

21.1.2016

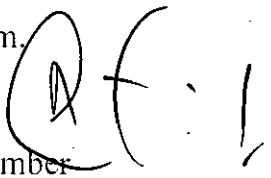
Agent of counsel for the appellant and Mr. Muhammad Fayaz, Supdt. alongwith Mr. Muhammad Saddique, Sr.GP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 15.8.2016 at Camp Court A/Abad.

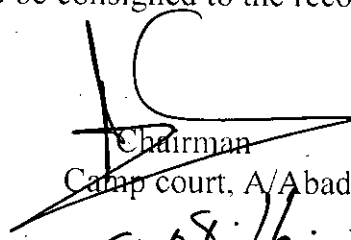

Chairman
Camp Court A/Abad

15.08.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Learned counsel for the appellant pressed into service copy of notification dated 23.11.2015 vide which the appellant has been reinstated in service. Requested for withdrawal of the appeal

In the light of the afore-stated developments, the appeal is dismissed as withdrawn. File be consigned to the record room.


Member
ANNOUNCED
15.08.2016


Chairman
Camp court, A/Abad
15.08.16

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION

WHEREAS, Mst. Bibi Saeeda Salma, Qaria at Government Girls High School Thati Khurd, District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1746-55 dated 03/03/2015 after serving Show Cause Notice and giving her an opportunity of personal hearing on charge of irregular/fake/bogus appointment.

WHEREAS, consequently the above aggrieved teacher lodged/preferred an appeal to the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) against her dismissal from service with the pray to set aside her dismissal order issued by the DEO concerned followed by her reinstatement.

AND WHEREAS, the Director E&SE Khyber Pakhtunkhwa, Peshawar constituted a committee vide Notification No. 4411-18 dated 22-09-2015 for the scrutiny of appeals of above-dismissed teacher.

AND WHEREAS, the committee having scrutinized appeal of above affected teacher on the basis of available record and merit of the case submitted its report to the Director E&SE Khyber Pakhtunkhwa, Peshawar with the findings and recommendations reproduced briefly below:-

1. Her name was at S.No. 08 of the merit list. Her asnad of Hifzul Quraan & Tajweed ul Quraan was from Madrasa Jamia Usmania Utmanabad Attock. She was appointed as Qaria vide a general order Endst: No. 893-942 dated 16/06/2012 at S. No. 07.
2. Appeal may be accepted subject to condition that the madaris/ institution from where she acquired asnad (Qirat & Hifz ul Quran) for the post of Qaria must be affiliated with Wafaq ul Madaris in line with the Govt. of KPK E&SE Deptt. Letter No. SO(PE)5-12/ Darululoom Swat/ Chitral/ 10 dated 7/6/2012.


NOW THEREFORE, in exercise of powers conferred upon the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) under E&D Rules 2011 read with rules 17 (2) (b) & (c) and keeping the findings/recommendations of the committee into consideration, accepts the appeal of aforesaid sacked teacher and set aside the order of DEO (F) Mansehra No. 1746-55 dated 03/03/2015 and reinstate Ms. Bibi Saeeda Salma, Qaria, at Government Girls High School Thati Khurd District Mansehra with effect from the date of her dismissal with all back benefits subject to production of the requisite registration & affiliations to the DEO (F) Mansehra.

Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 2521-25 /F.No. 79 /Appeals Female MSR Dated Peshawar the 23/11/2015

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

1. District Education Officer (Female) Mansehra with the remarks to obtain/ascertain the requisite registration & affiliation from Mst. Bibi Saeeda Salma, Qaria and place on record under intimation to this office.
2. District Account: Officer Mansehra
3. Principal, Concerned
4. Appellants concerned
5. PA to Director E&SE KP, Peshawar
6. Master File.


Deputy Director (Female)
Directorate E&SE, KP
Peshawar

23/11/15

24.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as civil servant in the prescribed manners but vide impugned order dated 3.3.2015 she was dismissed from service on the allegations of discrepancies in appointment regarding which she preferred departmental appeal on 10.3.2015 which was not responded and hence the instant service appeal on 8.7.2015.


That the appellant was given no opportunity of hearing nor the inquiry was conducted in the prescribed manners and major penalty in the shape of dismissal from service was passed which penalty is against facts and law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 20.10.2015 before S.B at camp court A/Abad. Notice of stay application be also issued for the date fixed.


Chairman
Camp Court A/Abad

20.10.2015

Counsel for the appellant and Mr.Sakeenullah, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 21.01.2016 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad.



Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 778/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08.07.2015	<p>The appeal of Mst. Bushra Bibi presented today by Mr. Muhammad Arshad Khan Tanoli Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	10-7-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>24-7-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Appeal No. 758/2015

Bibi Syeda Salma D/O Fida Hussain (Qaria GGHS Thathi Khurd)
R/O Mangloor, Tehsil & District Mansehra

.....Appellant

VERSUS

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

INEX

S.No	Prescription of Document	Annexure	page
1			1-10
2	Copy of Advertisement	"A"	11
3	Copies of Documents/testimonial are annexed	"B"	12-23
4	Copy of appointment order and corrigendum	"C"	24
5	Copy of Show cause notice and one page of inquiry of the then EDO	"D"	25-27
6	Copy of impugned dismissal order of appellant	"E"	28
7	Copy of departmental appeal /representation	"F"	29
8	Copy of merit list	"G"	30-31
9	Wakalatnama		

Dated: *7-17/2015*

Salma
Appellant

Through

Muhammad Arshad Khan Tanoli
Muhammad Arshad Khan Tanoli

Advocate, High Court

Abbottabad

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal no 858/2015

A.W.F. Province
Service Tribunal

Diary No. 188

Dated 8/7/2015

Bibi Syeda Salma D/O Fida Hussain (Qaria GGHS Thathi Khurd)
R/O Mangloor, Tehsil & District Mansehra

.....Appellant

VERSUS

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

SERVICE APPEAL.

Service Appeal u/s 4 of KPK Service
Tribunal, 1974

Filed to-day
8/7/15

Respectfully Sheweth,

Facts forming the back ground of the instant Service Appeal is as under:-

1. That, respondent No 3 announced the posts of Qaria in Dailly "The Aaj" dated 20/5/2011 for appointment of Qaria. The Appellant fulfills the entire criteria which sine qou non for appointment for the post of Qaria. Copy of Advertisement is annexed as Annexure "A"

2. That, the appellant qualified test as well as interview conducted by respondent No 3. The appellant is qualified Matric, Hifz, tajweed, teaching of tajweed, Shahadat ul Almia from registered Institution/ Maddaris. Copies of Documents/testimonial are annexed as Annexure "B"
3. That, following this, the appellant was appointed as Qaria in respondents' Department on the basis of merits and was posted in GGHS Afzal abad vide appointment order endrst No 893/942/ ESTT Qaria (F) APPTT; (f) 2012 Dated 16/6/2012. Copy of appointment order and corrigendum is annexed as Annexure "C".
4. That, the appellant served the Department with complete devotion and dedication to the entire satisfaction of her superiors from the date of her appointment i.e. 16.6.2012 onwards.
5. That, the appellant was though dismissed from service by the respondent's department endrs. No 1746-55/AE-J/ESTB on 3.3.2015.
6. That, Respondent No 3 issued Show Cause notice to the appellant without annexing the statement of allegations however, a page of inquiry which was conducted against the then EDO Umar Khan Kundi DEO, Shamim Akhtar was found attached with the show cause notice, wherein it

was mentioned against the name of appellant that "No relevant sannad for appointment and the appointment is not valid and is against the recruitment policy". Copy of Show cause notice and one page of inquiry of the then EDO is annexed as Annexure "D". AS the inquiry committee did recommend any remarks against the Appellant

7. That, show cause notice issued to the appellant was properly replied by her mentioning that the appellant applied for the post of Qaria and appeared in ETTA Test vide Roll No 331 dated 22.6.2011 and was placed at S. No 8 of the merits list and thereafter was appointed on merit Beside, District Education Officer solicited candid views from respondent No 2 regarding as to whether the candidate who possess their sannads of Hifz and tajweed from registered institutions are to be appointed "as per service structure in prescribe rules the sannad of Qirat from a recognized Institution meant a certificate obtained from Maddaris/Intuition Registered by the Govt. of KPK.
8. That, the respondent No 3, as stated above, served show cause notice to the appellant, which was properly replied by her. As per law, the appellant was entitled to be heard in person by respondent No 3. But Respondent NO 3 without resorting the rules, without providing opportunity of personal hearing and adopting proper modus operandi

required for dismissal of employees from service, dismissed the appellant vide impugned dismissal order endst. No 1746-55/AE-J/ESTB dated 3.3.2015. Copy of impugned dismissal order of appellant is attached as annexure "E".

