

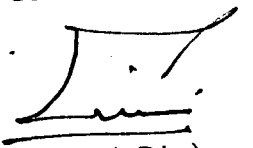
20.09.2022

Learned counsel for the appellant present. Mr. Muhammad Faheem, Assistant on behalf of respondents No. 1 to 3 alongwith Mr. Muhammad Adeel Butt, Additional Advocate General present. None present on behalf of official respondent No. 4 as well as private respondent No. 5.

Written reply on behalf of official respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant.

Previous two consecutive dates were changed on Reader Note, therefore, notice be issued to respondents No. 4 & 5 through registered A.D with the direction to submit written reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck of. Adjourned. To come up for submission of written reply/comments on behalf of respondents No. 4 and 5 on 04.11.2022 before the S.B.

The appellant shall submit registered A.D within 02 days.



(Salah-Ud-Din)
Member (J)

04.11.2022

Clerk of counsel for the appellant present.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No. 12780/2020 titled "Shams Un Nehar Vs. Education Department" on 15.12.2022 before S.B.


(Rozina Rehman)
Member (J)

SCANNED
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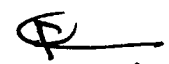
27.06.2022

Appellant alongwith his counsel present.

Learned Member (Executive), is on leave.
Therefore, the case is adjourned to 08.08.2022
for the same as before.


READER

8.8.2022 Due to The Public Holiday The
Case is Adjourned to 20-9-2022


Reader

14.12.2021


Counsel for the appellant present. Mr. Noor Zaman Khattak,
District Attorney for respondents present.

Written reply/comments not submitted. Learned District
Attorney seeks time to contact the respondents for submission of
written reply/comments. Fresh notice be issued to the
respondents for submission of written reply/comments.
Adjourned. To come up for written reply/comments on
23.02.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

23.02.2022

Due to retirement of the Hon'able Chairman, the case is
adjourned to 9.05.2022 for the same before D.B.


Reader

09.05.2022

Junior to counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate
General alongwith Haseen Ullah Assistant for respondents
present.

File to come up alongwith connected Service Appeal
No.12780/2020 titled Shams un Nihar Vs. Government of
Khyber Pakhtunkhwa 27.06.2022 before S.B.


(Rozina Rehman)
Member (J)

Stipulated period passed reply not submitted.

29.07.2021

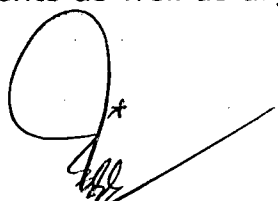
Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

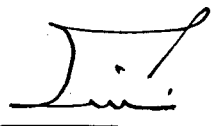
16.10.2021

Ms. Najma Kamran, Advocate, for the appellant present and submitted fresh Wakalat Nama on behalf of the appellant, which is placed on file. Ms. Surrya, District Education Officer (F) and Mr. Mujeeb-ur-Rehman, Assistant Accounts Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents present and sought time for submission of reply/comments. Adjourned. To come up for reply/comments as well as arguments on 14.12.2021 before the D.B.

None present on behalf of private respondent No. 5, therefore, notice be issued to her for submission of reply/comments as well as arguments for the date fixed.



(MIAN MUHAMMAD)
MEMBER (E)



(SALAH-UD-DIN)
MEMBER (J)

10.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal and just objections. 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 in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 26.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee ▶

10/6/21

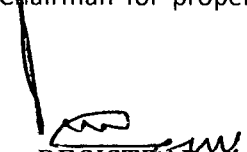

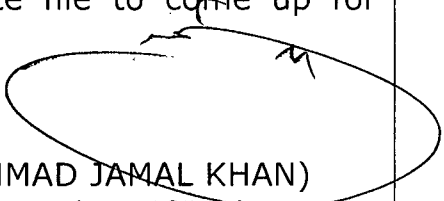


Chairman

R

FORM OF ORDER SHEET

Court of _____

Case No.- 12781 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/10/2020	<p>The appeal of Mst. Romana Bashir resubmitted today by post through Mr. Masood-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	30.11.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Neither appellant nor anyone else representing him has appeared despite having been called time and again, therefore, appellant as well as his respective counsel be noticed for 24.02.2021 on which date file to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER (JUDICIAL)</p>
	24.02.2021	<p>The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 10.06.2021.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mst. Romana Bashir Theology Teacher District Bannu received today i.e. on 12.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2952 /S.T,

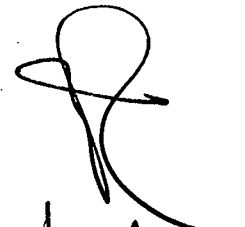
Dt. 14/10 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Masood-ur-Rehman Adv.
High Court Bannu

Respected Sir,

- 1- Annexure of appeal is already attested with remarks C.T.C signed by my counsel so needs no attestation
- 2- Annexures are flagged
- 3- 2 more copies is submitted so appeal is submitted again.


24/10/20

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 12781/2020.

Mst. Romana Bashir.

...(Appellant)

Versus.

Government of Khyber Pakhtunkhwa through Secretary Education Khyber
Pakhtunkhwa Civil Secretariat Peshawar and others.

INDEX

S#	Description of documents	Annexed as	Page(s)
1.	Grounds of Service appeal		1 - 4
2.	Affidavit		5
3.	Addresses of the parties		6
4.	Copy of Advertisement	"A"	7
5.	Copy of Appointment order	"B"	8 - 9
6.	Copy of High Court Judgment	"C"	10 - 23
7.	Copy of Appointment order	"D & E"	24 - 26
8.	Copies of service appeal	"F" "G"	27
9.	Copy of registry receipt	G	28
10.	Wakalatnama		29

Dated: 9-10-20

Romana Bashir
Appellant

Romana Bashir

Through,

Masood Ur Rehman Wazir
Advocate, High Court, Bannu
Cell:- 03339740590

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2020.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11899

Dated 12/10/2020

Romana Bashir D/O Bashir Ahmad Theology teacher (TT) R/O House
No.646/C Mohallah Jewan Singh District Bannu.

...(Appellant)

Versus.

1. Government of Khyber Pakhtunkhwa through Secretary Education
Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Director Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer female Bannu.
4. District Account Officer Bannu.
5. Fozia Aslam D/O Muhammad Aslam Theology Teacher (TT) posted
GHS No.3 Bannu.

.....Respondents / defendants

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 FOR GRANT OF SENIORITY/ARREAR OF PAY
AND OTHER BACK BENEFITS W.E.F 04/01/2011 TO 19/07/2019
WHICH IS GRANTED TO RESPONDENTS NO.5 ALONG WITH OTHER
THEOLOGY TEACHERS WHO ARE APPOINTED AND DENIED TO
PETITIONER WHICH IS DISCRIMINATORY AND VIOLATION OF
ARTICLE 25 OF CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

Filed to-day

Registrar

12/10/2020

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL AND
GRANTING SENIORITY ARREAR OF PAY AND OTHER
BACK BENEFITS WHICH IS GRANTED TO RESPONDENTS
NO.5 ALONG WITH OTHER EMPLOYEES OF AT POST
WHO ARE STANDING ON SAME FOOTING HENCE
PETITIONER MAY BE GRANTED SENIORITY ARREAR OF
PAY AND OTHER BACK BENEFIT W.E.F 04/01/2011 TO
19/07/2019.

2

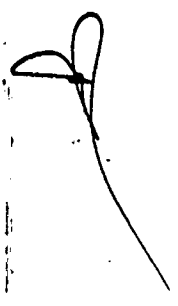
RESPECTFULLY SHEWETH:

- 1) That, respondent No.1 to 4 issue advertisement for appointment of Theology teacher on dated 24/04/2010. (Copy of advertisement as annexure "A)
- 2) That, on response appellant submitted application for appointment appeared in test and interview and dropped from the appointment due to appointment of fake degree holder and accommodate of less merit candidate due to political intervention and on dated 04/01/2011 appointment order are issued. (Copy of appointment order as annexure "B).
- 3) That, after petitioner filed a writ petition No. $\frac{449}{16}$ before Peshawar High Court Bannu Bench and on dated 09/05/2017 in a consolidated judgment in the name of Safina Jahan vs Provincial Government the Honourable high Court directed to terminate all the bogus certificate holders and appoint the petitioner and other on merit candidate and against the judgment of Honourable High Court in CPLA august Supreme Court of Pakistan directed respondents No.1 to 4 to also give seniority. (Copy of High Court Judgment is annexure as "C")
- 4) That on dated 19/07/2019 Petitioner along with other are appointed as Theology teacher while giving back benefits seniority/arrear of pay and other benefits to respondent No.5 and some other Theology teacher while petitioner is not given and denied. (Copy of appointment order is annexed as D & E)
- 5) That respondent No. 5 along with other Theology teachers who are appointed on same advertisement and merit list were given so the petitioner made departmental appeal on dated 15/06/2020 to the respondent No.1 but till date not decided hence

approach this Honourable Service Tribunal enter alia the following grounds. (Copies of service appeal & registry receipt are annexed as F & G)

GROUNDS:

- A) That, petitioner is not treated according to law, rules and regulations and as per Judgment deliver by the August Supreme Court in CPLA and it is well established principle of law that once question of law is decide a competent forum then its benefits will be also extended to those Civil Servant who are not before the Court (2009 SCMR page 1).
- B) That, respondents made discrimination to giving back benefits seniority arrears to respondents No.5 and other Theology Teachers while refusing to appellant which is against norms of good administration.
- C) That, when from same merit list interview list giving back benefit of service from 04/01/2011 while refusing to appellant is against article 25 of the Constitution of Islamic Republic of Pakistan 1973 and against legitimate expectation, good governance.
- D) That, every monthly pay giving fresh cause of action to the petitioner hence petitioner is entitled to claim seniority along with other benefits granted to others appointees of Theology Teacher on advertisement on dated 04/01/2011 while refusing to appellant so coming in the ambit of term & condition of civil servant hence this tribunal has got the jurisdiction and appeal of the appellant is with in time.
- E) That, appellant is victim of the discriminatory treatment and it is the for most duty of the Court/Tribunal to save the citizen/employees from discriminatory treatment and decide the fundamental rights granted by the Constitution of Islamic Republic of

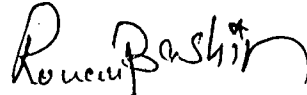


④

Pakistan 1973 which is coming in the ambit of this Honourable Tribunal.


It is, therefore, humbly prayed that on acceptance of instant service appeal and grant seniority arrear of pay and other back benefits which is granted to respondents no.5 along with other employees of Theology Teacher post who are standing on same footing hence petitioner may be granted seniority arrear of pay and other back benefit w.e.f 04/01/2011 to 19/07/2019.

Dated: 9-10-20


Appellant

Romana Bashir

Through,


Masood Ur Rehman Wazir
Advocate, High Court, Bannu

7

Annex A

Handwritten signature and initials 'A.T.C' with a flourish.

