


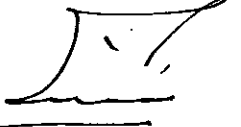
27.02.2023

Mr. Maqsood Ahmad, brother of the appellant present.
Mr. Fazle Khaliq, ADEO alongwith Mr. Naseer-ud-Din Shah,
Assistant Advocate General for official respondents No. 1 to 4
present. Junior of learned counsel for private respondent No. 5 also
present.

Brother of the appellant as well as junior of learned counsel for
private respondent No. 5 requested for adjournment due to non-
availability of their respective counsel. Adjourned. To come up for
arguments on 04.05.2023 before the D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)


29.09.2022

Appellant present through her brother namely Maqsood Ahmad bearing CNIC No.16202-9915361-6.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Fazal Khaliq ADEO for respondents present.

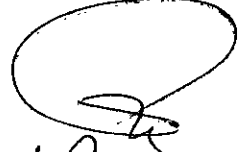
Former made a request for adjournment as learned counsel for appellant is not available today. Adjourned. To come up for arguments on 01.12.2022 before D.B.

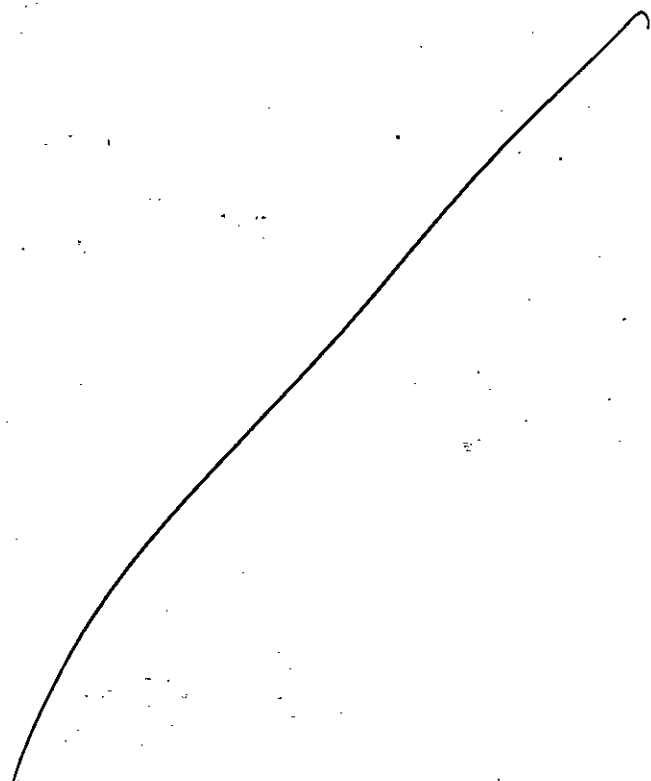

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

01/12/22

Deleted from the list to
come up on the next date
27/2/23


Reader.



22.11.2021

Proper D.B is not available, therefore, case is adjourned to 9.2.2022 for the same.


READER

9-2-2022

Due to retirement of the Hon.ble Chairman the case is adjourned to come up for the same as before on 3-6-2022


Reader.


03.06.2022

Bench is incomplete, therefore, case is adjourned to 12.08.2022 for the same as before.


Reader.

12-8-2022

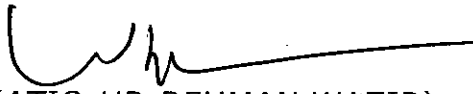
Proper DB not available the case is adjourned to 29-9-2022



Reader

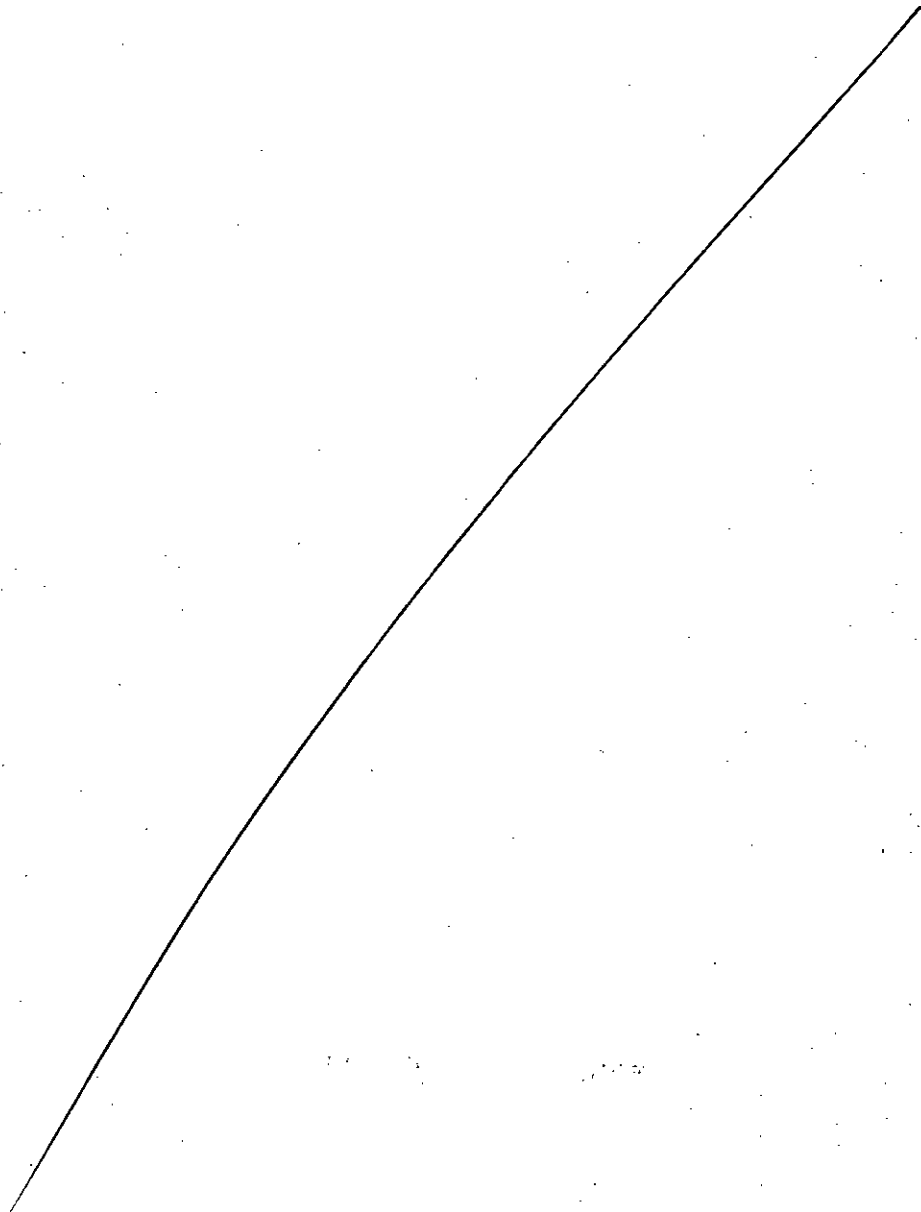
14.09.2021

Miss. Sabra Naz Qureshi, junior of learned counsel for the appellant present. Mr. Fazle Khaliq, ADEO (Litigation) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for official respondents No. 1 to 4 present. Mr. Ahsan Ali, junior of learned counsel for private respondent No. 5 present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is busy before the august Peshawar High Court. Adjourned. To come up for arguments before D.B on 22.11.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)



01.04.2021

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG for respondents present. None present on behalf of official respondent No.4 and private respondent No.5


Reply/comments on behalf of official respondents No.1 to 3 already submitted. Reply/comments on behalf of official respondent No.4 and private respondent No.5 not submitted despite last chance, therefore, the appeal in hand is posted to D.B for arguments on 25.05.2021.



(Atiq Ur Rehman Wazir)
Member (E)

25.05.2021

Miss. Sabra Naz Qureshi, junior counsel for the appellant present. Mr. Javed Ullah, Assistant Advocate General for official respondents No. 1 to 4 and clerk of learned counsel for private respondent No. 5 present.

Junior counsel for the appellant sought adjournment on the ground that learned counsel for appellant is busy before the august Peshawar High Court. Adjourned. To come up for arguments before D.B on 14.09.2021.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

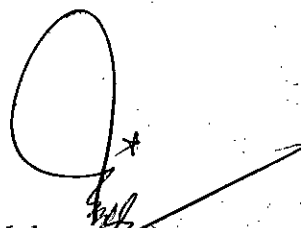

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30.12.2020

Clerk to present. Mr. Noor Zaman Khattak, District Attorney for official respondents No. 1 to 4 present.

Written reply on behalf of respondents not submitted. Learned District Attorney seeks time to submit the same on the next date.

Adjourned to 23.02.2021 before S.B.

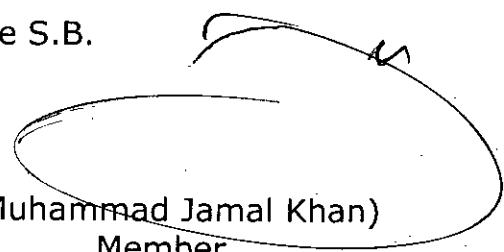


(Mian Muhammad)
Member(E)

23.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Fazal-e-Khaliq, ADEO, on behalf of respondents No. 1 to 3, attorney on behalf of private respondent No. 5, are also present.

Representative of respondents No. 1 to 3 submitted written reply on behalf of the said respondents which is placed on record. Neither written reply on behalf of respondent No. 4 submitted nor any representative on his behalf is present, therefore, learned Additional Advocate General is directed to contact respondent No. 4 and furnish written reply/comments on the next date of hearing. Attorney for private respondent No. 5 is also seeking time for submission of written reply/comments. Last chance is given to respondents No. 4 & 5 for filing of written reply/comments on 01.04.2021 before S.B.



(Muhammad Jamal Khan)
Member

17.11.2020

Junior to counsel for the appellant present.

Submitted an application for extension of time to deposit security and process fee. It is provided in the application that the appellant could not deposit security and process fee due to his serious illness. Application placed on file.

Application is allowed and the appellant is required to deposit security and process fee within three working days. After requisite deposit notices be issued to the respondents for submission of written reply/comments on 11.12.2020 before S.B.

Appellant Deposited
Security & Process Fee

17/11/2020



Chairman

11.12.2020

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General Officer official respondents No.1 to 4 present. Private respondent present through Attorney alongwith her counsel.

Written reply was not submitted on behalf of respondents. Learned AAG and counsel for private respondent No.5 made a request for time to furnish reply/comments; granted. To come up for written reply/comments on 30.12.2020 before S.B.

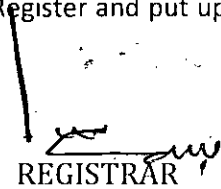
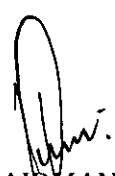


(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 10190 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/09/2020	<p>The appeal of Mst. Uzra Begum resubmitted today by Mr. Abdullah Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/10/2020</u></p> <p> CHAIRMAN</p>
	27.10.2020	<p>Attorney of the appellant on behalf of appellant present. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 17.11.2020 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

The appeal of Mst. Uzra Begum d/o Ayub Khan r/o Mohallah Kandaro Topi Swabi received today i.e. on 20.08.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent no. 4 & 5 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.


No. 2572 /S.T,

Dt. 02/09 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Abdullah Shah Adv. Pesh.

Sir, Re-submitted after completion


Abdullah Shah Law Chamber
Office: 15-A Nasir Mansion Chinar
Building Shoba Bazar Peshawar
Cell #: 0331-9206687

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

Service Appeal No:- 10190/2020

Uzra Begum

Versus

Govt: through DEO etc

INDEX

S#	Description of the Documents	Annex	Pages
1.	Grounds of Service Appeal with affidavit	*	1-5
2.	Power of attorney	"A"	6-7
3.	Copy of Resident Certificate	"B"	8
4.	Copy of Domicile	"C"	9-10
5.	Copy of SSC Certificate	"D"	11
6.	Copy of Intermediate Certificate	"E"	12
7.	Copy of Degrees	"F" & "G"	13-14
8.	Copy of appointment	"H"	15-19
9.	Copy of Charge Report	"I"	20
10.	Copy of corrigendum order	"J"	21
11.	Copy of order dated 12/03/2020	"K"	22-25
12.	Copy of departmental appeal	"L"	26
13.	Wakalat Nama	*	27

Dated:- 20/08/2020

Through:-

Appellant

Abdullah Shah
Advocate High Court

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2020

UZRA BEGUM D/O AYUB KHAN R/O MOHALLAH KANDARO,
P/O KHAAS, UTLA, TEHSIL TOPI, DISTRICT SWABI THROUGH
HER SPECIAL POWER OF ATTORNEY MAQSOOD AHMAD
KHAN JADOON S/O AYUB KHAN R/O MOHALLAH KANDARO,
P/O KHAAS, UTLA, TEHSIL TOPI, DISTRICT SWABI

.....PETITIONER

VERSUS

1. GOVT THROUGH DISTRICT EDUCATION OFFICER (FEMAE) SWABI.
2. DIRECTOR ELEMENTARY AND SECONDARY EDUCATION KPK, PESHAWAR.
3. SECRETARY ELEMENTARY AND SECONDARY EDUCATION KPK, PESHAWAR.
4. DISTRICT MONITORING OFFICER SWABI.
5. Asma Irfan D/o Irfanullah R/o UtlA Gadoon, Tehsil Topi District Swabi.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ACTION OF THE
RESPONDENTS BY ILLEGALLY AND
UNLAWFULLY ISSUING CORRIGENDUM ORDER
VIDE OFFICE ENDST: NO 5920-24 DATED
24/12/2019 AND AGAINST NO ACTION TAKEN
ON THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STATUTORY
PERIOD OF NINETY DAYS

PRAYER IN PETITION:

On acceptance of the instant service appeal, Corrigendum order issued vide office Endst: No. 5920-24 dated 24/12/2019 may kindly be set aside/cancelled void ab initio, ineffective upon the rights of the Petitioner.

