

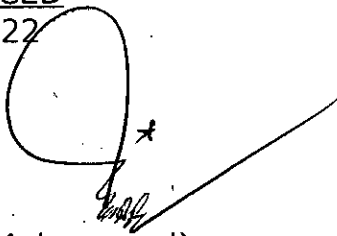
Service Appeal No. 1462/2018

O R D E R  
12.05.2022

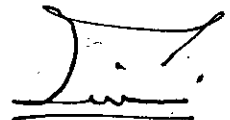
Appellant alongwith his counsel present. Mr. Obaid-ur-Rehman, ADEO (Litigation) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present. Arguments have already been heard and record perused.

Vide our detailed judgment of today passed in Service Appeal bearing No. 1004/2019 titled "Ayaz Mehmood Versus District Education Officer (M) Buner and three others", the appeal in hand stands dismissed being infructuous. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
12.05.2022



(Mian Muhammad)  
Member (Executive)  
Camp Court Swat




(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat


09.02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 06.04.2022 for the same as before at Camp Court Swat.

  
Reader

06.04.2022 Clerk of counsel for the appellant present. Mr. Ubaid ur Rehman ADEO alongwith Mr. Noor Zaman Khan Khattak, District Attorney for the respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments on 11.05.2022 before the D.B at Camp Court Swat.


  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

  
(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

11.05.2022 Learned counsel for the appellant. Mr. Obaid-ur-Rehman, ADEO (Litigation) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Arguments heard. To come up for order on 12.05.2022 before the D.B at Camp Court Swat.

(Mian Muhammad)  
Member (E)  
Camp Court Swat

  
(Salah-ud-Din)  
Member (J)  
Camp Court Swat

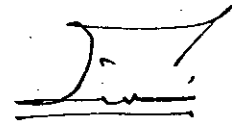
02.11.2021

Appellant in person present. Mr. Obaid-ur-Rehman, ADEO (Litigation) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that the son of his counsel is hospitalized in Lahore, therefore, he is unable to appear before the Tribunal today. Adjourned. To come up for arguments before the D.B on 10.12.2021 at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court Swat




(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

10.12.2021

Learned counsel for the appellant present.

Mr. Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Obaid-Ur-Rehman ADO (Litigation) for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 04.02.2022 before D.B at Camp Court, Swat.



(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, Swat



(Rozina Rehman)  
Member (J)  
Camp Court, Swat

06/04/2021

Due to COVID-19, the case is adjourned to

08/06/2021 for the same.



READER

08.10.2021

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Ubaid ur Rehman ADEO (Litigation) for respondents present.

Former requested for adjournment on the ground that connected case bearing No.1004/2019 titled Ayaz Mehmood is fixed before D.B for arguments in the month of November, therefore, this case may also be fixed for arguments alongwith connected case. Request is allowed. To come up for arguments alongwith aforementioned connected service appeal on 02.11.2021 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)  
Member(E)  
Camp Court, Swat



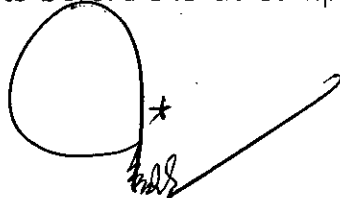
(Rozina Rehman)  
Member(J)  
Camp Court, Swat

02.02.2021

Nemo for parties.

Muhammad Raiz Khan Paindakheil learned Assistant Advocate General for respondents present.

Preceding date was adjourned on account of Covid-19, therefore, both the parties be put on notice for 06.04.2021 for arguments before D.B at Camp Court, Swat.

A handwritten signature in black ink, consisting of a large, rounded 'M' followed by a long, sweeping horizontal stroke that extends to the right.

(Mian Muhammad)  
Member (E)  
Camp Court, Swat

A handwritten signature in black ink, consisting of a large, rounded 'R' followed by a smaller, more complex flourish.

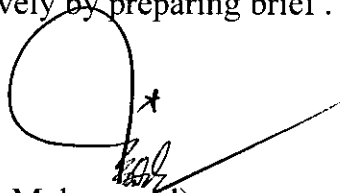
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

07.10.2020

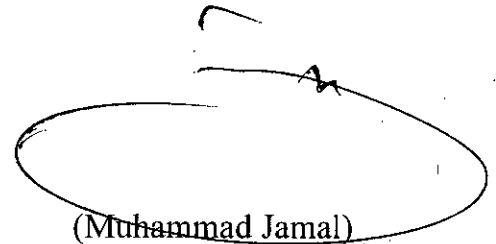
Appellant in person alongwith his counsel is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Abdur Rehman, ADEO for respondents are present.

Learned counsel for the appellant submitted that since the issue in this appeal is identical with the issue involved in appeal bearing No.1004/2019 captioned Ayaz Mehmood-vs-DEO Buner in which he has already submitted rejoinder and the learned counsel for private respondent No.4 has also requested for adjournment in that very appeal, therefore, for addressing arguments in both the appeals at the same time, arguments in the instant appeal cannot be heard and requested for adjournment.

Adjourned to 08.12.2020 for arguments before D.B at camp court Swat directing them to ensure their presence positively by preparing brief.



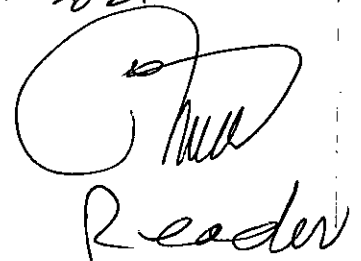
(Mian Muhammad)  
Member (E)



(Muhammad Jamal)  
Member(J)  
Camp Court Swat

08-12-20

Due to COVID-19 case is  
adjourned to 02-02-2021



Reader

06.07.2020 Bench is incomplete. Therefore, the case is adjourned.  
To come up for the same on 07.09.2020, at camp court  
Swat.




Reader

07.09.2020


Nemo for the appellant.

Mr. Muhammad Jan, learned Deputy District  
Attorney alongwith Mr. Obaid-ur-Rehman, ADO for the  
respondents present.

Notice be issued to the appellant/counsel.  
Adjourned. To come up for arguments on 07.10.2020  
before D.B at Camp Court, Swat



(Attiq-ur-Rehman)  
Member  
Camp Court, Swat



(Rozina Rehman)  
Member  
Camp Court, Swat

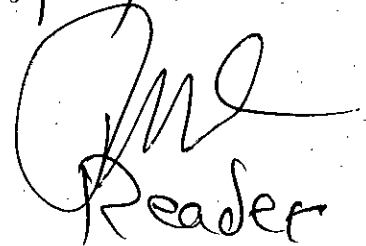
02.03.2020

Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 06.04.2020 before D.B at Camp Court Swat.

  
Member

  
Member  
at Camp Court Swat

Due to corona virus outbreak  
to camp court swat has  
been cancelled. To come up  
for the same on 04/06/20

  
Reader

01.06.2020


Due to Covid-19, the case is adjourned. To come up for the same on 06.07.2020, at camp court Swat.

  
Reader



06.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Obaid-ur-Rehman, ADEO on behalf of respondents No. 1 to 3 present. Written replies on behalf of respondents No. 1 to 4 have already been submitted. Case to come up for rejoinder and arguments on 02.12.2019 before D.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

02.12.2019

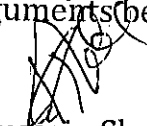
Appellant in person present. Mr. M. Riaz Khan, Paindakheil, Assistant Advocate General for respondents present. Appellant submitted rejoinder which is placed on file. Appellant seeks adjournment. Adjourn. To come up for arguments on 06.01.2020 before D.B at camp court Swat.


  
Member

  
Member  
Camp Court Swat

06.01.2020

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Appellant requested for adjournment on the ground that his counsel is ill and unable to attend the court today. Adjourned to 02.03.2020 for arguments before D.B at Camp Court Swat.

  
(Hussain Shah)  
Member  
Camp Court Swat


  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

Ayaz Mehmood 1462/2018

09.10.2019

Counsel for the appellant Ayaz Mehmood present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was appointed as Theology Teacher alongwith 39 others on the recommendation of District Selection Committee vide order dated 16.05.2014. It was further contended that one Fayaz Ahmed submitted review application and on the basis of which the appointment order of the appellant was withdrawn vide order dated 15.07.2014 and one Fayaz Ahmed was appointed as Theology Teacher on the place of appellant. It was further contended that the appellant filed Writ Petition before the worthy High Court which was accepted by the worthy High Court vide judgment dated 27.03.2018 and directed the respondent-department that the review petition of private respondent be deemed pending, the appellant be deemed reinstated till the decision of review petition of Fayaz Ahmed and the appellant be provided opportunity of hearing before disposal of review application. It was further contended that respondent-department also constituted inquiry committee namely Amaniul Mulk Assistant District Education Officer and Muhammad Ayub Sub-Divisional Educational Officer Male who submitted inquiry report in favour of the appellant and recommended that the appointment order of the appellant was rightly passed and recommended for restoration of the appointment order. It was further contended that despite the judgment of worthy High Court and inquiry committee decision, the respondent-department was reluctant to release the salary of the appellant therefore, the appellant filed departmental appeal which was not responded hence the present service appeal. Learned counsel for the appellant further contended that as per the judgment of worthy High Court and the inquiry report furnished by the Amaniul Mulk Assistant District Education officer and Muhammad Ayub Sub-Divisional Education Officer, the respondent-department was bound to allow the appellant to joint duty and they were also bound to release the salary of the appellant but the respondent-department illegally not released the salary of the appellant.

The contention raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. thereafter, notices be issued to the respondents for written reply/comments for 06.11.2019 before S.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

Appellant Deposited  
Security & Process Fee  
11/10/19

11.06.2019

Learned counsel for the appellant present. Mr. Mian Amir Qadir learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings/preliminary arguments on 02.09.2019 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat.

02.09.2019

Learned counsel for the appellant and Mr. Mian Amir Qadir learned Deputy District Attorney alongwith Ubaid ur Rehman ADO present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for further proceedings/preliminary arguments 09.10.2019 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat.

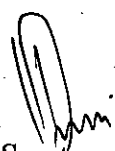
1462/2018

07.03.2019

Appellant in person. Nemo for respondents.

Appellant requests for adjournment due to non-availability of his learned counsel.

Adjourned to 04.04.2019 before S.B at camp court Swat. The respondents shall also be sent fresh notices for the next date of hearing.

  
Chairman  
Camp Court, Swat

04.04.2019

Appellant in person present. Ameer Zaman Shah Assistant Accountant and Syed Muhsin Ali Shah representatives of the respondents present and submitted reply. Adjourn. To come up for preliminary hearing on 05.04.2019 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat

05.04.2019

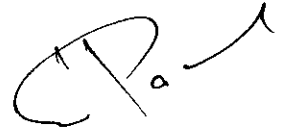
Appellant present. Learned counsel for the appellant present and seeks adjournment to furnish replication. Adjourn. To come up for further proceedings/preliminary hearing on 11.06.2019 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat

07.02.2019

Appellant with counsel present.

From the preliminary arguments of the learned counsel for the appellant it appeared that the Writ Petition bearing No.477/2014 filed by the appellant for his reinstatement in service was allowed vide judgment dated 27.03.2018 of the Hon'ble Peshawar High Court Mingora Bench (Darul-Qaza), Swat however the said judgment was not implemented and the appellant instead of filing CoC before the Hon'ble Peshawar High Court Mingora Bench (Darul-Qaza), Swat has approached this Tribunal by filing the present service appeal. In the interest of justice preadmission notice be issued to the respondents for 07.03.2019. To come up for reply of respondents and preliminary arguments on the date fixed.



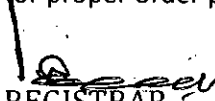


Member  
Camp Court Swat.

Form- A

FORM OF ORDER SHEET

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

Case No. 1462/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge.
1	2	3
1-	05/12/2018	<p>The appeal of Mr. Ayaz Mehmood presented today by Mr. Mushtaq Ahmad Khan 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-	12-12-18	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>06-02-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	06.02.2019	<p>Appellant in person present. Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 07.02.2019 before S.B at camp Court Swat.</p> <p style="text-align: right;"> Member Camp Court Swat.</p>

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No. 1462.....2018

Ayaz Mehmood TT s/o tajar said r/o village Bajkata tehsile Mandanr, district Buner.....appellant

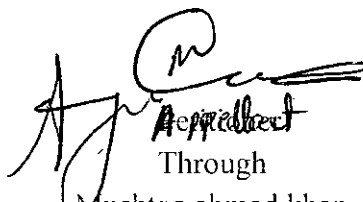
Vs

1. District Education officer(M) Buner and others.....respondents

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2	Affadavit		3
3	Adresses of parties		4
4	Stay application along with affidavit		5-6
5	Appointment order of the appellant	"A"	7-9
6	Withdrawal order of the appellant's appointment order on the post of TT	"B"	10
7	Write petition No 477/2014 and order/judgment dated 27.3.2018 of the Peshawar high court mingora bench.	"C" and C1	11-23
8	Inquiry report	D	24-25
9	Applications of the appellant,s dated 17.4.2018 and 19.7.2018	"E" & F	26-27
10	Application of the appellant Dated 16.8.2018	"G"	28
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12	Departmental appeal dated 18.8.2018 along with TCS reciepts	I and J	30-32
13	Court fee		
14	Wakalat nama		

Dated: 5/12/2018

  
Appellant  
Through  
Mushtaq ahmad khan  
Office at district court  
daggar, buner  
Cell no 03449014199

①

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No. 1462/2018

✓ Ayaz Mehmood TT s/o tajar said r/o village Bajkata tehsile Mandanr, district Buner.....appellant

Vs

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1727

Dated 05/12/2018

1. District Education officer(M) Buner .
2. Director E & SE khyber pukhtoonkhwa at Peshawar.
3. Govt of K.P.K through secretary E & SE khyberpukhtoonkhwa at Peshawar.
4. District account officer Buner.

Service Appeal against the impugned order dated 19/7/2018 whereby the DEO (M) buner rejected the application of the appellant for the release/payment of his salary.

The appellant submits as follows:

1. That the applicant was appointed as T.T on 17.5.2014 and after serving of few months on the aforesaid post his appointment order was withdrawn in violation of law and natural justice.(appointment order of the appellant and his withdrawal orders attached as mark A and B)
2. That the above mentioned order of withdrawal was challenged by the applicant in writ petition No 477 M/2014 before the peshawar high court Mingora bench and the high court was pleased to declare the applicant as "in service as he was prior to the issuance of the impugned order of withdrawal" vide order/judgment dated 27.3.2018.( write petition No 477/2014 and order/judgment of the high court attached as mark C & C1)
3. That pursuance to the above mentioned judgment of the high court an inquiry was conducted by the DEO district Buner which also stated/opined the withdrawal order as illegal and recommended the re instatement of the appellant in service.(inquiry report attached as mark D).
4. That the applicant visited several time to the office of DEO (M) Buner and also submitted application dairy No 17.4.2018 for joining the service and also filled application for release of his salaries but no heed was paid to his requests for a long time.(application dated 17.4.2018 and application dated 19.7.2018 attached as mark E & F)
5. That inactions of the DEO office reached to the extent that they were not providing the dairy numbers of his application hence after several visits the appellant file an application dated 16 . 8.2018 through dairy No 689 for decisions on his application and on the same date the copy of the impugned order was provided to the appellant whereby the application of the appellant was rejected through an endorsed order.( application dated

Filed to-day  
Registrar  
5/12/18



2

16.8.2018 and impugned order endorsed on the application dated 19.7.2018 attached as marks G and H).

6. That the appellant than preferred a departmental appeal before the respondent no 2 through proper channel but the same was not decided within the statutory period hence this appeal before the worthy service tribunal on the following grounds inter alia.(departmental appeal dated 18.8.2018 along with receipt of TCS service attached as marks I & J)

**Grounds:**

- a. That the Respondent no 1 Buner is bound by law to release the salary of the appellant but his refusal in this regard is against the law and order/judgment dated 27/3/2018 of the august high court Peshawar Mingora bench.
- b. That the impugned order dated 19/7/218 of the DEO (M) Buner is violative of the law, rules and natural justice.
- c. That the impugned order of The respondent no 1 Buner is a non speaking, Unreasonable and tented with malafide which needs to be set aside.
- d. That nothing has been stated for refusal of salary of the applicant in the impugned order and the only ground for the rejection of the application has been stated the favoritism of the inquiry committee in favor of the applicant which is astonishing, ridiculous and malafide because the inquiry committee was appointed by the DEO and not by the appellant who is a common citizen.
- e. That stoppage of salary of the appellant despite his status of civil servant is against the law and natural justice.
- f. That the appellant seeks the permission of this honorable court to rely on additional grounds at the time of arguments.

It is therefore kindly requested that the appeal of the appellant may kindly be accepted by releasing of his salaries/emoluments with all back benefits and respondents may kindly be directed to adjust the applicant on the post of TT for the betterment of the students.

Any other relief not specifically prayed for and which this worthy tribunal deem fit and appropriate in the facts and circumstances of the instant case may also kindly be granted for the end of justice.

Dated: 5 / 12/2018

  
Appellant

Through



Mushtaq Ahmad Khan Alizai

Advocate, office district court

Buner. cell No 03469014199.

3

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

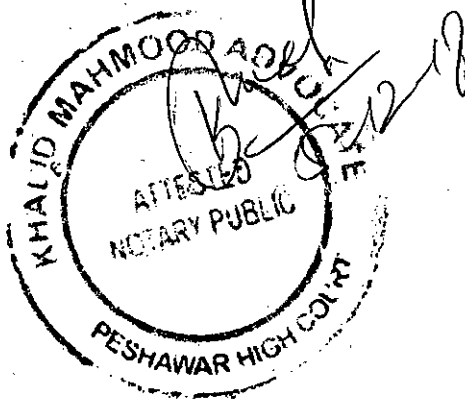
Ayaz Mehmood TT s/o tajar said r/o village Bajkata tehsile Mandanr,district Buner.....appellant

Vs

1. District Education officer(M) Buner and others.....respondents

**AFFIDIVET**

I Ayaz Mehmood s/o tajar said, do hereby solemnly affirm and declare on oath that the contents of the instant service appeal is correct to the best of my knowledge and belief & nothing has been concealed from this worthy tribunal.



Deponent

(4)

Before the service tribunal khyber pukhtoonkhwa Peshawar

Service appeal No.....2018

Ayaz Mehmood TT s/o tajar said r/o village Bajkata tehsile Mandanr,district  
Buner.....appellant

Vs

1. District Education officer(M) Buner and others.....respondent

Addresses of parties

Petitioner

Ayaz Mehmood TT s/o tajar said r/o village Bajkata tehsile Mandanr,district  
Buner...

respondents

1. District Education officer(M) Buner .
2. Director E & SE khyber pukhtoonkhwa at Peshawar.
3. Govt of K.P.K through secretary E & SE khyberpukhtoonkhwa at  
Peshawar.
4. District account officer district buner.

Appellant

Through



Mushtaq Ahmad khan alizai

Advocate,office district court

Buner.cell No 03469014199.

5

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

Ayaz Mehmood TT s/o tajar said r/o village Bajkata tehsile Mandanr, district Buner.....appellant

Vs

1. District Education officer(M) Buner and others.....respondents

**Application for restraining the respondents from taking any adverse action against the appellant till the final disposal of the appeal.**

Respectfully sheweth;

1. That the titled service appeal is filed before this worthy tribunal in which no date has been fixed till yet.
2. That there exist a strong prima facie case in favor of the appellant and the appellant will face inconvenience and irreparable loss if the respondents are not restrained from taking any adverse action against the appellant till the final disposal of the instant appeal.
3. That the contents of the main appeal may kindly be considered part and parcel of the instant application.

It is therefore kindly prayed that on acceptance of this application the respondents may kindly be restrained from taking any adverse action against the appellant till the final disposal of the appeal.

Appellant

Through



Mushtaq Ahmad Khan Alizai

Advocate, office district court

Buner. cell No 03469014199

6

Before the service tribunal khyber pukhtoonkhwa Peshawar .