نمبر شمار	نام	تعداد	مقام و تاریخ انگریزی امتحان	تاریخ انگریزی	مرکز امتحان	مطلوبہ قابلیت
1	A.T.	15	گورنمنٹ گریجویٹ ہائیئر سیکنڈری سکول لاہور	16-5-2010	18	پبلک ایجوکیشن ڈیپارٹمنٹ، اسلام آباد
2	T.T.	14	گورنمنٹ گریجویٹ ہائیئر سیکنڈری سکول لاہور	16-5-2010	33	پبلک ایجوکیشن ڈیپارٹمنٹ، اسلام آباد

روزنامہ صحافت ماہوار

Amir B

C.T. G.A.T.S.D

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER, ELEMENTARY & SECONDARY
EDUCATION, BANNU**

APPOINTMENT ORDER

Consequent upon the approval of competent authority vide DCO, Bannu No. 6412/DCO/AE-II/55 dated 10-12-2010 and in pursuance of the provisions No. XVIII of 1973 as amended by the NWFP Civil Servants (Amendment) Act, 2005 (NWFP Act No. IX of 2005), the undersigned is pleased to order the appointment of the following TT Female candidates in BPS-14 plus usual allowances as admissible under the rules, in the schools noted against each candidate from the date of taking over charge in the interest of public service subject to the terms and conditions given below:-

S.N	Name of Candidate	Father's Name	Address	Place of posting	Remarks
1	Nagina	Sheraz Ali Khan	PTC GGPS Misal Khan Mandan	GGHS Fazal Sadiq Mandew	Against vacant Post
2	Naima Gul	Shah Alam Khan	1/Side Railway gate	GGHS Ismaili Mama Khel	Against vacant Post
3	Shahida Bibi	Muhammad Bashir Khan	Sadar Bazar Bannu Cantt	GGMS Noorani Daud Shah	Against vacant Post
4	Shabina	Noor Nawaz Shah	Kot Adil	GGMS Paimda Khan Wazir	Against vacant Post
5	Zainab Noreen	Jan Khan	Ghoriwala Bannu	GGHS Ismail Khel, Bannu	Against vacant Post
6	Fozia Barki	Balqiaz Barki	Ghoriwala Bannu	GGMS Hassan Khel Jafar	Against vacant Post
7	Rizwana Barki	Balqiaz Barki	Ghoriwala Bannu	GGMS Noor Nawaz Domel	Against vacant Post
8	Hajra Gul	Muhammad Fayaz Khan	Dharl Gandhi B.A.Khan	GGHS Jhangi Daud Shah	Against vacant Post
9	Shamim Akhtar	Sherin Jan	Pir Khel Kakki	GGMS Aftab ud Din Khujari	Against vacant Post
10	Razmina	Maraj Ud Din	Pak Ismail Khel Surrani	GGMS Pak Ismail Khel	Against vacant Post
11	Bina Khanam	Ajmal Khan	Rasool Khan Chack Danan	GGMS Bodin Khel	Against vacant Post
12	Salma Khan	Bad Shah Khan	Nawaz Abad	GGMS Fazal Shah Mitta Khel	Against vacant Post
13	Salma Saddiq	Muhammad Saddiq Khan	Dhari Gandhi B.A.Khan	GGMS Seru Samiullah	Against vacant Post
14	Hajra Khalil	Muhammad Khalil	B.A.Khan	GGMS NO.3. Koti Sadat	Against vacant Post
15	Shamrana Bibi	Qabal Khan	Zarkhani Killa Patool Khel	GGMS Azim Killa	Against vacant Post
16	Naheed Amin	Muhammad Amin	Zakar Khel Bannu	GGMS Basia Khel	Against vacant Post
17	Zahida Mehboob	Mehboob Ali Shah	Ghousamir Killa Surrani	GGMS Zakar Khel	Against vacant Post
18	Fozia Aslam	Muhammad Aslam	Hinjal Amir Khan	GGHS NO.3. Bannu City	Against vacant Post
19	Fakhr un Nisa	Muhammad Israil	Gharib Abad Mandan	GGMS Zargar Mama Khel	Against vacant Post
20	Amna Gul	Noor Nawaz Khan	Shahbaz Azmat Khan	GGMS Kotku Khan Sherin	Against vacant Post
21	Gulshan Ara	Mir Faraz	B.A.Khan	GGHS Qamer Zaman Mandew	Against vacant Post
22	Salma Akhtar	Akhtar Hussain	Bann City	GGMS Mandew Khass	Against vacant Post
23	Bas Taj	Shams du Din	Talab Shah B.A.Khan	GGHS Amandi Umer Khan	Against vacant Post
24	Khatem Un Nisa	Abdur Rehman	Hali Khel Banochi	GGHS Adhami Sultan Ali	Against vacant Post
25	Shab Naz	Fazal Manan	Shukrullah Bari Khel	GGMS Shukrullah Beri Khel	Against vacant Post
26	Sadia Bibi	Fazal Subhan	Ghoriwala Bannu	GGMS Juma Gul Saiful Khan	Against vacant Post
27	Samreen Ali	Noor Ali Khan	Ghoriwala Bannu	GGMS Noor Sahib Khan Domel	Against vacant Post
28	Madiha Nasir	Mir Dad Khan	Kot Qalandar Taji Killa	GGHS Madi Khel Wazir	Against vacant Post
29	Farnad Bibi	Aftab Ali Shah	Saidan Dardariz	GGHS Akhundan Mama Khel	Against vacant Post

(10) - 8/2/2011

O.T. (10/11/2011)

30	Seep	Roohullah	Bazid Tughal Khel	GGMS Bazid Tughal Khel	Against vacant Post
31	Sabiha	Qadyaz	Mandan	GGMS Maqsool Mandan	Against vacant Post
32	Amna rehman	Abdur Rehman	Sadiq Abad Ghoriwala	GGMS Muhammad Nawaz Patool Khel	Against vacant Post
33	Hera Mah Gul	Hayatullah	Ghoriwala Bannu	GGMS Landi Killa (Sher Wali)	Against vacant Post
34	Shamshad Saeed	Muhammad Usman Ali Shah	Pir Wali Shah Ghoriwala	GGMS Abbas Khan Sarki Khel	Against vacant Post

TERMS & CONDITIONS


- 1- Their/his services will be considered regular but without pension or gratuity in term of Section-19 of NWFP, Civil Servant Act, 1973 as amended vide NWFP, Civil Servant (Amendment) Act, 2005. They/he will however be entitled to Contributory Provident Fund in such a manner and at such rates as may be prescribed by the Government.
- 2- Their/his services will be liable to termination on one month's notice from either side, in case of resignation without notice their/her two month's pay/allowance shall be forfeited to Govt.
- 3- They will be governed by the NWFP, Civil Servants act, 1973 all the laws applicable to the Civil Servants & rules made there under.
- 4- The appointee should submit their charge Report to all concerned.
- 5- Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct they will be proceeded against under the NWFP removal from service Special Power Ordinance 2000 and the rules framed from time to time.
- 6- The candidate should join their post within 15 days of the issuance of this order.
- 7- The head of the institution concerned should furnished a certificate to the effect that the candidate have joined the post or otherwise, after 15 days of the issuance of this order, failing which, their order will be treated as cancelled.
- 8- Charge should not be handed over if age of the candidate is below 18 year or above 35 years.
- 9- The appointees are directed to perform their duties in their respective school noted against their names for a minimum period of Three years and they will not be transferred from school where appointed.
- 10- In case of Fake Certificate and Degree detected later on the undersigned reserve the right of amendment in the appointment order accordingly.
- 11- They are required to produce Health & Fitness Certificate from the Medical Superintendent concerned before taking over charge.
- 12- They would be on probation for a period of Two Years extendable for an other one year.
- 13- Their original certificate/Degree should be verified from the Concerned Board/University/Institution before the release of their pay.
- 14- No TA/DA etc is allowed.

(BAKHTULLAH SHAH)
EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY
EDUCATION, BANNU

Endst: NO 990-1334 / AE-I/DO (F/S) Appnt: TT Dated Bannu the 4/12/2011

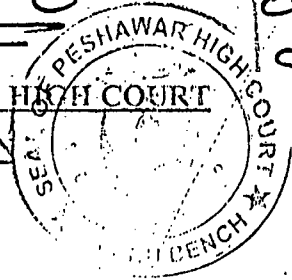
Copy for information & necessary action to:-

- 1- District Coordination Officer, Bannu with reference to his No cited above.
- 2- Director of Elementary & Secondary Education, Khyber Pukhtun Khwa, Peshawar.
- 3- Principal/ Headmistress Concerned schools with the remarks to follow up the terms and condition give above and get proper pay release order from the undersigned before drawing their pay. They are further directed to deduct one day pay on A/C of Education Employee Fund from the newly appointee in their First Pay Bill.
- 4- District Accounts Officer, Bannu
- 5- Candidate concerned.
- 6- Assistant Director of Information Distt: Bannu.


EXECUTIVE DISTRICT OFFICER,
ELEMENTARY & SECONDARY
EDUCATION, BANNU

10 Anna C

BEFORE THE HONOURABLE PESHAWAR HIGH COURT
BENCH, DERA ISMAIL KHAN



W.P. No. 267 2011

1- Safina Jehan D/O Jahan Dad R/O Village Wodin Kala Azim Kala Jadid Domel Tehsil & District Bannu.

PETITIONER

VERSUS

1. Executive District Officer Elementary & Secondary Education Bannu.
2. District Co-ordination Officer, Bannu.
3. Secretary of Education, Govt. of Khyber Pakhtunkhwa Peshawar
4. Sabiha D/O Qad Ayaz Posted at GGMS Maqsool Mandan Bannu
5. Farhad Bibi D/O Aftab Ali Shah Posted at GGHS Akhundana Mama Khel Bannu
6. Hajira Gul D/O Muhammad Fayaz Khan Posted at GGHS Jangi Daud Shah
7. Saima Sadiq D/O Muhammad Sadiq Posted at GGHS Seru Sami Ullah Bannu
8. Hajir Khalil D/O Muhammad Khalil posted at GGMS No.3 Koti Sadat Bannu
9. Shamrana Bibi D/O Kabal Khan Posted at GGMS Azim Killa Bannu
10. Nahida Amin D/O Muhammad Amin Posted at GGMS Basia Khel Bannu
11. Fozia Aslam D/O Muhammad Aslam posted at GGHS No.3 Bannu City
12. Amina Gul D/O Noor Nawaz posted at GGMS Kotka Khan Sherin Bannu
13. Gulshan Ara D/O Mir Faraz Khan posted at GGHS Qamar Zaman Mandew Bannu
14. Gustaja D/O Shamsud Din Posted at GGMS Amandi Umer Khan Bannu
15. Samina Begum D/O Amir Qader Khan posted at GGHS Hassan Khel Essaki Bannu.
16. Muhtamin Tanzeemul-Madaris Ahl-e- Sunnat Ghārhi Shahoo Allama Iqbal Road Lahore.
17. Bakhtullah Shah Ex-EDO (E & S) Education Bannu
18. Amina Rehman D/O Abdur Rehman posted at GGMS Muhammad Nawaz Patol Khel Bannu
19. Hira Mughal D/O Hayat Ullah posted at GGMS Landi Kalla Bannu
20. Shamshad Saeed D/O Muhammad Usman Ali Shah posted at GGMS Abbas Khan Sarki Khel Bannu

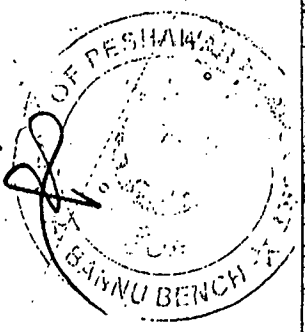
RESPONDENTS

ATTESTED

EXYLER
Peshawar High Court,
Bannu Bench

11

etc



Judgment sheet
IN THE PESHAWAR HIGH COURT, BANNU
BENCH
(Judicial Department)

WP No.16-B of 2011

Rehmeen Begum
Vs
Executive District Officer E & S.E Bannu etc

JUDGMENT

Date of hearing/decision 27.05.2017

Date of announcement 09.05.2017

Petitioner by:

Muhammad Shah Nawaz Khan

Sekandri Adv.