9. That on receipt of dismissal order, appellant filed departmental appeal against the order of respondent No 3 to respondent No 2 on 10.3.2015. Copy of departmental appeal /representation is attached as annexure "F" but respondent No 2 did not bother to reply the representation of the appellant so far. Hence feeling aggrieved, the instant appeal is filed by appellant inter-alia on the following grounds:-

GROUND

- a. That, the appellant fulfilled the criteria of appointment as Qaria being qualified. The appellant was appointment on merit on the recommendation of Departmental Selection Committee and was placed at S.No 10 of the merit list. Copy of merit list is attached as Annexure "G". Hence impugned dismissal order is illegal perverse, discriminatory without lawful justification and null and void on the rights of the appellant.

- b. That, as per educational record annexed with the appeal, the appellant has been appointed as Qaria according to the laid down procedure and criteria mentioned in the advertisement published by respondent 3. It is further submitted that no institution/madaris of female is not recognized in KPK since 1969 onwards. Therefore Qarias were appointed in Education Department prior to 2012 on the basis of sannads similar to that of appellant. Therefore if hundreds of female Qarias are serving in Educational Department on the basis of similar sannads then the appellant is also entitled to serve the department as per law. Hence impugned dismissal order is liable to be set aside.
- c. That, when law prescribe something which is to be done in a particular manner that must be done in that manner and not otherwise. As per law the appellant was eligible for appointment as Qaria . But the conduct of respondents department towards the appellant is mala fide, discriminatory and not maintainable at law.
- d. That, this fact may not be left to fade in oblivion that the Govt. of KPK removed the then EDO, Mansehra, Umar Kundi from service but the appellant has been dismissed from service due to no fault of her. Once an

employee is dismissed, he is de-barred to get appointment in Govt. Departments. Therefore, respondents' Department not only illegally dismissed the appellant but snatched her bread and butter in future as well. Hence impugned dismissal order is liable to be set aside.

e. That, respondent No 3 did not issued final show cause notice to the appellant and dismissed her in hasty manner and wants to induct some blue eyed chaps at the alter of appellant which is discriminatory against the principle of natural justice and fair play.

f. That, respondents' Department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice.

g. That, right from the appointment of the appellant as Qaria in 2012, there was no rival candidate who contested the appointment of the appellant in any Court of law anywhere in KPK.

h. That, Govt. of KPK conducted inquiry against the then EDO, Umar Khan Kundi for committing illegalities/irregularities in appointments/promotions etc and finally removed from service. Therefore, the appellant cannot make a scapegoat for illegal acts of the then EDO Umar Kundi. Therefore on the basis of

removal of Umar Kundi from service, the appellant cannot be dismissed for the acts committed by the ex-EDO.


- i. That, the Honourable Service Tribunal has jurisdiction to entertain the grievance of the appellant and the appeal of the appellant is within the prescribed period of limitation

It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order endrst. No 1746-55/AE-J/ESTB dated 3.3.2015 may graciously be set aside and respondent No 3 may be directed to reinstate the appellant in service in the School with effect from the date of her dismissal with all service back benefits in terms of pay etc. Any other relief which this Honourable Court deems appropriate in the circumstance may also be done.

Dated: 2/3/2015


Appellant

Through


Muhammad Arshad Khan Taholi
Advocate, High Court
Abbottabad

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Bibi Syeda Salma D/O Fida Hussain (Qaria GGHS Thathi Khurd)
R/O Mangloor, Tehsil & District Mansehra

.....Appellant

VERSUS

1. Govt. of KPK through Secretary Education (E & SE), KPK Peshawar.
2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

APPLICATION FOR SUSPENSION
OF IMPUGNED ORDER NO 1746-
55/AE-J/ESTB AND GRANT OF STATUS
QUO TILL FINAL DISPOSAL OF THE
MAIN APPEAL .

Respectfully Sheweth,

1. That the instant service appeal is being filed today and this application may be treated as part and partial of the service appeal.
2. That, competent authority i.e District Education Officer (Male) Masehra prior to dismissal of the applicant did not followed the procedure laid down in service laws. Hence the applicant has not been provided opportunity of personal hearing and no final show cause notice has been issued
3. That, valuable rights have been accrued to the applicant for serving teacher and Education Department since 2012 to till date.
4. That, the applicant served the Department with complete devotion and dedications. Besides, the applicant had required qualification/criteria for the said post and the

applicant has not been contested by any one as there was no contesting rival candidate.

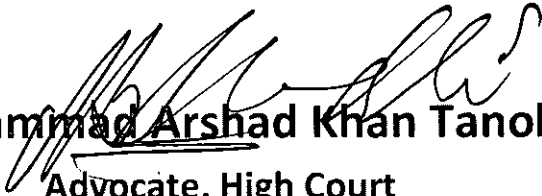
5. That, the applicant got appointment purely on the basis of merit. The applicant has been dismissed by the competent authority due to no fault of her.
6. That, the balance of convenience is infavour of the applicant and in case, status quo is not granted, the applicant shall suffer irreparable.

It is, therefore, very humbly prayed that on acceptance of the instant application, impugned termination order dated 03.03.2015 may graciously be suspended and status quo may also be granted till final decision of the main appeal.

Dated: 7/4/2015

Sahne
Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Bibi Syeda Salma D/O Fida Hussain (Qaria GGHS Thatthi Khurd)
R/O Mangloor, Tehsil & District Mansehra

.....Appellant

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2. Director (E & SE), KPK Peshawar.
3. District Education Officer (Female), Mansehra.

.....Respondents

AFFIDAVIT

I, Bibi Syeda Salma D/O Fida Hussain (Qaria GGHS Thatthi Khurd)
R/O Mangloor, Tehsil & District Mansehra do hereby solemnly
affirm and declare that the contents of foregoing service appeal
are true and correct to the best of my knowledge and belief and
nothing has been concealed from this Honourable Court.

Dated: _____/2015

Deponent

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دوکانوں کی رجسٹریشن

محکمہ انسداد دوائی اور کیمسٹری ایکٹ کے تحت رجسٹریشن کے ذریعہ تمام (مردانہ و زنانہ) سکولوں میں درج ذیل آسامیاں پر کرنے کیلئے مطلع ہائیموں کے سکولوں اور اداروں سے نمونہ نمائندہ فارم اور ایٹا (ETEA) فارم پر درخواستیں جمع کروانے کی تاریخ 20/05/2011 ہے۔

Table with 7 columns: No, Name, Address, Date, Age, School Name, and Remarks. It lists various schools and their registration details.

عمومی مشورہ: (1) تمام فارمیں اس صورت میں جمع کروانے کے لیے تیار کر کے پیش کر کے دینی ہوں گی۔ (2) کیمسٹری فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری دستاویزات اور دستاویزات کے ساتھ درخواستیں جمع کروانے کے لیے ضروری ہے۔ (3) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (4) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (5) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (6) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (7) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (8) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (9) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (10) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (11) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (12) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (13) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (14) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔ (15) ایٹا فارم میں ایٹا کے ساتھ رجسٹریشن کے لیے ضروری ہے۔

Handwritten signatures and stamps at the bottom of the page.