Service appeal No.....2018

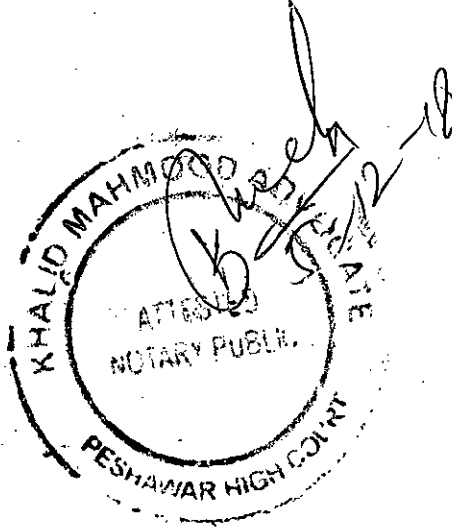
Ayaz Mehmood TT s/o tajar said r/o village Bajkata tehsile Mandanr,district Buner.....appellant

Vs

1. District Education officer(M) Buner and others.....respondents

AFFIDIVET

I Mushtaq Ahmad khan advocate as per instruction of my client do hereby solemnly affirm and declare on oath that the contents of the instant application is correct to the best of my knowledge and belief & nothing has been concealed from this worthy tribunal.



  
Deponent

7

Mark Ans A

OFFICE OF THE DISTRICT EDUCATION OFFICER (M/F)

DISTRICT BUNER

PHONE & FAX NO: 0939-510468

EMAIL: EDOBUNER@GMAIL.COM



APPOINTMENT

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of T.T. School based in BPS-15 (Rs. 8500-700-29500) @ Rs. 8500/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge.

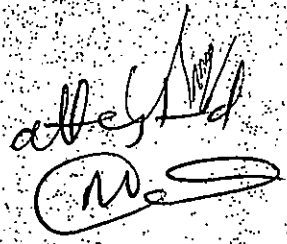
S.#	Roll No.	Name	Father's Name	Permanent Address	Place of posting
1	1450035	ABDUS SAMAD	AMIR NAWAB	VILLAGE KALAKHELA DISTRICT BUNER	GHS DOKADA
2	1450287	AMIN UR RAHMAN	MATI UR RAHMAN	VILLAGE ELAI DISTRICT BUNER	GHS DOKADA
3	1450470	KALEEM ULLAH	MATI ULLAH	VILLAGE ELAI DISTRICT BUNER	GHS GIRARAI
4	1450086	SYED HASSAN ALI SHAH	SYED HUSSAIN SHAH	VILLAGE PACHA KALAY DISTRICT BUNER	GHS KATKALA
5	1450278	ABDUL SABOOR	ABDUL BASEER	VILLAGE JANGAI DISTRICT BUNER	GHS MANGAL THANA
6	1450072	MUSHARAF SHAH	GUL SHAD	VILLAGE KOT MARADU DISTRICT BUNER	GHSS GHAZIKOT
7	1450205	BURHAN ULLAH	HAMDULLAH	VILLAGE AGARAI DISTRICT BUNER	GMS AGARAI
8	1450299	AKHTAR ZAMAN	ABDUL ZAMAN	VILLAGE TOTALAI DISTRICT BUNER	GMS AKHUNSERAI
9	1450290	MUHAMMAD QASIM	MUHAMMAD QURAIH	VILLAGE DAGAI DISTRICT BUNER	GMS AKHUNSERAI
10	1450270	ZIA UD DIN	ABDUL MATIN	VILLAGE GUEBANDI DISTRICT BUNER	GMS ALAMI BANDA
11	1450046	JAMSHED ALI	SHAUKAT ALI KHAN	VILLAGE CHEENA DISTRICT BUNER	GMS BALO KHAN
12	1450174	SHAFIQ	SHAMS	VILLAGE TORWARSAK DISTRICT BUNER	GMS BALO KHAN
13	1450344	TAJ ZAMAN	MUHAMMAD JAMAL	VILLAGE DHERAI DISTRICT BUNER	GMS BIAMDARA
14	1450192	IJAZ AHMAD	FAZLI SUBHAN	VILLAGE MATWANI DISTRICT BUNER	GMS DAB SERAI
15	1450139	SOHAIL KHAN	AMIR AMAN KHAN	VILLAGE GHURGUSHTO DISTRICT BUNER	GMS DANDAR
16	1450125	MUHAMMAD RASHID	ZAMIN KHAN	VILLAGE CHEENA DISTRICT BUNER	GMS DANDI KOT
17	1450179	ALI BAHADAR	SHER BAHADAR	VILLAGE KHAISTA BABA DISTRICT BUNER	GMS GUMBAT
18	1450301	TARIQ ALI	MUHAMMAD KHAN	VILLAGE TOTALAI DISTRICT BUNER	GMS HALL
19	1450188	ALI MUHAMMAD	SHAH MUHAMMAD	VILLAGE KORYA DISTRICT BUNER	GMS JABA CHOWAN
20	1450328	IMTIAZ MUHAMMAD	SAHIB NOOR	VILLAGE TOTALAI DISTRICT BUNER	GMS JANGDARA K.K
21	1450300	ABDUL BAIS	FAZLI AKRAM	VILLAGE KAWGA DISTRICT BUNER	GMS KALAN
22	1450356	IRFAN AHMAD	MASAL KHAN	VILLAGE CHINGLAI DISTRICT BUNER	GMS KANGALAI
23	1450283	ABDUL MANAN	ABDUR RASHID	VILLAGE TORWARSAK DISTRICT BUNER	GMS KINGER GALI
24	1450315	ZIA U. RRAHMAN	MUHAMMAD ISHAQ	VILLAGE GIRARAI DISTRICT BUNER	GMS KOHAY
25	1450346	SAID ALI SHAH	SAID LAIQ SHAH	VILLAGE CHINGLAI DISTRICT BUNER	GMS KOZA JAMRA

attested & accepted

26	1459337	WAHID ZADA	NASIB ZADA	VILLAGE DIWANA BABA DISTRICT BUNER	GMS KULYARI
27	1450026	ZAKIR ULLAH	ZARIN SHAH	VILLAGE RAMZAY DISTRICT BUNER	GMS KUZ KALAY
28	1450428	FIDA ULLAH	MOHIBULLAH	VILLAGE ELAI DISTRICT BUNER	GMS LEGANAI
29	1450418	MUHAMMAD ALI KHAN	MUHAMMAD KHAN	VILLAGE SHALBANAI DISTRICT BUNER	GMS MALAKPUR
30	7001	AMJAD ALI SHAH	ABDUL AHMAD SHAH	VILLAGE ELAI DISTRICT BUNER	GMS MINA KADAL
31	1450119	MISBAH ULLAH	SADIQ ULLAH	VILLAGE CHARORAI DISTRICT BUNER	GMS MOGHDARA
32	1450231	ZIA UR RAHMAN	KHALIL UR RAHMAN	VILLAGE ELAI DISTRICT BUNER	GMS MULA BANDA
33	1450152	TAIMUR SHAH	ROIDAD SHAH	VILLAGE GANSHAL DISTRICT BUNER	GMS PHALAWARAY
34	1450335	AFZAL SAID	SHAH SAID	VILLAGE KULYARI DISTRICT BUNER	GMS PHANGALAY
35	1450294	HIDAYAT ULLAH	MUJEBUL HAQ	VILLAGE KARAPA DISTRICT BUNER	GMS REGA NO 2
36	1450058	FAZLI AKRAM	SAID AKRAM	VILLAGE BAGH DISTRICT BUNER	GMS SAWAWAI
37	1450220	ABDULLAH	GUL HASSAN	VILLAGE PIR ABAI DISTRICT BUNER	GMS SHANAI
38	1450023	MANZOOR HUSSAIN	KHAN HASSAN	VILLAGE TOTALAI DISTRICT BUNER	GMS THEGARAI
39	1450417	AYAZ MAHMOOD	TAJBAR SAID	VILLAGE BAJKATA DISTRICT BUNER	GMS TOTALAI
40	1450151	SYED LUQMAN ALI SHAH	SYED QURAIISH	VILLAGE REGA DISTRICT BUNER	GMS WAKEEL ABAD

**TERMS & CONDITION:**

1. NO TADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. They should not be handed over charge if he exceeds 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO if any one found producing bogus Certificates/Degrees will be reported to the law enforcing agencies for further action.
6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/Degrees are verified.
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
13. His appointment is made on School based. He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge Principals/Head Masters concerned will check their documents, if they have not the required qualifications they may not be handed over charge.

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(SULTAN MAHMUD MIAN)  
 DISTRICT EDUCATION OFFICER (M)  
 DISTRICT BUNER.

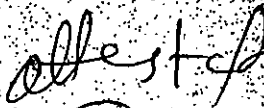
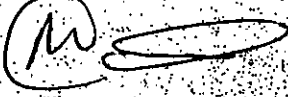
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Endsl. No. 1379-82 Dated 16.5.2014

Copy forwarded for information and necessary action to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Buner
3. District Accounts Officer Buner
4. Medical Superintendent DHQ Hospital Buner
5. Principals / Head Masters Concerned
6. Officials Concerned

  
DISTRICT EDUCATION OFFICER (M/E)  
DISTRICT BUNER

23	1450283	ABDUL MANAN	ABDUR RASHID	DISTRICT BUNER VILLAGE TORWARSAK DISTRICT BUNER	GMS KANGALAI
24	1450315	ZIA-U- RRAHMAN	MUHAMMAD ISHAQ	VILLAGE GIRARAI DISTRICT BUNER	GMS KINGER GALI





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Aux Mark 11 B 9

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DISTRICT BUNER

NOTIFICATION

Consequent upon the acceptance of appeals, the order issued vide this office's Endsl: No. 1379/84 dated 16/05/2014 of S.No.39 in T.T BPS-15 of Mr. Ayaz Mahmood is hereby withdrawn from the date of issuance of his appointment order and stand cancelled and substituted by Mr. Fayaz Ahmad S/O Hazrat Umar and appointed school based as per merit at GMS Totalai as T.T BPS-15 (Rs.8500-700-29500) @ Rs. 8500/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of his taking over charge.

TERMS & CONDITION

1. NO TADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. He should not be handed over charge if his age exceeds 35 years or below 48 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO. Any one found producing bogus Certificate/Degrees will be reported to the law enforcing agencies for further action.
6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one month pay/allowance shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/Degrees are verified.
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
13. His appointment is made on School based. He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge Principals/Head Masters concerned will check their documents, if they have not the required qualification he may not be handed over charge.

(SHERAZ AHMAD)  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER

Entsl: No. 2248-54 Dated 15/1/07 2014

- Copy forwarded for information and necessary action to the:-
1. Director, Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
  2. Deputy Commissioner Buner.
  3. District Accounts Officer Buner.
  4. Medical Superintendent DHQ Hospital Buner.
  5. Principals / Head Masters Concerned.
  6. Officials Concerned.

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accepted  
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DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER

(11)

Amrullah

**BEFORE PESHAWAR HIGH COURT BENCH MINGORA/**

**DARUL QAZA SWAT.**

Writ Petition No: 4771/2014

**AyazMehmood s/o Tajar Said**

**R/O village Bajkata, Tehsil Gagra, District**

**Buner. \_\_\_\_\_ (Petitioner)**

**Versus**

**1. The D.E.O (M) Elementary & Secondary Education District  
Buner.**

**2. The Deputy Commissioner Buner.**

**3. The Director, Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar.**

**4. The Govt: of Khyber Pakhtunkhwa, through Secretary,  
Elementary and Secondary Education at civil secretariat  
Peshawar.**

*Correct address of Resp No.5- Village Dagai  
Khadukhail Tehsil Totakai Buner.*

**5. Fayaz Ahmad S/O Hazrat Umar R/O Village Nawagai,  
Tehsil Mandanr District Buner \_\_\_\_\_ ( Respondents).**

*CYA*

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973**


**Respectfully Sheweth:**

**FILED TODAY**

*ds*

**Additional Registrar**

**02 SEP 2014**

*attested & accepted*  


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**Brief Facts:**


Petitioner most humbly submits as under:-

1. That the Petitioner is the permanent resident of District Buner. He has qualified his bachelor Degree in arts and Master Degree in Islamiat. He has also acquired the pre-service training of PST and has at his credit, Teaching experience in semi Govt. and public institutions. (Credentials are Annexure A).
2. That the Respondent No.1 invited applications for the various posts/Categories of C.T, PET, AT, TT and PST Male through an advertisement which was published in the daily Mashriq on 07-01-2014 (Annexure B) while an other publication was also issued in the Daily Subah on 10-01-2014 (Annexure B/1) for the correction of aforesaid publication and it was explained to the applicants that application form is available on NTS website.
3. That the petitioner was qualified and eligible for the post of TT, therefore, the petitioner applied for the same post and qualified the NTS test and in the Govt. Middle School Totalai, the Petitioner was at serial No. 7 in the NTS result (Annexure C).
4. That the competent authority called the top ten candidates for interview and after the interview, the selection committee recommended the petitioner for the appointment against the post of TT at Govt. Middle School Totalai after observing all the codal formalities and on its recommendations the competent authority vide letter No. 1379-84 Dated:16-05-2014 (Annexure D) issued

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appointment order of Petitioner along with <sup>order</sup> candidates and the petitioner was placed ~~at~~ Serial No. 39 in the appointment list. Moreover the petitioner was also Medically examined and was found fit for the aforesaid Job vide Medical certificate (Annexure E).

5. That in pursuance of appointment, the petitioner took the charge on 17-05-2014 at Govt: Middle School Totalai, and performed his duties up to 14-06-2014 till Summer vacations. (photocopy of attendance Register is Annexure F).
6. That the Respondent No. 5 filed a departmental appeal / Review application (Annexure G) to the Respondent No. 1 against the appointment order of Petitioner on 27-05-2014.
7. That the appeal / Review application of the Respondent No.5 was accepted by the Appeal Committee vide order dated 03-07-2014 (Annexure H) without any cogent, legal reason and against the policy on the subject.
8. That just after one month of the appointment of petitioner vide impugned order Dated:15-07-2014 (Annexure I), the same authority replaced / withdrew/cancelled the appointment order of Petitioner and the Respondent No. 5 was appointed against the same post on the basis of un-founded and irrelevant grounds.

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9. That the petitioner being aggrieved of the impugned order ibid and having no other adequate and efficacious remedy, files this constitutional petitioner inter-alia on the following amongst other Grounds:


**GROUND:-**

- A. That the Respondents have not treated the petitioner in accordance with law, rules and policy on the subject and have acted in violation of article 4 of the constitution of the Islamic Republic of Pakistan, 1973 and un-lawfully issued the impugned order which is unjust, unfair and hence not sustainable in the eye of law.
- B. That the impugned order is based upon malafide in order to adjust nears and dears of the political authorities and that of the competent authority, therefore, the same is void, illegal and hence not sustainable.
- C. That the appointment order of Petitioner was issued after observing all codal formalities purely on merit and therefore, the withdrawal / cancellation of the same by the impugned order is the result of abusive exercise of power and thus the impugned order is arbitrary, coram-non-judice and hence not maintainable.
- D. That the present petitioner was **neither terminated nor dismissed** from service by respondent No. 1 while there is no term of **replacing** or cancellation of an employee from his service in service laws enforced in Pakistan and the respondent No. 1 while doing so and passing impugned order took the law into his

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hands and passed the impugned order illegally, unlawfully, unjustifiably and erroneously, so the act of respondent No. 1 is the clear violation of service laws & rules.

**E.** That **no inquiry** was carried out by the respondent No. 1 before passing impugned order **nor any show cause notice** was sent to present petitioner. Moreover, **no chance of personal hearing** was given to the present petitioner and passing of impugned order without any such legal formalities is nothing but against the legal approach and appointing of respondent No. 5 by replacing present petitioner is illegal, result of nepotism and influence and with malafide intent just to deprive the present petitioner from his basic right.

**F.** That no separate order of termination/removal/dismissal or replacement was passed for present petitioner nor the present petitioner was informed through any source about his replacement from service and astonishingly no lawful reason for replacing of present petitioner was given in the impugned order/letter No. 2248-54 dated: 15-07-2014 hence the impugned order is **illegal, void-ab-initio, without jurisdiction, malafidely, in excess of jurisdiction, result of ultra vires, based on demerits, discrimination, favoritism, partiality** and hence liable to be declared as such.

**G.** As such from the sequence of events narrated in this writ petition it is crystal clear that the petitioner was appointed after fulfilling all legal formalities and subsequently replaced / withdrew from service and the name of respondent No. 5 has been included in a

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clandestine manner which speaks volume nepotism and favoritism on the part of the respondents.

- H. That the appointment order of Petitioner was issued after observing all the codal formalities in pursuance of which petitioner has submitted his arrival to the competent authority and thus the appointment order was carried into effect and hence valuable rights have accrued in favour of Petitioner which cannot be taken away under the principle of locus poenitentiae and for that matter promissory estoppel.
- I. That the petitioner had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the petitioner as provided by the constitution of 1973.
- J. That the petitioner seeks leave of this Honorable Court to argue/raised additional grounds at the time of arguments.

**It is, therefore, most respectfully prayed that on acceptance of this writ petition the impugned order dated: 15-07-2014, passed by Respondent No. 1 may kindly be set aside and the respondent No. 1 may kindly be directed to re-instate the petitioner in service with all back benefits.**

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**Prayer**

On acceptance of this writ petition, the <sup>observations</sup> of appeal committee dated: 03-07-2014 and order of Respondent No.1 dated: 15-07-2014, may kindly be set-aside and direction may kindly be given to Respondent No. 1 to re-instate the petitioner with all back benefits.

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for, may also be granted to the petitioner.

**Interim Relief:**

By way of interim relief may kindly be pleased to suspend the operation of impugned order dated: 15-07-2014 till the final disposal of the instant writ petition.

Petitioner

Through

Dated: 01/08/2014



Abdul Marood Khan

Advocate High Court.

**Certificate:**

It is certified that no other writ petition on the same subject has earlier been filed by the petitioner in this August Court.



ADVOCATE

**Books:**


1. Constitution, Islamic Republic of Pakistan, 1973.
2. Civil Servants Act, 1973
3. Case Law and any other law as per need.



ADVOCATE

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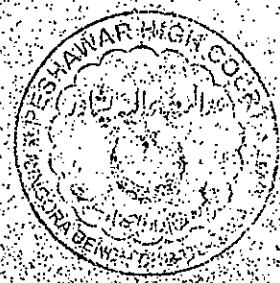


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DARUL QAZA SWAT.

Writ Petition No: 477/2014



AyazMehmood s/o Tajar Saïd

R/O village Bajkata, Tehsil Gagra, District

Buner. (Petitioner)

Versus

1. The D.E.O (M) Elementary & Secondary Education District

Buner.

2. The Deputy Commissioner Buner.

3. The Director, Elementary and Secondary Education

Khyber Pakhtunkhwa, Peshawar.

4. The Govt: of Khyber Pakhtunkhwa, through Secretary,

Elementary and Secondary Education at civil secretariat

Peshawar.

Correct address of Resp No 5, Village Dagan  
Khadukhari, Tehsil Fatahali, Buner.

5. Fayaz Ahmad S/O Hazrat Umar R/O Village Nawagai,

Tehsil Mandanr District Buner (Respondents)

CYA

WRIT PETITION UNDER ARTICLE 199 OF THE

CONSTITUTION OF ISLAMIC REPUBLIC OF

PAKISTAN, 1973

Respectfully Sheweth:

FILED TODAY

*ms*

Additional Registrar

02 SEP 2014

attested  
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JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT  
MINGORA BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)

W.P.477-M/2014  
with Interim Relief & C.M.897/2014



JUDGMENT

Date of hearing: 27.03.2018

*Ayaz Mehmood*  
*(Petitioner)*

Versus

*The District Education Officer (M) E&SE Buner & others*  
*(Respondents)*

Present: *Mr. Abdul Murood Khan, Advocate for Petitioner*  
*Muhammad Rahim Shah, Assistant A.G for the Official Respondents*  
*Mr. Shams-ul-Hadi, Advocate for the Respondent No.5.*

MUHAMMAD GHAZANFAR KHAN, J. This petition under Article 199 of the Constitution of the Islamic Republic of Pakistan has been filed by the petitioner for the following relief:

"It is, therefore, most respectfully prayed that on acceptance of this writ petition, the impugned order dated 15.7.2014, passed by the Respondent No.1 may kindly be set aside and the respondent No.1 may be directed to reinstate the petitioner in service with all back benefits.