Respondent by:

Shahid Hameed Qureshi Adv., A.G. Adv., Abdul-
Rauf Soofi Adv. and Barkat Ali Adv. Bannu.
Others By Anwarul Haq Adv., Basheer ul Rehman Butki Adv.
and Hafiz Muhammad Hameed Adv.

MUHAMMAD YOUNIS THAHEEM, J.- This

and connected W.P.No.18-B/2011, 78-B/2011, 408-
B/2011, 96-B/2012, 97-B/2012, 580-B/2015, 51-
B/2016, 203-B/2016, 404-B/2016, 449-B/2016 & 454-
B/2016, having common questions of law and facts,
are proposed to be decided through this common
judgment.

3/5/17

ATTESTED
EXAMINER
Peshawar High Court,
Bannu Bench

12

CTC

2. The aforesaid petitions pertain to two groups of petitioners, i.e. Arabic Teachers and Theology Teachers. So petitioners in W.P.Nos. 16-B/2011, 51-B/2016, 449-B/2016 & 454-B/2016 have prayed for issuance of a writ declaring the appointment of respondents as Arabic Teachers by respondent No.1 as illegal, without lawful authority with further prayer to direct the official respondents to appoint the petitioners against the posts of Arabic Teachers with further prayer to verify the degrees/"Asnaads" of the respondents appointed against the said posts. Similarly, petitioners in W.P.No. 18-B/2011, 78-B/2011, 96-B/2012, 97-B/2012, 580-B/2015, 203-B/2016 & 404-B/2016 have challenged the appointments of respondents as Theology Teachers and through their petitions, they prayed for issuance of a writ directing the respondents to appoint the petitioners against the said posts and also verification

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EXAMINER
Cochin High Court
Pinaru Bench

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of "Asnaad" of the respondents appointed against the said posts of Theology Teachers.

3. Facts leading to the filing of all these petitions are that respondents advertised certain posts of Arabic Teachers (A.T) and Theology Teachers (T.T) in the national Daily "Ausaaq" dated 24.04.2010 and in response to that petitioners, respondents and so many other considering themselves eligible for the posts of A.T & T.T applied for their appointments. As per the advertisement, all the candidates were directed to appear for interview on certain dates. However, the official respondents violated the terms and conditions given in the advertisement and introduced written test and accordingly, all the candidates were put to written test including the petitioners. All the petitioners, as alleged by them in their petitions, were sanguine of their success but to their surprise, they were declared fail in the written test or were given below passing

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 Sana'a Bench

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marks while other candidates who are holders of the fake degrees and "Asnaad" were declared pass in the written test resultantly were appointed against the said vacant posts.

4. Since the allegations levelled by the petitioners were very serious in nature, therefore, comments of respondents were called which were furnished wherein they totally denied the allegations levelled in the petitions and contended that their "Asnaad" were genuine, valid and all the appointments were made in accordance with rules and the policy in vogue.

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5. During several hearings of these petitions, it came to lime light that in view of the serious nature of the allegations levelled by the petitioners qua favouritism and corrupt practices meted out by the official respondents in ignoring the petitioners and

Signature
Deputy Registrar
Classical Branch

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adjusting the respondents against the vacant slot, and to this effect though several queries were made but of no avail, therefore, to meet the situation and resolve the controversy, a Division Bench of this court on 10.9.2015, with the concurrence of learned counsel for the parties, constituted a four members committee headed by the Additional Registrar, Bannu Bench Mr. Nasrullah Khan Gandapur, while Assistant Advocate General, Peshawar High Court, Peshawar Bannu Bench, Mr. Qudratullah Khan Gandapur President High Court Bar Association Bannu Bench, Mr. Zafar Iqbal Khan Advocate and Mr. Ghulam Farid, Inspector Circle Office Anti-Corruption Bannu were its members.

6. The mandate of the committee was to probe into the matter, scrutinize all the decrees/"Asnaad" of the respondents to the effect as to whether the testimonials/documents on the basis of which

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appointments were made, were in fact fake or otherwise were genuine and valid and also report as to whether merit position of the candidates in the light of advertisement, policy and rules was correctly assessed.

7. The Committee so constituted for the purpose has submitted its two detail reports one about A.T and other for T.T, wherein it has been stated that to dig out the factum of genuineness or otherwise of the degrees/"Asnaad" allegedly issued by various Islamic religious institutions i.e. Madrisas/Darul-Alooms of the country, the committee took pain by visiting far away station, like Lahore and recorded statements of the responsible incumbents of the said Institutions. The committee in its report concluded that all the "Asnaad" of the respondents were got verified from the Tanzim-ul-Madaris, Ahle-Sunnat Pakistan at Ravi Road, Lahore and according to latter, all the "Asnaad" were found fake.

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8. We have heard the arguments of the learned counsel for the parties at considerable length and have also gone through the available material appended with the petitions and also the reports of fact finding enquiry committee constituted by this Court.

9. After going through the available record as well as the findings of the enquiry Committee, we have come to the conclusion that all the selection process was defective, especially in the light of reports filed by the Committee constituted with the consent of the parties that all the selectees/appointees, are equipped with bogus "Asnaad" certificates and were lower in merit despite the fact that opportunity was given to the official respondents but they failed to produce the written papers either before this Court or before the inquiry committee inspite of clear cut direction of the Additional Registrar (who happens to be Chairman of the Committee) to furnish such result

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sheets/answer sheets/merit lists, the same could not be provided which act on their part smacks of malafide on the part of official respondents, and as such all the appointments based on said bogus and fake "Asnaad" are nothing but a sheer nullity in the eye of law. The respondents at the helm of affairs have made the entire process of selection mockery which is unbecoming of holder of official position as government servants.

10. It is worthwhile to mention that according to the findings of the enquiry committee, testimonials of the some 09 candidates were found genuine and on merit they deserved to be appointed but were not appointed and the departmental authorities, in a haste, issued their appointment orders without bringing into the notice of this court, therefore their appointment cannot be legitimized when entire process of selection, as discussed above, was found defective against rules & law and has been declared null and void with effect

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from the date of announcement of this judgment besides they are allowed to participate in the selection process as described by this Court.

11. As discussed above whole process of selection has been found a classic example of favouritism, corruption and of corrupt practices by benefiting some blue eyed who did not possess even required qualifications, as fake "Asnsad" does not mean that they were qualified.

12. It is surprising and requires solid and authentic proof that ladies belonging to this jurisdiction got admissions in "Deni Madaris" situated at Punjab, having no any entry or admission record, no record of issuance of Roll Numbers and no record of examination was found by the committee so "Asanaad" was found fake. The concerned Islamic

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Madrisas were contacted they refused to admit such "Asnasd" to be of their Madrisas.

13. In view of above all the connected writ petitions are allowed in terms of:

- (i) Declaring all the appointments of the respondents as illegal, void and ineffective upon the rights of the petitioners from the date of their appointment order.
- (ii) Directing the respondents to initiate selection process by constituting selection committee consists of honest officers for all the posts of A.T & T.T on some earlier advertisement in daily "Ausaaf" dated 24.04.2010 which now have become vacant, thus by giving protection to all those candidates who applied in accordance with the said advertisement dated 24.04.2010 and gone through the selection process of interview and due to above anomaly selection process has been

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declared null and void and during this period spent for getting justice and now if they have become overage with the passage of time in that event some overage persons is relaxed for upper age limit to participate in the process of selection for the posts in question, as directed earlier. Any appointment made by the departmental authorities based upon the suggestion of the inquiry committee, are also held unlawful as whole selection process has been declared null and void as such with effect from the date of announcement so salaries be not recovered from these 09 appointees as discussed in earlier paras of this judgment for the period they rendered services. With further direction to the official respondents to finalize the process of selection within a period of two months positively by informing all the candidates including 09 candidates who were appointed during proceeding of this

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petition but their documents were found genuine according to set procedure, who applied in response to the advertisement dated 24.04.2010 except those who violated the condition No.8 given in the advertisement and inquiry committee found their documents fake.

14. Before parting with the judgment, as a passing reference, this court may observe that the respondents are relating to an institution which is preparing further generation and that also from the grass root level, they are inducting the School Teachers whose own credentials has been found fake, outcome of fraud and with such low morality and moral degradation, how they will equip the coming generations, especially present children who are the future of Pakistan, with high social values to become good citizens. Therefore, in order to nip the evil in the bud, all the official respondents including other

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responsible persons who have participated in the same illegal process of selection be taken to task in accordance with law so that in future no officer/official of education department would dare to cajole and hoodwink with the process of selection according to their whims, wishes and ill designs. A copy of this judgment be delivered to the Secretary Education (E&SE), KPK and Director Education KPK to take notice of above anomaly.