Respectfully Sheweth: -

1. That the Appellant is a law abiding citizen belong to a highly qualified family of Utlā, Gadoon, district Swabi. Moreover the instant Appeal has been filed through its authorized attorney.
(Copy of Special of Attorney is attached as Annexure "A").
2. That the Appeal is resident of above mentioned address which comes in the territorial jurisdiction of Union Council Gani Chatar Swabi, KPK.
(Copies of Resident Certificate and domicile are attached as Annexure "B" & "C").
3. That the Appellant successfully passed SSC Examination in 2010 with distinguishing marks from Board of Intermediate and Secondary Education Mardan. Moreover after passing SSC Examination the Appellant passed the intermediate examination from the same Board in the annual session of 2013 with grade-A.
(Copies of Certificates are attached as Annexure "D" & "E").
4. That the Appellant after passing Intermediate Examination the Appellant successfully graduated from university of Swabi and afterwards did her master in the Zoology in the year 2017.
(Copies of degrees are attached Annexure "F" & "G")
5. That the Respondents advertised posts for PST (Female) via NTS and the Petitioner appeared in the test and got success resultantly and consequently the Petitioner was selected for the post of PST in GGPS AIZ KHAN BANDA along with other candidates vide office Endst No: 619-G/PST NTS APPT/DATED 31.01/2019.
(Copy appointment order is attached as Annexure "H")
6. That after appointment the Appellant joined the duties in GGPS Aziz Khan Banda Utlā Gadoon and submitted its Charge Report.
(Copy of Charge Report is attached as Annexure "I")
7. That Respondent No. 1 mala fidely issued a Corrigendum order Endst: No. 5920-24/dated 24/12/2019 wherein the Appellant has been transferred from GGPS Aziz Khan Banda to GGPS Kulyar and Respondent No. 5 is placed on the post of the Petitioner.
(Copy of Corrigendum Order dated 24/12/2019 is attached as Annexure "J")
8. That the Petitioner feeling aggrieved from the impugned Corrigendum order dated 24/12/2019 having no other efficacious remedy filed Constitutional Petition No. 343-P/2020

which was disposed off vide order dated 12/03/2020 with the opinion that the instant matter is related to the terms and conditions of the service hence the instant appeal.

(Copy of order dated is attached as Annexure "K")

9. That in this respect the Appellant submitted departmental appeal/application to Respondent No. 1 but all in vein.

(Copy of appeal is attached as Annexure "L")

GROUND S

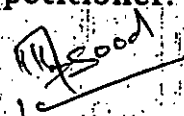
- A. That the impugned orders of the Respondent No. 1 is illegal, against the facts and arbitrary.
- B. That the Respondent No.1 is bound to follow the law rules in vogue.
- C. That as per clause 13 of the terms and conditions of the appointment order the post of the Petitioner is not transferable and the Respondent No. 1 issued politically influenced corrigendum only for the transfer the Petitioner which is against the law and rules.
- D. That the Respondent No. 1 issued the impugned corrigendum with ill will just to give benefit to blue eyes person and violates the fundamental rights of the Petitioner.
- E. That such an adverse order is also against the fundamental rights of the Petitioner.
- F. That the appointment of the Petitioner has been made on school based and transferring the Petitioner from that school is violation of law and terms and conditions of the Appointment Order.
- G. That the school to which the Petitioner has been transferred is very far from the residence of the Petitioner and there is no local transport in the area and the Petitioner has to walk for 3 hours by foot to the duty place being a female its almost impossible for the Petitioner.
- H. That any other point will be agitated during the course of arguments.

PRAYER:

In view of the above facts and circumstances it is therefore, most humbly prayed that on acceptance of the instants Service Appeal, the impugned corrigendum order dated 24/12/2019 of the

Respondent No. 1 may kindly be set aside, cancelled as the same is against the law and rules.

Any other relief not specifically prayed but deemed fit and proper may also be granted in favor of the petitioner.


PETITIONER

Through:

Abdullah Shah Law Chamber

Office: 15-A Nasir Mansion Glidar

Building Shoba bazar Peshawar

Cell #: 0331-9206687

**ABDULLAH SHAH
ADVOCATE HIGH COURT**

Barrister Babar Chambers

15-A, Nasir Mansion,

Railway Road,

Peshawar, Pakistan.

Tel#0331-9206687

Email: shah_abdullah15@yahoo.com

List of books

- 1. Constitution of Islamic Republic of Pakistan.**
- 2. Any other relevant material as per need**
- 3. Case law as per need.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2020

Uzra Begum
VERSUS

Govt. through DEO ETC

AFFIDAVIT.

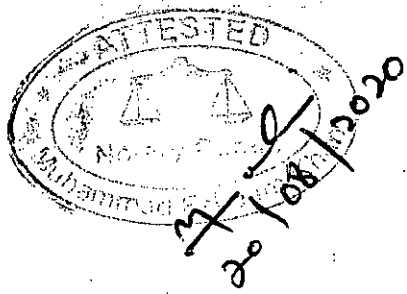
I, Maqsood Ahmed Khan Jadoon S/o Ayub Khan R/o special attorney holder on behalf of the appellatant , do hereby solemnly affirm and declare that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Maqsood
Deponent

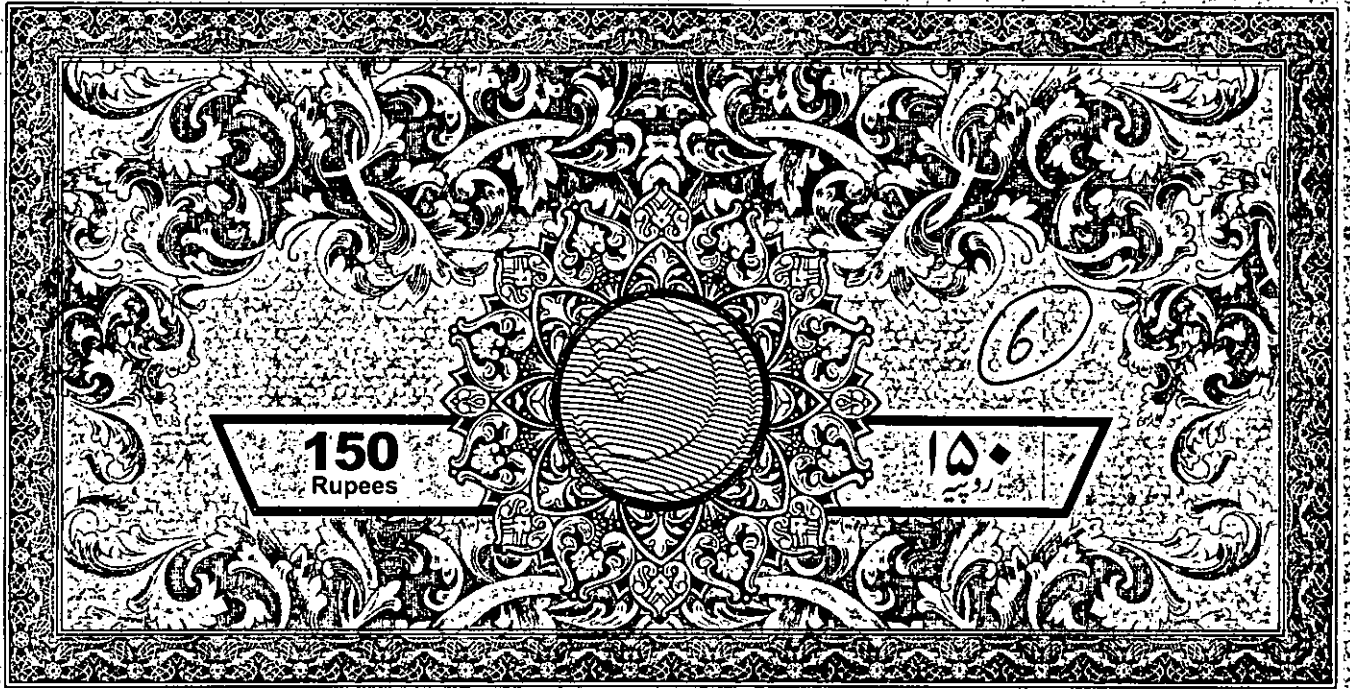
Maqsood Ahmad
Khan

Abdullah Shah Law Chamber
Office: 15-A Inam Mension Chinar
Building Shoba Bazar Peshawar
Cell: 9911-9206687
Identified by
Abdullah shah
Advocate

GNIC - 16202-7404639-1
mob = 0333-9315717

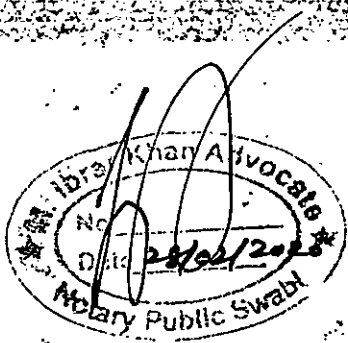


No:
Certified that the above is a correct and solemnly
affirmation before me on this
day of
s/o
who was identified by
Who is personally known to me
Oath Commissioner
Peshawar



﴿ مختار نامہ خاص بابت پیروی مقدمہ ﴾

Aug 11

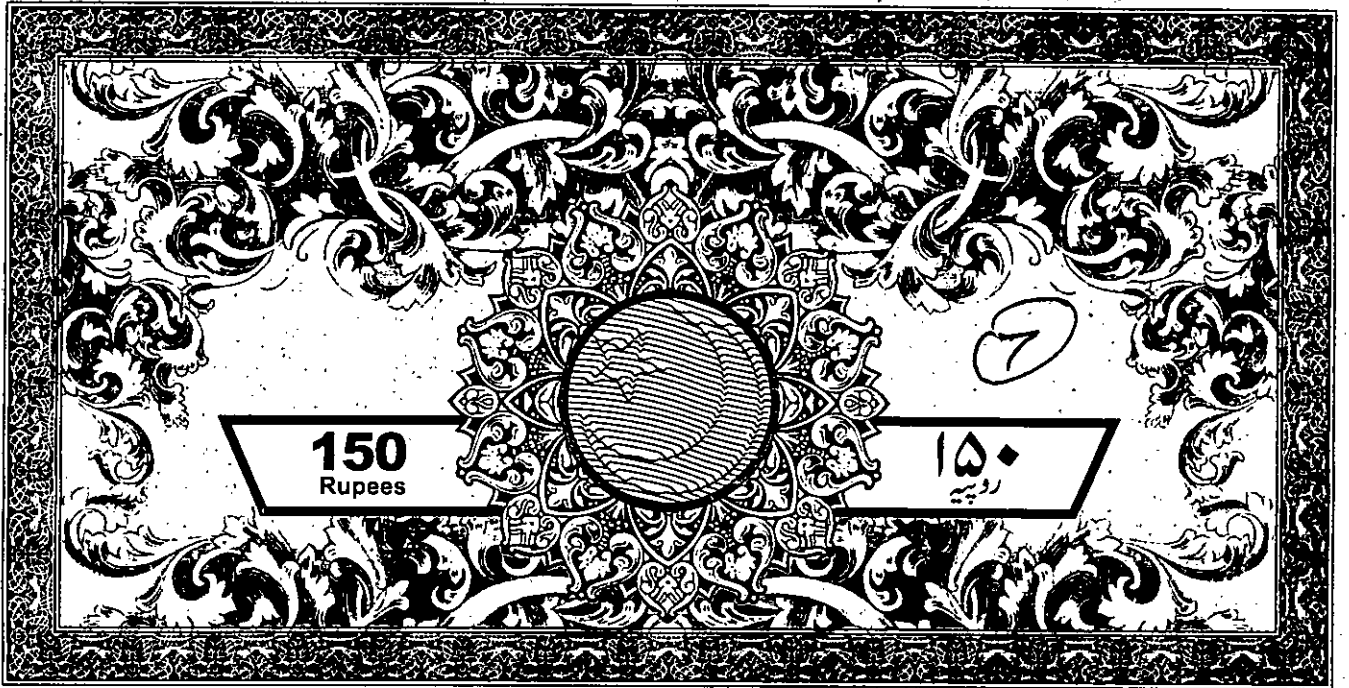


گورنمنٹ وغیرہ

بنام

عزرا بیگم

منکہ مسماة عزرا بیگم دختر ایوب خان ساکن محلہ کنڈروڈا کچانہ خاص، اتلہ تحصیل ٹوپی ضلع صوابی اختیار دہندہ بذریعہ تحریر ہذا مقررہ ہوں کہ بعنوان بالا مقدمہ میں من مقررہ اختیار دہندہ کی حیثیت مدعی کی ہے چونکہ بوجہ پردہ نشینی اور بعض دیگر ناگزیر وجوہات کی بناء من مقررہ مقدمہ ہذا کی پیروی سے قاصر ہوں اس لئے بدیں وقت مسمی مقصود احمد خان ولد ایوب خان ساکن محلہ کنڈروڈا کچانہ خاص، اتلہ تحصیل ٹوپی ضلع صوابی کو اپنی جانب سے مختار خاص مقرر کر کے اختیار دیتی ہوں کہ مختیار موصوف من اختیار دہندہ مذکورہ کی جانب سے میری غیر موجودگی میں مقدمہ بعنوان بالا میں جملہ کارروائی بذات خود وہ دستخط خود سر انجام دیوئے درخواست گزار نے، نقولات مقدمہ حاصل کرے، تائید و تردید و تصدیق کرے، جواب دعویٰ و اقبال دعویٰ وغیرہ پیش کرے، بیان دیوئے مقدمہ میں وکیل مقرر کرے، گواہان اور ثبوت پیش کرے بصورت فیصلہ اپیل، ڈگری، درخواست اجراء دائر کرے، بصورت اخراج مقدمہ، اپیل انگریزی کرے، اجراء جمع کرے، من مقررہ کی طرف سے وکالت نامہ پر دستخط انگوٹھا ثبت کرے، راضی نامہ کرے یا دیگر متفرق قسم کی پیشکشز بالا عدالت ابتداء اسروسز ٹریبونل



خیبر پختونخوا وغیرہ سے عدالت عالیہ تا عدالت عظمیٰ سپریم کورٹ میں دائر کئے گئے الغرض
موصوف مقدمہ کی جملہ کارروائی میں منفرد آیا مشترک حصہ لے جو کہ من مقررہ کو قبول اور منظور ہو
گا، مختیار نامہ لکھ دیا کہ سندر ہے۔