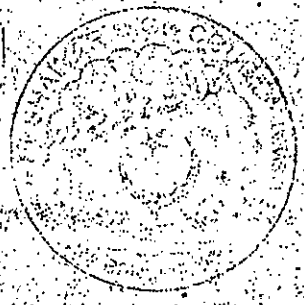
On acceptance of this writ petition, the observations of the appeal committee dated 03.7.2014 and order of the Respondent No.1 dated

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15.7.2014, may kindly be set aside and directions may kindly be given to the Respondent No.1 to reinstate the petitioner with all back benefits.

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for, may also be granted to the petitioner.



*[Handwritten signature]*

2. Briefly stated facts of the case are that the petitioner in response to advertisement published in daily 'Mashriq' on 07.1.2014 applied for the post of T.T. After qualifying the test and interview, the petitioner was appointed as such and he took over the charge on 17.5.2014 and since his taking over the charge, he performed his duties to the entire satisfaction of the high ups but all of a sudden, without any notice, the respondents vide endorsement No.2248-54 dated 15.7.2014 withdrew the appointment order of the petitioner that too on the application moved by private Respondent No.5 for review of the above said order.

3. Learned counsel for the petitioner mainly argued that after having been appointed on the post after thorough scrutiny and having successfully gone through the process of test and

Sd/- A/P (D.II)

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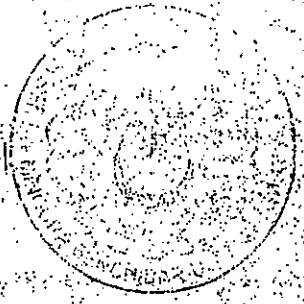
HON'BLE MR. JUSTICE MUHAMMAD QHAZAFAR KHAN  
HON'BLE MR. JUSTICE MUHAMMAD IBAHIM KHAN

interview, he was duly appointed, so, the withdrawal order unilaterally by the respondents is a mockery of law which is not legally sustainable.

4. Conversely, learned A.A.G and learned counsel for Respondent No.5 argued that private Respondent No.5 is higher in merit than the petitioner but he was ignored due to inadvertence of the department, so, his application for the review of the appointment order was rightly accepted and there was no occasion for the department to call the petitioner for hearing. They solicited that being lesser in merit than private Respondent No.5, the petitioner cannot invoke the constitutional jurisdiction of this Court.

5. Arguments heard and record perused.

6. Correct that under the principle of locus poenitentiae, an authority which can pass/issue an order is equally empowered to withdraw, rescind or modify that order but in the instant case, the respondents cannot take shelter of this provision as after appointment that too after observance of all codal formalities, the petitioner was appointed and



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*[Signature]*

HON'BLE MR. JUSTICE MUHAMMAD GHAZANFAR KHAN  
HON'BLE MR. JUSTICE MUHAMMAD ISHAHIK KHAN

he took over the charge of his assignment and also performed his duties, so, a right has been accrued to him, hence, the respondents were under legal obligation to grant him an opportunity of being heard before passing any adverse order against him. In the instant case, Respondent No. 5 has moved an application for review of the appointment order of the petitioner on the ground that he is higher in merit than the petitioner and the authorities without calling him or giving him an opportunity of hearing have passed the impugned order, which is neither just nor in accord with the principle of natural justice or the provisions of law relating to the subject matter. Hence, we allow this writ petition, set aside the order of Respondent No. 1 and direct the respondents that the review petition filed by Respondent No. 5 shall be deemed to be pending before the District Education Officer (M), Buner and before passing any order on the said application, the respondents shall give an opportunity of hearing to the petitioner. Until decision of the above said application, the petitioner

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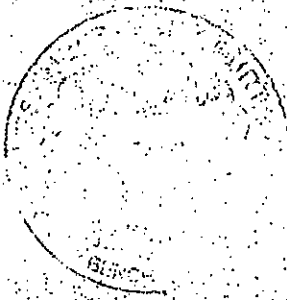
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HONBLE MR. JUSTICE MUHAMMAD SHAZANFAR KHAN  
HONBLE MR. JUSTICE MOHAMMAD IUBAKH KHAN

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shall be deemed to be in service as he was prior to the issuance of the impugned order.

Announced  
27.03.2018



JUDGE  
*[Signature]*  
JUDGE

S.No. 01  
Name of Applicant: *Muhammad Ibrahim Khan*  
Date of Presentation of Petition: *28-3-18*  
Date of Disposal of Petition: *2-4-18*  
No. of Petition: *6 P*  
Page No.: *12/18*  
Date of Judgment: *02-4-18*

Certified to be a true copy

*[Signature]*  
Deputy District Judge  
District Court, District of Swat  
*2/4/18*

attested  
*[Signature]*

*Attu*  
*29/3*

To: THE DISTRICT EDUCATION OFFICER  
(M) DISTRICT BUNER

(24) Mark <sup>Ausc</sup> D

Subject: ENQUIRY REPORT IN R/O AYAZ MAHMOOD S/O TAJBAR SAID EX. TT GMS TOTALAI BUNER  
Memo:

In the light of the judgement of the Honorable Peshawar High Court Mingora Bench Darul Qaza dated 27-3-2018 in Writ Petition No 477 -M /2014 Titled

**AYAZ MAHMOOD Vs DEO (M) Buner and others**

Reference Honorable DEO(M) Buner Endst No. 1612-13 dated 12/04/2018. We the enquiry Committee (i.e 1-Mohammad Ayub SDEO (M) Daggar and 2. Amanul Mulk Shah ADEO Estab(M) Piry Buner) called the petitioner for personal hearing and served the questionnaire to record his statement in black in white (Statement of the petitioner attached as Annexure A), scrutinized the case of Ayaz Mahmood (EX) GMS Totalai in the light of the above said judgment and reached the following findings

- 1- Mr. Ayaz Mahmood S/O Tajbar Said R/O Bajkata Buner was appointed as TT at GMS Totalai Buner *was appointed* DEO (M) Buner order Endst No 1379-84 dated 16-5-2014.
- 2- The District Education Officer (M) Buner withdrew the appointment order of the petitioner Mr. Ayaz Mahmood vide his office order No 2248-54 dated 15-7-2014 and appointed Mr. Fayaz Ahmad S/O Hagarat Umar village Dagai Khadukhail in the light of the complaint submitted by Fayaz Ahmad.
- 3- Mr. Ayaz Mahmood was terminated on the ground that additional PTC Marks were added to his merit *score* which was not his right.
- 4- The enquiry committee thoroughly checked the merit list of TT and reached to the conclusion that *additional* marks of PTC were awarded to the petitioner Mr. Ayaz Mahmood his merit was found to be 113.45 *score* the additional PTC marks is subtracted from his score, his actual score remains 102.47.
- 5- It is pertinent to mention that the committee noted five other appointees in the same order who have also *been* awarded additional marks of PTC namely as follows.

S.No	Name of Appointee	Total score including PTC marks	PTC Marks	S.No in Apptt. Order	Place where posted
1	Mushraf Shah	111.06	9.5	6	GHSS Ghazikot
2	Abdul Manan	120.48	10	23	GMS Kingargali
3	Fidaullah	115.05	10.23	28	GMS Legana
4	Misbahullah	108	10.57	31	GMS Mughdara
5	Hidayatullah	116	10.33	35	GMS Rega No 2

- 6- If the additional marks awarded to the above mentioned appointees, are deducted from them, then the *Teacher* at S.No 1 Mr. Mushraf Shah TT GHSS Ghazikot and S.No 4 Mr Misbahullah TT GMS Mughdara Buner *will* lose their meritorious position as compare to the petitioner.

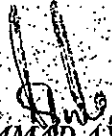
*collected*  
*(Signature)*

25

7- Hence termination of the petitioner Mr. Ayaz Mahmood is based on injustice as compared to the other appointees whose services are yet intact.

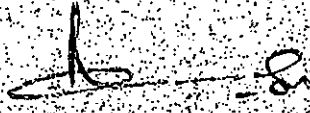
**RECOMMENDATIONS:**

Keeping in view the above facts and findings, the petitioner Mr. Ayaz Mahmood is deserved to be restored in service from the date of his initial appointment. Therefore the order of the petitioner W/ DEO (M) Buner Endst No 1379-84 dated 16-5-2014 be restored from the date of withdrawal Vide DEO (M) Buner Endst No 2248-54 dated 15-7-2014.




(MOHAMMAD AYUB)

SUB-DIVISIONAL EDUCATION OFFICER  
MALE DAGGAR DISTRICT BUNER.



AMANUL MULK SHAH

ASSISTANT DISTRICT EDUCATION OFFICER  
ESTAB: (M) PRIMARY DISTRICT BUNER.

attested  




خدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر ایلمینٹری اینڈ سیکنڈری ایجوکیشن بونیر

Diray No 274

Date 17/04/18

عنوان:

کاروائی حسب ضابطہ بمطابق فیصلہ مصدرہ

مورخہ 27-3-2018 عدالت عالیہ پشاور ہائی کورٹ بینچ مینگورہ

بابت بحالی سروس ایاز محمود: ولد تاجر سید سکھہ باجکٹہ

جناب عالی

درخواست حسب ذیل ہے

- 1 یہ کہ سائل کو معیار اتھارٹی نے مورخہ 5-17-2014 کو تمام قانونی لوازمات پورا کرنے کے بعد بحشیہ TT مدرس گورنمنٹ مڈل سکول طوطالائی میں تعینات کیا اور بندہ نے چارج لے کر اپنی ٹیوٹی سر انجام دی۔
- 2 یہ کہ بندہ کے تعیناتی لیٹر بغیر کسی قانونی وجوہ کے منسوخ کر کے دوسرے بندے فیاض احمد کو تعینات کیا گیا۔
- 3 بندہ نے مذکورہ آرڈر کو عدالت عالیہ پشاور ہائی کورٹ بینچ مینگورہ (wpno 477/2014) میں چیلنج کیا۔ عدالت عالیہ نے بندہ کے درخواست کو منظور کر کے سائل کو ابتدائی تاریخ سے اپنے TT پوسٹ پر بحال (IN SERVICE) رہنے کا حکم صادر فرمایا ہے۔
- 4 یہ کہ جناب سے گزارش ہے کہ سائل کو بمطابق فیصلہ ابتدائی تاریخ سے بحال کر کے ٹیوٹی جائن کرنے کی حکم صادر فرما کر مشکور فرمائیں تو کرم ہو گا۔

عریضہ

تابع حکم

ایاز محمود ولد تاجر سید

NIC: 15101-9977960-1

مورخہ 12-04-2018

Attested  
M

To

27

Ayaz K F

The district Education officer (M) district buher

**Subject: Release of salary and posting of applicant.**

The applicant submits as follows

1. That petitioner was appointed as T.T on 17-05-2014 and after serving for several for months his appointment order was withdrawn.
2. That the applicant knocked the door of Peshawar high court mingora bench for cancellation of his withdrawal order and his Re-instatement which was accepted and your good office was directed to give personal hearing to the applicant.
3. It is also pertinent to mention here that the honorable court declared that the applicant will be deemed to in service since his initial appointment i.e. 17-05-2014.
4. That after personal hearing of the applicant the committee concerned have also recommended for the posting of the applicant.

It is therefore kindly requested that the salary of applicant may kindly be released as he is in service and may kindly be posted on a vacant post.

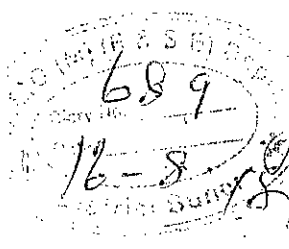
Yours obediently

Ayaz mahmood (T.T)

attested  
(M)

Date: 19-07-2018.

حکومت پنجاب ڈیپارٹمنٹ آف ایجوکیشن ایفیرس (جی ایل) لوہانہ



درخواست لکھنا مفصلہ کرنے در خواستیں سائل  
بابت تنخواہ وغیرہ وغیرہ لکھنا تقورات مفصلہ لکھنا

جنا۔ مال : درخواست حسب ذیل ہے۔

- 1- سائل کو مورخہ 2.18.2018-5-17 بجیت T.T مدرس تعلیمات میں  
کیا گیا تھا اور قریباً 2 ماہ سروس کے بعد درخواست لکھی  
گئی جس کے خلاف سائل نے پیشوا لکھا اور گورنر میں  
رٹ دائر کی چونکہ مفصلہ ہوئی اور عدالت نے  
سائل کو "in service" بحال رکھا اور اب صاحبان  
کو سائل کے مسئلے کا حوالہ دینے کیلئے حرايات کی۔
- 2- یہ کہ اب صاحب نے رٹ دائر کر کے کی صورت میں  
سائل کے درخواستوں کو تیسرے حالتوں قرار دیا اور  
سفارشات پیش کی ہے سائل کو سروس بحال  
رکھا جائے (ریٹو ایڈیشن ص 16)
- 3- یہ کہ سائل کی دفعہ دفتر آیا اور متعدد درخواستیں بابت  
سروس جائز کرنے اور ادائیگی تنخواہ کیلئے دے لکھ کر  
تا حال کو حکم نہیں ہوا ہے حالانکہ قانوناً اب صاحبان کو  
وجوہات کے ساتھ حکم دینا چاہئے تھا۔

لہذا اس سے یہ کہ سائل کے درخواستوں پر مفصلہ لکھنا  
سائل کو نقل فرمایا گیا جائے تاکہ سائل عدالتی داد  
دے سکیں۔

دیکھا تا لکھنا ر تیار T.T

مورخہ 16-8-2018

attested  
(M)

129

Ayaz Mahmood H<sup>2</sup>

The district Education officer (M) district buner

**Subject: Release of salary and posting of applicant.**

The applicant submits as follows

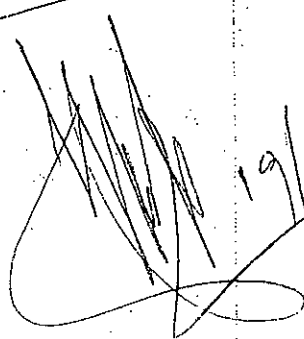

1. That petitioner was appointed as T.T on 17-05-2014 and after serving for several for months his appointment order was withdrawn.
2. That the applicant knocked the door of Peshawar high court mingora bench for cancellation of his withdrawal order and his Re-instatement which was accepted and your good office was directed to give personal hearing to the applicant.
3. It is also pertinent to mention here that the honorable court declared that the applicant will be deemed to in service since his initial appointment i.e 17-05-2014.
4. That after personal hearing of the applicant the committee concerned have also recommended for the posting of the applicant.

It is therefore kindly requested that the salary of applicant may kindly be released as he is in service and may kindly be posted on a vacant post.

Yours obediently  
Ayaz mahmood (T.T)

Date: 19-07-2018.

Request as  
The committee which you are mentioning, has done favouritism in your favour.

  
19/7/2018  
attested  


30

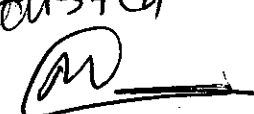
Amc I

Before the Director elementary and secondary Education Khyber  
pukhtoonkhwa.

**Departmental Appeal through proper channel against the impugned order dated 19/7/2018 whereby the DEO (M) buner rejected the application of the appellant for the release/payment of his salary.**

The appellant submits as follows:

1. That the applicant was appointed as T.T on 17.5.2014 but after a couple of months his appointment order was withdrawn in violation of law and natural justice. (appointment order of the appellant and his withdrawal orders attached as mark A and B)
2. That the aforesaid order of withdrawal was challenged by the applicant in writ petition before the peshawar high court Mingora bench and the high court was pleased to declare the applicant as "in service as he was prior to the issuance of the impugned order of withdrawal". (order/judgment of the high court attached as mark C)
3. That pursuance to the above mentioned judgment of the high court an inquiry was conducted by the DEO district Buner which also stated/opined the withdrawal order as illegal and recommended the re instatement of the applicant. (inquiry report attached as mark D).
4. That the applicant visited several time to the office of DEO (M) Buner and also submitted application dairy No 17.4.2018 for joining the service and also filled application for release of his salaries but no heed was paid to his requests. For a long time. (application dated 17.4.2018 and application dated 19.7.2018 attached as mark E & F)
5. That inactions of the DEO office reached to the extent that they were not providing the dairy numbers of his application hence after several visits the appellant file an application dated 16 . 8.2018 through dairy No 689 for decisions on his application and on the same date the copy of the impugned order was provided to the appellant whereby the application of the appellant was rejected through an endorsed order. ( application dated

attested  


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- 16.8.2018 and impugned order endorsed on the application dated 19.7.2018 attached as marks G and H)
6. That the DEO buner is bound by law to release the salary of the appellant but his refusal in this regard is against the law and order/judgment dated 27/3/2018 of the august high court Peshawar Mingora bench.
  7. That the impugned order dated 19/7/218 of the DEO (M) Buner is violative of the law,rules and natural justice.
  8. That the impugned order of The DEO Buner is a non speaking, Unreasonable and tented with malafide which needs to be set aside.
  9. That nothing has been stated for refusal of salary of the applicant in the impugned order and the only ground for the rejection of the application has been stated the favoritism of the inquiry committee in favor of the applicant which is astonishing, ridiculous and malafide because the inquiry committee was appointed by the DEO and not by the appellant who is a common citizen.

It is therefore kindly requested that the appeal of the appellant may kindly be accepted by releasing of his safaries/emofuments and DEO Buner may kindly be directed to adjust the applicant on the post of TT for the betterment of the students.

Dated: 18.8.2018

**Appellant**

**Ayaz Mehmood TT r/o village bajkata buner.**

Copy of the appeal is also directly sent to the director.

attested  
M

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Amc J

VTCS		Sales Tax Invoice		
Acct / Coupon	Consignment Note No	Org	Dest	
	470-8250889			
Mode of Payment	Insured	Dimension	Wt (kgs)	Pcs
<input type="checkbox"/> Coupon <input type="checkbox"/> FOC <input type="checkbox"/> CDD	<input type="checkbox"/> Yes <input type="checkbox"/> No	L(cm) W(cm) H(cm)		
<input type="checkbox"/> Account <input type="checkbox"/> Cash	Value			
From (Shipper)	To (Consignee)	Service Type	Overnight	Holiday
Ayaz Meh		<input type="checkbox"/> Overnight <input type="checkbox"/> Holiday	<input type="checkbox"/> Extra Sp <input type="checkbox"/> Same Day	<input type="checkbox"/> Second Day
		Service Charges	Weight	Handling
Phone	Phone	Other	GST	Insurance Premium
			TOTAL	
<small>I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment do not contain any letter. The execution of this consignment note is prima facie evidence of the conclusion of contract between shipper &amp; VTCS (PVT) LTD.</small>				
<small>SHIPPER'S SIGNATURE</small> <small>AS PER P.O. ACT 1988, TCS WILL NOT CARRY LETTER POSTCARDS</small>				

VTCS		Sales Tax Invoice		
Acct / Coupon	Consignment Note No	Org	Dest	
	470-8250888			
Mode of Payment	Insured	Dimension	Wt (kgs)	Pcs
<input type="checkbox"/> Coupon <input type="checkbox"/> FOC <input type="checkbox"/> CDD	<input type="checkbox"/> Yes <input type="checkbox"/> No	L(cm) W(cm) H(cm)		
<input type="checkbox"/> Account <input type="checkbox"/> Cash	Value			
From (Shipper)	To (Consignee)	Service Type	Overnight	Holiday
Ayaz Meh	Education	<input type="checkbox"/> Overnight <input type="checkbox"/> Holiday	<input type="checkbox"/> Extra Sp <input type="checkbox"/> Same Day	<input type="checkbox"/> Second Day
		Service Charges	Weight	Handling
Phone	Phone	Other	GST	Insurance Premium
			TOTAL	20
<small>I warrant that I have read the terms and conditions on the reverse of this consignment note and that all details given herein are true and correct. I further declare that the contents of this consignment do not contain any letter. The execution of this consignment note is prima facie evidence of the conclusion of contract between shipper &amp; VTCS (PVT) LTD.</small>				
<small>SHIPPER'S SIGNATURE</small> <small>AS PER P.O. ACT 1988, TCS WILL NOT CARRY LETTER POSTCARDS</small>				

attested  
MO

## وکالت نامہ

بعدالت خیر محنتخواہ سرسرسر سوسائٹی لاہور  
 نام محمد محمدی - محمدی - محمدی - محمدی - محمدی  
 منجانب سرسرسر سوسائٹی لاہور  
 باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام کے لیے مسطور 2-2-

مشاق احمد خان ایڈووکیٹ پشاور کو بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ مختار خاص روز بروز عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر من مظهر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کی ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا معائنہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پورا مختار صاحب

موصوف مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعوے و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری، یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ محتانہ پیروی کا اختیار ہوگا، اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا، یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں، اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے، جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ بھی صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا تاکہ سند رہے۔

مورخہ 12/12/2017ء - مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Attested & Accepted



Mushtaq Ahmed Khan Advocate

العبد

العبد

Mushtaq A.