Sd/- Ikram ul Khan, J

Sd/- Muhammad Younis Thaheem, J

Announced on:
09.05.2017.
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Exhibit 18 13/5/2017
Peshawar High Court Seroor Bench
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984

Handwritten notes:
18/5/2017

Annex D

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
BANNU

Outside Miryan Gate Bannu, Khyber Pakhtunkhwa, Pakistan



Email: bannuodc@yahoo.com Phone: 0928-660019 Fax: 0928-660005

RE-INSTATMENT ORDER (THEOLOGY TEACHERS)

As per CP NO. 2022/2017 disposed of on 07-03-2018, framed minutes of the meeting held on 08-11-2018 under the chairmanship of Ex-DEO(♀) Bannu in the presence of representative of the Secretary E&SED KPK & in continuation of the said meeting the undersigned again constituted another Departmental Selection committee on 19/07/2019 for the purpose to categorize the re-Instatement/appointment cases & scrutinize the whole process done so far. Thus in compliance with the directions in the final judgment of the August Supreme court of Pakistan & consequent upon the recommendation of DSC meeting the following theology Teacher (11) in B-15 are hereby re-instated in their pay scale from the date of termination with all back benefits subject to provision of Duty certificate from the Heads of concerned institutions and pay release order will be issued after verification by the committee constituted by the competent authority in the interest of public service

S.No	Name of candidate	Father's Name	Obtained score	Merit Position	Proposed Place of Posting	Remarks
1	Hajra Gul	Muhammad Fyaz Khan	66.31	01	GGMS Sero Sami Ullah Khan	A.V.Post
2	Shahida Bibi	Muhammad Basliht Khan	66.20	02	GGMS Misal Dad Wazir	A.V.Post
3	Magina	Sherzad Khan	64.03	03	GGHS Qamer Zaman Mandew	A.V.Post
4	Zainab Noreen	Jan Khan	62.41	04	GGHS Ismail Khel	A.V.Post
5	Naeema Gul	Shah Alam Khan	62.34	05	GGHS Fazal Sadiq Mandew	A.V.Post
6	Sahira Sadiq	Muhammad Sadiq Khan	60.59	07	GGHS Deri Gandi	A.V.Post
7	Fariha Bibi	Aftab Ali Shah	60.30	09	GGHS Ahundan Mambu Khel	A.V.Post
8	Nahid Amin	Muhammad Amin	57.39	10	GGMS Zaker Khel	A.V.Post
9	Shamim Akhter	Sherin Jan	57.21	11	GGHS Maqsood Mandan	A.V.Post
10	Sahira Akhter	Akhter Hussain	55.92	13	GGMS No3 Bannu City	A.V.Post
11	Rozina	Meraajuddin	55.72	14	GGMS Pask Ismail Khel	A.V.Post
12	Sahira Khan	Badrshah Khan	55.15	15	GGMS Fazal Shah Mita Khel	A.V.Post
13	Amna Gul	Noor Nawaz Khan	54.58	16	GGMS Aftabudin Khujari	A.V.Post
14	Seep	Roozullah	54.27	17	GGHS Piran Tughel Khel	A.V.Post
15	Hira Mahgul	Hayat Ullah	53.83	19	GGMS Landi Killa Sher Wali	A.V.Post
16	Amna Rehman	Abdur Rehman	53.40	21	GGMS Tor Kakk	A.V.Post
17	Haseeb Gulshan Aro	Shamsud Din Mir Faraz	50.54	24	GGMS No2 Bannu City	A.V.Post
18	Uina Khanam	Ajmal Khan	48.75	26	GGMSD Rasool Khan Chak Dadan	A.V.Post
19	Shahzad Saeed	Muhammad Usman Ali Shah	48.58	27	GGMS Khwaja Mandan	A.V.Post
20	Asma Gulam	Shah Qias	48.31	29	GGMS Puran Shiekhan	A.V.Post as disable
21	Khatim Un nisa	Abdur Rehman	47.49	31	GGMS Adami Sultan Ali	A.V.Post

R-65/P-10

R-63/P-10
R-66/P-10

R-62/P-10

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23.	Hajra Khalil	Muhammad Khalil	46.52	33	GGMS Kot Sadat (Farhad) O	A.V.Post R-67 P-10
24.	Shahina	Noor Nawaz	46.43	34	GGMS Kot Adil	A.V.Post R-309
25.	Fozia Aslam	Muhammad Aslam	45.75	35	GGHS Abdul Ghafar Muhammad Khel	A.V.Post

TERMS & CONDITIONS

1. Their services will be liable to termination on one month's notice from either side, in case of resignation without notice her/their two month's pay & Allowances shall be forfeited to Govt.
2. Their/her services can be terminated at any time. In case Their/her performance is found unsatisfactory or committed misconduct, They/she will be proceeded under E&D Rules 2011 & the rules framed from time to time.
3. They will be governed by such rules and regulation as may be issued from time to time by the Govt.
4. In case of any fake document certificates, Domicile, NIC or any other mistake in the said appointment order detected later on, the undersigned reserves the right of amendment in the appointment order accordingly and necessary action will be initiated against the defaulter as per rules.
5. In case the appointee has provided fake/fabricated documents information then her order will be withdrawn from the date of issue, she will have to deposit all the salaries in favor of Govt and will be lodged under section 419, 420 of PPC.
6. Their degrees/certificates and testimonials will be verified "by this office", through a constituted committee by the competent authority however if verification charges are involved then the appointee concerned will bear herself.
7. If the above terms and conditions are accepted to them they should join the post and submit their charge report within 15 days positively.
8. The Drawing & Disbursing Officer concerned should check their original documents before taking over charge and also pay the monthly salary to original person/ concerned Servant at the school of each month otherwise she will be responsible for any wrong drawl.
9. The Candidates should join his post within 15 days of the issuance of this appointment order. The head of institution concerned should furnish a certificate to the effect that the appointee has joined the post otherwise, after lapse of 15 days of the issuance of the order failing which, his appointment will be treated as cancelled.
10. TA/DA is not admissible.

Ikrumullah Khan
(Law Gold Medalist)
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Form No 1116 ZB

Dated Bannu the 12/07/2019

Copy for information to the:

1. Registrar Supreme Court of Pakistan with respect to implementation of CP NO. 2022/2017 disposed of on 07/03/2018.
2. Secretary E&SE Department Khyber Pakhtunkhwa.
3. Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner Bannu.
5. District Accounts Officer Bannu.
6. District Monitoring Officer (IMU) Bannu.
7. Principals/Leadmistresses of concerned schools.
8. Official concerned.
9. Master file.

19/07/19
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

11. If the above terms and conditions are accepted to them they should join the post and submit their charge report within 15 days positively.
12. The Drawing & Disbursing Officer concerned should check their original documents before taking over charge and also pay the monthly salary to original person/ concerned Govt: Servant at the school of each month otherwise she will be responsible for any wrong drawl.
13. The Candidates should join his post within 15 days of the issuance of this appointment order. The head of Institution concerned should furnish a certificate to the effect that the appointee has joined the post otherwise, after lapse of 15 days of the issuances of the order failing which, his appointment will be treated as cancelled.
14. TA/DA is not admissible.

Ikramullah Khan
(Law Gold Medalist)
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Endst: No. 1690-1715

Dated Bannu the 19/07/2019

Copy for information to the:

1. Registrar Supreme Court of Pakistan with respect to implementation of CP NO. 2022/2017 disposed of on 07-03-2018.
2. Secretary E&SE Department Khyber Pakhtunkhwa.
3. Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner Bannu.
5. District Accounts Officer Bannu.
6. District Monitoring Officer (IMU) Bannu.
7. Principals/Headmistresses of concerned schools.
8. Official concerned.
9. Master file.


DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Anna E to APTs 26



**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
BANNU**



Outside Miryan Gate Bannu, Khyber Pakhtunkhwa, Pakistan
Email: bannuedo@yahoo.com Phone: 0928-660019 Fax: 0928-660005

APPOINTMENT ORDER (THEOLOGY TEACHERS)

As per CP NO. 2022/2017 disposed of on 07-03-2018, framed minutes of the meeting held on 08-11-2018 under the chairmanship of Ex-DEO(F) Bannu in the presence of representative of the Secretary E&SED KPK & in continuation of the said meeting the undersigned again constituted another Departmental Selection committee on 19/07/2019 for the purpose to categorize the re-instatement/appointment cases & scrutinize the whole process done so far. Thus in compliance with the directions in the ibid judgment of the August Supreme court & consequent upon the recommendation of DSC meeting the following Theology Teacher (TT) Female candidates are appointed in BPS 15 plus usual allowances as admissible under the rules, in the School noted against each candidate with immediate effect in the interest of public service subject to the terms and conditions that their pay release order will be issued subject to verification of their testimonials/documents by the committee constituted for the same by the competent authority, in the interest of public service.

S.NO	Name of candidate	Father's Name	Obtained score	Merit Position	Proposed Place of Posting	Remarks
1.	Farida Bano	Mir Wali Shah	61.79	06	GGMS Noorani Daud Shah	A.V.Post
2.	Sarwat Yasmin	Muhammad Gul	60.56	08	GGMS Misal Khan Mandan	A.V.Post
3.	Shah Naz Gul	Gul Akbar Khan	54.04	18	GGMS Gul Ahmad Shah	A.V.Post
4.	Sobia	Rooh Ullah	52.27	22	GGMS Shabri Bhrot	A.V.Post
5.	Gul Naz Habib	Kamil Habib	47.96	30	GGMS Afsar khan Wala khel	A.V.Post
6.	Romana Bashir	Bashir Ahman Jan	46.74	32	GGMS Karim Khan Baisat Khel	A.V.Post
7.	Asia Gul	Gul Malik Shah	42.97	36	GGMS Bazida Yousaf khan	A.V.Post
8.	Noor Nisa	Bas Nawaz khan	40.94	37	GGHS Owdin Gul	A.V.Post

TERMS & CONDITIONS

- Their services will be considered w.e.f 01/09/2019, after summer vacation.
- Their seniority will be reckoned from their date of appointment as per APT Rules.
- Their/her services will be liable to termination on one month's notice from either side, in case of resignation without notice their/her two month's pay & Allowances shall be forfeited to Govt.
- Their services can be terminated at any time. In case his performance is found unsatisfactory during probation period or committed misconduct, she will be proceeded under E&D Rules 2011 & the rules framed from time to time.
- They will be governed by such rules and regulation as may be issued from time to time by the Govt.
- In case any candidate's age is above the prescribed limit than no age relaxation is required under the verdict of August Supreme court as mentioned in the Judgment in CP NO. 2022/2017.
- In case of any fake document certificates, Domicile, NIC or any other mistake in the said appointment order detected later on, the undersigned reserves the right of amendment in the appointment order accordingly and necessary action will be initiated against the defaulter as per rules.
- In case the appointee has provided fake/fabricated documents information then her order will be withdrawn from the date of issue, she will have to deposit all the salaries in favor of Govt and FIR will be lodged under section 419,420 of PPC.
- Their degrees/certificates and testimonials will be verified "by this office", through a constituted committee by the competent authority however if verification charges are involved then the appointee concerned will bear herself.