Attested
[Signature]
HIGH COURTS AUTHORITY

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

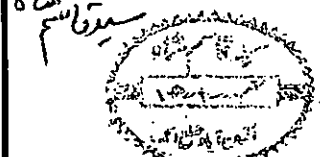
3

الشهادة في طراز الفان الفان



مدرسة جامعہ عثمانیہ اتان آباد تحصیل حسن ابدال ضلع

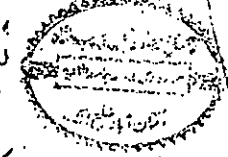
الحمد لله رب العالمين والصلاة والسلام على نبينا محمد وآله وصحبه أجمعين أما بعد
فإننا نحن رؤساء مدرسة جامعہ عثمانیہ اتان آباد ضلع اتان پاکستان تشرفنا بأن الأخت بي بي سيده سلمه بنت
ابن سيد فلاح حسين شامرن فانس هودا المولود في عام 1949/04/04 الموافق قد حفظ القرآن الكريم
كاملاً من مدرسة جامعہ عثمانیہ اتان آباد ضلع اتان پاکستان ونجح في امتحانها النهائي المنعقد في 13 شعبان الموافق 1423 هجرى
بتقدير ممتاز. وبناءً على ذلك نمنحه شهادة حفظ القرآن الكريم ورئاسة الجامعة أذ تمنحه هذه
الشهادة توثيقاً بتقوى الله سرًا وعلناً وأن يتعاهد القرآن الكريم بتلاوته أثناء الليل وأطراف النهار والله لسأل أن
يوفقنه لتفانيه كتابه الكريم والعمل بتعاليمه. والله هو الوفي والمعين



موقع المدير



الختم الرسمي



موقع المدير

رقم التسجيل 51 رقم الشهادة 50 الدرجات 90/100 التاريخ شعبان 1423 هـ

Ammer-H



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

16



شفاعت

وفاق المدارس العربیہ پاکستان

الحاق نمبر 06-03-02449 تاریخ الحاق 1999-04-18 / 1320-1-1 تاریخ اجراء 2008-04-08 / 1429-3-1 تاریخ تنسیخ 2011-04-07

تصدیق کی جاتی ہے کہ جامعہ عثمانیہ گاؤں اتمان آباد حسن ابدال

Attested
[Signature]
دہانویہ

ضلع اٹک صوبہ پنجاب کا الحاق بحیثیت رجب

وفاق المدارس العربیہ پاکستان سے منظور کیا گیا ہے

[Signature]

دستخط ناظر اعلیٰ



دستخط صدر
الشیخ سلیم اللہ خان

محمد حنیف جالندھری

مکمل شدہ ← مرکزی دفتر وفاق المدارس العربیہ پاکستان، ملتان

الشیخ سلیم اللہ خان

(15)

MADRASA JAMA USMANIA



مدرستہ جامعہ عثمانیہ

Utman Abad Teh. Hasan Abdal Distt. Attock (Pakistan).

اتمان آباد تحصیل حسن ابدال ضلع اٹک (پاکستان)

حوالہ نمبر

تاریخ

جامعہ عثمانیہ گاؤں اتمان آباد تحصیل حسن ابدال ضلع اٹک

قائم شدہ ۱۹۹۲

منظور شدہ وفاق المدارس العربیہ پاکستان ملتان

تاریخ الحاق ۱۹۹۹-۲۰۰۸ الحاق نمبر ۰۶-۰۳-۰۲۴۴۹

سید الحاق کی فوٹی کاپی ہمراہ ہے

اورنگزیب شاہ
سید

دستخط مدیر جامعہ =



Attest

Muhammad Ali
Secretary
Attest

Muhammad Ali
Secretary
Attest



HAZARA UNIVERSITY

MANSEHRA, PAKISTAN SN: 2367

DETAILED MARKS CERTIFICATE

MASTER OF ARTS (FINAL)
ANNUAL EXAMINATION 2011

15

Roll No: 38704 Reg No: 10-PM-2466
 Name: Bibi Sveda Salma F/Name: Syed Fida Hussain Shah
 Institution/ District: MANSEHRA Subject: Islamiyat


COURSE TITLE:	Max: Marks		Marks Obt:		Total	Marks in Words	Remarks
	TH	PR	TH	PR			
MA Previous Marks	500		295		295	TWO HUNDRED NINETY-FIVE	
(Al-Qura'an) Translation 2nd Half & Commentary alongwith Grammar	100		75		75	SEVENTY-FIVE	Pass
Principles of Islamic Jurisprudence	100		64		64	SIXTY-FOUR	Pass
Islam & other World Religions	100		60		60	SIXTY	Pass
Kalam & Philosophy of Islam / Islam in Contemporary Muslim World	100		66		66	SIXTY-SIX	Pass
Islamic Economics / Islamic Politics / Islam & Science	100		66		66	SIXTY-SIX	Pass
General Viva Voce	100		45		45	FORTY-FIVE	Pass
Total:	1100		671		671	SIX HUNDRED SEVENTY-ONE	
Percentage:	61.00						
Division:	FIRST						

Print Date: 16-01-2012

Checked By: _____

Errors and omissions are subject to subsequent rectification.
 Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Controller Examinations
 Hazara University, Manshehra
 January 16, 2012

stured

 Murtaza Ali Khan
 Advocate
 Distt: Courts Abbottabad



University of Peshawar

(Pakistan)

17

Roll No. 83216

DETAILED MARKS CERTIFICATE

BA Part - II Examination, 2002 Annual / Supplementary

Name Bibi Syeda Salma

Father's Name S. Fida Hussain Shah

Notified that the candidate secured the following detailed marks and is placed in 3rd Division.

S u b j e c t	Maximum Marks	M A R K S O B T A I N E D	
		IN FIGURES	IN WORDS
English	75	24	Twenty four
Arabic	75	33	Thirty three
Islamic Studies	75	33	Thirty three
Persian Studies	40	19	Nineteen
Part I Marks	285	127	
TOTAL	550	236	Two hundred and thirty six

Examination was taken as a whole / in Parts

Marked by [Signature]
6/8/06

S. NO. 006525

CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF PESHAWAR.

[Signature]

AHMED NABEEM MUSTAFA
Audit Officer
Directorate of Foreign Audit
Ministry of Foreign Affairs
ISLAMABAD

Attested
[Signature]



University of Peshawar

(Pakistan)

15

Roll No. 83216

DETAILED MARKS CERTIFICATE

BA Part-II Examination, 2002 Annual / Supplementary

Name Syeda Salma

Name S. Fida Hussain Shah

3rd Division.

As the candidate secured the following detailed marks and is placed in

Subject	Maximum Marks	MARKS OBTAINED	
		IN FIGURES	IN WORDS
<u>English</u>	75	<u>24</u>	<u>Twenty four</u>
<u>Islamic Studies</u>	75	<u>33</u>	<u>Thirty three</u>
<u>Arabic</u>	75	<u>33</u>	<u>Thirty three</u>
<u>Islamic Studies</u>	40	<u>19</u>	<u>Nineteen</u>
Part I Marks	285	127	—
TOTAL	550	236	Two hundred and thirty six

Information was taken as a whole / in Parts

S No. 006525

CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF PESHAWAR.

AHMED NADEEM MUSTAFA
Auditor General
Directorate of Foreign Audit
Ministry of Foreign Affairs
ISLAMABAD

Board of Intermediate & Secondary Education ABBOTTABAD

8



DETAILED MARKS CERTIFICATE Intermediate Examination (Humanities Group) Part - II

S. No: A 55292

Session 19 98 (Annual / Supplementary)

Name Bibi Syeda Salma

⑨

Father's Name Fida Humair Roll No. 1686

SUBJECT	Subjects Marks	MARKS OBTAINED				REMARKS
		Part - I	Part - II	Total in		
				Figures	Words	
1. English	200					
2. Urdu	200			75		
3. Islamic Education	50			122		
4. Pakistan Studies	50			57		
5.	200			85		
6. <u>ITK</u>	200			100		
7. <u>IS</u>	200			98		
7. <u>BT</u>	200					
Total	1100			531-D		<i>Five Hundred and thirty-one</i>

verify

Note: Errors/Omissions excepted

Date 19 _____

02 MAR 1999

Prepared by: _____

Checked by: _____

Controller of Examinations
Board of Intermediate & Secondary Education
Abbottabad

Attested
opcha
Govt. High School
Abbottabad

Attested
AHMED NADEEM MUSTAFA
Joint Officer
Directorate of Foreign Affairs
ISLAM A B A D
Muhammad Aslam Khan
Advocate
Distt. Courts Abbottabad

S. No. 32394

DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination

(GENERAL GROUP)

Session 19 95 (Annual/Supplementary)

