken at stake and thrown away while recalling the recruitment order as such and no codal formalities were complied with which is incompatible to the accepted norms of justice. The appellant was condemned unheard and Coram non Judice was resorted to hence recalling order is grossly illegal and come within the purview of Locus Poenitentiae.
- G. Incorrect and hence denied. The appellant had provided her testimonials coupled with the Domicile Certificate and a copy of her CNIC which contain information regarding her native union council and hence no incorrect information has ever been provided as such and the appellant did not violate and law or stipulations of advertisement.
- H. Incorrect. The appellant was condemned un-heard and the order does not hold the filed on legal footings.


5

- I. Incorrect. various fundamental rights enshrined in the constitution by the legislature which are embodied in article 4, 25 and 27 were grossly violated by the Respondents and malafide is floating on the surface of recalling order having a bird eye view glance at the available record.
- J. That other factual and legal ground will be agitated at the time of hearing the petitioner at the bar.

It is, therefore, requested that on accepting the instant rejoinder, the appellant may kindly be reinstated to her services and the recalling impugned order be declared void abi-nitio.


APPELLANT

Through

  
Muhammad Usman Khan  
Turlandi  
Advocate Supreme Court.

### AFFIDAVIT

I, Mst; Naila Gul D/O Shafique Ullah R/O Mohallah; Shagai, Village; Turlandi, Tehsil; Razzar and District Swabi, the appellant do hereby solemnly affirm that the contents of the accompanying "Rejoinder" in the subject appeal is true and correct to the best of my knowledge and belief and nothing has been kept or concealed therein from this honorable Tribunal.

  
Mst; Naila Gul (Appellant)

Dated: \_\_\_\_/06/2022.