خدمت صاحب سیکرٹری ایجوکیشن ہیدرآباد

(27)

عنوان: سرسپیل

عزت

فہما عالی:- سائل ذیل عرض کرتی ہے

۱- یہ کہ حکم ایجوکیشن بنوں نے بابت توری T.T (دقیقا لوجی پیچھے) اشتیاق دیا تھا، جن پر سائل نے اپیل کیا اور میٹرک پر آئی. (نقل اشتیاق لکھا)
۲- یہ کہ بعد میں حکم کے انسٹان نے آپس میں ملی جلتا کر کے جعلی اسناد پر سائل کے ساتھ دوسرے ایڈوران جو میٹرک میں ہے کو جبری کیا

۳- یہ کہ بعد میں عدالت مسلمہ لیسٹور بیچ بنوں نے توری کے کالعدم قرار دی اور دوبارہ میٹرک بنانے اور میٹرک پر آنے والوں کو جبری کرنے کا حکم صادر کیا (نقل لکھا)

۴- یہ کہ بعد میں سائل کو 2010ء کا اشتیاق اور اسی میٹرک لیسٹور T.T کو سائل پر نومبر 19 جولائی 2019ء کو جبری کیا گیا، حکم سائل کو سناری اور بقایا جات Arrears 2010 تا 2019 نہیں دیئے گئے، طائفہ کے دوسرے ایڈوران کو سناری ہم Arrears دیئے گئے (نقل لکھا)

۵- یہ کہ سائل اور دوسرے ایڈوران لغات شدہ کے درمیان ایجوکیشن انسٹان بنوں نے امتیاز کا برتاؤ کیا جبکہ آئین اور قانون اجازت نہیں دیتا

لذا استدعا ہے کہ سائل کو 2010ء سے تا 2019ء تک بقایا جات اور سناری دیا جا کر سائل کو انصاف دیکر برابری کا سلوک کیا جاوے

15-06-20

سائل موصوفہ: بشیر T.T حنیالوچی پیچھے
GMS کریم خان باسٹنٹ فیل تحصیل ضلع بنوں

0336 1092002

Rouza Baski

902

For Insurance Notices see reverse.
Stamps : in case of
uninsured RGL37414250
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgment is due.

Arman B

Registered* _____ Date-Stamp _____

Receiving Officer _____
*Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____
Weight } _____
(in words) } _____
Kilo _____
Grams _____

Age and _____
Sex _____

سنگ نمبر

16/6/20

بعدالت جناب KPK سروس ٹری بیول لیسٹ

Act, 189

تیت ایک روپیہ

کورٹ فیس

سزا جناب ایملانٹ

دوکانہ لیسٹ بنام صوبائی حکومت دہلی

دعوی سروس ایمل

پامخت تحریر آئندہ

مقدمہ مندرجہ بالا اعدان بالا میں اپنی طرف سے واسطے بیرونی وجوہات دہی وکل کارروائی
 مقام ان مقام سروس ٹری بیول کے لئے مسعود الرحمن دزیر ایمل کیس
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا
 نیز وکیل صاحب اور اس نامی سررٹالٹ و فیملہ پر طاف دینے بواب دہی اور اقبال دعوی اور
 بصورت ڈگری کرانے اور اور و سولی پک روپیہ اور غرضی دعوی اور درخواست ہر قسم کی
 تصدیق زرا اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم بیرونی یا ڈگری کی طرف
 یا اپیل کی برآمدگی اور منسوخی دائر کرنے اپیل نگرانی و نظر تانی و بیرونی کرنے کا اختیار ہوگا اور
 بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی
 کو اپنے ہمراہ یا اپنی بجائے اقرار کا اختیار دگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا
 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا اور دوران مقدمہ
 میں دشر چہ ہر ہا اندازانے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف
 ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر
 ہوگا تقاضہ باہر ہو تو وکیل صاحب پابند ہوں گے کہ بیرونی مقدمہ مذکور نہیں۔ لہذا وکالت نامہ
 لکھ دیا کہ سند ہے۔

9 ماہ ستمبر ۱۹۲۰ء

المقوم

العبد

گواہ نشد

العبد

Romana Bashir

ایملانٹ

پیشہ کے فارم لینے کا بندوبست ہے۔

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

P.B

No.

APPEAL No.....19781..... of 20 20

Romana Bashir

Appellant/Petitioner

Proq

Versus

Court of KP through Jany Education Peshawar
RESPONDENT(S)

Notice to Appellant/Petitioner

Romana Bashir D/o Bashir
Ahmad through Teacher (TT) R/C
House No. 646/c Mohallah Jawan Singh Distt
Bannu.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 24/2/2021 at 9: am.



You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

AUTHORITY

Certified that Mr. RAFIULLAH KHAN SDEO Litigation is hereby authorized to attend the Honorable Service Tribunal on behalf of undersigned in connection with case titled as ROMANA BASHIR VS Govt: of KPK.


DISTRICT EDUCATION OFFICER
 **FEMALE BANNU**

قیمت
50 روپے

103686



ایڈوکیٹ: کج کامر ارخان انور صاحب
بار کونسل/ ایسوسی ایشن نمبر: لا ۱۸۶۱
رابطہ نمبر: ۳۳۶ ۹۱۳۷۲۲

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹرسٹ

منجانب: <u>روحانہ لیسٹرو والیڈ</u>	دعویٰ: <u>سروس ایبل</u>
ساکن بنوں نیشنل	علت نمبر:
روحانہ لیسٹرو والیڈ	مورخہ:
بنام الحکومت پاکستان	جرم:
حکومت پاکستان	تھانہ:

باعت تحریر آنکہ

روحانہ لیسٹرو والیڈ
صوفیانہ لیسٹرو والیڈ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور کے لیے کج کامر ارخان انور صاحب کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل اگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار کوئی کو اپنے ہمراہ لے سکتا ہے اور اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیار حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جاندا تو اے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: ۲۶-۱۰-۲۰۲۰
PESHAWAR BAR ASSOCIATION
پشاور بار ایسوسی ایشن

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی نوٹ کاپی ناقابل قبول ہوگی۔

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 12781 of 20 20

Romana Bashir Appellant/Petitioner

Govt. of KP Secy: Education Respondent

Respondent No. 5

Regd

Notice to: 1

Fozia Aslam D/o Muhammad Aslam
Theology Teacher (TT) posted GHS
No. 3 Bannu.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 23/2/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

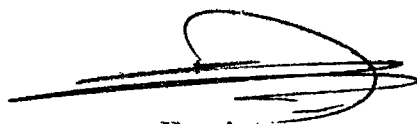
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 21st

Day of Dec 20 21

(for Reply)



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

BEFORE THE HONORABLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

①

SERVICE APPEAL : 12781/2020

1. ROMANA BASHIR

..... **Appellant**

Versus

1. Govt; of Khyber Pakhtunkhwa through Secretary Elementary
and Secondary Education, KP, Peshawar

..... **Respondents**

Para wise comments on behalf of Respondent no.4 and 5

Respectfully Sheweth:

The Respondents humbly submit as under:-

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action and locus standi
2. That the present appeal of the Appellant is not maintainable in its present form.
3. That the present case is bad for non joiner and mis-joinder of necessary parties having vital role in the instant case.
4. That the Appellants have logged the instant appeal to waste the precious time of the respondents.
5. That the case of the Appellant is divide of merit and having no legal force hence liable to set-aside.

FACTS

1. Correct, that 1st Para of the appeal is relevant to official record.
2. Incorrect, the appellant was dropped due to less merit score.
3. Correct, to the extent of Peshawar High Court Bannu Bench judgment about termination of fake and bogus degree/certificate holders. But later on, the aggrieved candidates approached to August Supreme court Of Pakistan in CPLA No .2022 decided on 07-03-2018. Whereas, a consolidated judgment delivered in shape of re-conduction of fresh process and the service rendered in the past be counted. **(Judgment copy attached as annexure "A")**.

- (2)
4. Correct, that the appellant was appointed on 19-07-2019, a fresh candidate because the process which was completed in the year 2010, at that time the appellant was failed in the written test. Consequently, how's it's possible that appointment order issued in the year 2019 and the appellant demanded of those time where she was not on service. As superior court also issued directions in different cases that no work no pay.
5. As per rules and policy the appellant is not aggrieved because previously she was in services as govt; teacher before her fresh appointment. Furthermore, in light of August Supreme Court of Pakistan judgment in the CPLA No 2022, seniority given to only those teachers who previously serving and the appellant has no service at her credit before fresh appointment.


GROUND

- A. Incorrect, the appellant treated in accordance with law and policy and as per August Supreme Court of Pakistan judgment in the CPLA 2022 it was clear cut mentioned that the service they rendered in the past be counted. Consequently, the appellant has no service previously.
- B. Incorrect, no discrimination has been made by the Respondents because appellant tried to get unlawful rights through this Honorable Services Tribunal.
- C. Incorrect, the Respondents never approved such like fresh cases for the purposes of back benefit because no work no pay.
- D. Incorrect, the appellant has no service at her credit previously, at her credit because she failed in the written test of Theology Teacher in the year 2010.
- E. The appellant has been treated in accordance with law and policy because she has no services until that time.

PRAYER

It is therefore, very humbly prayed that on acceptance of these Para wise comments in response to the instant Service appeal may very graciously be dismissed with heavy cost.


Secretary
E&SED, KP Peshawar

✓

District Education Officer
Female Bannu


Director
E&SED, KP Peshawar

Demana Bashir
GOVT OF KPK

VS

Govt of KPK

AFFIDAVIT

I *Rafiullah (S.S.)* litigation officer BPS-17 of DEO(F)Bannu do solemnly affirm on oath and declare that all contents of this _____ are true & correct to the best of my knowledge & nothing has been concealed from this honorable court.


**Litigation officer
DEO(F) Bannu**



04

OFFICE OF THE DISTRICT EDUCATION OFFICER

FEMALE BANNU

AUTHORITY

Certified that Mr. Rafiullah SS

LITIGATION OFFICER of this Office is hereby authorized to submit the

para wise comments on behalf of under signed in

connection with case title Romance Basha's vs Govt
CPSE

DISTRICT EDUCATION OFFICER
FEMALE BANNU

(15) 25 32
OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
BANNU

Outaide Miryan Gato Bannu, Khyber Pakhtunkhwa, Pakistan
Email: bannuedo@yahoo.com Phone: 0928-660019 Fax: 0928-660005

APPOINTMENT ORDER (THEOLOGY TEACHERS)

As per CP NO. 2022/2017 disposed of on 07-03-2018, framed minutes of the meeting held on 08-11-2018 under the chairmanship of Ex-DEO(F) Bannu in the presence of representative of the Secretary L&SD KPK & in continuation of the said meeting, the undersigned again constituted another Departmental Selection committee on 19/07/2019 for the purpose to categorize the re-instatement/appointment cases & scrutinize the whole process done so far. Thus in compliance with the directions in the ibid judgment of the August Supreme court & consequent upon the recommendation of DSC meeting the following Theology Teacher (TT) Female candidates are appointed in BPS 15 plus usual allowances as admissible under the rules, in the School noted against each candidate with immediate effect in the interest of public service subject to the terms and conditions that their pay release order will be issued subject to verification of their testimonials/documents by the committee constituted for the same by the competent authority, in the interest of public service.