Name Bibi Syeda Salma 20

Father's Name Fida Hussain Shah Roll No. 3218

SUBJECT	Total Number of marks allotted	MARKS OBTAINED	
		In figure	In words
1. English	150	109	verified Five Hundred & Seven only
2. Urdu	150	84	
3. Islamiyat	75	61	
4. Pakistan Studies	75	25	
5. Gen. Mathematics/ (Elec.)	100	57	
6. General Science	100	60	
7. EHE	100	48	
8. Is	100	63	
Total	850	507	C

Note: Errors/ommissions accepted
F: Failed in the paper (s)

Prepared by: [Signature]

Checked by: [Signature]

[Signature]

Date: _____ 19 _____

Controller of Examinations
Board of Intermediate & Secondary Education
Abbottabad

[Signature]
[Signature]
Head Master
Govt. High School
Manshra

[Signature]
AHMED NADEEM MENTAJA
Audit Officer
Directorate of Foreign Audit
Ministry of Foreign Affairs
ISLAMABAD

Attested

[Signature]
Muhammad Shah Khan Tandi
Distt. Court Abbottabad

Alama Iqbal Open University
Islamabad

Serial No 77882



(21)

Certified that *Mr/Ms* **BIBI SYEDA SALMA**
Son/Daughter of **FIDA HUSSAIN SHAH**
Registration No. **02 NMA 0652** *Roll No.* **M 612732**
Semester **SPRING 2003** *having met all the requirements*
under the semester system is this day awarded the

Certificate of Teaching

He/She has secured **65 %** *marks*
and has been placed in **B** *grade*

AHMED NAHEEM MUSTAFA
Audit Officer
Directorate of Foreign Audit
Ministry of Foreign Affairs
ISLAMABAD



Result declared on: **May 6, 2004**

Date of issue: **July 28, 2005**

Controller of Examinations

DOMICILE CERTIFICATE

PHOTO

22

I declare that I am born of parents who are permanently domiciled in N.W.F. Province having been born in this Province.

I was born at Tahli Syedan Tehsil Mansehra

District Mansehra

I passed Primary Education from Govt; Girls Pry; School Mangloor

Resident of Tahli Syedan

Tehsil Mansehra

District Mansehra

Sd/ Syeda Salma Bibi Dated _____

Pursuance to the declarat on dated _____

Filed by Syedah Salma Bibi D/o Syed Fida Hussain Shah

Tribe Syed Section x Sub Section x

Tahli Syedan Tehsil Mansehra District Mansehra

To the effect that he had been born of parents who are permanently domiciled in N.W.F. Province having been born within it.

I have satisfied my self from Personal/my own knowledge the above declaration is a and certify accordingly.

Given under my had and the seal of Court this _____

14th day of Dec: 1996

MAGISTRATE 1ST CLASS _____ Mam Agha

7756 Date 14/12/96 16-12-96

COUNTERSIGNED _____

Countersigned

DISTRICT MAGISTRATE District Magistrate
Mansehra

Alam Agha
Head Master
Govt High School
Mansehra

Mam Agha

verified
AHMED NADIM MUSTAFA
Audit Officer
Ministry of Foreign Affairs
S L A M A B A D

تعمیر کی کمی سے کہ سیدہ سلمیٰ لالی دختر سیدنا حسین شاہ قوم سید سائن ٹاٹلی کیمپال نے
 ۱۵ نومبر ۱۹۹۵ء کو تکیہ پر تقریباً ۲۰۰۰ روپے خرچ کر کے اس کی
 تعمیر کا کام تمام کر دیا۔
 Head Master,
 Government School
 [Address]

نور محمد زکریا کے ساتھ ساتھ سیدہ آریہ کا ذکر اور اس کا ذکر
 کیلئے کیا گیا ہے اور اس کی تصویر اس کے ساتھ
 درج ہے۔

محمد بن عبدالرشید سابق کونسلر کے ساتھ سیدہ سلمیٰ لالی رضی
 اللہ عنہا کے ساتھ جمع ہو کر ٹاٹلی میں قریباً ۲۰۰۰ روپے خرچ کر کے
 تعمیر کا کام تمام کر دیا۔
 [Signature]

[Signature]

(24)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

ORDER

Amey C

As approved by the Departmental Selection Committee, the Competent Authority has been pleased to appoint the following Qaria teachers (Female) against vacant posts mentioned against each in BPS-9 @ Rs.6200-380-17600 pm plus usual allowances as admissible under the rules in the interest of Public Service with effect from the date of their taking over charge subject to the following terms & conditions:-

S#	Name	Father Name	Address	Place of Posting	Remarks
1	BIBI BUSHRA	FIDA HUSSAN	MANGLOOR	GGHS HASSA	AV/Post
2	SHAZIA	M.AFZAL KHAN	BANDA GESUCH	GGHS JABORI	AV/Post
3	FATIMA BIBI	FIDA HUSSAIN	MANGLOOR	GGHS DOGA	AV/Post
4	FARHAT BIBI	M.HAMAYUN	DHODIAL	GGHS DYARYAL	AV/Post
5	MANAZZA	MOHD HAMYUN	TRANGRI BALA	GGHS MURAD PUR	AV/Post
6	MADHIA BIBI	ALI KHAN	AFZALABAD	GGHS AFZAL ABAD	AV/Post
7	BIBI SAEEDA SALAMA	FIDA HUSAIN	MANGLOOR	GGHS THATHI KHURO	AV/Post
8	ASMAT BIBI SYEED	ABDUL REHMAN	LASSAN NAWAB	GGHS LASSAN NAWAB	AV/Post
9	BIBI MARIUM SYEED	FIDA HUSSAIN	MANGLOOR	GGHS PAIRAN	AV/Post
10	SAMMIYA RAHIEM	RAHIM SHAH	OGHI MANSEHRA	GGHS Oghi	AV/Post
11	SAIMA BIBI	FIDA HUSSAIN	MANGLOOR	GGHS DANDA KHOLIAN	AV/Post
12	ALYIA BIBI	ALI KHAN	AFZALABAD	GGHS SANGAR	AV/Post
13	AYSHA KANWAL	KHALIL UR REHMAN	LABARKOT	GGHS MAIRA AMJID ALI	AV/Post
14	AMBER ZEB	ALAM ZEB	PHULRA	GGHS PHULRA	AV/Post
15	AISHA BANO	SHAHZADA	M.M.POLE MANSEHRA	GGHS DAFFA	AV/Post
16	BUSHRA BIBI	LAL KHAN	PHULRA	GGHS SAWAN MAIRA	AV/Post
17	MAMOONA WAJID	WAHJID	BHERKUND	GGHS GHANOOOL	AV/Post
18	HAMEEDA	MOHD YOUSAF	PHULRA	GGHS JARED	AV/Post
19	TABSUM	MOHD NAZIR	OGHI MANSEHRA	GGHS TRAWRA	AV/Post
20	SABA NOOR	SHEIKH NOOR ELLAHI	MANSEHRA	GGHS TALHATA	AV/Post
21	ASMA NAZ	RAJA MANZOOR HUSSAIN	BEHALI	GGHS MOHAYIAN	AV/Post

Note: The pay of the candidates, falls at S# 1, 8, 16 & 20 will be effective from 01/09/2012 after the re-opening of summer vacations Zone Schools

TERMS & CONDITIONS:

1. Their appointments are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. They will be governed by such rules and regulations enforce and as may be prescribed by the Government from time to time for the category of the Government servants to which they belong.
3. In case they failed to assume the charge of their posts within 15 days of their appointment, candidature-ship will be stand automatically cancelled.

M. Manzoor Hussain

Amey C
M. Manzoor Hussain
M.O. Court, Mansehra



Annex D 25

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. 7726 / Establishment/ 2014

Email: deofmansehra@yahoo.com

Dated: 29/9 / 2014

Phone & Fax: 0997-302518

SHOW CAUSE NOTICE

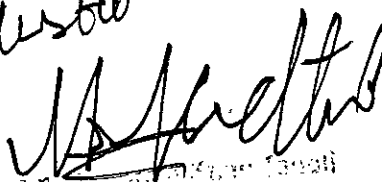
I, Naghmana Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Servant (Efficiency & Discipline) rules, 2011, do hereby serve you Mst Bibi Syeda ~~Sajma~~ D/O Fida Hussain Qaria, Govt: Girls High School Thathi Khurd Mansehra, Show cause Notice as follows:

1) You were appointed as Qaria at GGHS-Thathi Khurd, vide defunct Executive District Officer (E&SE) Mansehra Endstt: No 893-942/Estt Qaria (f)/2012 Dated 16.06.2012 where you were stranger for recruitment process initiated through EATA: Acceptance of your appeal & subsequently your appointment order was the result of misuse of authority by the then EDO according to his sweet well & wishes against the recruitment rules, as per inquiry report received through Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department letter No SO(S/M)E&SED/4-17/2013 Umar Khan EDO BS-19 dated 25/08/2014 More over the then EDO(E&SE) has been removed from Government Service in connection with all such bogus appointment including yours made by him.