12/12/2017

ایڈووکیٹ احمد خان ایڈووکیٹ



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

Service Appeal No. 1462/2018

Ayaz Mehmood ----- Appellant.

VERSUS

District Education Officer (Male) Buner & Others ----- Respondents.

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8	Court judgement dated 27/3/2018 in w.p No.477/2014	D	19-24
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DEPONENT

CNIC No.15101-0882586-3

①

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

**Service Appeal No. 1462/2018**

Ayaz Mehmood TT S/o Tajar Said R/O Bajkata tehsil Gagra

Appellant

**Versus**

1. District Education Officer Male District Buner
2. Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar
3. Govt; of Khyber Pakhtun Khwa through Secretary (E&SE)Khyber Pakhtun Khwa.

Respondents

**Respectfully Sheweth**

Parawise Comments/ Written Reply on behalf of Respondent No. 1, 2 &3.

**Preliminary Objections.**

1. The Appellant has no cause of action/locus standi
2. **The instant appeal is badly time barred.**
3. The Appellant has concealed the material facts from this honourable Tribunal, hence liable to be dismissed.
4. The Appellant has not come to this honourable Tribunal with clean hands.
5. The appellant has filed the instant appeal on malafide motives.
6. The instant appeal is against the prevailing law and rules.
7. That the appellant has been estopped by his conduct to file the appeal.
8. That the honourable Tribunal has no Jurisdiction to adjudicate the matter.

**Facts**

1. Correct, to the extent that the appellant was appointed as TT Teacher on 17/5/2014, the appellant performed his duties for only two months 17/05/2014 to 15/07/2014 on the aforesaid post and his appointment order was withdrawn by the competent authority on acceptance of the appeal. And recommended by committee the appointment order of the appellant was withdrawn, and stood cancelled and substituted i.e. Fayaz Ahmad was appointed instead of Ayaz Mehmood, the same is an annexure A, B & C.
2. Correct, to the extent against the withdraw order of the appellant, the appellant filed writ petition No, 477-M/2014 in the honourable court of Peshawar High court Mingora bench Darul Qaza swat the department submitted para wise comments in the above writ petition. The honourable court announced its judgement on 27/3/2018, Court Judgment is attached as annexure D.
3. Correct, to the extent that the honourable court has given direction to the respondents department to give opportunity to the appellant. In this regard the competent authority respondent No.1 District Education Officers constituted a committee to scrutinize the case of Ayaz Mehmood in the light of court judgment dated 27/3/2018 and submitted their clear findings to the competent authority. The enquiry committee submitted their report to DEO (M) Buner but the competent authority was unsatisfied from the report of the enquiry officer dated 20/4/2018 on the grounds of misreading and non-reading of the relevant record, first enquiry report is attached as annexure E, consequently the District.

education officer male Buner nominated the Deputy District Education officer Buner to re enquire the above title case and submit his findings/ recommendation to the undersigned, the recommendation of the enquiry officer is re produce here.

"I. Ayaz Mahmood has wrongly been awarded PTC marks, and these additional marks have rightly been deducted, which brought him to low pedestal in merit. Consequently he does not meet the require merit to compete with the rightful candidates.

II. The withdrawl /termination order of Mr. Ayaz Mehmood and appointment of Mr. Fayaz Ahmad vide order No 2248-54 dated 15/7/2014 is based on merit and justice, hence may be retained which is attached annexure F".

- 4. Denied: The application of the appellant has been decided by the competent authority & communicated to the appellant.
- 5. Pertains to record.
- 6. The competent authority dealt with the appeal of the appellant in accordance with law and rules.

*Handwritten signature and scribble*

Grounds.

- A. In correct , the appellant has not performed his duty, appointment order was withdrawn by the competent authority in the light of appeal of Fayaz Ahmad furthermore the appellant <sup>has</sup> not performed his duties after his withdrawl of appointment order. Hence, he is not entitled to get salary as per rules, law and policy.
- B. In correct, the respondent No 1 has not violated the law rule & natural justice because, The appellant is not entitled for the salaries.
- C. In correct, and denied the order of the competent authority is in accordance with law rules and policy.
- D. In correct, already explained in para No. 3 of the facts.
- E. In correct, is per para No B of the grounds.
- F. The respondents also seeks the permission of the honourable court any advance proofs at the time of argumentation.

In view of the above noted submission, it is requested that this honourable tribunal may very graciously be please to dismiss instant in favour of the respondent departments.

DISTRICT EDUCATION OFFICER  
MALE DISTRICT BUNER

DIRECTOR  
ELEMENTARY & SECONDARY EDUCATION  
KHYBER PUKHTUNKHWA PESHAWAR

SECRETARY  
ELEMENTARY & SECONDARY EDUCATION  
KHYBER PUKHTUNKHWA PESHAWAR

*Handwritten signatures and scribbles*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1462/2018

Ayaz Mehmood-----Appellant.

VERSUS

District Education Officer (Male) Buner & Others-----Respondents.

**AFFIDAVIT**

I, Ubaidur Rahman ADEO (litigation) office of the District Education officer (Male) Buner do hereby solemnly affirms & state on oath that the whole contents of the reply are true & correct to the best of my knowledge & belief & nothing has been concealed from this August Court.

DEFONENT

15101-0882586-3

District Education Officer

Office of the District Education Officer

Buner

DEFONENT

15101-0882586-3



Annex-A

(4)

OFFICE OF THE DISTRICT EDUCATION OFFICER (M/F)  
DISTRICT BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: EDOBUNER@GMAIL.COM

APPOINTMENT.

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of T.T, School based in BPS-15 (Rs.8500-700-29500) @ Rs: 8500/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge :-

S.#	Roll No.	Name	Father's Name	Permanent Address	Place of post
1	1450035	ABDUS SAMAD	AMIR NAWAB	VILLAGE KALAKHELA DISTRICT BUNER	GHS DOKAD
2	1450287	AMIN UR RAHMAN	MATI UR RAHMAN	VILLAGE ELAI DISTRICT BUNER	GHS DOKAD
3	1450470	KALEEM ULLAH	MATI ULLAH	VILLAGE ELAI DISTRICT BUNER	GHS GIRARA
4	1450086	SYED HASSAN ALI SHAH	SYED HUSSAIN SHAH	VILLAGE PACHA KALAY DISTRICT BUNER	GHS KATKAL
5	1450278	ABDUL SABOOR	ABDUL BASEER	VILLAGE JANGAI DISTRICT BUNER	GHS MANGAI THANA
6	1450072	MUSHARAF SHAH	GUL SHAD	VILLAGE KOT MARADU DISTRICT BUNER	GHSS GHAZIK
7	1450205	BURHAN ULLAH	HAMDULLAH	VILLAGE AGARAI DISTRICT BUNER	GMS AGARA
8	1450299	AKHTAR ZAMAN	ABDUL ZAMAN	VILLAGE TOTALAI DISTRICT BUNER	GMS AKHUNSEI
9	1450290	MUHAMMAD QASIM	MUHAMMAD QURAISH	VILLAGE DAGAI DISTRICT BUNER	GMS AKHUNSEI
10	1450270	ZIA UD DIN	ABDUL MATIN	VILLAGE GULBANDI DISTRICT BUNER	GMS ALAMI BAN
11	1450043	JAMSHED ALI	SHAUKAT ALI KHAN	VILLAGE CHEENA DISTRICT BUNER	GMS BALO KH
12	1450174	SHAFIQ	SHAMS	VILLAGE TORWARSAK DISTRICT BUNER	GMS BALO KH
13	1450344	TAJ ZAMAN	MUHAMMAD JAMAL	VILLAGE DHERAI DISTRICT BUNER	GMS BIAMDAR
14	1450192	IJAZ AHMAD	FAZLI SUBHAN	VILLAGE MATWANI DISTRICT BUNER	GMS DAB SER
15	1450139	SOHAIL KHAN	AMIR AMAN KHAN	VILLAGE GHURGUSHTO DISTRICT BUNER	GMS DANDAR
15	1450125	MUHAMMAD RASHID	ZAMIN KHAN	VILLAGE CHEENA DISTRICT BUNER	GMS DANDI K
17	1450179	ALI BAHADAR	SHER BAHADAR	VILLAGE KHAISTA BABA DISTRICT BUNER	GMS GUMBA
18	1450301	TARIQ ALI	MUHAMMAD KHAN	VILLAGE TOTALAI DISTRICT BUNER	GMS HALL
19	1450188	ALI MUHAMMAD	SHAH MUHAMMAD	VILLAGE KORYA DISTRICT. BUNER	GMS JABA CHOV
20	1450328	IMTIAZ MUHAMMAD	SAHIB NOOR	VILLAGE TOTALAI DISTRICT BUNER	GMS JANGDARA
21	1450300	ABDUL BAIS	FAZLI AKRAM	VILLAGE KAWGA DISTRICT BUNER	GMS KALAN
22	1450356	IRFAN AHMAD	MASAL KHAN	VILLAGE CHINGLAI DISTRICT BUNER	GMS KANGAL
23	1450283	ASDUL MANAN	ABDUR RASHID	VILLAGE TORWARSAK DISTRICT BUNER	GMS KINGER G.
24	1450315	ZIA-U- RRAHMAN	MUHAMMAD ISHAQ	VILLAGE GIRARAI DISTRICT BUNER	GMS KOHAY
25	1450346	SAID ALI SHAH	SAID LAIQ SHAH	VILLAGE CHINGLAI DISTRICT BUNER	GMS KOZA JAM

J. J. J.

*[Handwritten signature]*

*[Handwritten signature]*  
Govt Degree College  
Daggar Dist: Buner

26	1450337	WAHIO ZADA	NASIB ZADA	VILLAGE DIWANA BABA DISTRICT BUNER	GMS-KULYARI
27	1450026	ZAKIR ULLAH	ZARIN SHAH	VILLAGE RAMZAY DISTRICT BUNER	GMS KUZ KALAY
28	1450428	FIDA ULLAH	MOHIBULLAH	VILLAGE ELAI DISTRICT BUNER	GMS LEGANAI
29	1450418	MUHAMMAD ALI KHAN	MUHAMMAD KHAN	VILLAGE SHALBANDI DISTRICT BUNER	GMS MALAKPUR
30	7001	AMJAD ALI SHAH	ABDUL AHMAD SHAH	VILLAGE ELAI DISTRICT BUNER	GMS MINA KADAL
31	1450119	MISBAH ULLAH	SADIQ ULLAH	VILLAGE CHARORAI DISTRICT BUNER	GMS MOGHDARA
32	1450231	ZIA UR RAHMAN	KHAIL UR RAHMAN	VILLAGE ELAI DISTRICT BUNER	GMS MULA BANDA
33	1450152	TAIMUR SHAH	ROIDAD SHAH	VILLAGE GANSHAL DISTRICT BUNER	GMS PHALAWARAY
34	1450335	AFZAL SAID	SHAH SAID	VILLAGE KULYARI DISTRICT BUNER	GMS PHANGALAY
35	1450294	HIDAYAT ULLAH	MUJEBUL HAQ	VILLAGE KARAPA DISTRICT BUNER	GMS REGA NO. 2
36	1450058	FAZLI AKRAM	SAID AKRAM	VILLAGE BAGH DISTRICT BUNER	GMS SAWAWAI
37	1450220	ABDULLAH	GUL HASSAN	VILLAGE PIR ABAI DISTRICT BUNER	GMS SHANAI
38	1450023	MANZOOR HUSSAIN	KHAN HASSAN	VILLAGE TOTALAI DISTRICT BUNER	GMS THEGARAI
39	1450417	AYAZ MAHMOOD	TAJBAR SAID	VILLAGE BAJKATA DISTRICT BUNER	GMS TOTALAI
40	1450151	SYED LUOMAN ALI SHAH	SYED QURAISH	VILLAGE REGA DISTRICT BUNER	GMS WAKEEL ABAD

## TERMS &amp; CONDITION.

1. NO TADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. They should not be handed over charge if he exceeds 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO if any one found producing bogus Certificates/Degrees will be reported to the law enforcing agencies for further action.
6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/Degrees are verified.
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal-etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
13. His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge Principals/Head Masters concerned will check their documents, if they have not the required qualifications they may not be handed over charge.

(SULTAN MAHMOOD MIAN)  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER.


6


3

Endst: No. 1379-84. Dated 16/05/2014.

Copy forwarded for information and necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Accounts Officer Buner.
4. Medical Superintendent DHQ Hospital Buner.
5. Principals / Head Masters Concerned.
6. Officials Concerned.

  
DISTRICT EDUCATION OFFICER (M/F)  
DISTRICT BUNER.

  
DISTRICT EDUCATION OFFICER  
Govt. District Buner  
Durrani Dist. Buner



Amex B (7) (5)

A.D.O. Seely

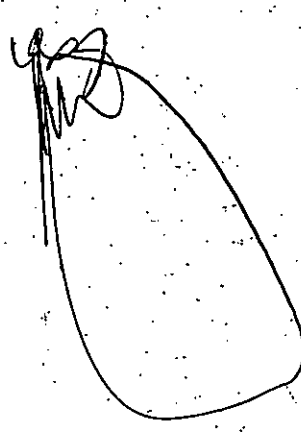
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سلسلہ نمبر 450417 (1) کیلئے رقم کی ضرورت ہے  
چیکنگ - پیمنٹ کی ضرورت ہے



درج ذیل افراد میں سے ایک سے رابطہ کر کے رقم کی ضرورت کی ضرورت ہے

درج ذیل افراد میں سے

صاحب علی: تین تین تین تین تین تین تین تین تین  
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درج ذیل افراد میں سے ایک سے رابطہ کر کے رقم کی ضرورت کی ضرورت ہے

سر سید کانسٹیبل - 113 ایف ڈی پی  
صاحب علی کانسٹیبل - 110  
پیٹ GMS.TT طوطا

درج ذیل افراد میں سے ایک سے رابطہ کر کے رقم کی ضرورت کی ضرورت ہے



OBSERVATIONS OF APPEAL COMMITTEE ON NTS BASED APPOINTMENTS OF VARIOUS CATEGORIES 2014.

The following appeals were received after the issuance of appointment orders from the candidates applied for different post/categories and finalized by the committee chairman/members are as under.

S.No	Name of Appellant	Cadre	Objection Raised	Decision / Remarks
1	Faraz Khan	PET	Not appointed due to high merit	Not appointed because JDPE is from SDC (Abbottabad high court decision against SDC is attached) however Court Decision in favour of candidates of SDC of Darul Qaza Swat issued on 08/05/2014 which received after issuance of orders)
2	Ibadullah	PST	Not appointed being on merit No.2 in the U/C while candidate at Merit No.3 appointed.	B.A marks were entered incorrectly by NTS and after correction of his B.A marks the appellant merit went to 10 therefore not appointed.
3	Saeedur Rahman	PST	Dropped due to SDC diploma of PTC in 2012	There was no vacant post in U/C total of PST hence regretted.
4	Sajja Ali	PST	Dropped due to SDC diploma of PTC in 2012	There was no vacant post in U/C Karapa of PST hence regretted.
5	Amjad Ali, Sher Muhammad & Others	D.M	Appointment against DM post	Orders will be issued after court decision.
6	Amir Laiq Khan	C.T	Objection against wahid shah score.	Wahid shah score checked and found correct i.e 118.14 and amir laiq khan score is 117.66. Amir layaq F.A and B.A score were entered incorrect by NTS i.e 533/850 and 550/550 instead of 533/1100 and 270/550 respectively therefore wahid shah appointed to high score.
7	Abid Ali	C.T	H/M GHS Janak Banda not providing charge.	Order has already been issued to concerned H/M and charge has been handed over to the appellant so objection removed.

C.T - C

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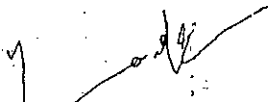
31	Abdul Manan	T.T	Wants to be transferred from GMS Shanai to GMS kinger gali.	The appellant being on top on merit at GMS kinger gali so appointed at that school. Appeal rejected.
32	Khalil Ahmad	T.T	NTS marks not shown on relevant website.	Having no merit position on NTS. Appeal Rejected.
33	Sadique Rahmar	T.T	Academic certificates neglected and marks awarded of Asnads of Madrasas where as he has not submitted the same.	Merit calculated as per data provided to NTS in the Form.
34	Abdus Salam	T.T	Appeal against Ali Bahadar NTS Score= 115.75 and Hidayatullah score=116.56.	Abdus salam merit went lowered after deduction of MED-marks and Mphil marks which were awarded by NTS wrongly. Abdus Salam score went to 104.3 and candidates of higher merit were appointed.
35	Salih Noor	T.T	Not submitted one certificate.	The candidate confess that he has not submitted one certificate to NTS for merit calculation. While merit has been calculated as per data provided to NTS in the Form. Appeal Rejected.
36	Nasrullah	T.T	Request for awarding marks of PTC for appointment of T.T	PTC marks are not counted for appointment of T.T marks. Appeal Rejected
37	Wahid Shah	T.T	Request for posting at Dab Serai or Alami Banda against T.T post.	Already appointed as C.T post at GMS Kot Gokand.
38	Fayaz Ahmad	T.T	Appeal against ayaz mahmood T.T who has been appointed at GMS Totalai who has been awarded PTC marks which is against the rules.	Appeal Accepted. Mr. Fayaz Ahmad may be appointed as per merit position and Mr. Ayaz Mahmood may be terminated because of having lower merit than the appellant.
39	Ali Muhammad	T.T	Request for placement at GMS Miana.	Already appointed at GMS Jaba Chowan on T.T post. Appeal Rejected.
40	Muhammad Shamim	T.T	Marks is less in merit and Alia marks may be awarded in merit too.	Alia not submitted to NTS so marks not awarded by NTS. Addition of any kind of document is not allowed at this stage. Appeal Rejected.


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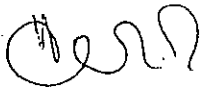
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41	Zainul Abidin	T.T	Marks of Alia to be awarded/counted.	Addition is not allowed at this stage. Appeal Rejected.
42	Abdu Salam	T.T	Marks of sanadat of madrasas to be included for additional marks	Addition is not allowed at this stage. Appeal Rejected.
43	Haleem Shah Abbasi	T.T	Wants to submit documents after due date.	Addition of Asnad is not allowed after due date hence Appeal Rejected.