S.NO	Name of candidate	Father's Name	Obtained score	Merit Position	Proposed Place of Posting	Remarks
1.	Farida Bano	Mir Wali Shah	61.79	06	GGMS Noorani Daud Shah	A.V.Post
2.	Sarwat Yasmin	Muhammad Gul	60.56	08	GGMS Misal Khan Mandan	A.V.Post
3.	Shah Naz Gul	Gul Akbar Khan	54.04	18	GGMS Gul Ahmad Shah	A.V.Post
4.	Sobia	Rooh Ullah	52.27	22	GGMS Shabri Bhrat	A.V.Post
5.	Gul Naz Habib	Kamil Habib	47.96	30	GGMS Afsar khan Wala khel	A.V.Post
6.	Romana Bashir	Bashir Ahman Jan	46.74	32	GGMS Karim Khan Baisat Khel	A.V.Post
7.	Asia Gul	Gul Malik Shah	42.97	36	GGMS Bazida Yousaf khan	A.V.Post
8.	Noor Nisa	Bas Nawaz khan	40.94	37	GGHS Owdin Gul	A.V.Post

TERMS & CONDITIONS

1. Their services will be considered w.e.f 01/09/2019, after summer vacation.
2. Their seniority will be reckoned from their date of appointment as per APT Rules.
3. Their/her services will be liable to termination on one month's notice from either side, in case of resignation without notice their/her two month's pay & Allowances shall be forfeited to Govt.
4. Their services can be terminated at any time in case his performance is found unsatisfactory during probation period or committed misconduct, she will be proceeded under E&D Rules 2011 & the rules framed from time to time.
5. They will be governed by such rules and regulation as may be issued from time to time by the Govt.
6. In case any candidate's age is above the prescribed limit than no age relaxation is required under the verdict of August Supreme court as mentioned in the Judgment in **CP NO. 2022/2017**.
7. In case of any fake document certificates, Domicile, NIC or any other mistake in the said appointment order detected later on, the undersigned reserves the right of amendment in the appointment order accordingly and necessary action will be initiated against the defaulter as per rules.
8. In case the appointee has provided fake/fabricated documents information then her order will be withdrawn from the date of issue, she will have to deposit all the salaries in favor of Govt and FIR will be lodged under section 419,420 of PPC.
9. Their degree/certificates and testimonials will be verified "by this office", through a constituted committee by the competent authority however if verification charges are involved then the appointee concerned will bear herself.

11. If the above terms and conditions are accepted to them they should join the post and submit the report within 15 days positively.
12. The Drawing & Disbursing Officer concerned should check their original documents before taking charge and also pay the monthly salary to original person/ concerned Govt: Servant at the school a month otherwise she will be responsible for any wrong drawl.
13. The Candidates should join his post within 15 days of the issuance of this appointment order. The head of Institution concerned should furnish a certificate to the effect that the appointee has joined the post otherwise, after lapse of 15 days of the issuances of the order failing which, his appointment will be treated as cancelled.
14. TA/DA is not admissible.

Ikramullah Khan
(Law Gold Medalist)
**DISTRICT EDUCATION OFFICER
(FEMALE) BANNU**

Endst: No. 1690-1715

Dated Bannu the 19/07/2019

Copy for information to the:

1. Registrar Supreme Court of Pakistan with respect to implementation of CP NO. 2022/2017 disposed of on 07-03-2018.
2. Secretary E&SE Department Khyber Pakhtunkhwa.
3. Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner Bannu.
5. District Accounts Officer Bannu.
6. District Monitoring Officer (HMI) Bannu.
7. Principals Headmistresses of concerned schools.
8. Official concerned
9. Master file.

19.07.19
**DISTRICT EDUCATION OFFICER
(FEMALE) BANNU**

Attested
R. Bannu

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 12781/2020.

Romana Bashir D/O Bashir Ahmad Theology teacher (TT) R/O House No.646/C Mohallah Jewan Singh District Bannu.

...(Appellant)

Versus.

1. Government of Khyber Pakhtunkhwa through Secretary Education Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Director Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer-female Bannu.
4. District Account Officer Bannu.
5. Fozia Aslam D/O Muhammad Aslam Theology Teacher (TT) posted GHS No.3 Bannu.

.....Respondents / defendants



SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR GRANT OF SENIORITY/ARREAR OF PAY AND OTHER BACK BENEFITS W.E.F 04/01/2011 TO 19/07/2019 WHICH IS GRANTED TO RESPONDENTS NO.5 ALONG WITH OTHER THEOLOGY TEACHERS.WHO ARE APPOINTED AND DENIED TO PETITIONER WHICH IS DISCRIMINATORY AND VIOLATION OF ARTICLE 25 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL AND GRANTING SENIORITY ARREAR OF PAY AND OTHER BACK BENEFITS WHICH IS GRANTED TO RESPONDENTS NO.5 ALONG WITH OTHER EMPLOYEES OF AT POST WHO ARE STANDING ON SAME FOOTING HENCE PETITIONER MAY BE GRANTED SENIORITY ARREAR OF PAY AND OTHER BACK BENEFIT W.E.F 04/01/2011 TO 19/07/2019.

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SHIEWETH:

- 1) That, respondent No.1 to 4 issue advertisement for appointment of Theology teacher on dated 24/04/2010. (Copy of advertisement as annexure "A")
- 2) That, on response appellant submitted application for appointment appeared in test and interview and dropped from the appointment due to appointment of fake degree holder and accommodate of less merit candidate due to political intervention and on dated 04/01/2011 appointment order are issued. (Copy of appointment order as annexure "B").
- 3) That, after petitioner filed a writ petition No. $\frac{44}{16}$ before Peshawar High Court Bannu Bench and on dated 09/05/2017 in a consolidated judgment in the name of Safina Jahan vs Provincial Government the Honourable high Court directed to terminate all the bogus certificate holders and appoint the petitioner and other on merit candidate and against the judgment of Honourable High Court in CPLA august Supreme Court of Pakistan directed respondents No.1 to 4 to also give seniority. (Copy of High Court Judgment is annexure as "C")
- 4) On dated 19/07/2019 Petitioner along with other were appointed as Theology teacher while giving back benefits seniority/arrear of pay and other benefits to respondent No.5 and some other Theology teacher while petitioner is not given and denied. (Copy of appointment order is annexed as D & E)
- 5) That respondent No. 5 along with other Theology teachers who are appointed on same advertisement and merit list were given so the petitioner made departmental appeal on dated 15/06/2020 to the respondent No.1 but till date not decided hence

approach this Honourable Service Tribunal enter alia the following grounds. (Copies of service appeal & registry receipt are annexed as F & G)

GROUNDS:

- A) That, petitioner is not treated according to law, rules and regulations and as per Judgment deliver by the August Supreme Court in CPLA and it is well established principle of law that once question of law is decide a competent forum then its benefits will be also extended to those Civil Servant who are not before the Court (2009 SCMR page 1).
- B) That, respondents made discrimination to giving back benefits seniority arrears to respondents No.5 and other Theology Teachers while refusing to appellant which is against norms of good administration.
- C) That, when from same merit list interview list giving back benefit of service from 04/01/2011 while refusing to appellant is against article 25 of the Constitution of Islamic Republic of Pakistan 1973 and against legitimate expectation, good governance.
- D) That, every monthly pay giving fresh cause of action to the petitioner hence petitioner is entitled to claim seniority along with other benefits granted to others appointees of Theology Teacher on advertisement on dated 04/01/2011 while refusing to appellant so coming in the ambit of term & condition of civil servant hence this tribunal has got the jurisdiction and appeal of the appellant is with in time.
- E) That, appellant is victim of the discriminatory treatment and it is the for most duty of the Court/Tribunal to save the citizen/employees from discriminatory treatment and decide the fundamental rights granted by the Constitution of Islamic Republic of

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(4)

Pakistan 1973 which is coming in the ambit of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptance of instant service appeal and grant seniority arrear of pay and other back benefits which is granted to respondents no.5 along with other employees of Theology Teacher post who are standing on same footing hence petitioner may be granted seniority arrear of pay and other back benefit w.e.f 04/01/2011 to 19/07/2019.

Dated: 9-10-20

Romana Bashir
Appellant

Romana Bashir

Through,

Masood Ur Rehman Wazir
Masood Ur Rehman Wazir
Advocate, High Court, Bannu

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⑤

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 12781 /2020.

Romana Bashir

...(Appellant)

Versus.

Government of Khyber Pakhtunkhwa through Secretary Education Khyber
Pakhtunkhwa Civil Secretariat Peshawar and others.

Affidavit

Romana Bashir D/O Bashir Ahmad Theology teacher (TT) R/O House
5/C Mohallah Jewan Singh District Bannu, do hereby solemnly affirm
and declare that the contents of the above noted appeal are true correct
and noting has been kept secret or concealed from this Honourable
Court.

Romana Bashir

Deponent

Romana Bashir

6

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 12781/2020.

Memo of addresses.

Romana Bashir D/O Bashir Ahmad Theology teacher (AT) R/O House
No.646/C Mohallah Jewan Singh District Bannu.

...(Appellant)

Versus.

1. Government of Khyber Pakhtunkhwa through Secretary Education
Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Director Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer female Bannu.
4. District Account Officer Bannu.
5. Fozia Aslam D/O Muhammad Aslam Theology Teacher (TT) posted
GHS No.3 Bannu.

.....Respondents

Romana Bashir

Appellant

Romana Bashir

Through,



Masood Ur Rehman Wazir,
Advocate, High Court, Bannu

Dated: 9-10-20

BEFORE THE HONORABLE PESHAWAR

Services Tribunal Peshawar

26

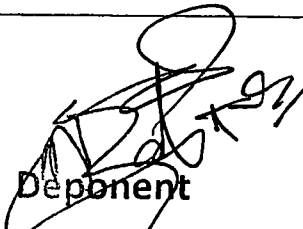
ROMANA BASHIR

VS

Govt of K.P.K.

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Deponent

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①

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

SERVICE APPEAL : 12781/2020

1. ROMANA BASHIR

..... **Appellant**

Versus

1. Govt; of Khyber Pakhtunkhwa through Secretary Elementary
and Secondary Education, KP, Peshawar

..... **Respondents**

Para wise comments on behalf of Respondent no.4 and 5

Respectfully Sheweth:

The Respondents humbly submit as under:-

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action and locus standi
2. That the present appeal of the Appellant is not maintainable in its present form.
3. That the present case is bad for non joinder and mis-joinder of necessary parties having vital role in the instant case.
4. That the Appellants have logged the instant appeal to waste the precious time of the respondents.
5. That the case of the Appellant is divide of merit and having no legal force hence liable to set-aside.

FACTS

1. Correct, that 1st Para of the appeal is relevant to official record.
2. Incorrect, the appellant was dropped due to less merit score.
3. Correct, to the extent of Peshawar High Court Bannu Bench judgment about termination of fake and bogus degree/certificate holders. But later on, the aggrieved candidates approached to August Supreme court Of Pakistan in CPLA No .2022 decided on 07-03-2018. Whereas, a consolidated judgment delivered in shape of re-conduction of fresh process and the service rendered in the past be counted. **(Judgment copy attached as annexure "A")**.