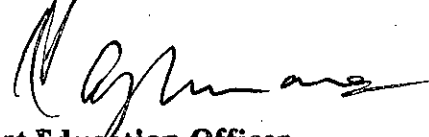
2) Going through the finding and recommendation of the inquiry committee, the material on record & other connected papers including your defiance before the inquiry committee:-

I am satisfied that you have committed the following acts/Omissions specified in rules.

- a) Misconduct and dishonesty in getting bogus/faked appointment without due process of recruitment.
 - b) Inflicted huge financial losses to the Govt: Treasury receiving pay are result of bogus appointment.
 - c) By snatching established rights of the deserving candidates due for appointment on merit. Cheating/canceling the facts for un lawful appointment with coordination of then EDO.
- 3) As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty of dismissal from services under rule 4 of the said rules.
- 4) You, are thereof, required to Show Cause as to why the aforesaid penalty should not be imposed upon you & also intimate where you desire to be heard in person.
- 5) If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defiance to put in and in that case an ex-party action shall be taken against you.
- 6) A copy of the finding inquiry committee related page is enclosed.

Attested

Muhammad Aslam
30/09/14
Distt. Courts Mansehra

COMPETENT AUTHORITY


District Education Officer
(Female) Mansehra

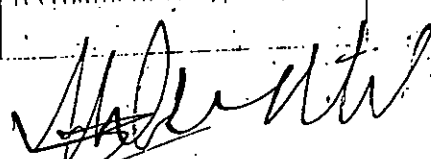
Annex-D

26

of the DSC was not made and the same were, however, Manshra after frequent requests

The following irregularities have been found in the appointments of Qarias.

NAME & NUMBER	PLACE OF POSTING	Facts	Remarks
Bashra Fida D/O Mussain	GGHS Hassa	Sanad Hiz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Abida D/O Muhammad Khan	GGHS Jabori	Sanad Hiz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi Fida D/O Mussain	GGHS Doga	Sanad Hiz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi D/O Mussain	GGHS Dyaryal	Sanad Hiz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
M D/O Mussain	GGHS Muradpur	Sanad Hiz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
D/O Ali	GGHS Afzal Abad	Sanad Hiz ul Quran from wafaq but Sanad Qirrat is not from recognized institution	The appointment is not valid and is against the recruitment rule/policy
Bibi Sayda Sajida D/O Mussain	GGHS Thalhi Khurd	Sanad Hiz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi D/O Mussain	GGHS Lashan Nawab	No Sanad Sanad Hiz ul Quran and No Sanad Qirrat	The appointment is not valid and is against the recruitment rule/policy
Maryum D/O Mussain	GGHS Pairan	Sanad Hiz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Shah D/O Mussain	GGHS Ogbi	Sanad Hiz ul Quran is from recognized institution but Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi Fida D/O Mussain	GGHS Danda Kholian	Sanad Hiz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi D/O Mussain	GGHS Sangar	Sanad Hiz ul Quran is from recognized institution but Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy

Attested

 Muhammad Arshad Khan Tangi
 Advocate
 Distt: Courts Abbottabad

To,

**The District Education Officer (Female),
Mansehra.**

27

Subject: **REPLY OF SHOW CAUSE NOTICE.**

Respected Madam,

Please refer your show cause notice issued under No. 7726/Establishment/2014 dated 29-09-2014 received on 23-10-2014.

The detail reply is as under: -

1.
 - a). I was appointed vide order No. 893-992/Estt: (F) Apptt: Qaria (F) 2012 dated 16-06-2012 as Qaria Teacher (Female).
 - b). My appointment was made on merit by the competent Authority with the approval of the Department of Selection Committee after due proper process of recruitment under rules i.e. proper advertisement, prescribed ETEA Test, interview and scrutiny of documents.
 - c). I have neither served any appeal nor contacted any Office/Officer for the purpose.
2. My academic and other qualification is as under:
 - a. M.A (Islamiyat) First Division from Hazara University.
 - b. B.A Third Division from Peshawar University.
 - c. F.A Second Division from BISE Abbottabad.
 - d. Matric Second Division from BISE Abbottabad.
 - e. C.T First Division from AIOU Islamabad.
 - f. Shahadat Hifz ul Quran.
 - g. Sanad ul Tajweed ul Quran.

The last two exams were passed from Jamea tul Usmania affiliated and registered with Wifaq ul Midaris Pakistan (copies enclosed).

The prescribed qualification for the post is Matric with Hifz ul Quran and Sanad Quirat. My Qualification is much more higher then prescribed qualification of the post of and I have also qualified the ETEA Test and Interview with high marks. My Appointment is not faked / bogus.

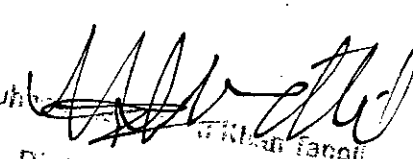
It is therefore, requested that in light of above mentioned facts I may kindly be exonerated from the charges leveled against me. I will remain very thankful to you.

Ends: Attested copies of Documents.

Yours obediently,


**Bibi Syeda Salma,
D/O Syed Fida Hussain Shah,**

Qaria Teacher,
Govt. Girls High School Thathi Khurd,
District Mansehra.

Attested

Muh...
Advocate
Distt: Abbottabad



Annex E

P-28

Annex J

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

- 1:- Where as Mst: Bibi Sajeda Sana D/O Fida Hussain working as Code GGHS/GGMS/GGP Thalwala Khurd was served with show cause notice and was proceeded under the Khyber Pukhtunkhwa Govt: Servants (Efficiency and Disciplinary) Revised Rules 2011 for the charges mentioned in her Show-Cause Notice.
- 2:- And where as the inquiry committee comprising the following officers conducted an inquiry regarding the illegal appointments in the office of Ex- Executive District Officer Elementary and Secondary Education Mansehra.
 - i) Syed hidayat Jan, (PCS SG B-20) Agricultural Department Khyber Pukhtunkhwa, Peshawar (Now Secretary Zakat, Usher and Social Welfare Department)
 - ii) Mr. Akhalhaq Baig, Principal BS-20 RITE Male Haripur.
- 3:- And where as the inquiry Committee after having examined the record pointed out that you were appointed illegally and against the recruitment rules and policy.
- 4:- And where as District Education Officer (Female) in the capacity of competent Authority, after having considered the charges, evidence on record, recommendation of report of the inquiry committee and replies in response to Show Cause Notices, is of the view that the charges against you have been proved.
- 5:- Now, therefore, in exercise of the powers conferred under Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Revised Rules 2011 the District Education Officer (Female) Mansehra, in the capacity of competent Authority is pleased to impose major penalty of "DISMISSAL" from Govt: Services upon Mst. Bibi Sajeda Sana D/O Fida Hussain CL/PET/FT Class 1 GGHS/GGM GGPS Thalwala Khurd.

(Signature)

DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

Endst: No. 1746-55 /AE- J /Estab: dated 03/03 /2015.

Copy to the:-

1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhawa, Peshawar.
2. Director Elementary and Secondary Education Khyber Pakhtunkhawa, Peshawar.
3. District Accounts Officer Mansehra.
4. District Monitoring Officer Mansehra.
5. Deputy Commissioner Mansehra.
6. Principal/Headmistress _____
7. SDEO(F) Mansehra.
8. Budget and Accounts Officer Local Office.
9. Mst: _____
10. Office File.

Attached
(Signature)
District Education Officer
Female Mansehra

(Signature)

DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

P-29

Dated 10.03.2015

To,

Annex F
The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

Subject: - **DEPARTMENTAL REPRESENTATION/APEAL**

Respected Sir,

It is submitted in your honour that I had been appointed Qaria Teacher vide DEO(&ESE) Mansehra order No. 893-942/Estt Qaria(F)/2012 dated 16.06.2012. (**Annexure "A"**).