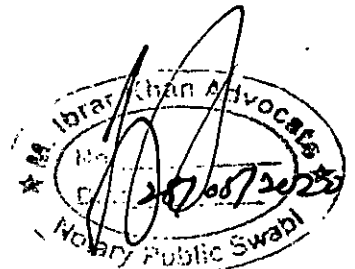
لہذا مختیار نامہ روبروئے گواہان حاشیہ سندا تحریر شد ا ر قوم: 20/08/2020

۱۶۵۵۵۱۶-۵
محمد عابد الرحمن
محمد امان خان

دورہ صدمہ ۲۷/۵

۱۶۲۰۲-۹۹۱۵۳۶۱-۶
عزیز الرحمن
عزیز الرحمن

۱۶۲۰۲-۹۳۸۹۹۶۱-۵
نور الدین
نور الدین خان



DOMICILE CERTIFICATE

S. No. 4201

S/O of ANIL B. KHAN

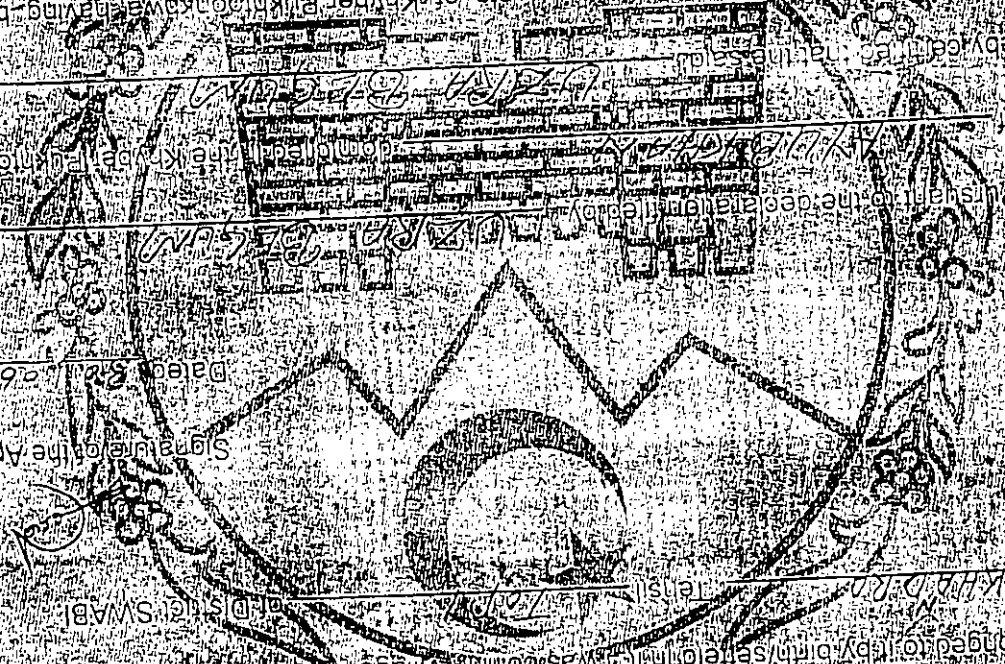
declared that was born of parents who are permanently domiciled in Kyber Pukhtoonkwa

having been engaged in by birth settled in Masbome Village

Mohallah Khadda District Swabi

Signature of the Applicant

Dated 26/12/2010



ATTESTED

to be a true copy
Advocate

COUNTERSIGNED



Social Welfare
Office, SPS 17
OHAMC Nomshere

Photograph
of the
applicants



Handwritten notes at the bottom left corner, including a circled number '9' and some illegible scribbles.

Ann- B^{17/27}

8

UNION COUNCIL GANI CHATAR SWABI (KPK)

Ref No. RC-Ut-18-UC(VC-GC)/2017

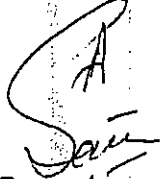
Date 19-09-2018

Resident Certificate

This is certify that

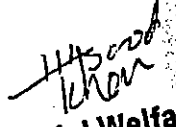
Mr. /Miss Uzra Begum
SIDM of Ayub Khan
CNIC NO. 16202-9915361-6 is the permanent resident of
Village Utla Union Council Gani Chatra
Village Council Utla District Swabi Tehsil Topi
All these information are in our knowledge.

ATTESTED
to be true copy
Advocate


Secretary

Union Council Gani Chatra
SECRETARY
V/COUNCIL,
Utla

ATTESTED
to be true copy
Advocate


Social Welfare
Officer BPS 17
QHMC Nowshera

۱۳۸۰

S. No. 261933

Roll No. 63151

Group Science

Board of Intermediate and Secondary Education Madani Agha Jhokhunkhura Pakistan SECONDARY SCHOOL CERTIFICATE

SESSION ANNUAL-2010

This is to certify that

UZRA BEGUM

Daughter of

AYUB KHAN

and student of

GOVT. HIGH SCHOOL UTA (CADOON) SWABI

has passed the Secondary School

Certificate Examination of the Board of Intermediate & Secondary Education Madani, held in March/April 2010 as a Regular candidate

She obtained 762 marks out of 1050 and has been placed in Grade A representing Excellent. The candidate passed the following subjects:

- 1. English 2. Urdu 3. Islamiyat (Comp) 4. Pakistan Studies 5. Mathematics 6. Physics 7. Chemistry 8. Biology

Her date of birth according to admission form is (in figures) 01/04/94 (in Words) 1st April N/A Ninety Four

Asstt. Secretary

Asstt. Secretary

Secretary
Social Welfare
Office/BPS-17
QHMC Nowshera

Secretary

This certificate is issued without alteration or erasure.

۱۳۸۰

Ann - D

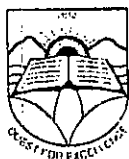
(48)

(11)

13

15

ANNEX



UNIVERSITY
of
S W A B I

Serial No. 001798

The University of Swabi

KHYBER PAKHTUNKHWA - PAKISTAN

Whereas

Uzra Begum s/d/o Ayub Khan

has pursued a course of study duly approved by the
University of Swabi for the degree of
Bachelor of Science

And has passed all the requisite examinations in
Annual 2015

is this day admitted by this university for the aforementioned
degree. The examination was taken
as a whole.

Given under the seal of University of Swabi, Pakistan on this
11 day of September in the year 2015.

Roll No. 450
Registration No. 13-08231-01065
Session. 2013-2015
Date of issuance: 07/06/2018

Uzra Khan
Social Welfare
Officer BPS 17
QHAMC Nowshera

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Advocate



Uzra Khan
CONTROLLER OF EXAMINATIONS

Chaired
REGISTRAR

Chaired
VICE CHANCELLOR



UNIVERSITY
of
S W A B I

Serial No: 002662

Ann-67 (14)

The University of Swabi

KHYBER PAKHTUNKHWA - PAKISTAN

Whereas

Uzra Begum

s/d/o Ayub Khan

has pursued a course of study duly approved by the

University of Swabi for the degree of

Master of Science in Zoology

And has passed all the requisite examinations in

Spring 2017

is this day admitted by this university for the aforementioned degree. The examination was taken as a whole.

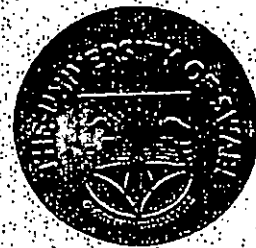
Given under the seal of University of Swabi, Pakistan on this 23 day of November in the year 2017.

Roll No.
Registration No.
Session.
Date of issuance:

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2015-2017
02/07/2019

Social Welfare
Officer (PS-17)
QHAMC Nowshera

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CONTROLLER OF EXAMINATIONS

REGISTRAR

VICE-CHANCELLOR



DISTRICT EDUCATION OFFICE (FEMALE) SWABI

(Office phone & Fax No 0938280339, emiswabi@yahoo.com)

APPOINTMENT OF PST(FEMALE).

Consequent upon the recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the posts of PST according to the non-transferable school based policy in BPS-12 (Rs.13320-980-42130) @ Rs. 13320/- 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 conditions given below with effect from the date of their taking over charge.

S#	Name	Father's Name	CNIC	Date Of Birth	UC	Address	Score	Place of Posting
1	SUNEELA	IMTIAZ UR REHAMAN	42301-0445951-8	11-12-86	ANBAR	V.P.O BOX 28583 TEHSIL RAJON DISTRICT SWABI	122.57	GGPS 2.KUNDA
2	SAMREEN	SHOAIB	42401-3857051-6	10-12-90	ANBAR.	V.P.O OFFICE SIKRINI DHIRI TEHSIL RAJON DIST SWABI	118.24	GGPS SALAH
3	SARWAT UMAR	SHER UMAR	16202-7859339-8	01-05-92	ASOTA	VILLAGE ASOTA TEHSIL TEHSIL RAZAR DIST SWABI	134.47	GGPS GANGO DHER
4	NADRA IKRAM	IKRAM ULLAH	16204-0603030-0	26-04-95	BACHAI	RADI PO DAGAI, TEHSIL RAZAR, DISTRICT SWABI	118.22	GGPS ANAKH BANDA
5	SHAFQAT JEHAN	IRSHAD NABI	16201-7775013-0	10-03-90	BEKA	VILL. TANG TEHSIL LAHORE DIST SWABI KTM	126.62	GGPS CAZAR
6	SUMAIRA MUSADDIQ	MSADDIQ UR REHAMAN	14203-9266763-6	14-04-85	BEKA	BEKA BAZAR KHEIL TEHSIL CHAKRA LAHORE, DISTT. SWABI.	126.32	GGPS NABI
7	FAIZA RAIZ	MUHAMMAD RAIZ	16202-4996177-8	30-03-95	BEKA	FLAT NO 8 JANI BAHADER PLAZA OPP TO GULSHAN KHEIMAN COLONY KHEIMAN (ROAD)	124.63	GGPS NABIDHOK
8	SOHAILA QAMAR	QAMRUL WAHAB	37101-6982980-8	20-09-92	CHACKNO DA	KHEIMAN, TEHSIL KHEIMAN NAODDICHARBAGH PO CHAKRABAGH	130.63	GGCMS ROSHAN PURA
9	KHUSHNUMA	KHALQ DAD	16202-0550882-0	01-01-89	CHACKNO DA	AWAN VILLAGE KHEIMAN TEHSIL KHEIMAN KAN SWABI	124.63	GGPS TAHIR ABAD
10	KIRAN NAWAZ	SHAH NAWAZ	17201-9107888-4	03-03-90	DOBIAN	V.P.O DOBIAN MIANGAN TEHSIL RAZAR DIST. SWABI	124.12	GGPS BABUDHERI
11	NADIA ELAHI	FAZLI ELAHI	16201-0996484-8	19-10-93	DOBIAN	MUHAMMAD VILL DOBIAN TEHSIL LAHORE DIST SWABI	122.69	GGPS MASOOD ABAD
12	MAREENA SHAH	RAZA SHAH	16202-6576742-4	09-01-94	GABASNI	F-83 COLONY RIGHT BANK TARBELA DAM	109.3	GGPS SUNALAI
13	SAEEDA KULSOOM	AHMAD GUL	16203-0611344-0	25-04-94	GABASNI	GABASNI, VILLAGE QALAI, TEHSIL TOPI, DISTRICT SWABI	107.37	GGPS GANIKOT
14	MARINA GUL	GUL FAHRIST KHAN	37405-6907255-0	04-02-92	GABASNI	C/O MUHAMMAD IRFAN KHAN PK II HUI ISLAMABAD II-30 ROOM 12	104.51	GGPS HAQDAR SHAH BANDA
15	AZRA JAHAN	MUHAMMAD SHAMIM FAROOQI	16202-9030594-6	02-03-87	GANI CHATRA	VILL & PO ULTA DIST SWABI TEHSIL TOPI	122.75	GGPS GUL ABAD
16	MAHMANDA BEGUM	BASHIR AHMAD	16204-0577653-2	01-04-92	GANI CHATRA	V.P.O TARAKAI TEHSIL RAZAR DISTRICT SWABI	113.67	GGPS CHECK SOKALAI
17	ASMA IRFAN	IRFAN ULLAH	16203-0613170-2	12-04-93	GANI CHATRA	VILLAGE PO ULTA TEHSIL TOPI DIST SWABI	111.79	GGPS KULYAR

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WP343-2020 Uzra Begum vs Govt full USB-31-PG