- (2)
- 24
4. Correct, that the appellant was appointed on 19-07-2019, a fresh candidate because the process which was completed in the year 2010, at that time the appellant was failed in the written test. Consequently, how's it's possible that appointment order issued in the year 2019 and the appellant demanded of those time where she was not on service. As superior court also issued directions in different cases that no work no pay.
 5. As per rules and policy the appellant is not aggrieved because previously she was in services as govt; teacher before her fresh appointment. Furthermore, in light of August Supreme Court of Pakistan judgment in the CPLA No 2022, seniority given to only those teachers who previously serving and the appellant has no service at her credit before fresh appointment.

GROUND

- A. Incorrect, the appellant treated in accordance with law and policy and as per August Supreme Court of Pakistan judgment in the CPLA 2022 it was clear cut mentioned that the service they rendered in the past be counted. Consequently, the appellant has no service previously.
- B. Incorrect, no discrimination has been made by the Respondents because appellant tried to get unlawful rights through this Honorable Services Tribunal.
- C. Incorrect, the Respondents never approved such like fresh cases for the purposes of back benefit because no work no pay.
- D. Incorrect, the appellant has no service at her credit previously, at her credit because she failed in the written test of Theology Teacher in the year 2010.
- E. The appellant has been treated in accordance with law and policy because she has no services until that time.

PRAYER

It is therefore, very humbly prayed that on acceptance of these Para wise comments in response to the instant Service appeal may very graciously be dismissed with heavy cost.


Secretary
E&SED, KP Peshawar

District Education Officer
Female Bannu


Director
E&SED, KP Peshawar

BEFORE THE PESHAWAR HIGH COURT PESHAWAR BANNU BENCH

23
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Bemana Bashir

~~Govt of KPK~~

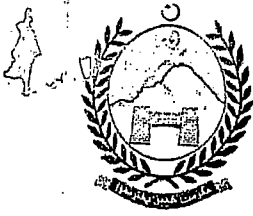
vs

Govt of KPK

AFFIDAVIT

I *Rafiqullah (S-5)* litigation officer BPS-17 of DEO(F)Bannu do solemnly affirm on oath and declare that all contents of this _____ are true & correct to the best of my knowledge & nothing has been concealed from this honorable court.


**Litigation officer
DEO(F) Bannu**



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OFFICE OF THE DISTRICT EDUCATION OFFICER

FEMALE BANNU

AUTHORITY

Certified that Mr. Rafique SS
LITIGATION OFFICER of this Office is hereby authorized to submit the
para wise comments on behalf of under signed in
connection with case title Romance, Pasha's vs Goud
CPSE


**DISTRICT EDUCATION OFFICER
FEMALE BANNU**

(5) 25 2
OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
BANNU

Outside Miryan Gate Bannu, Khyber Pakhtunkhwa, Pakistan
Email: bannuedo@yahoo.com Phone: 0928-660019 Fax: 0928-660005 (17)

APPOINTMENT ORDER (THEOLOGY TEACHERS)

As per CP NO. 2022/2017 disposed of on 07-03-2018, framed minutes of the meeting held on 08-11-2018 under the chairmanship of Ex-DEO(F) Bannu in the presence of representative of the Secretary E&SD KPK & in continuation of the said meeting the undersigned again constituted another Departmental Selection committee on 19/07/2019 for the purpose to categorize the re-instatement/appointment cases & scrutinize the whole process done so far. Thus in compliance with the directions in the Ibid Judgment of the August Supreme court & consequent upon the recommendation of DSC meeting the following Theology Teacher (TT) Female candidates are appointed in BPS-15 plus usual allowances as admissible under the rules, in the School noted against each candidate with immediate effect in the interest of public service subject to the terms and conditions that their pay release order will be issued subject to verification of their testimonials/documents by the committee constituted for the same by the competent authority, in the interest of public service.

S.NO	Name of candidate	Father's Name	Obtained score	Merit Position	Proposed Place of Posting	Remarks
1.	Farida Bano	Mir Wali Shah	61.79	06	GGMS Noorani Daud Shah	A.V.Post
2.	Sarwat Yasmin	Muhammad Gul	60.56	08	GGMS Misal Khan Mandan	A.V.Post
3.	Shah Naz Gul	Gul Akbar Khan	54.04	18	GGMS Gul Ahmad Shah	A.V.Post
4.	Sobia	Rooh Ullah	52.27	22	GGMS Shabri Bhrat	A.V.Post
5.	Gul Naz Habib	Kamil Habib	47.96	30	GGMS Afsar Khan Wala khel	A.V.Post
6.	Romana Bashir	Bashir Ahman Jan	46.74	32	GGMS Karim Khan Baisat Khel	A.V.Post
7.	Asia Gul	Gul Malik Shah	42.97	36	GGMS Bazida Yousaf Khan	A.V.Post
8.	Noor Nisa	Bas Nawaz Khan	40.94	37	GGHS Owdin Gul	A.V.Post

TERMS & CONDITIONS

1. Their services will be considered w.e.f 01/09/2019, after summer vacation.
2. Their seniority will be reckoned from their date of appointment as per APT Rules.
3. Their/her services will be liable to termination on one month's notice from either side, in case of resignation without notice their/her two month's pay & Allowances shall be forfeited to Govt.
4. Their services can be terminated at any time. In case his performance is found unsatisfactory during probation period or committed misconduct, she will be proceeded under E&D Rules 2011 & the rules framed from time to time.
5. They will be governed by such rules and regulation as may be issued from time to time by the Govt.
6. In case any candidate's age is above the prescribed limit than no age relaxation is required under the verdict of August Supreme court as mentioned in the Judgment in CP NO. 2022/2017.
7. In case of any fake document certificates, Domicile, NIC or any other mistake in the said appointment order detected later on, the undersigned reserves the right of amendment in the appointment order accordingly and necessary action will be initiated against the defaulter as per rules.
8. In case the appointee has provided fake/fabricated documents information then her order will be withdrawn from the date of issue, she will have to deposit all the salaries in favor of Govt and FIR will be lodged under section 419,420 of PPC.
9. Their degrees/certificates and testimonials will be verified "by this office", through a constituted committee by the competent authority however if verification charges are involved then the appointee concerned will bear herself.

11. If the above terms and conditions are accepted to them they should join the post and submit the report within 15 days positively.
12. The Drawing & Disbursing Officer concerned should check their original documents before taking charge and also pay the monthly salary to original person/ concerned Govt: Servant at the school or month otherwise she will be responsible for any wrong drawl.
13. The Candidates should join his post within 15 days of the issuance of this appointment order. The head of Institution concerned should furnish a certificate to the effect that the appointee has joined the post otherwise, after lapse of 15 days of the issuances of the order failing which, his appointment will be treated as cancelled
14. TA/DA is not admissible.

Ikramullah Khan
(Law Gold Medalist)
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Endst: No. 1690-1715

Dated Bannu the 19/07/2019

Copy for information to the:

1. Registrar Supreme Court of Pakistan with respect to implementation of CP NO. 2022/2017 disposed of on 07-03-2018.
2. Secretary E&SE Department Khyber Pakhtunkhwa.
3. Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner Bannu.
5. District Accounts Officer Bannu.
6. District Monitoring Officer (IMO) Bannu.
7. Principals/Headmistresses of concerned schools.
8. Official concerned
9. Master file

19.07.19
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Atte
Bannu

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19

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 127 & 1 / 2020.

Romana Bashir D/O Bashir Ahmad Theology teacher (TT) R/O House
No.646/C Mohallah Jewan Singh District Bannu.

...(Appellant)

Versus.

1. Government of Khyber Pakhtunkhwa through Secretary Education
Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Director Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer-female Bannu.
4. District Account Officer Bannu.
5. Fozia Aslam D/O Muhammad Aslam Theology Teacher (TT) posted
GHS No.3 Bannu.

.....Respondents / defendants

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 FOR GRANT OF SENIORITY/ARREAR OF PAY
AND OTHER BACK BENEFITS W.E.F 04/01/2011 TO 19/07/2019
WHICH IS GRANTED TO RESPONDENTS NO.5 ALONG WITH OTHER
THEOLOGY TEACHERS.WHO ARE APPOINTED AND DENIED TO
PETITIONER WHICH IS DISCRIMINATORY AND VIOLATION OF
ARTICLE 25 OF CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL AND
GRANTING SENIORITY ARREAR OF PAY AND OTHER
BACK BENEFITS WHICH IS GRANTED TO RESPONDENTS
NO.5 ALONG WITH OTHER EMPLOYEES OF AT POST
WHO ARE STANDING ON SAME FOOTING HENCE
PETITIONER MAY BE GRANTED SENIORITY ARREAR OF
PAY AND OTHER BACK BENEFIT W.E.F 04/01/2011 TO
19/07/2019.

②

SHEWETH:

- 1) That, respondent No.1 to 4 issue advertisement for appointment of Theology teacher on dated 24/04/2010. (Copy of advertisement as annexure "A")
- 2) That, on response appellant submitted application for appointment appeared in test and interview and dropped from the appointment due to appointment of fake degree holder and accommodate of less merit candidate due to political intervention and on dated 04/01/2011 appointment order are issued. (Copy of appointment order as annexure "B").
- 3) That, after petitioner filed a writ petition No. 449/18 before Peshawar High Court Bannu Bench and on dated 09/05/2017 in a consolidated judgment in the name of Safina Jahan vs Provincial Government the Honourable high Court directed to terminate all the bogus certificate holders and appoint the petitioner and other on merit candidate and against the judgment of Honourable High Court in CPLA august Supreme Court of Pakistan directed respondents No.1 to 4 to also give seniority. (Copy of High Court Judgment is annexure as "C")
- 4) On dated 19/07/2019 Petitioner along with other were appointed as Theology teacher while giving back benefits seniority/arrear of pay and other benefits to respondent No.5 and some other Theology teacher while petitioner is not given and denied. (Copy of appointment order is annexed as D & E)
- 5) That respondent No. 5 along with other Theology teachers who are appointed on same advertisement and merit list were given so the petitioner made departmental appeal on dated 15/06/2020 to the respondent No.1 but till date not decided hence.

approach this Honourable Service Tribunal enter alia the following grounds. (Copies of service appeal & registry receipt are annexed as F & G)

GROUNDS:



- A) That, petitioner is not treated according to law, rules and regulations and as per Judgment deliver by the August Supreme Court in CPLA and it is well established principle of law that once question of law is decide a competent forum then its benefits will be also extended to those Civil Servant who are not before the Court (2009 SCMR page 1).
- B) That, respondents made discrimination to giving back benefits seniority arrears to respondents No.5 and other Theology Teachers while refusing to appellant which is against norms of good administration.
- C) That, when from same merit list interview list giving back benefit of service from 04/01/2011 while refusing to appellant is against article 25 of the Constitution of Islamic Republic of Pakistan 1973 and against legitimate expectation, good governance.
- D) That, every monthly pay giving fresh cause of action to the petitioner hence petitioner is entitled to claim seniority along with other benefits granted to others appointees of Theology Teacher on advertisement on dated 04/01/2011 while refusing to appellant so coming in the ambit of term & condition of civil servant hence this tribunal has got the jurisdiction and appeal of the appellant is with in time.
- E) That, appellant, is victim of the discriminatory treatment and it is the for most duty of the Court/Tribunal to save the citizen/employees from discriminatory treatment and decide the fundamental rights granted by the Constitution of Islamic Republic of

(4) 16

Pakistan 1973 which is coming in the ambit of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptance of instant service appeal and grant seniority arrear of pay and other back benefits which is granted to respondents no.5 along with other employees of Theology Teacher post who are standing on same footing hence petitioner may be granted seniority arrear of pay and other back benefit w.e.f 04/01/2011 to 19/07/2019.