The said vacancy had been advertised in a local daily "AAJ", Abbottabad dated 20.05.2011. (**Annexure "B"**). I applied for the said post and took ETEA test vide Roll No. 331, serial No. 9 dated 22.06.2011 and passed the same and was also called for interview.

After aforementioned formalities, I was appointed Qaria Teacher BPS-09 at GGHS, Thathi Khurd, Mansehra against the available vacant post.

I joined duty at GGHS on 23.06.2012 and have been serving there 06.03.2015.

On 23.10.2014 I was served a show cause notice by DEO(Female) Mansehra vide No. 7726/ Establishment/2014 dated 29.09.2014 alongwith enclosure alleging therein that my recruitment was made without due process of recruitment etc (**Annexure "C"**) while as per enclosure "**Sanad Hizul Quran & Sanad Qirat is not from recognized institution**", hence appointment is not valid and is against the recruitment rule/policy. (**Annexure "D"**).

The undersigned submitted her reply (**Annexure "E"**) alongwith the documentary proof that I was inducted after due process and my sanads were issued by "**Madrassa Jamia Usmania Village Utman Abad, Tehsil Hassan Abdal, District Attock**", which is recognized by Wafaqal Madaris Al Arabia, Pakistan, Multan vide registration No. 06-03-02449. (**Copies of sanads and affiliation are enclosed as Annexure "F", "G", "H" & "I"**).

The DEO Mansehra, without due consideration to the above facts and without personal hearing dismissed the undersigned from service vide notification No. 1746-55/AE-J/Est, dated 03.03.2015. (**Annexure "J"**).

Since my degrees are original and I possess much higher education than the prescribed qualification and the institute is recognized by Wafaqul Madaris, Pakistan. Moreover I had been posted after observing due process by the department.

It is, therefore, requested that I may kindly be re-instated into service after revoking the whimsical and unlawful order of DEO(Female) Mansehra.

Thanking you in anticipation.

Sincerely yours



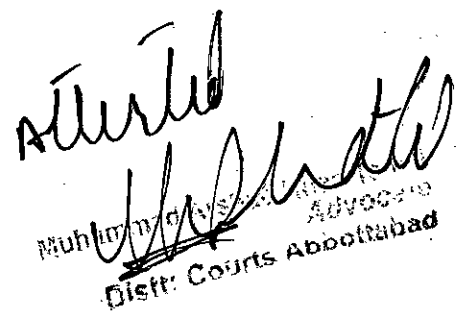
Bibi Syeda Salma
Ex-Qaria Teacher,
GGHS Thathi Khurd
Mansehra

Address: -

Bibi Syeda Salma
r/o Mohallah Banda Lal Khan,
Near Taha Masjid Dab No. 1,
Tehsil and District Mansehra
Cell#0333-5023265

Copy for information to: -

- 1) The P.S. to Secretary, E&SE, K.P.K. Peshawar
- 2) The EDO (Female) Mansehra



Muhammad...
Advocate
Distt: Courts Abbottabad

6

Meit List of Applicants for TAT-II (Applied for Qaria) District Mansehra

sr	Roll No	Name	Father Name	Post Applied for	Address	D/O BIRTH	DATE OF DEC. OF RESULT	ETEA Marks	Academic											T/Per	Remarks								
									ETEA MARKS		SSC			FA/FSC			BA/BSC					MA/MSC							
									Tot	Plage	Obt	Tot	Plage	Obt	Tot	Plage	Obt	Tot	Plage			Obt	Tot	Plage					
23	81	TAHIRA NIAZ	NIAZ MOHD	QARIA	ICHRIAN MANSEHRA	12/10/1985	09/11/2004	132	300	17.6	361	850	6.371	0	0	0	0	0	0	0	0	0	0	0	0	0	23.97		
24	275	GHAZALA JAVED	MOHAMMAD JAVEED	QARIA	MANSEHRA	17/05/1984		124	300	16.53333	421	850	7.429															23.98	
25	698	SAIQA TABASUM	SAID ALAM	QARIA	GABDIAN MANSEHRA	02/02/1977	28/03/1998	120	300	16	428	850	7.518	0	0	0	0	0	0	0	0	0	0	0	0	0	23.52		

Pa. A. D-o Baital (F)

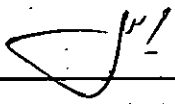
DO (Female) IE & S Edu. Mansehra

Attended
Abdullah

7/10 A.D-o Baital (F)

کورٹ فیس
قیمتی

وکالت نامہ

بعدالت ۱۲/۱۲/۲۰۱۵ سے روپوں کے لئے
عنوان: بنام گورنمنٹ آف پاکستان
منجانب: ایئر سروسز
نوعیت مقدمہ: 

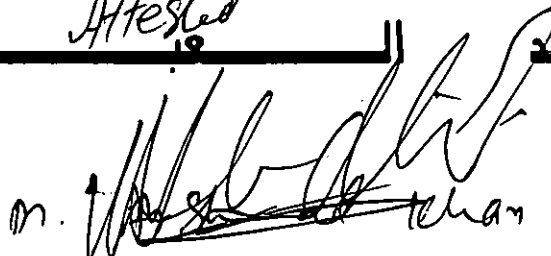
باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آل مقام
محرمات سرمان سہیلی اور دست جوائی کرت رہا مہار
کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب
موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء
وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار
بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول
ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔
نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف
پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف
مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناش بصینہ مفلسی کے دائرہ کرنے اور اس کی
پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔
لہذا وکالت نامہ تحریر کر دیا تاکہ سند ہے۔

المقوم:

بمقام:

Attested


M. Iqbal Khan Tanohi
Adv High Court Ald

کی سلسلی
Salmu

(1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL

CAMP COURT ABBOTTABAD.

Appeal No 758/2015

Mst: Bibi Salma , D/O Fida Hussain, Qaria, GGHS Thathi Khurd R/O Mangloor, Tehsil & District
Mansehra**APPELLANT**

Versus

1. Govt of Khyber Pakhtun Khawa, through Secretary Elementary and Secondary Education,
Peshawar and others.
2. Director Elementary and Secondary Education, Govt. of Khyber Pakhtun Khawa; Peshawar.
3. District Education Officer (Female) District Mansehra.

.....**RESPONDENTS.**

Written reply on behalf of Respondents 1 to 3.

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is time-barred and not entertain able.
4. That the appellant has not come to this tribunal with cleans hands.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appeal is based on false and mala fide hence deserves dismissal.
7. That the appellant has suppressed the original facts from this Honorable Service Tribunal,
hence not entitled for any relief & the appeal is liable to be dismissed.
8. That the competent authority has dismissed the appellant in accordance with law / rules.
Thereafter the appellant preferred an appeal against the said order before the appellate
authority i-e Director E & SE KPK, who has converted the penalty of "Dismissal to removal"

- 9. The appointment of the appellant was illegal ab initio And against the law and rules, hence the authority has conducted the inquiry against the then appointing officer i-e EDO, E & SE, appointed to present appellant in which it was found that the appointed to present appellant along with the number of other teachers were made against the rules / law and the then EDO, E & SE Mansehra namely Ommer Khan Kundi was removed from Service, by the competent authority i-e chief Minister KPK under E & D rules 2011. **(Copy is attached)**
- 10. That the appeal is barred by law, hence liable to be dismissed.

FACTUAL OBJECTIONS:

- 1) Para No.1 is correct to the extent that respondent No.3 announced the post of Qaria in daily "The AAJ" dated 20-5-2011, while rest of the Para is incorrect.
- 2) Para No.2 is subject to proof.
- 3) Para No.3 is incorrect. The appellant was appointed as Qaria in the Education Department through illegal appointment order dated 16-06-2012.
- 4) Para No.4 is incorrect, hence denied.
- 5) Para No.5 is correct.
- 6) Para No.6 is correct to the extent that the respondent No.3 issued show cause notice to the appellant on the bases of inquiry conducted at high level, in the light of same inquiry the respondent No.3 was directed by the competent authority through letter No. SO(S/M) E&SE D/4-17/2013/ Umar Khan EDO BS-19 Dated Peshawar the August 25, 2014, that further action may be taken in the light of the finding of the inquiry committee after issuance of Show cause notice to the female teachers who were illegally appointed.