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	NABILA KHAN	BIRADAR KHAN	16203-0580276-2	15-02-93	GANI CHATRA	VPO UTLA GODOON MOH KHANDRO TEH TOPI DISTT SWABI	110.37	GGPS JABA MAZGHUND
19	UZNA BEGUM	AYUB KHAN	16202-9915361-6	01-04-94	GANI CHATRA	VILLAGE UTLA GADDOON TEHSIL TOPI DISTT SWABI	108.9	GGPS AZIZ KHAN BANDA
20	AYESHA ZAHEER	ZAHIR AHMAD	16202-8903647-4	01-03-85	GAR MUNARA	V. PO. GAR MUNARA TEHSIL AND DISTRICT SWABI	135.11	GGPS DHOKE
21	ZIKRA BEGUM	AJMAL KHAN	16202-7162804-2	16-03-90	GAR MUNARA	GAR AKAKIEL PO. GAR MUNARA TEHSIL AND DISTT SWABI	117.39	GGPS MUSA BANDA
22	SAIMA HIDAYAT	HIDAYAT KHAN	16201-9389055-4	04-02-94	JALSAI	VPO JALSAI TEH LAHORE DIST SWABI	122.07	GGPS NO 2 JALSAI
23	MEHWISH SIRAJ	SIRAJ AKBAR	16201-3548420-6	20-04-89	JALSAI	VPO JALSAI TEH LAHORE DIST SWABI	105.6	GGPS BACHA GUL DHOKE
24	HIRA MUATTAR	SHERWALI	16201-5876905-8	11-11-90	JEHANGIR A	VPO JEJ LANGIRA TEH LAHORE DIST SWABI	132.67	GGPS 2 JEHANGIRA
25	SANAM ZAFAR	ZAFAR ALI	16202-8777158-6	01-03-93	JHANDA	VPO BAJA MOHAELI MUSAKHEL TEHSIL DISTT SWABI	120.16	GGPS 1 BAJA
26	FARHANA MIRZA	MIRZA MUHAMMAD	16203-0631291-0	16-03-96	KADGANI	VILL GAUAI PO PAJMAN TEHSIL TOPI DIST SWABI	90.85	GGPS 2 QADRA
27	KHUSHNAMA SYED	AHMAD ALI	16204-0616436-8	31-03-96	KALU KHAN	VPO KALU KHAN TEHSIL LAZAR DISTT SWABI	130.6	GGPS 2 KALU KHAN
28	SEEMA HASSAN	SHAH HASSAN	16204-0568437-2	01-01-90	KSK	VPO OFFICE KERNAL SHER KALI TEH LAZAR DIST SWABI	132.61	GGPS 3 KSK
29	AMBAREEN SULTAN	AMIR SULTAN	16201-5933295-2	25-04-94	KUNDA	VILL AND PO KUNDA LAHORE SWABI	123.72	GGPS 1 KUNDA
30	AYESHA ABID	RAHEEM JAN	16201-5624373-0	20-09-92	KUNDA	VPO KUNDA TEHSIL LAHORE DISTRICT SWABI	122.31	GGPS 1 KUNDA
31	SAMBAYA NAZ	ROOHULLAH	13301-6423052-4	18-10-83	KUNDA	HOUSE NO 12, SABRA CITY TARIKHA DAM GIJAZI KULUPUR (LAZARA SOBRA)	118.6	GGPS-1 HUND
32	BASRIA	WASIL KHAN	16201-6086785-6	05-07-85	KUNDA	VPO KUNDA TEH LAHORE DIST SWABI	115.42	GGPS PAK KAYA
33	SYEDA ZILLE HUMA GILANI	S AKBAR SHAH	16201-5397805-6	05-04-95	KUNDA	VPO HUND TEHSIL LAHORE DISTRICT SWABI	113.78	GGPS 1 HUND
34	ANEELA	MULTAN KHAN	16201-7289575-4	07-05-85	KUNDA	VPO KUNDA TEHSIL LAHORE DISTRICT SWABI	113.26	GGPS 1 KUNDA
35	TAHA	FAZEELAT KHAN	16201-1912935-2	04-03-91	LAHORE EAST	ZAKARYA WEL V PO TEH LAHORE DIST SWABI	126.09	GGCMS LAHOR
36	UMMI AMEENA	AMAN KHAN	16201-0158822-6	14-10-93	LAHORE WEST	VPO LAHORE TEHSIL LAHORE DISTRICT SWABI	128.76	GGPS 1 LAHOR
37	SAIMA GUL	NAZIR KHAN	16202-9998308-2	20-02-87	MANERI BALA	VPO MANERI BALA DIST TEH PI SWABI	129.64	GGPS GULZAR ABAD
38	SAIQA KHAN	SATTAR MUHAMMAD	17301-0665808-2	15-03-85	MANERI PAYAN	MUHAMMAD GULSHAN ABAD MANGRI PAYAN THE & DISTT SWABI	131.57	GGPS 1 MANERI PAYAN
39	MARYAM ROZI	ROZI KHAN	37405-6934206-0	13-12-90	MANERI PAYAN	MOH MOTI KHIL VILL MANERI PAYAN TEH DISTT SWABI	129.69	GGPS 2 MANERI PAYAN
40	SAJEEDA ANJUM	ABDUL MANAN	16202-2517597-4	08-02-88	MANERI PAYAN	SHAMSIAD GENERAL STORE RIAYAM PLAZA MARDAN ROAD SWABI	124.64	GGPS 1 MANERI PAYAN
41	ZUNAIRA SAFDAR	MUHAMMAD SAFDAR	16201-7620940-8	08-04-92	MANKI	VILL AND PO MANIA TEHSIL LAHORE DISTT SWABI	116.84	GGCMS DOULAT ABAD
42	ROOJA BANO	SADIQ KHAN	16201-4951579-6	01-04-91	MANKI	BEKA DHARI VPO BEKA TEHSIL LAHORE DISTRICT SWABI	113.17	GGPS GUJRANO DHOK

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	MUNAZZA KIRAN	MUHAMMAD SABIR CHISHTI	16201-0656651-2	06-03-93	MANKI	VPO MANKI TEHSIL LAHORE DISTT SWABI	108.34	GGPS GUJRANO DHOK
44	SHEEMA NAZ	SIYAR KHAN	16201-6962631-6	01-05-97	MANKI	TEHSIL LAHORE DISTRICT SWABI VPO MANKI	104.26	GGPS GUJRANO DHOK
45	NAZEEHAT BIBI	ZARWALI KHAN	16201-6741307-6	01-05-92	MANKI	VPO MANKI MOHALAH ARATI KTEB LAHOR DIST SWABI	100.31	GPS GUJRANO DHOK
46	HADIA BEGUM	SHUJAAT KHAN	16201-7894178-9	05-03-89	MANKI	MOH BHAGAI VPO OFFICE MANKI TEHSIL LAHOR	97.05	GGPS GUJRANO DHOK
47	RABIA IQBAL	IQBAL SHAH	16201-9984874-2	10-10-91	MATANI CHANGAN	VPO TORDHER TEHSIL LAHOR DIST SWABI	123.92	GGPS RAH KORONA
48	SIDRA YOUSAF	YOUSAF GUL	16101-8503277-2	01-01-90	MATANI CHANGAN	VPO TORDHER TEHSIL LAHOR DIST	119.08	GGPS RAH KORONA
49	AYESHA SULTAN	SULTAN BAHADAR	16201-3054217-8	18-06-89	MATANI CHANGAN	VPO TORDHER TEHSIL LAHOR DIST SWABI	118.97	GGPS RAH KORONA
50	ROHEENA DILAWAR	DILAWAR KHAN	17301-1375410-4	01-07-90	MATANI CHANGAN	VPO TORDHER JAHAR HANA SYASJID MANDI LAHORE	119.81	GGPS RAH KORONA
51	HIFSA ALAM	FAKHRE ALAM	16201-7156085-8	01-01-96	MATANI CHANGAN	VPO TORDHER TEHSIL LAHOR DIST SWABI	112.53	GGPS RAH KORONA
52	ASMA	AMIR SULTAN	16203-0566149-2	02-01-91	PABAINI	VPO MALIKABAD BADDI	106.1	GGPS 1 PABAINI
53	IRAM	TAJ WALI KHAN	16202-6071379-6	03-01-90	PANIPUR	V MAIN DHERI THE DISTRICT AND PO SWABI	133.41	GGPS GAR PANIPUR
54	KALSOOM JABEEN	PERVAIZ KHAN	16202-3159153-8	10-12-93	PARMOLI	VPO PARMOLI TEHSIL IZZAT DIST SWABI	124.68	GGPS SHER DARRA
55	MARYAM BIBI	BANAT KHAN	16202-9846015-8	14-04-94	SALEEM KHAN	VPO SALEEM KHAN TEHSIL SWABI	125.85	GGPS SORAY GHAR
56	ROBINA NAZ	SHUJAAT ALI KHAN	16202-3450830-8	10-04-92	SALEEM KHAN	Village Aurang Abad Saleem Khan Tehsil & Dist Swabi	125.05	GGPS AURANG ABAD
57	SHEHLA KHAN	KHAN ZAMAN	16201-1045058-0	04-04-92	SARD CHEENA	HOUSE NO 67 STREET 1 SECTION 6 SHEIKH MALTOON TOWNSH MARDAN	199.16	GGPS TARICHA BANDA
58	NAYAB ALI KHAN	FARMAN ALI	16101-8098334-8	15-10-99	SARD CHEENA	VPO SARD CHEENA TEHSIL IZZAT DIST SWABI	133.08	GGPS OUCH KHWAN
59	SALWA ANJUM	MUHAMMAD ISLAM	16202-8979891-4	27-08-88	SHAHMANSOOR	MOH LAU KHIL VPO SHAHMANSOOR TIE DT BWA	131.52	GGPS SHAHMANSOOR
60	AVESHA BIBI	SARDAR ALI	16204-0618936-4	30-08-94	SHEWA	V P O Shewa Tehsil Izzat Swabi	126.09	GGPS 2 SHEWA
61	SABA	KHALEEQ UR REHMAN	16202-3877269-2	04-04-89	SHEWA	VILL P O SHEWA DIST SWABI TEHSIL IZZAT	125.87	GGPS 4 SHEWA
62	RAHEELA IMTIAZ	IMTIAZ ALI KHAN	16201-8906517-2	29-08-87	SUDHER	V P O SUDHER TEHSIL IZZAT DIST SWABI	120.92	GGPS ZAHIR ABAD
63	YASMEEN BIBI	NAWAR KHAN	16201-5194651-0	04-03-91	SUDHER	SUDHER PO UNWAN ABAD TEHSIL LAHOR DIST SWABI	119.31	GGPS SADREE JADEED
64	ALIYA SADIQ	MUHAMMAD SADIQ	13503-1251499-8	10-12-90	SUDHER	JAGANNATHI TEHSIL IZZAT DIST SWABI	117.52	GGPS BATYAN
65	MUFEEDA	KHALID KHAN	16201-1009174-4	10-03-85	SUDHER	UNIMAL DHERI POST OFFICE TEHSIL IZZAT SWABI	111.01	GGPS URMAL DHERI
66	HUMA GUL	MIAN AQIL AHMED	16101-9162295-2	10-12-88	SUDHER	SUDHER TEHSIL CHOYA LAHOR DIST SWABI	106.51	GGPS UNWAN ABAD
67	KALSOOM	NAWAB ALI	16202-4387596-4	02-04-1992	SWABI KHAS	MALIKABAD VILLAGE GULODHERI SWABI	196.83	GGPS GULO DHERI

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	DRIKHNA	BAKHTBAHAR DAR	16202-7818251-0	11-04-93	SWABI MANERI	VILL MANERI HALA SWABI	127.91	GGPS SHAGAI MANERI
69	GUL RUKH	GOHAR ZAIB	16202-7342009-2	09-05-93	THAND KOI	VPO THAND KOI THE & DISTT SWABI	125.96	GGPS SHER DIN BANDA
70	NADIA	NAWAR KHAN	16203-0594717-0	13-01-93	TOPI WEST	KFIAN KHIL TEH TOPI DIST SWABI NEAR MENA BAZAR	116.89	GGPS MUSLIM ABAD BANDA
71	SIDRA TARIQ	MUHAMMAD TARIQ	16201-3410032-0	05-02-91	TORDHER	BT 10-11-10 RAHATABAD REBHAWAR	127.57	GGPS 1 TORDHER
72	HIRA TARIQ	MUHAMMAD TARIQ	16201-2442180-0	12-04-92	TORDHER	MOH SAINI VILL & P.O TORDHER TEH LAHOR DISTT SWABI	125.3	GGPS 1 TORDHER
73	FATIMA ANWAR	ANWARUL HAQ	16202-0653416-0	02-08-95	TURLANDI	ALI AQI HOUSES DIHERI KATI KHIL ROAD HAKIMABAD NOWSHERA	134.2	GGPS AKBAR ABAD CHAR BAGH
74	AZRA WAHAB	NOOR UL WAHAB	16202-9246758-0	05-07-90	TURLANDI	VIL RASHKAI PO TORAKALA TEHSL RAZAR DIST SWABI	124.3	GGPS RANIZAI KOTY
75	SONIA	IQTIDAR ALI SHAH	16201-7138493-4	15-02-93	YAQUBI	VPO YACUBI TEH LAHOR DIST SWABI	137.48	GGPS THANA BANDA
76	BEENA HAMEED	HAMEED KHAN	13301-7200588-6	28-03-84	YAQUBI	VPO YACUBI TEH LAHOR DIST SWABI	118.33	GGPS RAFIQ ABAD

Terms & Conditions.

1. TA/DA is not allowed to anyone.
2. Charge reports should be submitted to all concerned.
3. This appointment is purely on temporary & contract basis, initially for one year w.e.f. 01/02/2019 to 31/01/2020.
4. They should not be handed over charge if they exceed 35 years or below 18 years. Age relaxation case may be submitted to competent authority.
5. Appointment is subject to the condition that the certificates/documents must be verified from the concerned authorities by the DDO (concerned). If anyone found producing bogus certificate will be reported to the law enforcing agencies for further action.
6. Their services are liable to termination on one month's prior notice from either side. In case of resignation without notice their one-month pay/allowances shall be forfeited to the Government.
7. Their monthly salaries will be release after the verification of their academic/professional certificates/degrees by this office from the concerned Boards/Universities, if the certificate /Degree found fake/bogus of someone they will be reported to the law enforcing agencies for taking action against them.
8. They should join their posts within 15 days of the issuance of this notification. In case of failure to join their posts within 15 days of the issuance of this notification their appointments 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. They will be governed by such rules and regulations as may be issued from time to time by the Government.
11. They must take nine (09) months mandatory Professional training from RITE/PITE Colleges of Khyber Pakhtunkhwa.
12. Their services shall be terminated at any time, in case their performance is found unsatisfactory during their contract period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
13. Their appointments are made on school based. They will have to serve at the places of posting and their services are not transferable to any other station.

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- 14. Before handing over charge once again their documents may be checked if they have not the required relevant qualifications they may not be handed over charge.
- 15. If anyone wrong position holder candidate (having low score) was appointed erroneously, her appointment shall be cancelled any time in the best interest of the entitled/right position holder candidate.
- 16. The candidates who are appointed at school in winter zone must take over their charge after expiry of winter vacations.

(REHANA YASMIN)
 DISTRICT EDUCATION OFFICER
 (FEMALE) SWABI

Endst: No 619-G/PST NTS Apptt

Dated Swabi the 31-01-2019

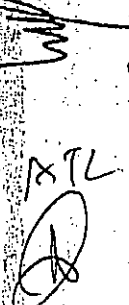
Copy of the above is forwarded for information and n/action to the:-

- 1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
- 2. Deputy Commissioner Swabi.
- 3. District Monitoring Officer (IMU) Swabi.
- 4. District Accounts Officer, Swabi.
- 5. All SDEO (F) Concerned Distt Swabi
- 6. Officials concerned

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DISTRICT EDUCATION OFFICER
 (FEMALE) SWABI

31/01/19
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Charge Report

Ann-I

Miss UZRA BEGUM has been appointed as
PSHT/SPST/PST BPS 12 at GPS AZIZ KHAN BANDA
vide order No. 619-G/PST NTS APPT Dated 31-01-2019.
DEO (M) Swabi. (20)

Therefore she has handed over the charge of ^{her} his
assignment today on 01-02-2019 before ~~at~~ noon.