Committee:

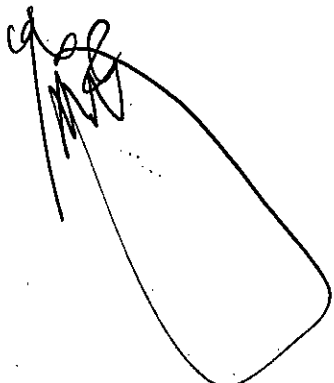
  
Yaqub Dad H/M  
GHS Bampokha


  
M. Insanullah A.P. EMIS  
DEO Office



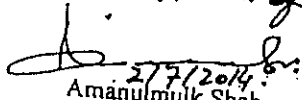
Himayat Shah  
SDEO(M)


  
Mubin Iqbal  
ASDEO (Civil Bazar)  
90 SDEO(M) Bazar

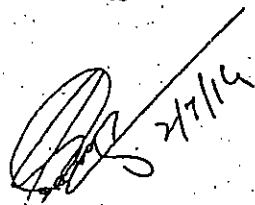


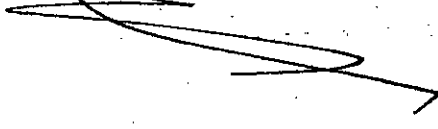
  
Umar Farooq ADO Estab: Secy  
DEO Office

*Discussed appeals of P.S. Haleem about*  
*about*

  
Amanulmulik Shah  
27/7/2014  
ADO Estab: Secy  
attended the meeting and discussion on appeal.

  
Saranjam S/C Estab Secy:  
DEO Office

  
27/7/14  
DISTRICT EDUCATION OFFICER (M)  
BUNER

C4-C  


Annex C

11

11

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DISTRICT BUNER

NOTIFICATION:

Consequent upon the acceptance of appeals, the order issued vide this office Endsl: No.1379-84 dated 16/05/2014 of S.No.39 in T.T BPS-15 of Mr. Ayaz Mahmood is hereby withdrawn from the date of issuance of his appointment order and stand cancelled and substituted by Mr. Fayaz Ahmad B/O Hazrat Umar and appointed school based as per merit at GMS Totalai as T.T BPS-15 (Rs.8500-700-29500) @ Rs. 8500/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of his taking over charge.

TERMS & CONDITION.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely of temporary & contract basis initially for one year.
4. He should not be handed over charge if his age exceeds 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO Any one found producing bogus Certificates/Degrees will be reported to the law enforcing agencies for further action.
6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/Degrees are verified
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained..
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
13. His appointment is made on School based. He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge Principals/Head Masters concerned will check their documents, if they have not the required qualification he may not be handed over charge.

*[Handwritten signature]*

(SHERAZ AHMAD)  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER.

Endsl: No. 2248-54 Dated: 17/5/14 2014.

Copy forwarded for information and necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Accounts Officer Buner.
4. Medical Superintendent DHQ Hospital Buner.
5. Principals / Head Masters Concerned.
6. Officials Concerned.

*[Handwritten signature]*

DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER.











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Table with columns: A.No, NTS Mark, Final Mark, SCHOOL NAME, Roll No, Name, Gender, MC, SSC, HSSC, Bachelor, Master, M. Phil, Diploma, M. Ed/ MA, Ed, Academic Marks (out of 100), NTS Marks (out of 100), Total Marks (out of 200), REMARKS. Contains student data from 1859 to 1921.

MED MARKS DEDUCTED

Alamga

ALIA MARKS DEDUCTED

PTC MARKS DEDUCTED





*Amended*

19

**BEFORE PESHAWAR HIGH COURT BENCH MINGORA/**

**DARUL QAZA SWAT.**

Writ Petition No: 477/2014



**Ayaz Mehmood s/o Tajar Said**

**R/O village Bajkata, Tehsil Gagra, District**

**Buner. \_\_\_\_\_ (Petitioner)**

**Versus**

1. **The D.E.O (M) Elementary & Secondary Education District Buner.**
2. **The Deputy Commissioner Buner.**
3. **The Director, Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.**
4. **The Govt: of Khyber Pakhtunkhwa, through Secretary, Elementary and Secondary Education at civil secretariat Peshawar.**  
*Correct address of Resp. No. 5 - Village Dagai Khadukhail Tehsil Totakai Buner.*
5. **Fayaz Ahmad S/O Hazrat Umar R/O Village Nawagai, Tehsil Mandanr District Buner \_\_\_\_\_ ( Respondents).**

*C/A*

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973**

**Respectfully Sheweth:**

**FILED TODAY**

**Additional Registrar**

**02 SEP 2014**

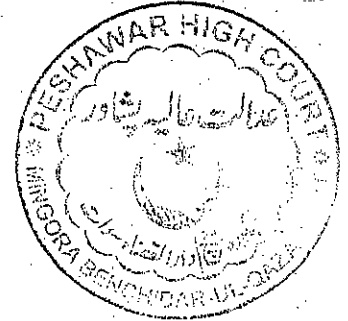
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**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
MINGORA BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)**

W.P 477-M/2014  
with Interim Relief & C.M 897/2014

**JUDGMENT**

**(Date of hearing: 27.03.2018)**



*Ayaz Mehmood*

*(Petitioner)*

*Versus*

*The District Education Officer (M) E&SE Buner & others.*

*(Respondents)*

Present:

*Mr. Abdul Marood Khan, Advocate for Petitioner.*

*Muhammad Ruhim Shah, Assistant A.G for the  
Official Respondents.*

*Mr. Shams-ul-Hadi, Advocate for the Respondent  
No.5.*

**MUHAMMAD GHAZANFAR KHAN, J.-** This

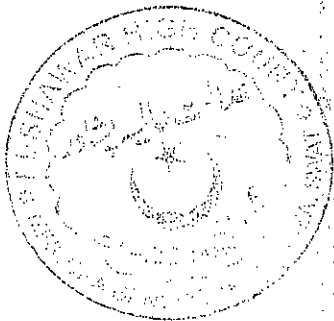
petition under Article 199 of the Constitution of the  
Islamic Republic of Pakistan has been filed by the  
petitioner for the following relief.

“It is, therefore, most respectfully  
prayed that on acceptance of this  
writ petition, the impugned order  
dated 15.7.2014, passed by the  
Respondent No.1 may kindly be set  
aside and the respondent No.1 may  
be directed to reinstate the  
petitioner in service with all back  
benefits.”

On acceptance of this writ petition,  
the observations of the appeal  
committee dated 03.7.2014 and  
order of the Respondent No.1 dated

15.7.2014, may kindly be set aside and directions may kindly be given to the Respondent No.1 to reinstate the petitioner with all back benefits.

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for, may also be granted to the petitioner.



2. Briefly stated facts of the case are that the petitioner in response to advertisement published in daily 'Mashriq' on 07.1.2014 applied for the post of T.T. After qualifying the test and interview, the petitioner was appointed as such and he took over the charge on 17.5.2014 and since his taking over the charge, he performed his duties to the entire satisfaction of the high ups but all of a sudden, without any notice, the respondents vide endorsement No.2248-54 dated 15.7.2014 withdrew the appointment order of the petitioner that too on the application moved by private Respondent No.5 for review of the above said order.

3. Learned counsel for the petitioner mainly argued that after having been appointed on the post after thorough scrutiny and having successfully gone through the process of test and

interview, he was duly appointed, so, the withdrawal order unilaterally by the respondents is a mockery of law which is not legally sustainable.

4. Conversely, learned A.A.G and learned counsel for Respondent No.5 argued that private Respondent No.5 is higher in merit than the petitioner but he was ignored due to inadvertence of the department, so, his application for the review of the appointment order was rightly accepted and there was no occasion for the department to call the petitioner for hearing. They solicited that being lesser in merit than private Respondent No.5, the petitioner cannot invoke the constitutional jurisdiction of this Court.

5. Arguments heard and record perused.

6. Correct that under the principle of locus poenitentiae, an authority which can pass/issue an order is equally empowered to withdraw, rescind or modify that order but in the instant case, the respondents cannot take shelter of this provision as after appointment that too after observance of all codal formalities, the petitioner was appointed and

he took over the charge of his assignment and also performed his duties, so, a right has been accrued to him, hence, the respondents were under legal obligation to grant him an opportunity of being heard before passing any adverse order against him. In the instant case, Respondent No.5 has moved an application for review of the appointment order of the petitioner on the ground that he is higher in merit than the petitioner and the authorities without calling him or giving him an opportunity of hearing have passed the impugned order, which is neither just nor in accord with the principle of natural justice or the provisions of law relating to the subject matter. Hence, we allow this writ petition, set aside the order of Respondent No.1 and direct the respondents that the review petition filed by Respondent No.5 shall be deemed to be pending before the District Education Officer (M), Buner and before passing any order on the said application, the respondents shall give an opportunity of hearing to the petitioner. Until decision of the above said application, the petitioner



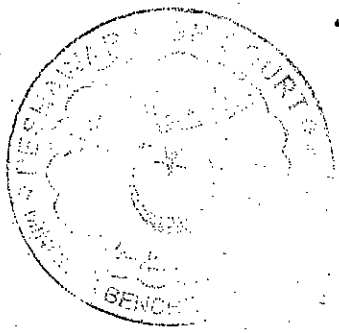
A handwritten signature in black ink, appearing to be the signature of the District Education Officer (M), Buner.



24

shall be deemed to be in service as he was prior to the issuance of the impugned order.

Announced  
27.03.2018



JUDGE  
*[Signature]*  
JUDGE  
*[Signature]*

S.No. 01  
Name of Applicant: *FADIA KHAN*  
Date of Presentation of Application: *28-3-18*  
Date of Completion of Copies: *2-4-18*  
No of Copies: *6 P*  
Urgent Fee: *12/-*  
Fee Charged: *12/-*  
Date of Delivery of Copies: *29-4-18*

Certified to be true copy

*[Signature]*  
EXAMINER  
Peshawar High Court, Peshawar/Dar-ul-Qaza, Swat  
2/4/18

*File*  
*29/3*



OFFICE OF THE DISTRICT EDUCATION OFFICER  
( MALE & FEMALE ) BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: EDOBUNER@GMAIL.COM



**NOTIFICATION:**

In the light of Judgement of Peshawar High court Mingora Bench Darul Qaza Swat dated 27/03/2018 in writ petition No. 477-M/2014 Titled Ayaz Mahmood verses DEO(M) Buner & others, the following committee is hereby constituted to scrutinize the case of Ayaz Mahmood in the light of the above said Judgement and submit their clear findings with in one week to the undersigned.

1. Muhammad Ayub SDEO (M) Daggar Buner
2. Amanul Mulk Shah ADEO Estab:

Chairman

Member

( BAKHT ZADA KHAN )  
DISTRICT EDUCATION OFFICER (M&F)  
BUNER

Endst; No 1612-13 Dated. 12/4 2018.

Copy forwarded for information and necessary action to the

1. Additional Registrar Peshawar High Court Mingora Bench Darul Qaza Swat for information with reference to his office memo No. 1512-16 date 02/04/2018
2. Committee concerned.

DISTRICT EDUCATION OFFICER (M&F)  
BUNER

*[Handwritten signature]*  
12/4/2018

Annex - E

26

To  
THE DISTRICT EDUCATION OFFICER  
(M) DISTRICT BUNER.

Subject: ENQUIRY REPORT IN R/O AYAZ MAHMOOD S/O TAJBAR SAID EX: TT GMS TOTALAI BUNER.

Memo:  
In the light of the judgement of the Honorable Peshawar High Court Mingora Bench Darul Qaza S  
dated 27-3-2018 in Writ Petition. No 477 -M /2014 Titled

**AYAZ MAHMOOD Vs DEO (M) Buner and others**

Reference Honorable DEO(M) Buner Endst No. 1612-13 dated 12/04 /2018, We the enquiry  
Committee (i.e.1-Mohammad Ayub SDEO (M) Daggar and 2.Amanul Mulk Shah ADEO Estab(M) Pry:  
Buner) called the petitioner for personal hearing and served the questionnaire ,to record his statement in bl  
in white (Statement of the petitioner attached as Annexure A), scrutinized the case of Ayaz Mahmood Ex:  
GMS Totalai in the light of the above said judgment and reached the following findings.

- 1- Mr. Ayaz Mahmood S/O Tajbar Said R/O Bajkata Buner was appointed as TT at GMS Totalai Buner vide  
DEO (M) Buner order Endst:No 1379-84 dated 16-5-2014.
- 2- The District Education Officer (M) Buner withdrew the appointment order of the petitioner Mr. Ayaz  
Mahmood vide his office order No 2248-54 dated 15-7-2014 and appointed Mr. Fayaz Ahmad S/O Hazra  
Umar village Dagai Khadukhail, in the light of the complaint submitted by Fayaz Ahmad.
- 3- Mr. Ayaz Mahmood was terminated on the ground that additional PTC Marks were added to his merit sc  
which was not his right.
- 4- The enquiry committee thoroughly checked the merit list of TT and reached to the conclusion that additio  
marks of PTC were awarded to the petitioner Mr. Ayaz Mahmood ,his merit was found to be 113.45 scor  
the additional PTC marks is subtracted from his score, his actual score remains 102.47.
- 5- It is pertinent to mention that the committee noted five other appointees in the same order who have also  
awarded additional marks of PTC namely as follows.

S,No	Name of Appointee	Total score including PTC marks	PTC Marks	S,No in Apptt: Order	Place where posted
1 ✓	Mushraf Shah	111.06	9.5	6	GHSS Ghazikot
2 ✓	Abdul Manan	120.48	10	23	GMS Kingargali
3	Fidaullah (did not <del>participate</del> charge)	115.05	10.23	28	GMS Leganai
4 ✓	Misbahullah	108	10.57	31	GMS Mughdara
5 ✓	Hidayatullah	116	10.33	35	GMS Rega No2

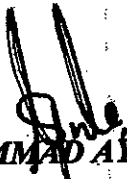
6- If the additional marks awarded to the above mentioned appointees, are deducted from them, then the tea  
at S.No 1 Mr. Mushraf Shah TT GHSS Ghazikot and S.No 4 Mr Misbahullah.TT GMS Mughdara Buner  
lose their meritorious position as compare to the petitioner.

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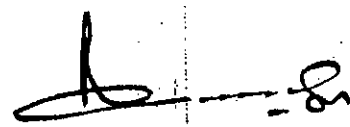
7- Hence termination of the petitioner Mr. Ayaz Mahmood is based on injustice as compared to the other five appointees whose services are yet intact.

**RECOMMENDATIONS:**

*Keeping in view the above facts and findings, the petitioner Mr. Ayaz Mahmood is deserved to be restored in service from the date of his initial appointment. Therefore the order of the petitioner DEO (M) Buner Endst No 1379-84 dated 16-5-2014 be restored from the date of withdrawl Vide DEO (M) Bu Endst:No 2248-54 dated 15-7-2014.*

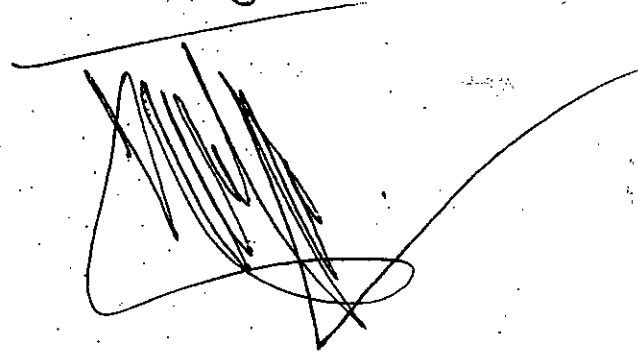


**(MOHAMMAD AYUB)**  
SUB-DIVISIONAL EDUCATION OFFICER  
MALE DAGGAR DISTRICT BUNER.

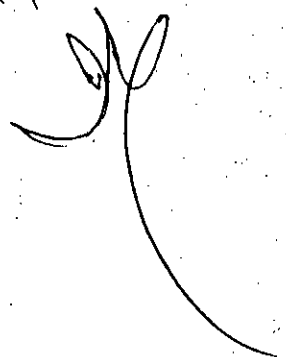


**AMANUL MULK SHAH**  
ASSISTANT DISTRICT EDUCATION OFFICER  
ESTAB: (M) PRIMARY DISTRICT BUNER.

*Disagreed*



As per policy of that time Shahadehful alam is  
marks awarded instead of PTC.  
As committee has written in their recommendation  
that PTC marks has been awarded  
mentioned candidates which is  
incorrect, whereas extra marks  
of PTC etc has already  
been deducted from  
the said candidates who  
have PTC/CI/BLD marks.



سوال نمبر 1: میرا کس پوسٹ پر آپ کا نام ہے؟

آپ کا نام مجھے ولدیت اور گاؤں کا نام ہے

آپ کا نام مجھے ولدیت اور گاؤں کا نام ہے

آپ کی Appointment کس پوسٹ پر کی گئی ہے؟

آپ نے PST پر کیا ہے؟ کیا آپ نے کسی اور پوسٹ پر بھی کیا ہے؟

آپ کی Appointment کی تاریخ کیا ہے؟

آپ کی Appointment کی تاریخ کیا ہے؟

آپ کی Appointment کی تاریخ کیا ہے؟

آپ کی Appointment کی تاریخ کیا ہے؟

آپ کی Appointment کی تاریخ کیا ہے؟

آپ کی Appointment کی تاریخ کیا ہے؟

آپ کی Appointment کی تاریخ کیا ہے؟

8/04/08

9-20

اس کے علاوہ میں اسے معافی میں سہ لینا چاہتا ہوں

نمبر 2014 اخبار کا اشتہار کے مطابق میں نے N.T.S. ٹیسٹ پاس کیا

اور سیکول سیر یا لیسے کے مطابق یا ریج سکول میں منتقلی کی درخواست پاس

کرنے کے بعد گورنمنٹ ہائی سکول طوطالی میں سیرٹ پاس کیا اس کے

بعد پوری قانونی طریقہ کار سے سیرٹ Appointment پورا اور ڈو ہونے

سلسلہ کوئی کرنے کے بعد فیاض احمد ولد محمد عمر کے درخواست پر

مجھے سند دیا گیا۔ درخواست کا موقف تقابل سے Diploma

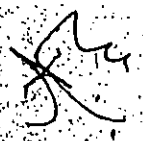
مارکس کاٹ دی جائے تو میں سیرٹ پر آ جاؤں گا۔ اس کے بعد

عدالت ہائی کورٹ میں سیشن دائر کی اب عدلیہ آئے ہیں تو میں

ہیں اس کے سیرٹ پاس سیرٹ لیسٹ میں اور بھی لڑے ہیں جس کو Diploma مارک

پاس چلے ہیں جس کے نام درج ذیل ہے

- 1) مشرف شاہ
- 2) عبدالمنان
- 3) مصباح اللہ
- 4) پرامت اللہ
- 5) فدا اللہ

  
 20/04/08

یہ وہ بندے جس کو Diploma مارک پاس چلے ہیں اس کے علاوہ ان بندوں سے جس قانون کے مطابق کٹوتی کر کے آئی جائے اس کے علاوہ فیاض احمد جو کہ درخواست

تیار کیا گیا نام اس سیشن میں موجود ہیں جو کہ سیرٹ سیرٹ قانونی ہے

30

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**OFFICE OF THE DISTRICT EDUCATION OFFICER MALE & FEMALE**  
**DISTRICT BUNER PHONE & FAX NO. 0939-510468**  
**EMAIL:- EDOBUNER@GMAIL.COM**

**Notification.**

The Undersigned constituted a committee on 12/04/2018 to scrutinize the case of the petitioner in the light of the Judgment of the honorable Court of Darul Qaza Mingora Bench Swat in writ petition No. 477-M/2014 Title Ayaz Mahmood Versus DEO (Male) Buner & Other dated 27/03/2018 and submit their clear findings within one week to the undersigned.

The inquiry officer recorded the statement of the petitioner and submitted their findings, but the undersigned is Unsatisfactory from the inquiry report.