(Annexure A)

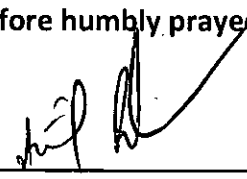
- 7) Para No.7 is incorrect as composed the competent authority was not satisfied with the reply of the appellant.
- 8) Para No.8 is incorrect. The respondent No.3 issued Show cause notice to the appellant after completion of high level inquiry, as stated in Para No.6 opportunity of personal hearing was given to the appellant which was not availed. Dismissal of the appellant was in accordance with the law / rules.
- 9) Para No. 9 is incorrect. The appellant did not file any appeal to the appellate authority against her dismissal order.

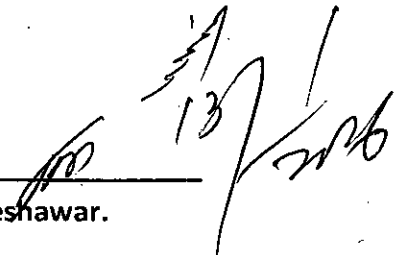
GROUNDS:-

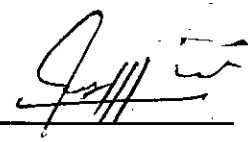
- a. Para No. a & b is incorrect, the appointment was not made in accordance with law due to which the dismissal order was issued.
- c. Para No. c is incorrect. In fact the appointment of the appellant was not made in accordance with law; hence the authority has dismissed the appellant after inquiry.
- d. Para No. d is correct to the extent of removal of Ummer Khan Kundi the then EDO rest of the Para is incorrect, hence denied.
- e. Para No. e is incorrect. The entire allegations leveled against the appellant have been proved by the enquiry committee and appellate authority.
- f. Para No. f is incorrect. All the coddle formalities have been fulfilled at the time of dismissal of appellant.
- g. Para No. g is incorrect, hence denied.
- h. Para No. h is correct to the extent of removal of Ummer Khan Kundi the then EDO by the Competent authority however the appellant was dismissed after fulfilling all the codal formalities.
- i. Legal, may be treated as per law.

Prayers:

It is therefore humbly prayed that the instant appeal may kindly be dismissed.

Respondent No. 1 
 Director E&SE, KPK, Peshawar.

Respondent No. 2 
 Secretary E&SE, KPK, Peshawar.

Respondent No. 3 
 District Education Officer
 (Female) Mansehra.

AFFIDAVIT

I, Mr. Sakinullah, ADEO(Litigation), District Education Officer (F) Mansehra, do, hereby solemnly affirm and declared that the contents of reply in the instant Appeal No.758-A/2015 titled case MST: Bibi Salma Qaria Versus Education are correct and true to the best of my knowledge and record and I have concealed nothing as material facts before this Honorable Court.



DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL, CAMP COURT ABBOTTABAD

(5)

Mst: Bibi Salma , Qaria,APPELLANT

VERSUS

Govt. of Khyber Pakhtun Khawa, through Secretary Education,
Peshawar etc.....Respondents

SERVICE APPEAL

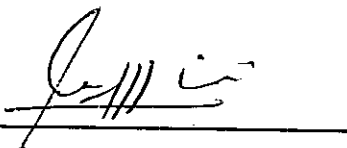
**REAPPLICATION IN RESPECT OF SUSPENSION OF OPORTION OF IMPUGNED
ORDER DATED 03-03-2015.**

RESPECTFULLY SHEWETH:

1. The replication may please be considered as integral part of-written reply.
2. Para no. 2 is incorrect, hence denied.
3. Para no. 3 in incorrect, hence denied.
4. Para.No. 4 is incorrect. The applicant was not entitled for the said post.
5. Para No. 5 is incorrect, hence denied. The appointment of the applicant was against the prescribed rules / policy.
6. The ingredients of suspension are not fulfilled. The dismissal of the appellant was made in accordance with the law by the competent authority.

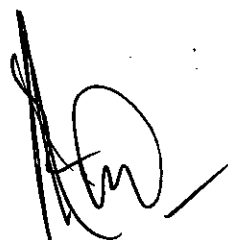
It is therefore most humbly prayed that the application may graciously be dismissed with cost:

Respondent No. 1 to 3 through
District Education Officer
(Female) Mansehra.



AFFIDAVIT

I, Mr. Sakinullah, ADEO (Litigation), District Education Officer (F) Mansehra, do, hereby solemnly affirm and declared that the contents of replication in the instant Appeal No.758-A/2015 titled case Mst: Bibi Salma, Qaria Versus Education are correct and true to the best of my knowledge and belief and I have concealed nothing as material facts before this Honorable Court.



DEPONENT



(7)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

Dated Peshawar the February 27, 2014

NOTIFICATION

NO.SO(S/M)E&SED/4-17/2013/Umar Khan DEO:

WHEREAS Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

2. **AND WHEREAS** inquiry committee was constituted comprising the following officers to conduct formal inquiry against the accused officer, for the charges leveled against him in accordance with the rules.

- i. Syed Hidayat Jan, (PCS SG BS-20), Special Secretary, Agricultural Department, Khyber Pakhtunkhwa Peshawar (now Secretary Zakat, Usher, and Social Welfare Department.
- ii. Mr. Khallaq Baig Principal BS-20, RITE Male Haripur

3. **AND WHEREAS** the Inquiry committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. **AND WHEREAS** a show cause notice was served upon Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) dated 25-12-2013 circulated to him on 01-01-2014.

5. **AND WHEREAS** the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) after having considered the charges and evidence on record, inquiry report, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him by Secretary Establishment Khyber Pakhtunkhwa on behalf of Chief Minister Khyber Pakhtunkhwa on 14-02-2014 at 1100 hours, is of the view that the charges against the accused officer have been proved.

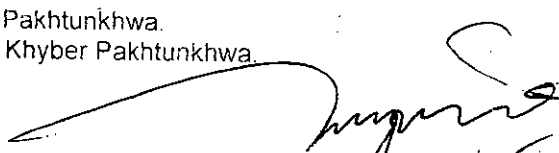
6. **NOW, THEREFORE**, in exercise of the powers conferred under section 14. of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "**Removal from service**" upon Mr. Umar Khan Ex-Executive District Officer (BS-19), E&SE/ District Education Officer Male Mansehra (now District Education Officer Male Karak) with immediate effect.

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PSO to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4- District Education Officer (Male), Mansehra/ Karak.
- 5- Mr. Umar Khan District Education Officer Male (BS-19) District Karak.
- 6- District Accounts Officer Mansehra/ Karak.
- 7- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 8- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 9- PS to Special Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 10- Office order file.


(MUJEEB-UR-REHMAN),
SECTION OFFICER (SCHOOLS/MALE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

A

No.SO(S/M) E&SED/4-17/2013/Umar Khan EDO BS-19
Dated Peshawar the August 25, 2014

(8)

To.

- i. The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
- ii. District Education Officer (Female)
Mansehra.

Mastering/Supdt.
Please examine the case &
put up the report.
DEO

Subject: - ENQUIRY REGARDING APPOINTMENT/ GUIDANCE.

I am directed to refer to your letter No.3076 dated 16-07-2014 on the subject noted above and to forward herewith a copy of inquiry report conducted by inquiry committee comprising the following officers.

- i. Syed Hidayat Jan, (PCS SG BS-20) Ex-Special Secretary Agriculture Department
Khyber Pakhtunkhwa Peshawar.
- ii. Mr. Khalaq Baig, Principal (BS-20) RITE Male Haripur.

2. It is requested that further action may be taken in the light of findings of the inquiry committee after issuance of show cause notices to the female teachers who were illegally appointed.

Encl: As Above:

Mujeeb-ur-Rehman
(MUJEEB-UR-REHMAN)
SECTION OFFICER (SCHOOLS/MALE)

available from office of the District Officer (Female) Mansehra and the same were, however obtained through Fax from office of the DO (M) Mansehra after frequent request (Annex-XL).