Personal No.....

Mobile No. 0315-9027344

CNIC No. 16202-9915361-6

Bank Account No.....

Name Of Bank.....

No..... Dated 01-02-2019

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Advocate

Charge Handed Over by:

MEHAR BANO, PSHT

Charge Taken Over by:

UZRA BEGUM, PST

HEAD MISTRESS
GPS Aziz Khan Banda
Amrai Bala Gadoon

Social Welfare
Officer BPS 17
QHMC Nowshera

Amir J

(20)



DISTRICT EDUCATION OFFICE (FEMALE) SWABI

(Office phone Fax No 0938280339, emisfswabi@yahoo.com)

CORRIGENDUM ORDER.

Consequent upon recommendation of the enquiry committee and in pursuance of Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar letter No.4814/F.No.22/F/Appeal Swabi /Dated Peshawar The 04-11-2019, the following modification/corrigendum in the PST Female appointment order issued vide this office Endst: No.619-G/PST NTS Appt/Dated Swabi the 31-01-2019 may be noted against the following candidates in the best interest of public service.

S.No.	Name of Teacher	Original School	May be read as	Remarks
1.	Asma Irfan PST	GGPS. Kulyar (G)	GGPS Aziz Khan Banda (G)	V/S # 2
2.	Uzra Begum PST	GGPS Aziz Khan Banda (G)	GGPS Kulyar (G)	V/S # 1

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Advocate

(SOFIA TABASSUM)
DISTRICT EDUCATION OFFICER
(FEMALE) SWABI.

Endst: No. 5920-24 /Dated Swabi the 24/12 /2019

Forwarded to the: -

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer Swabi.
3. District Monitoring Officer Swabi
4. SDEO (Female) Topi. Swabi.
5. Official Concerned.

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DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

And. No. 122

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P.No.343-P of 2020

JUDGMENT

Date of hearing 12.03.2020

Petitioner (s) (Uzra Begum) by Mr. Abdullah Shah, Advocate

Respondent (s) (Government through District Education Officer, (Female) Swabi and others) by Syed Sikandar Hayat Shah, AAG alongwith Fazle Khaliq, Litigation Officer office of DEO (M) Swabi and Junior of Mr. Khalid Mahmood, Advocate

MUHAMMAD NASIR MAHFOOZ, J:-. Through the

instant petition under Article 199 of the Constitution of

Islamic Republic of Pakistan, 1973, petitioner has prayed for

the following relief:-

It is, therefore, most humbly prayed that on acceptance of the writ petition, the impugned corrigendum order dated 24.12.2019 of the respondent No.1 may kindly be set aside, cancelled as the same is against the law and rules.

Any other relief not specifically prayed but deemed fit and proper may also be granted in favour of the petitioner.

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Advocate

22/3/20

2. Brief facts of the case as per contents of the writ petition are that The respondents advertised posts for PST

(Female) through NTS and the petitioner appeared in the test and succeeded, resultantly she was selected against the post of PST in GGPS Aziz Khan Banda alongwith other candidates vide office Endst No.619-G/PST NTS/APPT dated 31.1.2019. After appointment, the petitioner submitted her charge report. Respondent No.1 malafidely issued a corrigendum order Endst. No.5920-24 dated 24.12.2019 wherein the petitioner has been transferred from GGPS Aziz Khan Banda to GGPS Kulyar and respondent No.5 was placed on the post of the petitioner. Against that, petitioner submitted departmental appeal/application to respondent No.1 but all in vain. Feeling aggrieved therefrom, the petitioner having no other adequate and efficacious remedy, has approached this Court through the instant constitutional petition.

3. Respondents submitted their comments, wherein they have raised legal and factual objections. Preliminary objection regarding non-maintainability of the instant petition has been raised, inter alia, that the private respondent No.5 was being at a higher on merit in the union council but

ATTESTED
to be true copy
Advocate

(24)

was appointed in far-flung area. On her appeal before the DEO (F) Swabi, inquiry was ordered and on the recommendation of inquiry officer, the impugned corrigendum order was issued. Moreover, an objection has been raised that the subject matter, being transfer of a civil servant, relates to terms and conditions of service, for which the petitioner may seek proper remedy before appropriate forum.

4. We have heard arguments of learned counsel for the parties and have perused the documents available on the file.

5. Meeting the preliminary objection of learned Additional Advocate General, we feel that the objection has got force. From the very perusal of relief in the main writ petition, one can easily arrive at a conclusion that petitioner seeks cancellation of the order dated 24.12.2019 though termed as corrigendum but in essence it is a transfer order from GGPS Aziz Khan Banda Khan Banda to GGPS Kulyar. Though based on an inquiry of senior officers who found the posting of respondent far away from her union council or

S. J. H.

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to be true copy
Advocate

حضرت عبدالجبار ڈسٹرکٹ ایجوکیشن آفیسر (۴) حوالی

مخبرہ - درخواست برائے منظورگی *Corrigendum card*

جناب عالی! گزارش حسب ذیل عرض ہے۔

۱۔ میرا سٹورڈ آرڈر بجٹ Post کو سٹ پر فٹ ڈالنے کے لیے

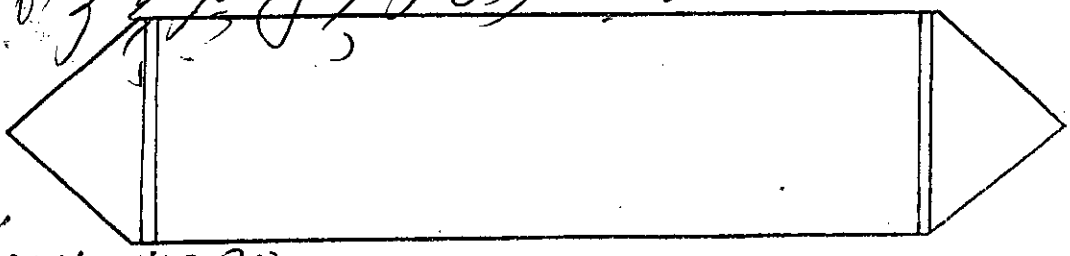
2020/14 بجیٹس منظور خانہ بند کرنے کے لیے حوالی

میں ملکر اسے منظور Post کا آرڈر اس کے حوالے کر دیا گیا ہے
بجٹ منسٹر (بجٹ) سے ملے ہوئے ہیں۔ اور منگوانے آرڈر پر اسے
کوئی اعتراض نہیں ہے عدالت سے رجوع نہیں کیا گیا۔ اور کوئی
رسہ چھینڈ لبرہ درخواست دیتی ہے کہ آرڈر منظور ہو جائے
بجٹ گزارشی ہے کہ منگوانے آرڈر منظور فرمائیں۔

عبدالجبار
فرم نمبر ۱۴/۲۰۲۰

صدر عبدالجبار ڈسٹرکٹ ایجوکیشن آفیسر (۴) حوالی
مخبرہ *Corrigendum card* منظورگی کے لیے حوالی

بعد التضرع سروی کی درخواست کے لئے درخواست



2022ء منجانب سردار صاحب
بنام گورنمنٹ

عبداللطیف

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

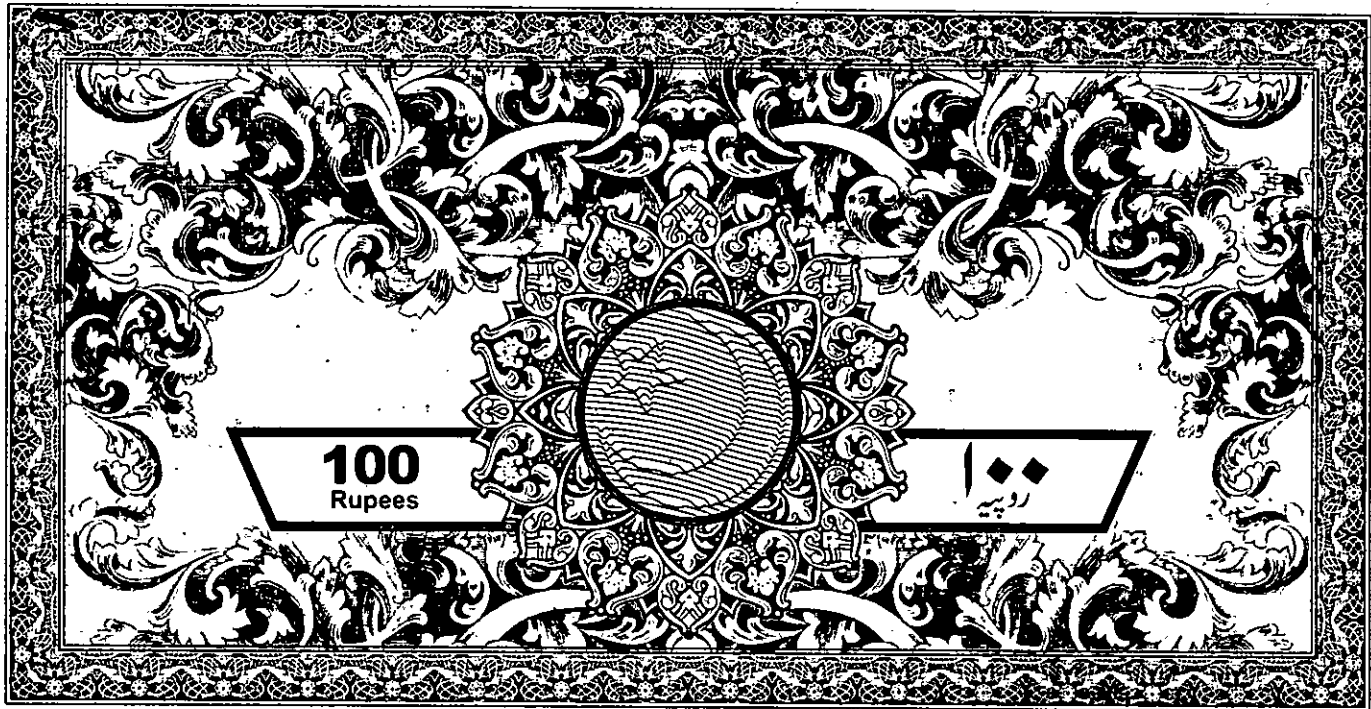
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
 آن مقام _____ کیلئے _____ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یا ایپل کی برآمدگی اور منسوخی
 نیز دائر کرنے ایپل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد التوائے مقدمہ کے سبب سے وہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

عبداللطیف
 گورنمنٹ
 راجستھان

المرقوم _____ ماہ _____ 20

کے لئے منظور ہے۔

بمقام
 Atthar Khan
 Anupali



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No 10190

UZRA BEGUM

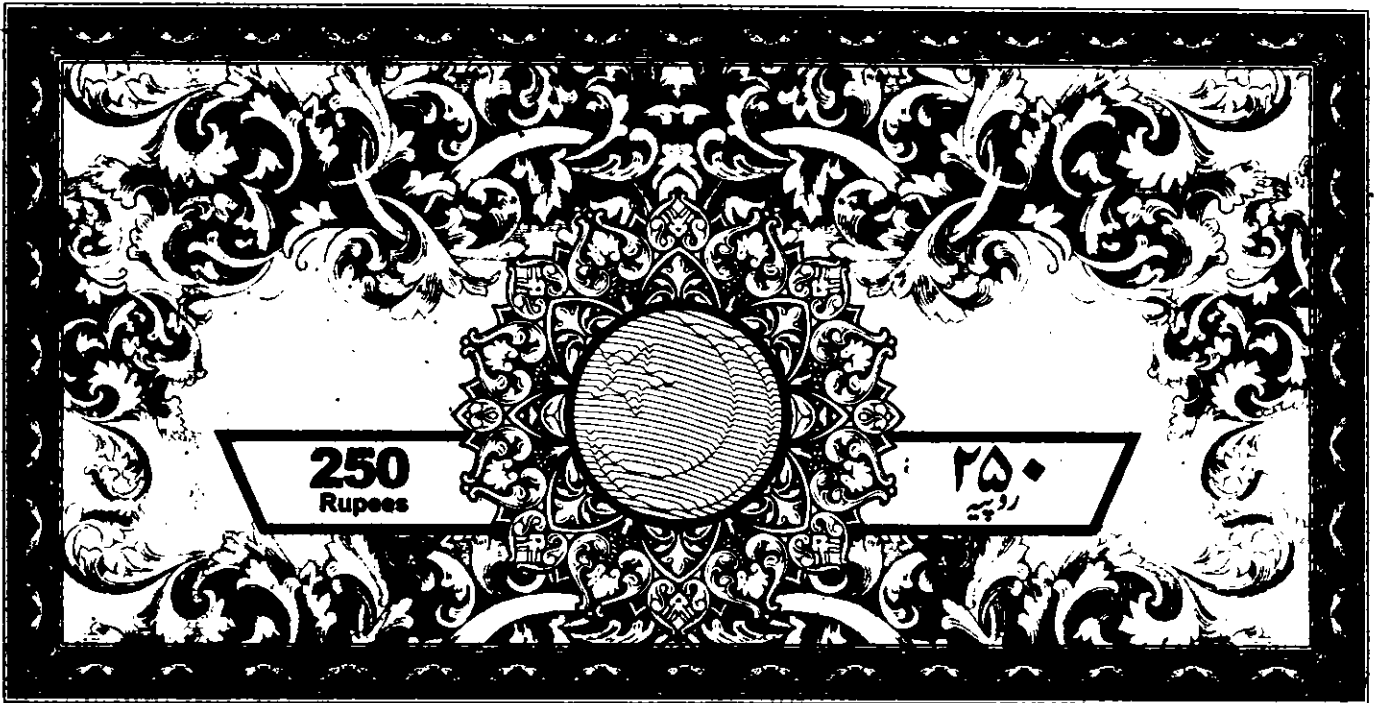
.....Appellant

Versus Respondents

D.E.O (F) and others Respondents

Subject : SPECIAL POWER OF ATTORNEY

I, **ASMA IRFAN** daughter of **IRFAN ULLAH** residents of village **Utlā Gadoon** , Tehsil **Toپی**, District **Swabi** do hereby nominate and authorize **SOHRAB ALAM, MUHAMMAD IHTISHAM KHAN** SONS OF **IRFAN ULLAH . IRFAN ULLAH SON OF MAHMOOR KHAN ALL RESIDENTS OF VILLAGE UTLA, TEHSIL TOPI, DISTRICT SWABI** , as my special attorney in the above mentioned case , pending before the **KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR** . They are authorized for appointment of pleader/lawyer ,to make representation on my behalf , to take oath and offer oath, to give affidavit ,to filed application and replication ,to appoint commission, to deposit costs in the case on our behalf . They are authorize to submit the above captioned case



my behalf They are also authorized to do all the needful /legal acts and participate in the proceedings on my behalf ,as and when required in the case.