Therefore, the undersigned is pleased to nominate Mr. Iftikhar UI DDEO Male Buner to re-inquire the above titled case i.e. Writ Petition No. 477-M/2014 and submit his findings/recommendations within one week to the undersigned.

*Ghani*  
**(BAKHT ZADA KHAN)**  
DISTRICT EDUCATION OFFICER  
M/F DISTRICT BUNER

Endst:-No. 2728-29 Dated 3/7 /2018

Copy for information to the.

1. Additional Registrar Peshawar High Court Mingora Bench Darul Qaza Swat for information with reference to his office Memo: No. 1512-16 date 02/04/2018.
- ✓ 2. Committee Concerned.



  
DISTRICT EDUCATION OFFICER  
M/F DISTRICT BUNER



Annex "F"

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INQUIRY REPORT REGARDING PROVISION OF OPPURTUNITY OF HEARING

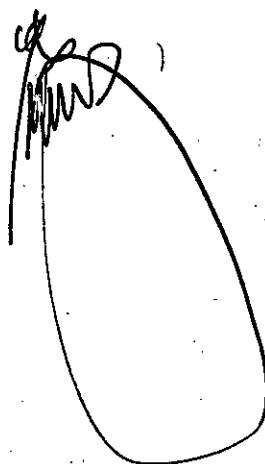
TO MOHAMMAD AYAZ EX-T.T, GMS TOTALAI (BUNER)

Reference Judgment of Peshawar High Court Mingora Bench(Dar-ul-Qaza Swat dated 27/03/2018 in Writ Petition No. 477-M/2014, titled Ayaz Mohammad Vs DEO (M) Buner and others, the DEO (M) Buner vide his order No. 1612-13 dated 12/04/2018 constituted an inquiry committee comprising of Mohammad Ayub SDEO (M) Daggar and Aman Ul Mulk Shah ADEO(Estt.) (Male) primary, who conducted an inquiry and proposed their recommendation, which was quashed by the DEO(M) (Competent Authority) on the grounds that the petitioner ~~was unjustly favoured by the inquiry officers after misreading and non-reading of the relevant~~ record. Consequently, the Competent Authority, having the rights to disagree with the recommendations of the inquiry committee directed me to re-inquire the case and submit recommendations as directed by the Honourable High Court

Background/Problem review

Brief facts about the history of the issue are as under:

1. That Mr. Ayaz Mahmood S/O Tajbar Said R/O Bajkata Buner was appointed as T.T at GMS Totalai vide DEO (M) Buner, Order No. 1379-84 dated 16-05-2014.
2. After the appointment order was issued, an aggrieved candidate namely Fayaz Ahmad S/O Hazrat Umar village Dagai, tehsil Khado khel submitted an appeal to DEO (M) Buner holding the stance that he is higher in merit than Mr. Ayaz Mahmood and has the right to be appointed against that post and that the former has wrongly been appointed at a low pedestal in merit than applicant.
3. In response to that appeal, a committee was constituted to examine the complaint and propose their recommendations. The committee after thorough perusal and examining the relevant record and merit list declared the appeal of the Fayaz Ahmad to be valid.



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4. Acting upon the recommendations of the committee, the DEO (M) Buner withdrew the appointment order of Mr. Ayaz Mahmood vide Order No.2248-54 dated 15-07-2014 and appointed Mr. Fayaz Ahmad in place of the former.
5. Aggrieved by the impugned order Mr. Ayaz Mahmood preferred a writ petition in the Peshawar High Court Mingora Bench. The Honorable High Court in its Judgment directed the Competent Authority to provide an opportunity of listening to the petitioner and thereafter to decide the case on merit, hence the present inquiry of listening to Ayaz Mahmood.

### Findings of Facts

In order to establish the right of meritorious candidate the inquiry officer made use of all the available information. All the record/merit list pertaining to the appointment of T.T was thoroughly and meticulously checked, juxtaposed and tallied collaborated with sieving and sifting of evidences i.e degrees/certificates of all the appointees, hence the following facts are being drawn.

1. Merit list of every candidate appointed as T.T under the above mentioned appointment order and especially those who were targeted for wrongly assigning PTC marks, was provided, assisted and clarified by Mr. Ihsanullah A.P and Mr. Sartaj ADEO (Esttb.) Secondary. The said merit list was examined/checked and found that "NO" additional marks of PTC were given to any candidate especially targeted candidates appointed therein. However, some of the candidates haven been given marks for "Shahadat Ul-Alamaiya" which is though a diploma/professional qualification but allowed under the policy for appointment as T.T, while PTC marks are not allowed to be given to T.T candidates.
2. In a former inquiry the inquiry officers made mention of some candidates who were given PTC marks, namely Musharaf Shah (111.06) , Abdul Manan (120.48), Faridullah



(115.05, but did not take over charge), Misbahullah (108) and Hidayatullah (116). However, this observation of the inquiry officers is based on "Mis-reading and Non-reading" of the relevant record and merit list. In fact neither of the candidates was assigned PTC marks except Abdul Manan and Hidayatullah which had already been deducted before issuance of the impugned appointment order.

3. It was further found that the petitioner namely Ayaz Mahmood was wrongly given PTC marks which were rightly deducted in order to meet the ends of justice and thereby to appoint the rightful and meritorious candidate.

### Recommendations

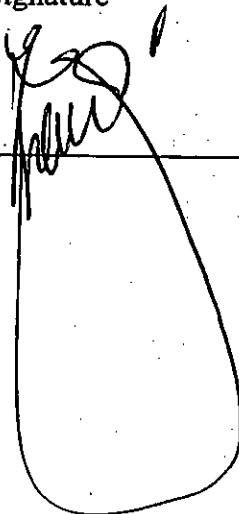
Having been gone through scrupulous observation and analysis of all the available record and evidences, it is vehemently recommended that:

1. Ayaz Mahmood has wrongly been awarded PTC marks, and these additional marks have rightly been deducted, which brought him to low pedestal in merit. Consequently, he does not meet the required merit to compete with the rightful candidates.
2. The withdrawal/termination order of Mr. Ayaz Mahmood and appointment of Mr. Fayaz Ahmad, vide Order No.2248-54 dated 15-07-2014 is based on merit and justice, hence may be retained.

I. Iftikhar Ul Ghani (Chairman)

Dy. DEO (M) Buner

Signature



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

**NOTIFICATION.**

1. **WHEREAS** Mr. Ayaz Mahmood S/O Tajbar Said R/O Bajkata Buner was appointed as T.T at GMS Totalai vide DEO (M) Buner, Order No. 1379-84 dated 16-05-2014.
2. **AND WHEREAS** an aggrieved candidate namely Fayaz Ahmad S/O Hazrat Umar village Dagai, tehsil Khado Khel submitted an appeal to DEO (M) Buner holding the stance that he is higher in merit than Mr. Ayaz Mahmood and has the right to be appointed against that post.
3. **AND WHEREAS** a committee was constituted to examine the complaint and to propose their recommendations. The committee after thorough perusal and examining the relevant record and merit list, declared the appeal of the Fayaz Ahmad to be valid.
4. **AND WHEREAS** the DEO (M) Buner withdrew the appointment order of Mr. Ayaz Mahmood vide Order No.2248-54 dated 15-07-2014 and appointed Mr. Fayaz Ahmad in place of the former.
5. **AND WHEREAS** aggrieved by the impugned order Mr. Ayaz Mahmood filed a writ petition in the Peshawar High Court Mingora Bench(Dar Ul Qaza) Swat.
6. **AND WHEREAS** The Honorable High Court in its Judgment directed the Competent Authority to provide an opportunity of listening to the petitioner and thereafter to decide the case on merit afresh.
7. **AND WHEREAS** in pursuance of the directives in the operational part of the Court's judgment Mr. Iftikhar Ul Ghani Deputy District Education Officer (M) Buner was appointed as inquiry officer to conduct inquiry, listen to the petitioner and submit his report.
8. **AND WHEREAS** the inquiry officer after having listened to the petitioner examined the relevant record (appointment orders, final merit list, certificates/degrees of all the appointed candidates) submitted his report.
9. **AND WHEREAS** the Competent Authority ( DEO (M) Buner) after having considered the evidences and recommendations of the inquiry officer is of the view that the appointment order of Ayaz Mahmood has rightly been withdrawn and the subsequent appointment of Fayaz Ahmad against the same post is based on merit and justice.
6. **NOW, THEREFORE,** The Competent Authority (DEO (M) Buner) is pleased to retain the Order No.2248-54 dated 15-07-2014. regarding the withdrawal of appointment of Ayaz Mahmood and consequential appointment of Mr. Fayaz Ahmad as T.T.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst; No. 1529-35 / Dated 14/3 /2019.

Copy for information to :-

1. Additional Registrar Peshawar High Court Mingora Bench Darul Qaza Swat.
2. Director (E&SE) Khyber Pakhtun Khwa Peshawar.
3. Deputy Commissioner Buner.
4. District Monitoring Officer Buner.
5. District Accounts Officer Buner.
6. Principals/Head Master concerned.
7. Teachers Concerned.

DISTRICT EDUCATION OFFICER (M)  
BUNER

**BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR**

**Service Appeal ; No. 1462/2018**

Ayaz Mahmood-----Petitioner

Vs.

DEO (Male) Buner & Others-----Respondent

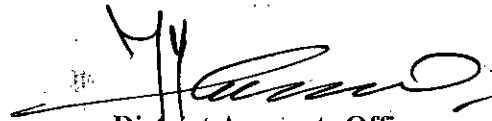
The comments on behalf of Respondent No.4 District Accounts Officer Buner are as under:

Respectfully Sheweth:

1. No, comments not related to this office.
2. No, comments not related to this office.
3. No comments, respondent No.1 will be in a better position to answer the same.
4. No comments, respondent No.1 will be in a better position to answer the same.
5. No comments, respondent No.1 will be in a better position to answer the same.
6. No comments, respondent No.1 will be in a better position to answer the same.

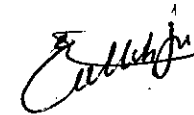
It is therefore, humbly requested that Services Appeal against Respondent No. 4 may kindly be dismissed.

Respondent No.4

  
**District Accounts Officer  
Buner at Dagger**

Affidavit:

I, Mr. Ghousullah Jan Senior Auditor Representative of Respondent No. 4 do hereby solemnly affirm and declare on oath that the contents of Para-wise comments submitted on behalf of respondent No.4 are true and correct to the best of my knowledge and belief & nothing has been concealed from the worthy tribunal.

  
**Deponent**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1462/2018**

Ayaz Mehmood ----- Appellant.

VERSUS

District Education Officer (Male) Buner & Others ----- Respondents.

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4	Application of Fayaz Ahmad dated 27/5/2014	B	7
5	Observation of appeal committee dated 3/7/2014		8-10
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7	Merit list		12-18
8	Court judgement dated 27/3/2018 in w.p. No.477/2014	D	19-24
9	First inquiry report dated 20/4/2018	E	25-29
10	Second inquiry report dated 3/7/2018	F	30-33
11	Notification dated 14/3/2019		34

  
DEPONENT

CNIC No. 15101-0882586-3

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

**Service Appeal No. 1462/2018**

Ayaz Mehmood TT S/o Tajar Said R/O Bajkata tehsil Gagra

**Appellant**

**Versus**

1. District Education Officer Male District Buner
2. Director Elementary & Secondary Education Khyber Pukhtunkhwa Peshawar
3. Govt; of Khyber Pakhtun Khwa through Secretary (E&SE)Khyber Pakhtun Khwa.

**Respondents**

**Respectfully Sheweth**

Parawise Comments/ Written Reply on behalf of Respondent No. 1, 2 &3.

**Preliminary Objections.**

1. The Appellant has no cause of action/locus standi
2. **The instant appeal is badly time barred.**
3. The Appellant has concealed the material facts from this honourable Tribunal, hence liable to be dismissed.
4. The Appellant has not come to this honourable Tribunal with clean hands.
5. The appellant has filed the instant appeal on malafide motives.
6. The instant appeal is against the prevailing law and rules.
7. That the appellant has been estopped by his conduct to file the appeal.
8. That the honourable Tribunal has no Jurisdiction to adjudicate the matter.

**Facts**

1. Correct, to the extent that the appellant was appointed as TT Teacher on 17/5/2014, the appellant performed his duties for only two months 17/05/2014 to 15/07/2014 on the aforesaid post and his appointment order was withdrawn by the competent authority on acceptance of the appeal. And recommended by committee the appointment order of the appellant was withdrawn, and stood cancelled and substituted i.e. Fayaz Ahmad was appointed instead of Ayaz Mehmood, the same is an annexure A, B & C.
2. Correct, to the extent against the withdraw order of the appellant, the appellant filed writ petition No, 477-M/2014 in the honourable court of Peshawar High court Mingora bench Darul Qaza swat the department submitted para wise comments in the above writ petition. The honourable court announced its judgement on 27/3/2018, Court Judgment is attached as annexure D.
3. Correct, to the extent that the honourable court has given direction to the respondents department to give opportunity to the appellant. In this regard the competent authority respondent No.1 District Education Officers constituted a committee to scrutinize the case of Ayaz Mehmood in the light of court judgment dated 27/3/2018 and submitted their clear findings to the competent authority. The enquiry committee submitted their report to DEO (M) Buner but the competent authority was unsatisfied from the report of the enquiry officer dated 20/4/2018 on the grounds of misreading and non-reading of the relevant record, first enquiry report is attached as annexure E, consequently the District

education officer male Buner nominated the Deputy District Education officer Buner to re enquire the above title case and submit his findings/ recommendation to the undersigned, the recommendation of the enquiry officer is re produce here.

"I. Ayaz Mahmood has wrongly been awarded PTC marks, and these additional marks have rightly been deducted, which brought him to low pedestal in merit. Consequently he does not meet the require merit to compete with the rightful candidates.

II. The withdrawl /termination order of Mr. Ayaz Mehmood and appointment of Mr. Fayaz Ahmad vide order No 2248-54 dated 15/7/2014 is based on merit and justice, hence may be retained which is attached annexure F".

- 4. Denied: The application of the appellat has been decided by the competent authority & communicated to the appellat.
- 5. Pertains to record.
- 6. The competent authority dealt with the appeal of the appellat in accordance with law and rules.

*Handwritten signature and scribble*

**Grounds.**

- A. In correct , the appellat has not performed his duty, appointment order was withdrawn by the competent authority in the light of appeal of Fayaz Ahmad furthermore the appellat <sup>has</sup> not performed his duties after his withdrawl of appointment order. Hence, he is not entitled to get salary as per rules, law and policy.
- B. In correct, the respondent No 1 has not violated the law rule & natural justice because, The appellat is not entitled for the salaries.
- C. In correct, and denied the order of the competent authority is in accordance with law rules and policy.
- D. In correct, already explained in para No. 3 of the facts.
- E. In correct, is per para No B of the grounds.
- F. The respondents also seeks the permission of the honourable court any advance proofs at the time of argumentation.

In view of the above noted submission, it is requested that this honourable tribunal may very graciously be please to dismiss instant in favour of the respondent departments.

*Handwritten signature*  
DISTRICT EDUCATION OFFICER  
MALE DISTRICT BUNER

*Handwritten signature*  
DIRECTOR  
ELEMENTARY & SECONDARY EDUCATION  
KHYBER PUKHTUNKHWA PESHAWAR

*Handwritten signature*  
SECRETARY  
ELEMENTARY & SECONDARY EDUCATION  
KHYBER PUKHTUNKHWA PESHAWAR



3

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1462/2018**

Ayaz Mehmood-----Appellant.

VERSUS

District Education Officer (Male) Buner & Others -----Respondents.

**AFFIDAVIT**

I, Ubaidur Rahman ADEO (litigation) office of the District Education officer (Male) Buner do hereby solemnly affirms & state on oath that the whole contents of the reply are true & correct to the best of my knowledge & belief & nothing has been concealed from this August Court.



DEFONENT  
15101-0882586-3



OFFICE OF THE DISTRICT EDUCATION OFFICER (M/F)

DISTRICT BUNER

PHONE &amp; FAX NO. 0939-510468

EMAIL: EDOBUNER@GMAIL.COM

**APPOINTMENT.**

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of T.T. School based in BPS-15 (Rs.8500-700-29500) @ Rs: 8500/- fixed plus normal allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge :-

S.#	Roll No.	Name	Father's Name	Permanent Address	Place of post
1	1450035	ABDUS SAMAD	AMIR NAWAB	VILLAGE KALAKHELA DISTRICT BUNER	GHS DOKADA
2	1450287	AMIN UR RAHMAN	MATI UR RAHMAN	VILLAGE ELAI DISTRICT BUNER	GHS DOKADA
3	1450470	KALEEN ULLAH	MATI ULLAH	VILLAGE ELAI DISTRICT BUNER	GHS GIRARA
4	1450086	SYED HASSAN ALI SHAH	SYED HUSSAIN SHAH	VILLAGE PACHA KALAY DISTRICT BUNER	GHS KATKAL
5	1450278	ABDUL SAJJOR	ABDUL BASEER	VILLAGE JANGAI DISTRICT BUNER	GHS MANGAI THANA
6	1450072	MUSHARAF SHAH	GUL SHAD	VILLAGE KOT MARADU DISTRICT BUNER	GHSS GHAZIKI
7	1450205	BURHAN ULLAH	HAMDULLAH	VILLAGE AGARAI DISTRICT BUNER	GMS AGARA
8	1450299	AKHTAR ZAMAN	ABDUL ZAMAN	VILLAGE TOTALAI DISTRICT BUNER	GMS AKHUNSEI
9	1450290	MUHAMMAD QASIM	MUHAMMAD QURAISH	VILLAGE DAGAI DISTRICT BUNER	GMS AKHUNSEI
10	1450270	ZIA UD DIN	ABDUL MATIN	VILLAGE GULBANDI DISTRICT BUNER	GMS ALAMI BAN
11	1450046	JAMSHED ALI	SHAUKAT ALI KHAN	VILLAGE CHEENA DISTRICT BUNER	GMS BALO KH
12	1450174	SHAFIQ	SHAMS	VILLAGE TORWARSAK DISTRICT BUNER	GMS BALO KH
13	1450344	TAJ ZAMAN	MUHAMMAD JAMAL	VILLAGE DHERAI DISTRICT BUNER	GMS BIAMDAR
14	1450192	HAZ AHMAD	FAZLI SUBHAN	VILLAGE MATWANI DISTRICT BUNER	GMS DAB SER
15	1450139	SOHAIL KHAN	AMIR AMAN KHAN	VILLAGE GURGUSHTO DISTRICT BUNER	GMS DANDAR
16	1450125	MUHAMMAD RASHID	ZAMIN KHAN	VILLAGE CHEENA DISTRICT BUNER	GMS DANDI KI
17	1450179	ALI BAHADAR	SHER BAHADAR	VILLAGE KHISTA BABA DISTRICT BUNER	GMS GUMBA
18	1450301	TARIQ ALI	MUHAMMAD KHAN	VILLAGE TOTALAI DISTRICT BUNER	GMS HALL
19	1450188	ALI MUHAMMAD	SHAH MUHAMMAD	VILLAGE KORYA DISTRICT BUNER	GMS JABA CHOV
20	1450328	IMTIAZ MUHAMMAD	SAHIB NOOR	VILLAGE TOTALAI DISTRICT BUNER	GMS JANGDARA
21	1450300	ABDUL BAIS	FAZLI AKRAM	VILLAGE KAWGA DISTRICT BUNER	GMS KALAN
22	1450356	IRFAN AHMAD	MASAL KHAN	VILLAGE CHINGLAI DISTRICT BUNER	GMS KANGAL
23	1450233	ABDUL MANAN	ABDUR RASHID	VILLAGE TORWARSAK DISTRICT BUNER	GMS KINGER G.
24	1450315	ZIA-U-RAHMAN	MUHAMMAD ISHAQ	VILLAGE GIRARAI DISTRICT BUNER	GMS KOHAY
25	1450346	SAID ALI SHAH	SAID LAIQ SHAH	VILLAGE CHINGLAI DISTRICT BUNER	GMS KOZA JAM

*[Signature]*  
Govt Degree College  
Duggar, Dist: Buner

26	1450337	WAHID ZADA	NASIB ZADA	VILLAGE DIWANA BABA DISTRICT BUNER	GMS KULYARI
27	1450076	ZAKIR ULLAH	ZARIN SHAH	VILLAGE RAMZAY DISTRICT BUNER	GMS KUZ KALAY
28	1450428	FIDA ULLAH	MOHIBULLAH	VILLAGE ELAI DISTRICT BUNER	GMS LEGANAI
29	1450418	MUHAMMAD ALI KHAN	MUHAMMAD KHAN	VILLAGE SHALBANDI DISTRICT BUNER	GMS MALAKPUR
30	7001	AMJAD ALI SHAH	ABDUL AHMAD SHAH	VILLAGE ELAI DISTRICT BUNER	GMS MINA KADAL
31	1450119	MISBAH ULLAH	SADIQ ULLAH	VILLAGE QAWARAI DISTRICT BUNER	GMS MOGH DARA
32	1450231	ZIA UR RAHMAN	KHALIL UR RAHMAN	VILLAGE ELAI DISTRICT BUNER	GMS MULA BANDA
33	1450152	TAIMUR SHAH	ROIDAD SHAH	VILLAGE GANSHAL DISTRICT BUNER	GMS PHALAWARAY
34	1450335	AFZAL SAID	SHAH SAID	VILLAGE KULYARI DISTRICT BUNER	GMS PHANGALAY
35	1450294	HIDAYAT ULLAH	MUJEBUL HAQ	VILLAGE KARAPA DISTRICT BUNER	GMS REGA NO. 2
36	1450058	FAZLI AKRAM	SAID AKRAM	VILLAGE BAGH DISTRICT BUNER	GMS SAWAWAI
37	1450220	ABDULLAH	GUL HASSAN	VILLAGE PIR ABAI DISTRICT BUNER	GMS SHANAI
38	1450023	MANZOOR HUSSAIN	KHAN HASSAN	VILLAGE TOTALAI DISTRICT BUNER	GMS THEGARAI
39	1450417	AYAZ MAHMOOD	TAJBAR SAID	VILLAGE BAJKATA DISTRICT BUNER	GMS TOTALAI
40	1450151	SYED LUQMAN ALI SHAH	SYED QURAISH	VILLAGE REGA DISTRICT BUNER	GMS WAKEEL ABAD

## TERMS &amp; CONDITION

1. NO TADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. They should not be handed over charge if he exceeds 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO if any one found producing bogus Certificates/Degrees will be reported to the law enforcing agencies for further action.
6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/Degrees are verified.
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
13. His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge Principals/Head Masters concerned will check their documents, if they have not the required qualifications they may not be handed over charge.