41. The following irregularities have been found in the appointments of Qarias. (11)

Sl. No.	NAME & FATHER NAMES	PLACE OF POSTING	Facts	Remarks
	Bibi Bushra D/O Fida Hussain	GGHS Hassa	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Shazia D/O Mohammad Afzal Khan	GGHS Jabori	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Fatima Bibi D/O Fida Hussain	GGHS Doga	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Farihat Bibi D/O M. Hamayun	GGHS Dyaryal	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Munazza D/O M Hamayun	GGHS Muradpur	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Madeeha Bibi D/O Ali Khan	GGHS Afzal Abad	Sanad Hifz ul Quran from wafaq but Sanad Qirrat is not from recognized institution	The appointment is not valid and is against the recruitment rule/policy
	Bibi Sayda Salama D/O Fida Hussain	GGHS Thathi Khurd	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Asmut Bibi D/O Abdul Rehman	GGHS Lassan Nawab	No Sanad Sanad Hifz ul Quran and No Sanad Qirrat	The appointment is not valid and is against the recruitment rule/policy
	Bibi Maryum D/O Fida Hussain	GGHS Pairan	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Sammiya Rehim Shah	GGHS Oghi	Sanad Hifz ul Quran is from recognized institution but Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Saima Bibi D/O Fida Hussain	GGHS Danda Kholian	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
	Alyia Bibi D/O Ali Khan	GGHS Sangar	Sanad Hifz ul Quran is from recognized institution but Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy

[Handwritten signatures and marks]

INTRODUCTION:

DURING THE YEAR 2012 AND 13 IN OFFICE OF THE ÉDO, ELEMENTARY AND SECONDARY EDUCATION, DISTRICT MANSEHRA APPOINTMENTS OF FEMALE TEACHERS IN VARIOUS CADRES WERE CARRIED OUT PURSUANT TO AN ADVERTISEMENT PUBLISHED IN DAILY AAJ DATED: 20-05-2011, WHEREIN CERTAIN IRREGULARITIES/ILLEGALITIES IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE WERE NOTED, THEREBY RESULTING IN BREACH OF MERIT/ILLEGAL PRACTICE AND IGNORING THE RIGHTFUL CANDIDATES.

1. The Competent Authority has constituted the enquiry committee, comprising the following officers vide Notification No: SO(S/M)S&SED/4-17/2013 to conduct formal enquiry against Mr. Umar Khan Ex-EDO (E & SE) (BS-19) Mansehra now DEO(M) Haripur and Miss. Shamim Akhtar Deputy DO (E & SE) Mansehra (BS-18) and others for the charges mentioned in the charge sheet and statement of allegations(**Annex-A**)

SAYED HIDAYAT JAN (PCS SG BS-20), Special Secretary, Agriculture Department, Khyber Pakhtunkhwa, Peshawar.

MUHAMMAD KHALAQ BAIG, Principal (BS-20) R.I.T.E (M), Haripur.

2. Both the accused officers i.e. Mr. Umar Khan, Ex-DEO (E & SE), Mansehra and Miss. Shamim Akhtar, Deputy District Officer(E & SE), Mansehra have been charge sheeted as under:

- a. The accused Mr. Umar Khan Ex-DEO (M) (E & SE) Mansehra presently posted as DEO(M) Haripur

- i. That while posted as DEO (M) Mansehra (BS-19) committed the following irregularity (**Annex-I**)

MADE ILLEGAL APPOINTMENTS OF CT, DM, PET, AT, QARIAS AND PSTS (FEMALE) DURING THE YEAR 2012 AND 2013 IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE IN DISTRICT MANSEHRA.

- b. Mst. Shamim Akhtar Deputy District Officer (BS-18) Female (E & SE), Mansehra

- i. That while posted as Deputy District Officer (BS-18) (Female) (E & SE), Mansehra, committed the following irregularity (**Annex-II**)

MADE ILLEGAL APPOINTMENTS OF CT, DM, PET, AT, QARIAS AND PSTS (FEMALE) DURING THE YEAR 2012 AND 2013 IN VIOLATION OF RULES AND PRESCRIBED PROCEDURE IN DISTRICT MANSEHRA.

3. **Venue of Enquiry:**

The enquiry was conducted in the office of Dy. DEO (Female) Mansehra.

1. **PROCEEDINGS:**

- i. The committee informed both the accused officers vide No. PS/SSA/Enquiry /2013 Dated 16/7/2013. The District Accounts Officer Mansehra was also asked to provide copies of appointment orders of the teachers quoted in subject enquiry (**Annex-III**)

Copies of Charge sheets and Statements of allegations which were already sent to the other officers by the Department were re-submitted to them with the directions to submit their replies in the stipulated time.

The committee visited the office of DEO (Female) Mansehra on 01/8/2013 to conduct enquiry. Mr Umar Khan Ex EDO (E & SE) Mansehra and Miss Shamim Akhtar Dy. DEO (female) Manshera were present alongwith their staff and attended the enquiry proceedings (**Annex-IV**)

[Signature]

[Signature]

8. The Present DEO (M) and Dy. DEO (F) Mansehra were asked to provide all the record /files and other related record mentioned in the letter to the committee on the day of enquiry vide. No: SS (AD) Enquiry/2013 Dated 01/08/2013 **(Annex-V)**.

9. The enquiry proceedings continued on daily basis w.e.f 01-08-2013 and on the very second day, one of the accused Mr. Umar Khan, insisted on his designation as recorded in his reply to the Charge sheet/statement of allegations submitted to the committee, claiming that he had not served as DEO (Male) Mansehra during the year 2012 rather he had served as EDO(E & SE)Mansehra. Despite persuasion by the committee regarding factual position of the designation as contained in the Education Department Notification No: SO(S/M E&SED/3-2/2012/Management Cadre dated: 28-12-2012, he was still adamant not to change his stance. **(Annex-V (A))**.

On account of this, the committee immediately informed and requested the Administrative Department for rectification of the designation of the accused as contained in the charge sheet/statement of allegation vide letter No: SS (AD) Enquiry/2013 dated: 02-08-2013 and subsequent reminder of even number dated: 17-08-2013 **(Annex-V(B-C))** viz a viz reminder to the department from the Chief Minster Secretariat, vide No: SO-1/CMS/KPK/3-1/2013/3514 dated: 27-08-2013 **(Annex-V (D))**.

The proceedings remained continued until the same were adjourned due to falling of Eid-Ul-Fitr Holidays, Independence day, coupled with appearance in the PHC by Chairman of the enquiry committee in an official case and proceedings on leave by most of the concerned staff of the office of DEO(F), Mansehra as well. The same were, however, resumed w.e.f 16-08-2013, and since action on rectification of designation of the accused couldn't be communicated to the committee, therefore, the Administrative Department was again reminded for early needful as well as granting an extension of two weeks vide letter No: SS (AD) Enquiry/2013 dated: 27-08-2013 **(Annex-V (E))**.

The Education Department vide their letter No: SO(S/M)E&SED/4-17/2013/Umer Khan dated: 02-Sept. 2013 intimated that a summary for rectification of the designation of the accused in the charge sheet /statement of allegation was moved to the Chief Minister, Khyber Pakhtunkhwa/Competent Authority. Similarly an extension for further two weeks w.e.f 27-08-2013 was also allowed vide letter quoted ibid **(Annex-V (F))**.

FACTS

REPLIES TO THE CHARGE SHEET:

REPLY OF MR UMER KHAN TO THE CHARGE SHEET:

10. Mr. Umar Khan EX- EDO E&SE Mansehra in his reply of charge sheet sent to the committee through registered cover vide NO:7475-76 Dated 27/07/2013 *has taken the stand that he had not served as DEO (M) BS-19 Mansehra during the period 2012 but worked as EDO E&S BS-19 Mansehra w.e.f.01/03/2011/to 31/12/2012*. He added that in the charge sheet it has been recorded that he while posted as DEO(M) BS-19 Mansehra committed the irregularities of making illegal appointments of female teachers during the year 2012& 2013 in violations of rules and prescribed procedure in District Mansehra whereas he had not worked as DEO Male Mansehra during the said period. He further added that he was neither an authority for appointments for female side nor made even a single appointment of female teacher in capacity of posting as District Education Officer BS-19 (M) Mansehra and hence question of making illegal appointments of CT,DM,PET,AT,QARI, PST(Female) during the year 2012 and 2013 in violation of rules and prescribed procedure does not arise. He requested for the exemption from the charges and with-drawl of charge sheet from him **(Annex-VI)**.