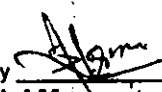
All the acts done and performed by the attorney necessary for the case will be accepted to me as if it was done by me .


This power of attorney is executed this day 08/12/ 2020 at Judicial complex Swabi

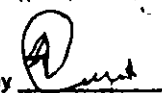
Executants


ASMA IRFAN
CNIC No 16203-0613170-2

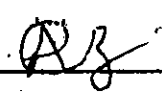
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8/12
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Special Attorney 
SOHRAB ALAM
CNIC NO 16202-0511098-1

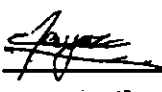
Special Attorney 
IRFAN ULLAH
CNIC NO 16202-0992661-3

Special Attorney 
Muhammad Ihtisham Khan
CNIC NO 16203-0374228-7

Witness No1

Signature 
Mohd Ayyaz
CNC No 16202-7149671-7

Witness No2

Signature 
Muhammad Farjaz
CNC No 16202-4480968-1



S.No 75523

ایڈووکیٹ اسحق احمد

بار کونسل اہار ایسوسی ایشن نمبر

رابطہ نمبر 0332-8902021

ڈسٹرکٹ بار ایسوسی ایشن، صوابی

جناب مسٹر سید سید محمد

بعد ازاں جناب

دعویٰ	ریسٹریکشن
علت نمبر	
مورخہ	
جرم	
تھانہ	
بابت تحریر آئے	

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

آن مقام سرورس کے مینوفیل کیلئے موصولہ شدہ حاکم اور حاکم کے ہائی کورٹ کے کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم

مقام _____ گواہ شد _____ کے لئے منظور ہے۔

نوٹ: اس حکم کے ذریعہ کوئی قابل عمل نہیں۔

Accepted
Asst. Secy
District Bar Association Swabi

PRESIDENT
District Bar Association
Swabi

سید محمد سرفراز (ریسٹریکشن نمبر)

Asst. Secy

سید محمد سرفراز (ریسٹریکشن نمبر) کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No.10190/2020

Uzra Begum D/O Ayub Khan R/O Mohallah Kandaro, Village & Post Office Khas Ulla
Tehsil Topi District Swabi.....

Appellant

VERSUS

1. Govt: Through District Education Officer (Female) Swabi
2. Director Elementary and Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
3. Secretary of Khyber Pakhtunkhwa (E&S E) Department Civil Secretariat Peshawar.
4. District Monitoring Officer Swabi.
5. Asma Irfan D/O Irfan Ullah R/O Ulla Gadoon, Tehsil Topi District Swabi.

Respondents

INDEX

S#	Description of Documents	Annexure	Page
1	Para-wise comments along-with Affidavit	-	01-03
2	Enquiry report	"A"	04-10
3	2013 PLC (CS) 864	"B"	11-16

**DISTRICT EDUCATION OFFICER
(FEMALE) SWABI**

Distt. Education Officer
(Female) Swabi

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.10190/2020

Uzra Begum D/O Ayub Khan R/O Mohallah Kandaro, Village & Post Office Khas Utlā
Tehsil Topi District Swabi..... **Appellant**

VERSUS

1. Govt: Through District Education Officer (Female) Swabi
2. Director Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
3. Secretary of Khyber Pakhtunkhwa (E&SE) Department Civil Secretariat, Peshawar.
4. District Monitoring Officer Swabi.
5. Asma Irfan D/O Irfan Ullah R/O Utlā Gadoon, Tehsil Topi District Swabi.

Respondents

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No. 1 TO 3

Respectfully Sheweth,

Post Office Khas Utlā
Appellant


PRELIMINARY OBJECTIONS.

1. That the appellant did not avail the remedy of departmental appeal against the impugned order, hence the appeal in the tribunal is not maintainable
2. That the appellant has not come to the Tribunal with clean hands, hence the appeal is not maintainable.
3. That the appellant has concealed the material facts from the Honourable Tribunal.
4. That the appellant is estopped by her own conduct to file the instant appeal.
5. That the appeal is bad for misjoinder and non-joinder of the necessary party.
6. That the appellant has filed the instant appeal just to pressurize the respondents.
7. That the appellant has no cause of action to file the instant appeal.
8. That the appeal is not maintainable in the eye of law.
9. That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue.
10. That the departmental appeal is badly time barred,

Facts:

1. That the para relates to the personal matters, filing of appeal through authorize attorney of the appellant. The appellant did not file any departmental appeal, against the corrigendum order Endst.No.5920-24/ dated Swabi the 24.12.2019 within a stipulated period of one month, which is annexed as J with the appeal at page 21. The appellant annexed a page as L at page 26 claiming her departmental appeal dated 04.05.2020, which is badly barred by time. Furthermore, this departmental appeal was not submitted to the competent authority or appellate authority. The appellant did not avail the remedy of departmental appeal against the impugned order. So the appeal in the tribunal is not maintainable. Same is reported in PLJ 1991 Tr.c (Service) 153; 1992 PLC (C.S) 666, 1994 PLC (C.S) 1262, 1994 PLC (CS) 606.

2. Correct to the extent that the appellant belongs to Union Council Gani Chatra that is why she was appointed in Union Council Gani Chatra post.
3. That the para relates to the passing of SSC and Intermediate examinations of the appellant.


Distt: Education Officer
(Female) Swabi

- 4. That the para relates to the passing of Bachelor and Master of the appellant.
- 5. That the para relates to the advertisement of various district cadre posts including the PST posts and the process of recruitment.
- 6. Correct to the extent that the appellant joined the duties and took over charge at GGPS Aziz Khan Banda Utla Gadoon.

7. That the private respondent No.5 Asma Irfan D/O Irfan Ullah R/O Utla Gadoon filed an appeal against her adjustment made in the appointment at GGPS Kulayar, a far flung school in Gadoon Area of district Swabi wherein according to her, she was deprived of the right of posting at the nearest station, being on high pedestal in merit Mr. Midrar Ullah DEO (M) Bunu was appointed as an enquiry officer to probe into the matter as per attached application in respect of Mst. Asma Irfan PST, GGPS Kulyar Gadoon district Swabi by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar. After conducting enquiry, the recommendations of the enquiry officer are as under:-

"Gleaning, analyzing and thorough perusal of all the available record and evidences, I rummaged out that the right of appellant accrues for adjustment at GGPS Aziz Khan Banda in order to meet the ends of justice and equity. Keeping in view the above discussion, the following recommendation is suggested for further necessary action.

1. The adjustment/posting of Miss Asma Irfan and Uzra Begum issued vide appointment order No.619-G/PST NTS Apptt: Dated Swabi the 31.01.2019 at S.No.17 and 19 respectively may be exchanged. That is Asma Irfan is recommended to be adjusted at GGPS Aziz Khan Banda while Uzra Begum being at low pedestal in Union Council Merit be adjusted at GGPS Kulyar".

Thus the respondent No.1 rightly issued a corrigendum order Endst.No.5920-24/dated 24.12.2019 wherein the appellant has been transferred from GGPS Aziz Khan Banda to GGPS Kulyar and private respondent No.5 is placed on the post of the appellant. Enquiry report annexed as A.

8. That Government had every right to introduce its policy and the Court could not substitute the policy decision with its own opinion. Ordinarily, transfer and posting could not be claimed as a matter of right, only the Government could determine as to which officer was suitable for which place. Same is reported in 2013 PLC (C.S) 864 and annexed as B.

9. That the appellant did not submit any departmental appeal to respondent No.1. The appellant is not an aggrieved person at all, because the impugned corrigendum was issued by the competent authority after observing all the codal formalities. The impugned order is legal, in accordance with law, facts and policy. The appellant has no cause of action to file the instant appeal and the appeal in hand is liable to be dismissed inter alia on the following grounds:-

Grounds:

A. Incorrect, hence denied, the impugned order of respondent No.1 is legal, in accordance with law, rules and policy.

B. Incorrect, hence denied, the respondent No.1, is the competent authority, and he followed law, rules and policy.

C. Incorrect, hence denied, it is not transfer but corrigendum. The private respondent No.5 is higher in merit than the appellant. It was right of meritorious candidate to be adjusted nearer than the appellant. The impugned corrigendum is an accordance with law, rules and policy. The political involvement in this particular case is out of question.

[Handwritten signature and date]
6/12/2021

**Distt: Education Officer
(Female) Swabi**

D. Incorrect, hence denied, the private respondent No.5 is higher in merit than the appellant, hence the corrigendum was issued just to correct the error. The fundamental rights of the appellant were not violated but protected. The private respondent No.5 is also a law abiding citizen belonging to a highly qualified family of Utla (Gadoon) district Swabi, official respondents are bound to protect the fundamental rights of the private respondent No.5 too.

E. Incorrect, hence denied, the impugned corrigendum order is a transparent order and is an accordance with law, rules and policy.

F. Incorrect, hence denied, the corrigendum order was issued by the competent authority after observing all the codal formalities. Justice to all concerned is done in this particular order. The appellant was lower in merit than the private respondent No.5. Corrigendum is a legal way for correction of any error or clerical mistake. It is not transfer but just adjustment.

G. Incorrect, hence denied, the appellant opted that school. It was her choice. The plea/stance of the appellant is conjectural and ludicrous. The appointment/adjustment is made in her opted/choice school in her native Union Council, three hours journey/distance in the same Union Council seems ludicrous. The private respondent No.5 is higher in merit than the appellant.

H. That respondents seeks permission to raise/argue other points on the day of hearing this particular case.

In view of the above stated submissions, it is earnestly requested that the appeal may very graciously be dismissed with cost.

DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Distt. Education Officer
(Female) Swabi

DIRECTOR (E&SE) DEPARTMENT
KHYBER PAKHTUNKHWA

PESHAWAR
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

SECRETARY (E&SE) DEPARTMENT
KHYBER PAKHTUNKHWA

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the comments submitted by respondents is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

DISTRICT EDUCATION OFFICER
(FEMALE) SWABI

Distt. Education Officer
(Female) Swabi

Annexure - A

(37)



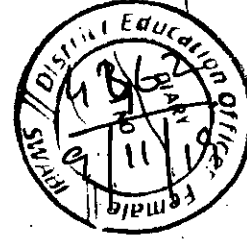
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

No. U814 /FNo.22/F/Appeal Swabi

Dated Peshawar the 4/11 /2019

To

The District Education Officer,
(Female) Swabi



DA-I
22/11/19

Subject:- INQUIRY REPORT

I am directed to refer to the subject cited above and to enclose herewith a copy of enquiry report carried out by Mr. Midraullah DEO (Male) Bannu in respect of Mst. Asma Irfan PST GGPS Kulyar Swabi and to ask you to implement the recommendations of the enquiry officer.

Endst No. _____ /

Copy of the above is forwarded to the:

1. PA to Director E&SE KPK Peshawar.

Deputy Director (Female)
E&SE Khyber Pakhtunkhwa,

Deputy Director (Female)
E&SE Khyber Pakhtunkhwa,

Distt. Education Officer
(Female) Swabi

5
31

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INQUIRY REPORT OF DEO (F) SWABI ON THE APPEAL OF ASMA IRFAN PST

GGPS KULYAR (SWABI)

P

Reference Directorate of Elementary and Secondary Education letter No. 6080-89 Dated 26-7-2019 (26/09/2019) on the subject titled above, I, Mr. Midrarullah Katozai DEO (M) Bunu being inquiry officer in the instant case, visited DEO (F) office Swabi in connection with to conduct an inquiry regarding the issue of adjustment in the PST recruitment. The instant inquiry is being carried out in response to the appeal filed by Miss Asma Irfan PST, GGPS Kulyar (Gadoon) district Swabi who has recently been appointed as PST teacher at GGPS Kulyar, a far flung school in Gadoon area of district Swabi, got aggrieved by the impugned order, wherein according to her she was deprived of the right of posting at the nearest station being on high pedestal in merit, hence the present inquiry.

Methodologies Used for Inquiry

1. Field Visit
2. Obtaining information through questionnaires
3. Interview
4. Cross-questioning
5. Obtaining information from Adjustment Committee and Establishment Branch.

Adil
Provers
22/10/19

Venue

District Education Office (Female) Swabi.

188
22/10

Background/Problem review

As per averment of the appellant Miss Asma Irfan PST, in her appeal to DEO (F) Swabi, and a copy of the same endorsed/delivered to Advisor to C.M for Elementary and Secondary Education who subsequently marked the same to Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar thereof, upon which the Honourable Director ordered initiation of inquiry to probe into the matter and to ensconcé the right of meritorious candidate in order to meet the ends of justice.

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

22/10/2019

Distt. Education Officer
(Female) Swabi

- 1. That District Education Officer (Female) Swabi advertised seventy Eight (78) PST posts in district Swabi, which were to be filled through union council wise school based policy notified as *The Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act 2011, Dated 12 May 2011.*
- 2. That she took test conducted by NTS and secured 54/100. Both the test marks and academic marks were then combined and calculated for final merit list which yielded 111.79 score in total to her credit.
- 3. That out of 78 posts, 5 PST posts were lying vacant in the Union Council Gani Chatra, already advertised by the office, were subsequently to be filled through top five candidates of the same union council, provided that they have opted for these schools in their application forms submitted to NTS.
- 4. That the appellant having secured 111.79 as cumulative score ranked number 3rd out of five in the U.C merit. Notwithstanding, she was adjusted at a very hard and far-off out lying school namely GGPS Kulyar, in spite of the fact that she had the right to be posted at GGPS Aziz Khan Banda, being nearest to her residence and which was also one of her five opted schools. But astonishingly, a candidate having low merit, who ranks/falls the last one amongst the selected candidates was adjusted at the nearest station i.e GGPS Aziz Khan Banda on which right of the appellant accrues being on high pedestal in merit.