(SULTAN MAHMOOD MIAN)  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER.

6

3

Endst: No. 1379-84 Dated 16/05/2014

Copy forwarded for information and necessary action to the: -

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Accounts Officer Buner.
4. Medical Superintendent DHO Hospital Buner.
5. Principals / Head Masters Concerned.
6. Officials Concerned.

DISTRICT EDUCATION OFFICER (M/F)  
DISTRICT BUNER.

DISTRICT DEPT  
Govt Degree College  
Dargah Buner

Annex B

7

5

ADD Secy

550  
87/5/19

کے لئے ایک نوٹ لکھ کر مندرجہ ذیل پر بھیج دینا

آئین کے مباحثہ احمدیہ میں  
مداخلت کی منع

سلسلہ نمبر 1450417 (ایک بار سے دہرائی گئی ہے)  
پبلکیشن - صوبہ پنجاب

رہنمائی اور ہدایت کے لئے مناسبتاً عمل درآمد کا دستور لکھ کر  
ڈائریکٹر کو بھیج دینا

صواب عالی کے لئے مندرجہ بالا کے ساتھ ساتھ  
مذکورہ بالا کے لئے مندرجہ ذیل کے دستاویزات

1. مندرجہ بالا کے لئے مندرجہ ذیل کے دستاویزات  
2. مندرجہ ذیل کے لئے مندرجہ ذیل کے دستاویزات  
3. مندرجہ ذیل کے لئے مندرجہ ذیل کے دستاویزات  
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9. مندرجہ ذیل کے لئے مندرجہ ذیل کے دستاویزات  
10. مندرجہ ذیل کے لئے مندرجہ ذیل کے دستاویزات

عمر سید کا سکور : 113  
صن احمد کا سکور : 115  
MS.TT کا طریقہ کار

OBSERVATIONS OF APPEAL COMMITTEE ON NTS BASED APPOINTMENTS OF VARIOUS CATEGORIES 2014.

The following appeals were received after the issuance of appointment orders from the candidates applied for different post/categories and finalized by the committee chairman/members are as under.

S.No	Name of Appellant	Cadre	Objection Raised	Decision / Remarks
1	Faraz Khan	PET	Not appointed due to high merit	Not appointed because JDPE is from SDC (Abbottabad high court decision against SDC is attached) however Court Decision in favor of candidates of SDC of Darul Qaza Swat issued on 08/05/2014 which received after issuance of orders)
2	Ibadullah	PST	Not appointed being on merit No.2 in the U/C while candidate at Merit No.3 appointed.	B.A marks were entered incorrectly by NTS and after correction of his B.A marks the appellant merit went to 10 therefore not appointed.
3	Saeedur Rahman	PST	Dropped due to SDC diploma of PTC in 2012	There was no vacant post in U/C total of PST hence regretted.
4	Sajja Ali	PST	Dropped due to SDC diploma of PTC in 2012	There was no vacant post in U/C Karapa of PST hence regretted.
5	Amjad Ali, Sher Muhammad & Others	D.M	Appointment against DM post	Orders will be issued after court decision.
6	Amir Laiq Khan	C.T	Objection against wahid shah score.	Wahid shah score checked and found correct i.e 118.14 and amir laiq khan score is 117.66. Amir layaq F.A and B.A score was entered incorrect by NTS i.e 533/850 and 550/550 instead of 533/100 and 270/550 respectively therefore wahid shah appointed to high score.
7	Abid Ali	C.T	H/M GHS Janak Banda not providing charge.	Order has already been issued to concerned H/M and charge has been handed over to the appellant so objection removed.

C.T-C

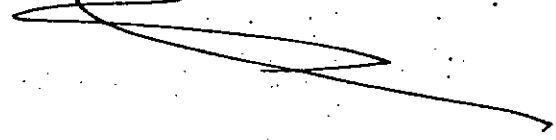
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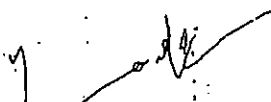
31	Abdul Manan	T.T	Wants to be transferred from GMS Shanai to GMS kinger gali.	The appellant being on top on merit at GMS kinger gali so appointed at that school. Appeal rejected.
32	Khalil Ahmad	T.T	NTS marks not shown on relevant website.	Having no merit position on NTS. Appeal Rejected.
33	Sadiqur Rahman	T.T	Academic certificates neglected and marks awarded of Asnads of Madrasas where as he has not submitted the same.	Merit calculated as per data provided to NTS in the Form.
34	Abdus Salam	T.T	Appeal against Ali Bahadar NTS Score= 115.75 and Hidayatullah score=116.56.	Abdus salam merit went lowered after deduction of MED marks and Mphil marks which were awarded by NTS wrongly. Abdus Salam score went to 104.3 and candidates of higher merit were appointed.
35	Salih Noor	T.T	Not submitted one certificate.	The candidate confess that he has not submitted one certificate to NTS for merit calculation. While merit has been calculated as per data provided to NTS in the Form. Appeal Rejected.
36	Nasrullah	T.T	Request for awarding marks of PTC for appointment of T.T	PTC marks are not counted for appointment of T.T marks. Appeal Rejected
37	Wahid Shah	T.T	Request for posting at Dab Serai or Alami Banda against T.T post.	Already appointed as C.T post at GMS Kot Gokand.
38	Fayaz Ahmad	T.T	Appeal against ayaz mahmood T.T who has been appointed at GMS Totalai who has been awarded PTC marks which is against the rules.	Appeal Accepted. Mr. Fayaz Ahmad may be appointed as per merit position and Mr. Ayaz Mahmood may be terminated because of having lower merit than the appellant.
39	Ali Muhammad	T.T	Request for placement at GMS Miana.	Already appointed at GMS Jaba Chowan on T.T post. Appeal Rejected.
40	Muhammad Shamim	T.T	Marks is less in merit and Alia marks may be awarded in merit too.	Alia not submitted to NTS so marks not awarded by NTS. Addition of any kind of document is not allowed at this stage. Appeal Rejected.


C-A-C

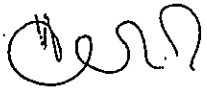


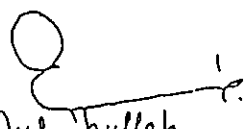
41	Zainul Abidin	T.T	Marks of Alia to be awarded/counted.	Addition is not allowed at this stage. Appeal Rejected.
42	Abdu Salam	T.T.	Marks of sanadat of madrasas to be included for additional marks	Addition is not allowed at this stage. Appeal Rejected.
43	Haleem Shah Abbasi	T.T	Wants to submit documents after due date.	Addition of Asnad is not allowed after due date hence Appeal Rejected.


Committee:

  
Yaqub Dad H/M  
GHS Bampokha

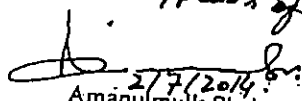
  
M. Ihsanullah A.P EMIS  
DEO Office


  
Himayat Shah  
SDEO(M)


  
Mubtullah  
ASDEO (Circle Batura)  
90 SDEO(M) Buner

  
Umar Farooq ADO Estab: Secy  
DEO Office

*Discussed appeals of Rizki Haleem appointment*

  
27/7/2014  
Amanulmulik Shah  
ADO Estab: Secy  
attended the meeting and discussion on appeal.

  
Saranjam S/C Estab Secy:  
DEO Office

  
27/7/14  
DISTRICT EDUCATION OFFICER (M)  
BUNER

C4-C



Annex "C"

(11)

(18)

Annex

(18)



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DISTRICT BUNER

NOTIFICATION:

Consequent upon the acceptance of appeals, the order issued vide this office Endstt: No.1379-84 dated 16/05/2014 of S.No.39 in T.T BPS-15 of Mr. Ayaz Mahmood is hereby withdrawn from the date of issuance of his appointment order and stand cancelled and substituted by Mr. Fayaz Ahmad S/O Hazrat Umar and appointed school based as per merit at GMS Totalai as T.T BPS-15 (Rs.8500-700-29500) @ Rs. 8500/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of his taking over charge.

TERMS & CONDITION.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year.
4. He should not be handed over charge if his age exceeds 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO Any one found producing bogus Certificates/Degrees will be reported to the law enforcing agencies for further action.
6. His services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO is issued that his certificates/Degrees are verified.
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before handing over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
13. His appointment is made on School based, He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge Principals/Head Masters concerned will check their documents, if they have not the required qualification he may not be handed over charge.

(SHERAZ AHMAD)  
DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER.

Endst: No. 2248-54 Dated 15/07/14 2014.

Copy forwarded for information and necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Accounts Officer Buner.
4. Medical Superintendent DHQ Hospital Buner.
5. Principals / Head Masters Concerned.
6. Officials Concerned.

*(Signature)*

*(Signature)* 15/7/14

DISTRICT EDUCATION OFFICER (M)  
DISTRICT BUNER.

SCHOOL WISE MERIT LIST OF Theology Teacher(TT) (BPS-15) MALE CANDIDATES 2014

Table with columns: S.No, NTS Merit No, Final Merit No, SCHOOL NAME, Roll No, Name, Gender, SSC, HSSC, Bachelor, Master, M. Phil, Diploma, M. Ed. MA. Ed, Academic Marks (out of 100), NTS Marks (out of 100), Total Marks (out of 200), REMARKS. The table lists candidates and their scores across various stages.



65

12

Diploma marks deducted

BEPED MARKS DEDUCTED

BED MARKS DEDUCTED





(18)

(15)

Table with columns: S.No, NTS Merit No, Final Merit No, SCHOOL NAME, Roll No, Name, Gender, IBC, SSC, HSSC, Bachelor, Master, M. Phil, Diploma, M. Ed/MA. Ed, Academic Marks (out of 100), NTS Marks (out of 100), Total Marks (out of 200), REMARKS. Rows 1-41, containing student data for schools like GMS KUZ KALAY and GMS LEGANA.

- 7777 -









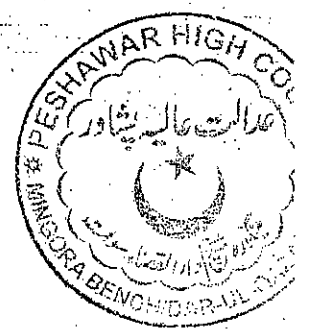
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19

**BEFORE PESHAWAR HIGH COURT BENCH MINGORA/**

**DARUL QAZA SWAT.**

Writ Petition No: 477/2014



**Ayaz Mehmood s/o Tajar Said**

**R/O village Bajkata, Tehsil Gagra, District**

**Buner. \_\_\_\_\_ (Petitioner)**

**Versus**

**1. The D.E.O (M) Elementary & Secondary Education District  
Buner.**

**2. The Deputy Commissioner Buner.**

**3. The Director, Elementary and Secondary Education  
Khyber Pakhtunkhwa, Peshawar.**

**4. The Govt: of Khyber Pakhtunkhwa, through Secretary,  
Elementary and Secondary Education at civil secretariat  
Peshawar.**

*Correct address of Resp No.5 - Village Dagai  
Khadukhail Tehsil Totakai Buner.*

**5. Fayaz Ahmad S/O Hazrat Umar R/O Village Nawagai,  
Tehsil Mandanr District Buner \_\_\_\_\_ ( Respondents).**

*C/A*

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973**

**Respectfully Sheweth:**

**FILED TODAY**

*[Signature]*

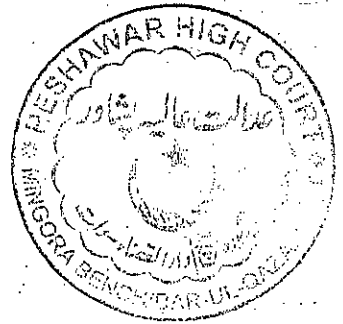
**Additional Registrar**

**02 SEP 2014**

*M*

**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
MINGORA BENCH (DAR-UL-QAZA), SWAT  
(Judicial Department)**

W.P 477-M/2014  
with Interim Relief & C.M 897/2014



**JUDGMENT**

Date of hearing: 27.03.2018

*Ayaz Mehmood*

(Petitioner)

Versus

*The District Education Officer (M) E&SE Buner & others.*

(Respondents)

Present:

*Mr. Abdul Marood Khan, Advocate for Petitioner.*

*Muhammad Ruhim Shah, Assistant A.G for the  
Official Respondents.*

*Mr. Shams-ul-Hadi, Advocate for the Respondent  
No.5.*

**MUHAMMAD GHAZANFAR KHAN, J.-** This

petition under Article 199 of the Constitution of the  
Islamic Republic of Pakistan has been filed by the  
petitioner for the following relief.

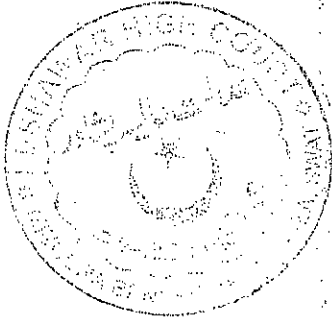
“It is, therefore, most respectfully  
prayed that on acceptance of this  
writ petition, the impugned order  
dated 15.7.2014, passed by the  
Respondent No.1 may kindly be set  
aside and the respondent No.1 may  
be directed to reinstate the  
petitioner in service with all back  
benefits.

On acceptance of this writ petition,  
the observations of the appeal  
committee dated 03.7.2014 and  
order of the Respondent No.1 dated

(2)

15.7.2014, may kindly be set aside and directions may kindly be given to the Respondent No.1 to reinstate the petitioner with all back benefits.

Any other relief as deemed appropriate in the circumstances of the case not specifically asked for, may also be granted to the petitioner.



*[Handwritten signature]*

2. Briefly stated facts of the case are that the petitioner in response to advertisement published in daily 'Mashriq' on 07.1.2014 applied for the post of T.T. After qualifying the test and interview, the petitioner was appointed as such and he took over the charge on 17.5.2014 and since his taking over the charge, he performed his duties to the entire satisfaction of the high ups but all of a sudden, without any notice, the respondents vide endorsement No.2248-54 dated 15.7.2014 withdrew the appointment order of the petitioner that too on the application moved by private Respondent No.5 for review of the above said order.

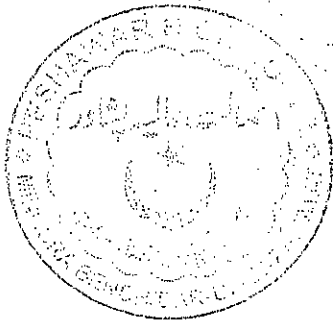
3. Learned counsel for the petitioner mainly argued that after having been appointed on the post after thorough scrutiny and having successfully gone through the process of test and

interview, he was duly appointed, so, the withdrawal order unilaterally by the respondents is a mockery of law which is not legally sustainable.

4. Conversely, learned A.A.G and learned counsel for Respondent No.5 argued that private Respondent No.5 is higher in merit than the petitioner but he was ignored due to inadvertence of the department, so, his application for the review of the appointment order was rightly accepted and there was no occasion for the department to call the petitioner for hearing. They solicited that being lesser in merit than private Respondent No.5, the petitioner cannot invoke the constitutional jurisdiction of this Court.

5. Arguments heard and record perused.

6. Correct that under the principle of locus poenitentiae, an authority which can pass/issue an order is equally empowered to withdraw, rescind or modify that order but in the instant case, the respondents cannot take shelter of this provision as after appointment that too after observance of all codal formalities, the petitioner was appointed and



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he took over the charge of his assignment and also performed his duties, so, a right has been accrued to him, hence, the respondents were under legal obligation to grant him an opportunity of being heard before passing any adverse order against him.

In the instant case, Respondent No.5 has moved an application for review of the appointment order of the petitioner on the ground that he is higher in merit than the petitioner and the authorities without calling him or giving him an opportunity of hearing have passed the impugned order, which is neither just nor in accord with the principle of natural justice or the provisions of law relating to the subject matter. Hence, we allow this writ petition, set aside the order of Respondent No.1 and direct the respondents that the review petition filed by Respondent No.5 shall be deemed to be pending before the District Education Officer (M), Buner and before passing any order on the said application, the respondents shall give an opportunity of hearing to the petitioner. Until decision of the above said application, the petitioner

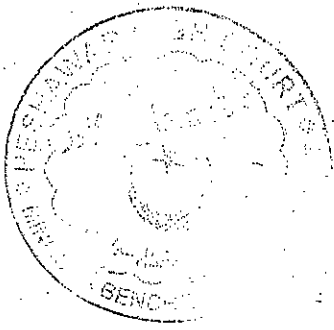


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shall be deemed to be in service as he was prior to the issuance of the impugned order.

Announced  
27.03.2018



JUDGE  
*[Signature]*  
JUDGE  
*[Signature]*

S.No. 01  
Name of Applicant: *FAOZAH KHAN*  
Date of Presentation of Application: *28-3-18*  
Date of Completion of Copies: *2-4-18*  
No of Copies: *6 P*  
Fees Paid: *12/-*  
Date of Delivery of Copies: *2-4-18*

Certified to be true copy

*[Signature]*  
EXAMINER  
Peshawar High Court, Mingora-Dar-ul-Qaza, Swat  
Announced Under Article 57 of Constitution of the State of Swat  
*2/4/18*

*Ahu*  
*29/3*

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OFFICE OF THE DISTRICT EDUCATION OFFICER  
( MALE & FEMALE ) BUNER  
PHONE & FAX NO. 0939-510468  
EMAIL: EDOBUNER@GMAIL.COM



**NOTIFICATION:**

In the light of Judgement of Peshawar High court Mingora Bench Darul Qaza Swat dated 27/03/2018 in writ petition No. 477-M/2014 Titled Ayaz Mahmood verses DEO(M) Buner & others, the following committee is hereby constituted to scrutinize the case of Ayaz Mahmood in the light of the above said Judgement and submit their clear findings with in one week to the undersigned.