Dated: 9-10-20

Romana Bashir
Appellant

Romana Bashir

Through,



Masood Ur Rehman Wazir
Advocate, High Court, Bannu

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⑤

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 12781 /2020.

Romana Bashir

...(Appellant)

Versus.

Government of Khyber Pakhtunkhwa through Secretary Education Khyber
Pakhtunkhwa Civil Secretariat Peshawar and others.

Affidavit

Romana Bashir D/O Bashir Ahmad Theology teacher (TT) R/O House
No. 45/C Mohallah Jewan Singh District Bannu, do hereby solemnly affirm
and declare that the contents of the above noted appeal are true correct
and noting has been kept secret or concealed from this Honourable
Court.

Romana Bashir

Deponent

Romana Bashir

14

(6)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 12781/2020.

Memo of addresses.

Romana Bashir D/O Bashir Ahmad Theology teacher (AT) R/O House
No.646/C Mohallah Jewan Singh District Bannu.

...(Appellant)

Versus.

1. Government of Khyber Pakhtunkhwa through Secretary Education
Khyber Pakhtunkhwa Civil Secretariat Peshawar.
2. Director Education Khyber Pakhtunkhwa Peshawar.
3. District Education Officer female Bannu.
4. District Account Officer Bannu.
5. Fozia Aslam D/O Muhammad Aslam Theology Teacher (TT) posted
GHS No.3 Bannu.

.....Respondents

Romana Bashir
Appellant

Romana Bashir

Through,

Masood Ur Rehman Wazir
Advocate, High Court, Bannu

Dated: 9-10-20

BEFORE THE HONORABLE PESHAWAR

HIGH COURT BANNU BENCH

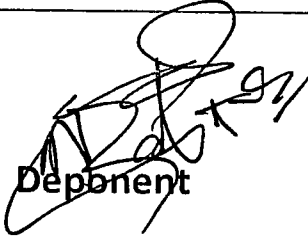
~~Romana Bashir~~

VS

Govt of K.P.K.

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Deponent

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①

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

SERVICE APPEAL : 12781/2020

1. ROMANA BASHIR

..... **Appellant**

Versus

1. Govt; of Khyber Pakhtunkhwa through Secretary Elementary
and Secondary Education, KP, Peshawar

..... **Respondents**

Para wise comments on behalf of Respondent no.4 and 5

Respectfully Sheweth:

The Respondents humbly submit as under:-

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action and locus standi
2. That the present appeal of the Appellant is not maintainable in its present form.
3. That the present case is bad for non joinder and mis-joinder of necessary parties having vital role in the instant case.
4. That the Appellants have logged the instant appeal to waste the precious time of the respondents.
5. That the case of the Appellant is divide of merit and having no legal force hence liable to set-aside.

FACTS

1. Correct, that 1st Para of the appeal is relevant to official record.
2. Incorrect, the appellant was dropped due to less merit score.
3. Correct, to the extent of Peshawar High Court Bannu Bench judgment about termination of fake and bogus degree/certificate holders. But later on, the aggrieved candidates approached to August Supreme court Of Pakistan in CPLA No .2022 decided on 07-03-2018. Whereas, a consolidated judgment delivered in shape of re-conduction of fresh process and the service rendered in the past be counted. (**Judgment copy attached as annexure "A"**).

- (2)
4. Correct, that the appellant was appointed on 19-07-2019, a fresh candidate because the process which was completed in the year 2010, at that time the appellant was failed in the written test. Consequently, how's it's possible that appointment order issued in the year 2019 and the appellant demanded of those time where she was not on service. As superior court also issued directions in different cases that no work no pay.
 5. As per rules and policy the appellant is not aggrieved because previously she was in services as govt; teacher before her fresh appointment. Furthermore, in light of August Supreme Court of Pakistan judgment in the CPLA No 2022, seniority given to only those teachers who previously serving and the appellant has no service at her credit before fresh appointment.

GROUND

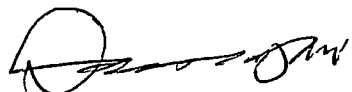
- A. Incorrect, the appellant treated in accordance with law and policy and as per August Supreme Court of Pakistan judgment in the CPLA 2022 it was clear cut mentioned that the service they rendered in the past be counted. Consequently, the appellant has no service previously.
- B. Incorrect, no discrimination has been made by the Respondents because appellant tried to get unlawful rights through this Honorable Services Tribunal.
- C. Incorrect, the Respondents never approved such like fresh cases for the purposes of back benefit because no work no pay.
- D. Incorrect, the appellant has no service at her credit previously, at her credit because she failed in the written test of Theology Teacher in the year 2010.
- E. The appellant has been treated in accordance with law and policy because she has no services until that time.

PRAYER

It is therefore, very humbly prayed that on acceptance of these Para wise comments in response to the instant Service appeal may very graciously be dismissed with heavy cost.


Secretary
E&SED, KP Peshawar

✓
District Education Officer
Female Bannu


Director
E&SED, KP Peshawar

Bemana Bashir

~~Govt of KPK~~

VS

Govt of KPK

AFFIDAVIT

I *Rafiqullah (L.S.)* litigation officer BPS-17 of DEO(F)Bannu do solemnly affirm on oath and declare that all contents of this _____ are true & correct to the best of my knowledge & nothing has been concealed from this honorable court.


**Litigation officer
DEO(F) Bannu**

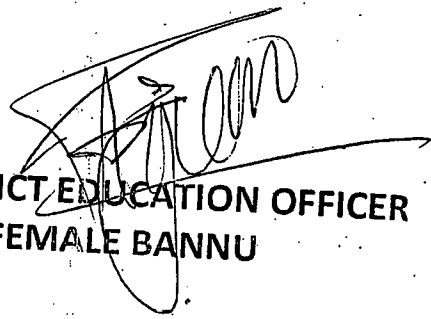


OFFICE OF THE DISTRICT EDUCATION OFFICER

FEMALE BANNU

AUTHORITY

Certified that Mr. Rafique SS
LITIGATION OFFICER of this Office is hereby authorized to submit the
para wise comments on behalf of under signed in
connection with case title Romania Pasha vs Govt
Case


DISTRICT EDUCATION OFFICER
FEMALE BANNU

(5) 25 8

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)
BANNU

Outside Miryan Gate Bannu, Khyber Pakhtunkhwa, Pakistan
Email: bannuedo@yahoo.com Phone: 0928-660019 Fax: 0928-660005

APPOINTMENT ORDER (THEOLOGY TEACHERS)

As per CP NO. 2022/2017 disposed of on 07-03-2018, framed minutes of the meeting held on 08-11-2018 under the chairmanship of Ex-DEO(F) Bannu in the presence of representative of the Secretary ENSUD KPK & in continuation of the said meeting the undersigned again constituted another Departmental Selection committee on 19/07/2019 for the purpose to categorize the re-instatement/appointment cases & scrutinize the whole process done so far. Thus in compliance with the directions in the ibid judgment of the August Supreme court & consequent upon the recommendation of DSC meeting the following Theology Teacher (TT) Female candidates are appointed in BPS 15 plus usual allowances as admissible under the rules, in the School noted against each candidate with immediate effect in the interest of public service subject to the terms and conditions that their pay release order will be issued subject to verification of their testimonials/documents by the committee constituted for the same by the competent authority, in the interest of public service.

S.NO	Name of candidate	Father's Name	Obtained score	Merit Position	Proposed Place of Posting	Remarks
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14. TA/DA is not admissible.

Ikramullah Khan
(Law Gold Medalist)
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Endst: No. 1690-1715

Dated Bannu the 19/07/2019

Copy for information to the:

1. Registrar Supreme Court of Pakistan with respect to implementation of CP NO. 2022/2017 disposed of on 07-03-2018.
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19.07.19
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Attested
Bannu

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 12781/2020.

Romana Bashir D/O Bashir Ahmad Theology teacher (TT) R/O House
No.646/C Mohallah Jewan Singh District Bannu.

...(Appellant)

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TRIBUNAL ACT 1974 FOR GRANT OF SENIORITY/ARREAR OF PAY
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PETITIONER MAY BE GRANTED SENIORITY ARREAR OF
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19/07/2019.

2

SHEWETH:

- 1) That, respondent No.1 to 4 issue advertisement for appointment of Theology teacher on dated 24/04/2010. (Copy of advertisement as annexure "A")
- 2) That, on response appellant submitted application for appointment appeared in test and interview and dropped from the appointment due to appointment of fake degree holder and accommodate of less merit candidate due to political intervention and on dated 04/01/2011 appointment order are issued. (Copy of appointment order as annexure "B").
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- 5) That respondent No. 5 along with other Theology teachers who are appointed on same advertisement and merit list were given so the petitioner made departmental appeal on dated 15/06/2020 to the respondent No.1 but till date not decided hence.

approach this Honourable Service Tribunal enter alia the following grounds. (Copies of service appeal & registry receipt are annexed as F & G)

GROUNDS:

- A) That, petitioner is not treated according to law, rules and regulations and as per Judgment deliver by the August Supreme Court in CPLA and it is well established principle of law that once question of law is decide a competent forum then its benefits will be also extended to those Civil Servant who are not before the Court (2009 SCMR page 1).
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4

Pakistan 1973 which is coming in the ambit of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptance of instant service appeal and grant seniority arrear of pay and other back benefits which is granted to respondents no.5 along with other employees of Theology Teacher post who are standing on same footing hence petitioner may be granted seniority arrear of pay and other back benefit w.e.f 04/01/2011 to 19/07/2019.

Dated: 9-10-20

Romana Bashir
Appellant

Romana Bashir

Through,

Masood Ur Rehman Wazir
Advocate, High Court, Bannu

2

⑤

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 12781 /2020.

Romana Bashir

...(Appellant)

Versus.

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Romana Bashir D/O Bashir Ahmad Theology teacher (TT) R/O House
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and declare that the contents of the above noted appeal are true correct
and nothing has been kept secret or concealed from this Honourable
Court.

Romana Bashir

Deponent

Romana Bashir

(6) | (U)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 12781/2020.

Memo of addresses.

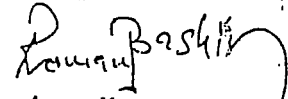
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..... Respondents


Appellant

Romana Bashir

Through,


Masood Ur Rehman Wazir
Advocate, High Court, Bannu

Dated: 9-10-20