[Handwritten Signature]
 Distt. Education Officer
 (Female) Swabi

Findings of Facts

In order to establish the right of meritorious candidate for the purpose of posting/adjustment at the opted schools, the inquiry officers made use of all the available information. Parawise perusal of record, merit list, minutes of the recruitment committee meeting, working papers and appointment order collaborated with sieving and sifting of evidences, rules and criteria begets the following evidential comments.

- 1. To begin with, the District Education officer advertised Seventy Eight (78) PST posts. The advertisement was floated in Daily Mashriq on 03/12/2017. (Advertisement is attached as annexure "A") These posts were to be filled through school based one year contract/adhoc policy. Desirous candidates applied for and submitted application to

NTS. After the written test conducted by the NTS, test marks and academic score were combined and calculated using a formula already in vogue for the purpose and the final merit list was prepared and displayed at the DEO (F) office Swabi for information of all the concerned.

2. Since PST recruitment is carried out through union council wise school based policy notified as *The Khyber Pakhtunkhwa (Appointment, Deputation, Posting and Transfer of Teachers, Lecturers, Instructors and Doctors) Regulatory Act 2011, Dated 12 May 2011. (Act is attached as annexure "B")* and the instant inquiry is related to Union Council Gani Chatra, hence the inquiry is confined to this U.C only, leaving other vires of the rest of the Union councils.

3. Final merit list after necessary scrutiny and rectification was displayed on notice board and working papers were prepared for finalization of eligible candidates. **(Final merit list is attached as annexure "C")** Perusal of final merit list reveals that Twenty candidates qualified the test in U.C Gani Chatra and made their way to enter into contest for final selection on merit. Since only five vacant posts were available, upon which only five toppers were to be appointed provided that they have opted for these schools in their forms. Resultantly, five toppers belonging to the same U.C qualified for these five posts.

Their merit with choice of schools is as below:

S.No	Name of candidate	Score	Opted schools of the candidates				
			1	2	3	4	5
			GGPS Aziz Khan Banda	GGPS Gul Abad	GGPS Kulyar	GGPS Check Sikolai	GGPS Jaba Mazghund
1	Azra Jehan	122.76	Opted	opted	opted	Opted	opted
2	Mamanda Begum	113.68	Opted	opted	opted	Opted	opted
3	Asma Irfan	111.79	Opted	opted	opted	Opted	opted
4	Nabila Khan	110.38	Opted	opted	opted	Opted	opted
5	Uzra Begum	108.91	Opted	opted	opted	Opted	Opted

Distt. Educ. Officer (Female) Swabi

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4. The next question which is the keynote and kernel issue to be addressed in consonance with rules and criteria is the determination of merit for adjustment against a specific post. A situation may arise where more than one candidate give their choices for certain school and all of them enter into a competition as in the above case, wherein five candidates opted for the same five schools and any one can be adjusted anywhere amongst these five school without violating the merit in terms of recruitment, that is meritorious candidate is not left of appointment and a low scorer does not enter into the cluster. Now, in such like situation the question of adjustment arises as to whose right of adjust at the nearest station accrues and under what policy.

In adjustment after promotion or appointment, the rule of thumb, which is broadly accurate guide or principle, is to adjust a candidate to their nearest station if no one enter into a competition with him/her irrespective of their merit position for appointment, however if competition is there for adjustment at the nearest station, then equity demands to post the competitors according to their merit position. Generally, merit is determined on the basis of score and age in recruitment as well as preparation of seniority of the employees.

The appellant being at number third in the U.C merit has the claim that GGPS Aziz Khan Banda is nearest to her and that she has the right to be adjusted therein. She also challenged the adjustment of Uzra Begum who being the last one in merit was adjusted at GGPS Aziz Khan Banda in spite of the fact that both were desirous for the same station. Since both the candidates are striving hard for the same school, hence in the instant case the principles of merit, right and justice ought to be applied without any discrimination and partiality.

It is evident from all the record and dossiers that the appellant Miss Asima Irfan has secured 111.79 score while Uzra Begum has got 108.91. Besides the score, the D.O.B of Asma Irfan is 12.4.1993 while that of Uzra Begum is 1.4.1994, which shows that the appellant is also elder than Uzra Begum. Side by side the former falls at third position in union council merit while the latter is the last one in merit considered for appointment in

Distt. Education Officer
(Female) Swabi

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the same union council. Hence, it can safely be said that Asma Irfan had the right to be adjusted at GGPS Aziz Khan Banda instead of GGPS Kulyar.

Having gone through scrupulous observation and analysis of all the available record, evidences and principles it has fully been ensconced/established that the appeal of Miss Asma Irfan is laden with supportive evidences and can never be refuted within the definition of merit, right and justice which has now got the force of rules for adjustment in the present situation.

Recommendations

Gleaning, analyzing, and thorough perusal of all the available record and evidences, I rummaged out that the right of appellent accrues for adjustment at GGPS Aziz Khan Banda in order to meet the ends of justice and equity. Keeping in view the above discussion, the following recommendations ^{is} ~~are~~ suggested for further necessary action:

1. The adjustment/posting of Miss Asma Irfan and Uzra Begum issued vide Appointment Order No. 619-GPST/NTS Appl. Dated: 31-01-2019 at S.No. 17 and 19 respectively may be exchanged. That is Asma Irfan is recommended to be adjusted at GGPS Aziz Khan Banda while Uzra Begum being at low pedestal in U.C merit be adjusted at GGPS Kulyar.


Distt. Education Officer
(Female) Bahawalpur

Signature

Midraullah DEO (M) Bannu

EX-DEO BAHU



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

DEO (F) Swabi

31/7/2019

3253
01/08/19

DA-I

21/8/2019
without Approval
Received

NOTIFICATION:

Mr Midrarullah Katozai D.E.O (M) Bannu is hereby appointed as enquiry officer to probe into the matter as per attached application in respect of Mst. Asma irfan PST GGPS Kulyar District Swabi.

The inquiry officer should submit detail inquiry report alongwith clear findings recommendations within 15 days positively to this Directorate for further necessary action please.

Director
Elementary & Secondary Education Khyber
Pakhtunkhwa, Peshawar

Endst:No. 6088-89 /F.No.22/(F)/Appeal Swabi Dated Pesh: the 26/7 /2019

Copy forwarded to the:-

1. Mr. Midrarullah Katozai DEO (M) Bannu
2. District Education Officer (F) Swabi with the remarks to assist and provide the relevant record to the Inquiry Officer concerned.
3. PA to Director E&SE Peshawar.

Deputy Director (Female)
(E&SE) Khyber Pakhtunkhwa,

24/7/19

Distt: Education Officer
(Female) Swabi



Received
01/08/2019

DIRECTOR
(E&SE)
PESHAWAR

Annexure - B

(11)

2013 P L C (C.S.) 864

[Islamabad High Court]

Before Riaz Ahmad Khan, J

SAJID MEHMOOD RAJA and another

Versus

FEDERATION OF PAKISTAN and others

Writ Petition No.1213 of 2013, decided on 25th March, 2013.

(a) Civil service---

---Transfer/posting, right of---Scope---Ordinarily, transfer and posting could not be claimed as a matter of right---Civil servant aggrieved of his transfer could agitate his question of transfer before the competent forum, however, the authority to transfer lay with the competent authority and civil servant could not claim transfer or posting as a matter of right.

(b) Civil service---

---Appointment against a particular post at a particular place, right of---Scope---Only the Government could determine as to which officer was suitable for which place---Government had to keep in view the conditions, requirements, importance of the post and suitability and competence of officer to be posted on a post---Court could not step into the shoes of the Government and determine suitability and competence of an officer for a particular post.

1994 PLC (C.S.) 43; 1991 PLC (C.S.) 374 and 1999 PLC (C.S.) 201 rel.

(c) Civil service---

---Government policy regarding posting of officers---Interference by court in such a policy---Scope---Court did not have the power to take the role of policy maker---Government had every right to introduce its policy and the court could not substitute the policy decision with its own opinion---Policy, however, could be challenged at the touchstone of the Constitution and if it was found that the policy itself was violative of any provision of the Constitution or law, same could be struck down---Even where court struck down a policy as being violative of the Constitution or law, it would not give its own policy by substituting the one introduced by the Government.

2006 SCMR 1427 and PLD 2006 SC 697 rel.

(d) Civil service---

---Selection process for a post---Interview---Subjective assessment of a candidate---Scope---Interview (of a candidate) usually involved subjective assessment---Subjective assessment had to be based on some objective criteria, so that the element of arbitrariness and uncontrolled discretion was avoided---Discretion could not be used in an arbitrary manner.

2003 SCMR 291 rel.

[Signature]
Distt. Education Officer
(Female) Swabi

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(e) Constitution of Pakistan---

---Art. 199---Constitutional petition---Posts of trade officers to be appointed in foreign countries--- Selection process/formula---Interview of candidates---Policy of Government to give 70% weightage to interview of candidates during selection process---Interference in such policy by the court--- Scope---Officers for the posts in question were to be selected through competitive examination and interview---Respondents successfully cleared the selection process and were selected for postings abroad---Petitioners were unsuccessful in clearing the selection process---Pleas on behalf of petitioners were that 70 % weightage was given to interview for the only reason that Government wanted to select officers on basis of pick and choose by ignoring merit; and that marks were given to some candidates during interview to bring them at par with those who had obtained higher marks in written tests---Validity---Government had every right to introduce its policy and the Court could not substitute the policy decision with its own opinion---Marks in the interview were given on the basis of different attributes namely, interpersonal skills, communication skills, market intelligence and research (skills), IT skills, brand advocacy (skills), conflict resolution (skills) and management skills---Authority given to officers to conduct interview of candidates could not be substituted by the Court as long as assessment made by them was not against the policy or rules---Officers conducting interview of candidates made the assessment according to the objective criteria given in the policy, therefore, the same could not be questioned---Officers conducting the interview had the exclusive prerogative to assess the candidates and award marks---Officers conducting interview belonged to different ministries and on the basis of presumptions it could not be said that all of them were involved in malpractice---Petitioners themselves appeared in the written test and interview, therefore, by their own conduct they were estopped from challenging the process in which they had themselves participated---Constitutional petition was dismissed in circumstances.

2006 SCMR 1427 and PLD 2006 SC 697 rel.

(f) Constitution of Pakistan---

---Arts. 212 & 199---Constitutional petition---Maintainability---Alternate remedy---Posts of trade officers to be appointed in foreign countries---Selection process/formula---Interview of candidates--- Policy of Government to give 70% weightage to interview of candidates during selection process challenged by way of constitutional petition before the High Court---Plea that transfer and posting fell within the terms and conditions of service and the petitioners being civil servants had alternate remedy to approach the Service Tribunal, therefore, constitutional petition was not maintainable--- Validity---Petitioners were seeking remedy of being posted abroad on the basis of a (Government) policy which did not form terms and conditions of service---Since present constitutional petition was not for the implementation of terms and conditions of service, therefore, bar provided under Art.212 of the Constitution had no application---Constitutional petition was held to be maintainable in circumstances.

Barrister Zafar Ullah and Barrister Afzal Hussain for Petitioners.

Tariq Mahmood Jhangiri, D.A.-G., Abdul Kabir Qazi, Joint Secretary, Ministry of Commerce, for Respondents

Abdul Aziz and Ms. Azra Jamali Respondents in Person.

Date of hearing: 25th March, 2013.

JUDGMENT

[Signature]
Distt: Eidgah Officer
(Female) Swabi

RIAZ AHMAD KHAN, J--- This judgment is directed to dispose of above titled writ petition as well as Writ Petition No.1021 of 2013, as common questions of law and facts are involved in these writ petitions.

2 Brief facts of the case are that there are 63 posts of trade officers in foreign countries with whom Pakistan has commerce and trade relations as well as those countries with whom relations in respect of commerce and trade are to be developed. For posting the officers abroad, the Ministry of Commerce decided to select officers through competitive examination and interview. These competitive examinations were to be held through Lahore University of Management Sciences (LUMS) and the process of competitive examination started in the year 2005. On 5th of September, 2012, the Ministry of Commerce through advertisement published in the newspaper announced the selection of trade officers position in Pakistan missions abroad. Written examination was held through LUMS. 276 candidates appeared in the written examination and out of them 206 were declared as successful. These officers were called for interview. The respondents in all the cases were selected for posting abroad, whereas the petitioners were ignored. The petitioners having no other alternate remedy, filed the present petitions with the prayer that the process of selection be declared as illegal and unlawful and posting abroad of all private respondents be declared as illegal. It was further prayed that a direction be issued to the Ministry of Commerce to reselect officers in Grade 18, 19 and 20 for position as Trade Officers in Pakistani Missions Abroad.

3. Learned counsel for the petitioners submitted that the Government in the recent examinations adopted a strange formula for selection of Trade Officers. The said formula was to the following effect:---

The score of candidates for the competitive examinations held by LUMS including LT. skills	20%
Performance Evaluation Report	10%
Interview	70%

According to learned counsel for the petitioners, 70% weightage was left for interview for the only reason that the Government wanted to select officers on the basis of pick and choose by ignoring the actual merit. The process of selection was based on nepotism and favouritism. In most of the cases, the officers were not even qualified for test, but in interview were given maximum marks in order to enable them to get posting abroad. It was because of this that the result of candidates was never declared and even LUMS was asked to keep the result secret. Learned counsel submitted that it is the right of each and every participant in the examination to know about the result and the respondents had no right to keep the same secret. The allocation of 70% weightage to the interview was thus illegal. It was further submitted that the candidates could not be left to the subjective assessment of the officers conducting interview or the Federal Government rather there should be an objective criteria the assessment of candidates and the marks must be awarded in a transparent manner. Even in the present case, it is not known as to how the marks were awarded in interview. Learned counsel submitted that there was lack of transparency and fairness and this policy adopted by the Government was illegal and liable to be set aside.