1. Muhammad Ayub SDEO (M) Daggar Buner
2. Amanul Mulk Shah ADEO Estab:

Chairman

Member

( BAKHT ZADA KHAN )  
DISTRICT EDUCATION OFFICER (M&F)  
BUNER

Endst; No 1612-13 Dated. 12/4 2018.

Copy forwarded for information and necessary action to the

1. Additional Registrar Peshawar High Court Mingora Bench Darul Qaza Swat for information with reference to his office memo No. 1512-16 date 02/042018.
2. Committee concerned.

DISTRICT EDUCATION OFFICER (M&F)  
BUNER

*Handwritten signature and date:*  
12/4/2018

Aman. E.

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To  
THE DISTRICT EDUCATION OFFICER  
(M) DISTRICT BUNER.

Subject: ENQUIRY REPORT IN R/O AYAZ MAHMOOD S/O TAJBAR SAID EX. TT GMS TOTALAI BUNER.

Memo:  
In the light of the judgement of the Honorable Peshawar High Court Mingora Bench Darul Qaza S  
dated 27-3-2018 in Writ Petition. No 477 -M /2014 Titled

**AYAZ MAHMOOD Vs DEO (M) Buner and others**

Reference Honorable DEO(M) Buner Endst No. 1612-13 dated 12/04 /2018, We the enquiry Committee (i.e.1-Mohammad Ayub SDEO (M) Daggar and 2.Amanul Mulk Shah ADEO Estab(M) Pry: Buner) called the petitioner for personal hearing and served the questionnaire ,to record his statement in bl in white (Statement of the petitioner attached as Annexure A), scrutinized the case of Ayaz Mahmood Ex: GMS Totalai in the light of the above said judgment and reached the following findings.

- 1- Mr. Ayaz Mahmood S/O Tajbar Said R/O Bajkata Buner was appointed as TT at GMS Totalai Buner vide DEO (M) Buner order Endst:No 1379-84 dated 16-5-2014.
- 2- The District Education Officer (M) Buner withdrew the appointment order of the petitioner Mr. Ayaz Mahmood vide his office order No 2248-54 dated 15-7-2014 and appointed Mr. Fayaz Ahmad S/O Hazra Umar village Dagai Khadukhail, in the light of the complaint submitted by Fayaz Ahmad.
- 3- Mr. Ayaz Mahmood was terminated on the ground that additional PTC Marks were added to his merit score which was not his right.
- 4- The enquiry committee thoroughly checked the merit list of TT and reached to the conclusion that additional marks of PTC were awarded to the petitioner Mr. Ayaz Mahmood ,his merit was found to be 113.45 score the additional PTC marks is subtracted from his score, his actual score remains 102.47.
- 5- It is pertinent to mention that the committee noted five other appointees in the same order who have also awarded additional marks of PTC namely as follows.

S.No	Name of Appointee	Total score including PTC marks	PTC Marks	S.No in Appt: Order	Place where posted
1 ✓	Mushraf Shah	111.06	9.5	6	GHSS Ghazikot
2 ✓	Abdul Manan	120.48	10	23	GMS Kingargali
3	Fidaullah (did not attend charge)	115.05	10.23	28	GMS Leganai
4 ✓	Misbahullah	108	10.57	31	GMS Mughdara
5 ✓	Hidayatullah	116	10.33	35	GMS Rega No2

- 6- If the additional marks awarded to the above mentioned appointees, are deducted from them, then the tea at S.No 1 Mr. Mushraf Shah TT GHSS Ghazikot and S.No 4 Mr Misbahullah TT GMS Mughdara Buner lose their meritorious position as compare to the petitioner.



7- Hence termination of the petitioner Mr. Ayaz Mahmood is based on injustice as compared to the other five appointees whose services are yet intact.

**RECOMMENDATIONS:**

*Keeping in view the above facts and findings, the petitioner Mr. Ayaz Mahmood is deserved to be restored in service from the date of his initial appointment. Therefore the order of the petitioner DEO (M) Buner Endst No 1379-84 dated 16-5-2014 be restored from the date of withdrawl Vide DEO (M) Bu Endst:No 2248-54 dated 15-7-2014.*

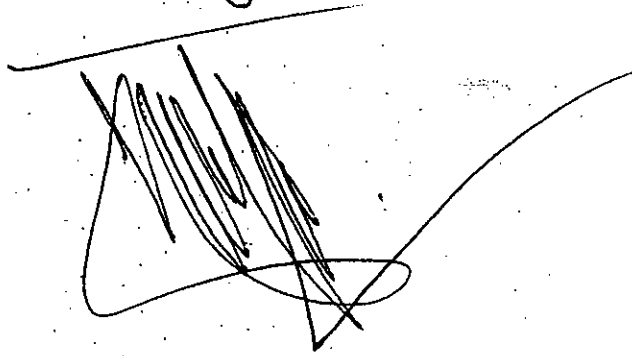
  
(MOHAMMAD AYUB)

SUB-DIVISIONAL EDUCATION OFFICER  
MALE DAGGAR DISTRICT BUNER.

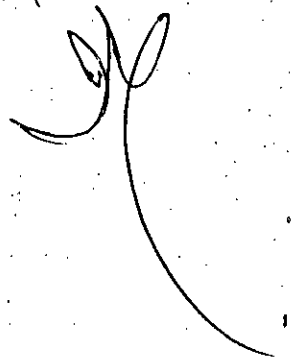
  
AMANUL MULK SHAH

ASSISTANT DISTRICT EDUCATION OFFICER  
ESTAB: (M) PRIMARY DISTRICT BUNER.

Disagreed.



As per policy of that time Shahookul Alam  
marks awarded instead of PTC.  
As committee has written in their recommendation  
that PTC marks has been awarded  
mentioned candidates which is  
incorrect, whereas extra marks  
of PTC etc has already  
been deducted from  
the said candidates who  
have PTC / CI / B.Ed marks.



سوال نمبر 11 کے لیے سیریل سیرنگ بنام آبیاز محمود ولد تاج محمد سیرنگ

~~11~~

1) آپ کا نام مجھ ولدیت اور گاؤں کا نام ہے  
آبیاز محمود ولد تاج محمد گاؤں باجلیت حمیرہ چنگرہ

2) آپ کی Appointment کس پوسٹ پر کی گئی ہے اور کہاں ہوئی تھی؟  
سیرا T.T Appointment پوسٹ پر 17/05/04 کو گورنمنٹ عدیل سکول مظاہر میں ہوئی تھی

3) آپ نے PST کیا ہے اور اس کے لیے کیا کیا امتحانات دیے ہیں؟  
میں نے PST + M.A اصلاحات + B.ed پاس کیا ہے

4) سیرا کیلئے Diploma کے تمام اجزاء PST کے ساتھ جمع ہوئے ہیں یا امتحانات دیے ہیں؟  
اسلامیات کی سیرا جمع ہوئی ہے

سیرا کیلئے Diploma کے تمام اجزاء PST کے ساتھ جمع ہوئے ہیں

5) آپ کی Appointment کب اور کس وجہ سے *with draw* ہوئی تھی؟  
سیرا کی Appointment درخواست گزار کے موقف کے مطابق ڈیلوے مارکس کی کمی کی وجہ سے ہوئی

6) آپ کا سیرا اور Diploma کے اجزاء کیا ہیں؟  
سیرا سیرا کیلئے Diploma کے ساتھ 103.98 ہے  
اور Diploma کے ساتھ 113.98 ہے

20/04/08

8) آپ کی سیرا کی Appointment کی کیا ہے اور اس کا کوئی سیرا کیا ہے؟  
سیرا کیلئے امتحان اچھو کو Appointment کیا گیا اور اس کا کوئی سیرا 110.50 تھا

9) مذکورہ بالا سوالات کے علاوہ آپ کو اپنی صفائی دینے کے لیے بیان کر سکتے ہیں۔  
تفصیل کے ساتھ

9-20

(26)

(2)

(11)

اس کے علاوہ میں ایسے معافی میں سہ لینا چاہتا ہوں

نمبر 2014 اجلاس کا ایشیا کے مطابق میں نے N.T.S ٹیسٹ پاس کیا

اور سکول سید یا لسی کے مطابق تاریخ سکول میں سیشن کی درخواست پاس

کرنے کے بعد گورنمنٹ ہائی سکول طوطالی میں سیرٹ پاس کیا اس کے

بعد پوری قانونی طریقہ کار سے سیرٹ Appointment پاس اور ڈیپلومہ

سلسلہ قانونی کرنے کے بعد فیاض احمد ولد محمد عمر کے درخواست پر

مجھے سندس پاس کیا گیا درخواست کا موقف تمام سائل سے Diploma

ماریٹ ٹائم دی جانے لگو میں سیرٹ پاس کیا گیا اس کے بعد

عدالت ہائی کورٹ میں سیشن دائر کی اب فیصلہ آئے گا تو میں

ہیں اس کے سیرٹ پاس کیا گیا اور میں لڑے ہیں جس کو Diploma ماریٹ

تھا چلے ہیں جس کے نام درج ذیل ہے

1) مشرف شاہ

2) عبدالمنان

3) مہتاب اللہ

4) پراسد اللہ

5) فدا اللہ

20/04/18

یہ وہ سب سے جس کو Diploma ماریٹ پاس کیا گیا اس کے علاوہ ان سب سے  
میں بھی قانونی طریقہ کار کی جانے اس کے علاوہ کیا گیا ہے اور جو کہ درخواست

تیار کیا گیا نام سیشن میں موجود ہیں جو کہ سہ اسم سیرٹ قانونی ہے

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**OFFICE OF THE DISTRICT EDUCATION OFFICER MALE & FEMALE**  
**DISTRICT BUNER PHONE & FAX NO. 0939-510468**  
**EMAIL:- EDOBUNER@GMAIL.COM**

**Notification.**

The Undersigned constituted a committee on 12/04/2018 to scrutinize the case of the petitioner in the light of the Judgment of the honorable Court of Darul Qaza Mingora Bench Swat in writ petition No. 477-M/2014 Title Ayaz Mahmood Versus DEO (Male) Buner & Other dated 27/03/2018 and submit their clear findings within one week to the undersigned.

The inquiry officer recorded the statement of the petitioner and submitted their findings, but the undersigned is Unsatisfactory from the inquiry report.

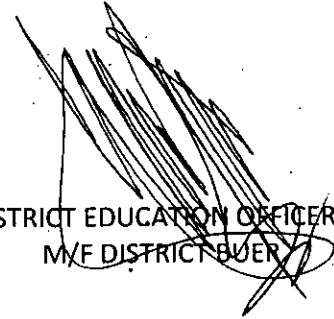
Therefore the undersigned is pleased to nominate Mr. Iftikhar UI DDEO Male Buner to re-inquire the above titled case i.e. Writ Petition No. 477-M/2014 and submit his findings/recommendations within one week to the undersigned.

*Ghani*  
**(BAKHT ZADA KHAN)**  
DISTRICT EDUCATION OFFICER  
M/F DISTRICT BUNER

Endst:-No. 2728-29 Dated 3/7 /2018

Copy for information to the.

1. Additional Registrar Peshawar High Court Mingora Bench Darul Qaza Swat for information with reference to his office Memo: No. 1512-16 date 02/04/2018.
- ✓ 2. Committee Concerned.

  
DISTRICT EDUCATION OFFICER  
M/F DISTRICT BUNER

Aman "F"

(12) /  
(31)

INQUIRY REPORT REGARDING PROVISION OF OPPURTUNITY OF HEARING

TO MOHAMMAD AYAZ EX-T.T, GMS TOTALAI (BUNER)

Reference Judgment of Peshawar High Court Mingora Bench(Dar-ul-Qaza Swat dated 27/03/2018 in Writ Petition No. 477-M/2014, titled Ayaz Mohamtmad Vs DEO (M) Buner and others, the DEO (M) Buner vide his order No. 1612-13 dated 12/04/2018 constituted an inquiry committee comprising of Mohammad Ayub SDEO (M) Daggar and Aman Ul Mulk Shah ADEO(Estt.) (Male) primary, who conducted an inquiry and proposed their recommendation, which was quashed by the DEO(M) (Competent Authority) on the grounds that the petitioner ~~was unjustly favoured by the inquiry officers after misreading and non-reading of the relevant~~ record. Consequently, the Competent Authority, having the rights to disagree with the recommendations of the inquiry committee directed me to re-inquire the case and submit recommendations as directed by the Honourable High Court

Background/Problem review

Brief facts about the history of the issue are as under:

1. That Mr. Ayaz Mahmood S/O Tajbar Said R/O Bajkata Buner was appointed as T.T at GMS Totalai vide DEO (M) Buner, Order No. 1379-84 dated 16-05-2014.
2. After the appointment order was issued, an aggrieved candidate namely Fayaz Ahmad S/O Hazrat Umar village Dagai, tehsil Khado khel submitted an appeal to DEO (M) Buner holding the stance that he is higher in merit than Mr. Ayaz Mahmood and has the right to be appointed against that post and that the former has wrongly been appointed at a low pedestal in merit than applicant.
3. In response to that appeal, a committee was constituted to examine the complaint and propose their recommendations. The committee after thorough perusal and examining the relevant record and merit list declared the appeal of the Fayaz Ahmad to be valid.

AS  
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4. Acting upon the recommendations of the committee, the DEO (M) Buner withdrew the appointment order of Mr. Ayaz Mahmood vide Order No.2248-54 dated 15-07-2014 and appointed Mr. Fayaz Ahmad in place of the former.
5. Aggrieved by the impugned order Mr. Ayaz Mahmood preferred a writ petition in the Peshawar High Court Mingora Bench. The Honorable High Court in its Judgment directed the Competent Authority to provide an opportunity of listening to the petitioner and thereafter to decide the case on merit, hence the present inquiry of listening to Ayaz Mahmood.

#### Findings of Facts

In order to establish the right of meritorious candidate the inquiry officer made use of all the available information. All the record/merit list pertaining to the appointment of T.T was thoroughly and meticulously checked, juxtaposed and tallied collaborated with sieving and sifting of evidences i.e degrees/certificates of all the appointees, hence the following facts are being drawn.

1. Merit list of every candidate appointed as T.T under the above mentioned appointment order and especially those who were targeted for wrongly assigning PTC marks, was provided, assisted and clarified by Mr. Ihsanullah A.P and Mr. Sartaj ADEO (Esttb.) Secondary. The said merit list was examined/checked and found that "NO" additional marks of PTC were given to any candidate especially targeted candidates appointed therein. However, some of the candidates haven been given marks for "Shahadat Ul-Alamaiya" which is though a diploma/professional qualification but allowed under the policy for appointment as T.T, while PTC marks are not allowed to be given to T.T candidates.
2. In a former inquiry the inquiry officers made mention of some candidates who were given PTC marks, namely Musharaf Shah (111.06) , Abdul Manan (120.48), Faridullah

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(115.05, but did not take over charge), Misbahullah (108) and Hidayatullah (116). However, this observation of the inquiry officers is based on "Mis-reading and Non-reading" of the relevant record and merit list. In fact neither of the candidates was assigned PTC marks except Abdul Manan and Hidayatullah which had already been deducted before issuance of the impugned appointment order.

3. It was further found that the petitioner namely Ayaz Mahmood was wrongly given PTC marks which were rightly deducted in order to meet the ends of justice and thereby to appoint the rightful and meritorious candidate.

### Recommendations

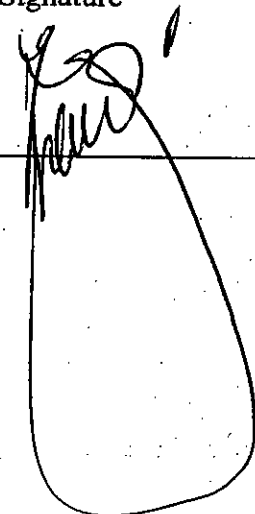
Having been gone through scrupulous observation and analysis of all the available record and evidences, it is vehemently recommended that:

1. Ayaz Mahmood has wrongly been awarded PTC marks, and these additional marks have rightly been deducted, which brought him to low pedestal in merit. Consequently, he does not meet the required merit to compete with the rightful candidates.
2. The withdrawal/termination order of Mr. Ayaz Mahmood and appointment of Mr. Fayaz Ahmad, vide Order No.2248-54 dated 15-07-2014 is based on merit and justice, hence may be retained.

I. Iftikhar Ul Ghani (Chairman)

Dy. DEO (M) Buner

Signature



A handwritten signature in black ink, appearing to be 'I. Iftikhar Ul Ghani', is written over a horizontal line. The signature is stylized and extends downwards into a large, empty, teardrop-shaped area.



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

**NOTIFICATION.**

1. **WHEREAS** Mr. Ayaz Mahmood S/O Tajbar Said R/O Bajkata Buner was appointed as T.T at GMS Totalai vide DEO (M) Buner, Order No. 1379-84 dated 16-05-2014.
2. **AND WHEREAS** an aggrieved candidate namely Fayaz Ahmad S/O Hazrat Umar village Dagai, tehsil Khado Khel submitted an appeal to DEO (M) Buner holding the stance that he is higher in merit than Mr. Ayaz Mahmood and has the right to be appointed against that post.
3. **AND WHEREAS** a committee was constituted to examine the complaint and to propose their recommendations. The committee after thorough perusal and examining the relevant record and merit list, declared the appeal of the Fayaz Ahmad to be valid.
4. **AND WHEREAS** the DEO (M) Buner withdrew the appointment order of Mr. Ayaz Mahmood vide Order No.2248-54 dated 15-07-2014 and appointed Mr. Fayaz Ahmad in place of the former.
5. **AND WHEREAS** aggrieved by the impugned order Mr. Ayaz Mahmood filed a writ petition in the Peshawar High Court Mingora Bench(Dar Ul Qaza) Swat.
6. **AND WHEREAS** The Honorable High Court in its Judgment directed the Competent Authority to provide an opportunity of listening to the petitioner and thereafter to decide the case on merit afresh.
7. **AND WHEREAS** in pursuance of the directives in the operational part of the Court's judgment Mr. Iftikhar Ul Ghani Deputy District Education Officer (M) Buner was appointed as inquiry officer to conduct inquiry, listen to the petitioner and submit his report.
8. **AND WHEREAS** the inquiry officer after having listened to the petitioner examined the relevant record (appointment orders, final merit list, certificates/degrees of all the appointed candidates) submitted his report.
9. **AND WHEREAS** the Competent Authority ( DEO (M) Buner) after having considered the evidences and recommendations of the inquiry officer is of the view that the appointment order of Ayaz Mahmood has rightly been withdrawn and the subsequent appointment of Fayaz Ahmad against the same post is based on merit and justice.
6. **NOW, THEREFORE**, The Competent Authority (DEO (M) Buner) is pleased to retain the Order No.2248-54 dated 15-07-2014. regarding the withdrawal of appointment of Ayaz Mahmood and consequential appointment of Mr. Fayaz Ahmad as T.T.

(IFTIKHAR UL GHANI)  
DISTRICT EDUCATION OFFICER (M)  
BUNER

Endst; No. 1529-35 / Dated 14/3 /2019.

Copy for information to :-

1. Additional Registrar Peshawar High Court Mingora Bench Darul Qaza Swat.
2. Director (E&SE) Khyber Pakhtun Khwa Peshawar.
3. Deputy Commissioner Buner.
4. District Monitoring Officer Buner.
5. District Accounts Officer Buner.
6. Principals/Head Master concerned.
7. Teachers Concerned.

DISTRICT EDUCATION OFFICER (M)  
BUNER