4. On the other hand, Deputy Attorney-General assisted by learned counsel for the respondents submitted that the policy adopted by the Government was approved by the Prime Minister on 1-6-2012. Earlier written test was only eligibility test and 100% weightage was given to interview by SSB and for the first time written test is given weightage along with performance evaluation reports. The final assessment is based on giving 20% weightage to written test by LUMS, 10% to performance evaluation reports and remaining 70% to the following seven attributes:---

(i) interpersonal Skills

Distt: Educ. Officer
(Female, Swabi)

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- (ii) Communication Skills
- (iii) Market Intelligence and Research
- (iv) IT skills
- (v) Brand Advocacy
- (vi) Conflict Resolution
- (vii) Management Skills

On the basis of above said criteria, the officers are selected. It was further submitted that the petitioners have not come to the Court with clean hands. The competitive examination was held on the basis of Government Policy and Policy cannot be challenged through writ petition. In addition to that the Policy is always given by the Government and the Court cannot substitute the Policy given by the Government. It was also submitted that the transfer and posting falls within the terms and conditions of service and the petitioners being civil servants had alternate remedy to approach F.S.T. Since there is a bar under Article 212(2) of the Constitution of Islamic Republic of Pakistan, therefore, no writ can be issued.

5. It was submitted that petitioners claim is self-contradictory, because if they had been selected, they would have had no objection to the policy, but since they could not be selected so they raised objection regarding policy and now they want that the policy should be changed. It was further added that some of the petitioners have been selected, but they filed the writ petition and challenged the policy simply because they want posting at the place of their choice, which is neither a right nor can be considered as justified. In addition to that, all the petitioners had participated in the exam as well as interview, so they are estopped to invoke the constitutional jurisdiction of this Court.

8. Mr. Abdul Aziz Uqaili, respondent in W.P. No.1213 appeared in person and adopted the arguments of learned counsel for respondents, however, added that he himself belonged to District Management Group and had a wonderful academic record, he was not involved in any malpractice and got the position on merit. He had packed up everything for Sydney, but because of writ petition, had to stay back in Pakistan.

7. Ms. Azra Jamali appeared in person. She submitted that she belonged to Secretariat Group and was posted at Montreal. She also adopted the arguments of learned counsel for respondents.

8. Learned counsel for the petitioners raised the objection that result was not disclosed, therefore, the respondents were directed to produce the result in the Court. Accordingly, the result was produced and copy of the same was provided to the petitioners. Learned counsel for the petitioners after going through the result raised some technical objections that each page of the result was not signed by all the members; in some cases, full marks were given to select persons and the object was to increase their marks in order to bring them at par with those who had obtained marks on merit.

9. I have heard learned counsel for the parties and have also perused the record.

10. The first question which requires consideration is that whether posting abroad is a right or not? Ordinarily, the transfer and posting cannot be claimed as a matter of right. A civil servant being aggrieved of his transfer can agitate his question of transfer before the competent forum, however

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the authority to transfer lies with the competent authority and a civil servant cannot claim transfer or posting as a matter of right. The situation in the present case however, is different. The officials in the present case were required to qualify test and interview for posting abroad. As such, fitness for posting abroad was to be determined through test and interview, therefore, in the present case, posting abroad is to be considered as a right. Any eligible officer if qualifies the required test and interview and gets a position on merit, he would become entitled, to be posted abroad. However, it is to be kept in view that appointment at a particular place, is not a matter of right. Only the Government can determine as to which officer is suitable for which place. The Government for that matter has to keep in view the conditions, requirements, and importance of the post and on the other hand, suitability and competence of the officers to be posted on the said post. The Court cannot step into the shoes of the Government and determine suitability and competence of an officer for a particular post. As such, the officials who qualified the test and interview, got the right to be posted abroad, but had no right to be posted against a particular post at a particular place. In this respect, I have sought guidance from 1994 PLC (C.S.) 43, 1991 PLC (C.S.) 374 and 1999 PLC (C.S.) 201.

11. The next question is regarding policy for posting officers abroad. Contention of the petitioners is that though apparently the Government adopted a policy regarding posting officers abroad, yet the fact is that the policy is based on malice, nepotism and favouritism. It is an established principle of law that the Court has the power to interpret the law, but has no jurisdiction to take the role of policy-maker, Reference in this respect may be made to 2006 SCMR 1427 and PLD 2006 SC 697.


12. The Government has every right to introduce its policy and the Court cannot substitute the policy decision with its own opinion. The policy can be questioned at the touchstone of provisions of Constitution and if it is found that the policy itself is violative of any article of the Constitution or law, the same can be struck down. Even in that case, the Court would not give its own policy by substituting the one introduced by the Government.

13. In the present case, only contention of the petitioner is that since 70% weightage is given to the interview, therefore, the officials are left at the mercy of the officers conducting interview. It has further been submitted that since the interview is based on the subjective assessment of the persons conducting interview, therefore, discretion is usually used in an arbitrary manner.

14. There is no doubt that discretion must not be used in arbitrary manner. It is also correct that in interview, there is usually the subjective assessment, made by the officers conducting the interview, but now it is well settled that the subjective assessment must be based on some objective criteria, so that the element of arbitrariness and uncontrolled discretion is avoided. In the judgment reported as "2003 SCMR 291" the Hon'ble Supreme Court of Pakistan held that "The appointment is a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions as trustee with complete transparency as per requirement of law, so that no person who is eligible to, hold such post is excluded from the process of selection and is deprived of his right of appointment in service."

15. In the present case, the marks in interview were given on the basis of following 7 attributes:---

- (i) Interpersonal Skills
- (ii) Communication Skills
- (iii) Market Intelligence and Research
- (iv) IT skills


Distt: Education Officer
(Female) Swabi

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- (v) Brand Advocacy
- (vi) Conflict Resolution
- (vii) Management Skills

The result produced before the Court shows that the marks were given on the basis of these attributes, Contention of learned counsel for the petitioners in this respect is that marks are given with mala fide intention and in order to bring the officers, who had obtained lesser marks, at par with those who had obtained higher marks in the written test. This contention cannot be accepted as the same is based on the personal assessment of the learned counsel. Somebody has to be given the authority to conduct interview and award marks.

16 The authority cannot be substituted by the Court as long as assessment made by the officer conducting interview is not against the policy or rules. In the present case, officers conducting the interview made the assessment according to the objective criteria given in the policy, so the same cannot be questioned. It was the exclusive prerogative of the officers conducting interview to assess the candidates and award marks. In addition to that, the officers conducting interview belonged to different ministries and on the basis of presumptions, it cannot be said that all of them were involved in malpractice.

17. It was also contended that the petitions are not maintainable due to bar provided by Article 212 of the Constitution. This contention is not correct for the reason that the petitioners had prayed for posting abroad on the basis of policy, which does not form terms and conditions of service. Since the writ petitions were not for the implementation of terms and conditions, therefore, the bar provided under Article 212 of the Constitution had no application in the present case. The writ petitions on that score were maintainable.

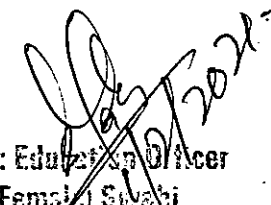
18. The petitioners however had themselves, appeared in the written test and also in the interview, so after appearing in the interview, they had no right to challenge the same before the Court. By their own conduct they were estopped, to challenge the process in which they had themselves participated.

19 It has also been submitted that the result was not made public, which shows that there was malice on the part of respondents. Since the result has already been declared and the same has already been provided to the petitioners, therefore, the objection is no more relevant.

20. In the above said circumstances, the writ petitions are devoid of merits and are accordingly, dismissed.

MWA/80/Isl.

Petition dismissed.


Distt. Education Officer
(Female) Swabi

کتابخانه جناب صدر مقرر مدبر سرور میں شکر بنویں گے

سماة عن دراستہ کے تمام حکم نامے

انوار سے جناب صدر مقرر مدبر سرور میں شکر بنویں گے
برائے ارضی سکول نس

صدیہ عالی!

یہ سب کے سب فیروزان میں آج تک نہ ہوئی ہو گی

یہ سب کے سب فیروزان میں آج تک نہ ہوئی ہو گی
نس جی کہنے کا حکم نامہ مقرر صدر مقرر مدبر سرور میں شکر بنویں گے

یہ سب کے سب فیروزان میں آج تک نہ ہوئی ہو گی
جمع نہ کر سکتے۔ نس جی کہنے کا حکم نامہ مقرر صدر مقرر مدبر سرور میں شکر بنویں گے

یہ سب کے سب فیروزان میں آج تک نہ ہوئی ہو گی
نہذا اسد کا یہ کہ انوار سے صدر مقرر مدبر سرور میں شکر بنویں گے

نور محمد اور عبداللہ صاحب مدبر سرور میں شکر بنویں گے
17/11/2005



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal # 10190/2020

Uzra Begum versus Govt. through DEO and others

INDEX

S. No.	Description of Documents	Annexure	Pages
1.	Copy of written reply along with affidavit		1-2
	Copies of relevant documents	A	3-5

Respondent # 5

Through

Mian Hikmatullah Jan

Advocate,

High Court, Peshawar.

Cell # 0301-8902021

(1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal # 10190/2020

Uzra Begum versus Govt. through DEO and others

PARA WISE REPLY FOR THE ON BEHALF OF RESPONDENT # 5

PRELIMINARY OBJECTIONS :-

- i. The appellant has got no cause of action to file the instant appeal.
- ii. The appeal is not maintainable in its present form.
- iii. The appellant has not approached this Honourable Tribunal with clean hands.
- iv. The appellant has challenged the corrigendum order which is passed by the competent authority hence the appeal liable to be dismissed on score too.
- v. The replying respondent # 5 is high in merit hence the appeal is not maintainable.
- vi. The appeal is badly barred by time.
- vii. The appeal being filed through unauthorised person is thus liable to be dismissed.

ON PARAS :-

1. Para # 1 is denied being factual in nature.
2. In reply to para # 2 it is stated that the respondent # 5 is also hailing from the same u/c and V.C. Utla.
3. Para # 3 needs no reply.
4. Para # 4 of the appeal also needs no reply. Only to the extent that the respondent # 5 has also done her M.Sc in Zoology.
5. Para # 5 needs no reply. Rather the respondent # 5 has also gone through the same appointment process successfully.
6. In reply to para # 5 it is stated that the respondent # 5 belongs to U/C Gani Chatra, Village Council Utla Tehsil Topi, District Swabi. The corrigendum is rightly issued which is not challenged through any departmental representation nor appeal. Hence the appeal is not maintainable.
7. In reply to para # 7 it is stated that the respondent filed an appeal against her adjustment at GGPS Kulyar which is a remote area in Gadoon while the replying respondent # 5 was on better position in merit and was entitled to get appointment at the nearest place. An independent inquiry was conducted in the

matter and the replying respondent # 5 was adjusted / transferred GGPS Aziz Khan Banda and the appellant being low in merit position was adjusted in GGPS Kulyar. Hence the corrigendum order Endst. Dated 24-12-2019 was rightly issued. (copies of the relevant documents are annexure – A)

8. Para # 8 is incorrect and illegal hence denied as laid.
9. Para # 9 is incorrect and illegal hence denied as laid.

ON GROUNDS :-

- A. Para # A of the grounds is incorrect, against the law hence denied as laid. The order of respondent # 1 is legal, in accordance with law, rules and policy.
- B. Para # B of the grounds is incorrect, against the law hence denied as laid. The order of respondent # 1 is legal, in accordance with law, rules and policy.
- C. Para # C of the grounds is incorrect, against the law hence denied as laid. The order of respondent # 1 is legal, in accordance with law, rules and policy. The replying respondent # 5 is higher in merit hence she was rightly placed / adjusted through corrigendum issued after proper inquiry.
- D. Para # D of the grounds is incorrect, against the law hence denied as laid. The order of respondent # 1 is legal, in accordance with law, rules and policy. In fact the merit through corrigendum is restored and respondent # 5 is given her right in a just and fair manner.
- E. Para # E of the grounds is incorrect, against the law hence denied as laid.
- F. Para # F of the grounds is incorrect, against the law hence denied as laid.
- G. Para # G of the grounds is incorrect, against the law hence denied as laid. detailed reply is given in the above paras.
- H. Para # H of the grounds is incorrect, against the law hence denied as laid.

It is therefore most humbly prayed that the appeal being devoid of merits may graciously be dismissed.

Dated :- 01-04-2021

Through
Respondent # 5
Mian Hikmatullah Jan
Advocate
High Court, Peshawar.

AFFIDAVIT

As per instructions of my client the contents of this reply are true and correct to the best of my knowledge and belief.

4

UNION COUNCIL GANI CHATRA SWABI (KPK)

Ref. No. 218 /UC/2018

Date 27-09-2018

Resident Certificate

This is certify that

Mr/Miss Asma Irfan
S/DW of Irfan Ullah
CNIC NO. 16203-0613170-2 is the permanent resident of
Village Utta Union Council Gani Chatra
Village Council Utta District Swabi Tehsil Topi.

The above information is in my knowledge.

ATTESTED

S. Sain
Secretary

Union Council Gani Chatra
SECRETARY
V/COUNCIL
Utta

(S)

Serial No. 000001



In the name of Allah, the Most Merciful and Compassionate



Shaheed Benazir Bhutto Women University Peshawar (Pakistan)

Session 2013-2015

ASMA IRFAN Daughter of IRFAN ULLAH

of the Department of ZOOLOGY after having completed all the requirements under

Semester System of Examination held in DECEMBER 2015 is this day admitted by the

Shaheed Benazir Bhutto Women University Peshawar (Swabi Campus) to the award of Degree of

Master of Science in the subject of Zoology with CGPA 3.30

ATTESTED

Registration No. 2013-WUP-3832
Enrolment No. ZG-13(SW)-08
Result Declared on: 1st March, 2016

Attested:

[Signature]
Head of the
G.M.S. Lyran
Gulshan Swabi

[Signature]
Controller of Examinations

[Signature]
Registrar

[Signature]
Vice-Chancellor