

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 requested for adjournment to submitted rejoinder. To come up for rejoinder and final hearing on 17.01.2017 before D.B at camp court, Abbottabad .

  
Member

  
Chairman  
Camp court. A/Abad

17.01.2017

Counsel for the appellant and Mr. Muhammad Siddique, Senior Government Pleader alongwith Mr. Muhammad Usman Senior Clerk for the respondents present. Arguments heard. Record perused.

Vide our detailed judgment of to-day placed in connected. service appeal No. 744/2015 titled "Shahida Bibi Versus Government of Khyber Pakhtunkhwa through Secretary, E&SE Peshawar and others", we accept the instant appeal also as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman

Camp court, A/Abad,  
17.01.17

ANNOUNCED  
17.01.2017

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 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.

Appellant Deposited  
Security & Process Fee



  
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.

Form- A  
FORM OF ORDER SHEET

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

Case No. 776/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08.07.2015	<p style="text-align: center;">The appeal of Mst. Bibi Nageena 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 style="text-align: center;">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. 778/2015

Mst Bibi Nageena D/O Abdur Rasheed (AT GGMS Chambyal)  
R/O 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"	12-13
4	Copy of appointment order and corrigendum	"C"	14-16
5	Copy of Show cause notice and one page of inquiry of the then EDO	"D"	17-18
6	Copy of impugned dismissal order of appellant	"E"	19
7	Copy of departmental appeal /representation	"F"	20-26
8	Copy of merit list	"G"	
9	Wakalatnama		

Dated: 7/7/2015

Appellant

Through

  
**Muhammad Arshad Khan Tanoli**

Advocate, High Court  
Abbottabad

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

Appeal no. 776/2015

Mst Bibi Nageena D/O Abdur Rasheed (AT GGMS Chambyal)  
R/O Tehsil & District Mansehra

.....Appellant

VERSUS

A.W.F. Province  
Service Tribunal  
Diary No. 805  
Dated 8-7-15

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**

Respectfully Sheweth,

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

1. That, respondent No 3 announced the posts of AT in Dailly "The Aaj" dated 20/5/2011 for appointment of AT. The Appellant fulfills the entire criteria which sine qou non for appointment for the post of AT. 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

Filed to-day  
Registrar  
8/7/15

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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 AT in respondents' Department on the basis of merits and was posted in GGHS Kothri vide appointment order endrst No 4399-409/ ESTT AT (F) APPTT; (f) 2012 Dated 23/7/2012. 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. 23.7.2012 onwards.
5. That, the appellant was though dismissed from service by the respondent's department endrs. No 2471-80/AE-J/ESTB on 14.3.2015.
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

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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 AT and appeared in ETTA Test 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 2471-80/AE-J/ESTB dated 14.3.2015. Copy of

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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 17.3.2015. 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:-

### GROUNDS

- a. That, the appellant fulfilled the criteria of appointment as AT being qualified. The appellant was appointment on merit on the recommendation of Departmental Selection Committee. 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 AT according to the laid down procedure and criteria mentioned in the advertisement published by



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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 AT 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 AT . 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

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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 AT 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.

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

It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order endrst. No 2471-80/AE-J/ESTB dated 14.3.2015 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: 7/7/2015

  
Appellant

Through

  
**Muhammad Arshad Khan Tanoli**  
Advocate, High Court  
Abbottabad

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

Mst Bibi Nageena D/O Abdur Rasheed (AT GGMS Chambyal)  
R/O 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 2471-**  
**80/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

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- 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 14.03.2015 may graciously be suspended and status quo may also be granted till final decision of the main appeal.

Dated: 7/5/2015

  
Appellant

Through

  
**Muhammad Arshad Khan Tanoli**  
Advocate, High Court  
Abbottabad

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

Mst Bibi Nageena D/O Abdur Rasheed (AT GGMS Chambyal)  
R/O 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

**AFFIDAVIT**

I Mst Bibi Nageena D/O Abdur Rasheed (AT GGMS Chambyal)  
R/O 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



31080038090

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

020169



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
وَالصَّلَاةُ وَالسَّلَامُ عَلَى خَاتَمِ الْأَنْبِيَاءِ وَالْمُرْسَلِينَ، وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ. فَإِنَّ رِثَاةَ  
وَفَاقِ الْمَدَارِسِ الْعَرَبِيَّةِ بِبَاكِسْتَانِ، تَشْهَدُ بِأَنَّ الطَّالِبَةَ بِنْتِ بِنْتِ نَكِيئَةَ ..... بِنْتِ عَبْدِ الرَّشِيدِ ..... مِنْ مَانَسَهْرَه  
الْمَوْلُودَةِ فِي عَامِ 10-10-1989ء. قَدْ أَتَمَّتِ الدِّرَاسَةَ النَّهَائِيَّةَ فِي جَامِعَةِ زَيْنِبِ لِلبِنَاتِ ..... وَنَجَحَتْ فِي الْأَمْتِحَانِ النَّهَائِيِّ الْمُنْتَقَدِ  
تَحْتَ إشرَافِ وَفَاقِ الْمَدَارِسِ الْعَرَبِيَّةِ بِبَاكِسْتَانِ فِي رَجَبِ ١٣٣١ هـ بِتَقْدِيرِ جَيْدِ جَدَا ..... وَبِنَاءِ عَلَى ذَلِكَ اسْتَحَقَّتِ الشَّهَادَةَ،  
وَرِئِيسِ الْوَفَاقِ إِذِ مَنَحَهَا هَذِهِ الشَّهَادَةَ، يُوصِيهَا بِتَقْوَى اللَّهِ تَعَالَى وَيَسْأَلُ اللَّهَ عِزَّ وَجَلَّ أَنْ يَسْلِكَ بِهَا سَبِيلَ الْعَالَمَاتِ الْعَامِلَاتِ.



الحمد لله رب العالمين. والصلاة والسلام على خاتم الانبياء والمرسلين، وعلى آلِهِ وَصَحْبِهِ أَجْمَعِينَ. فَإِنَّ رِثَاةَ  
وَفَاقِ الْمَدَارِسِ الْعَرَبِيَّةِ بِبَاكِسْتَانِ، تَشْهَدُ بِأَنَّ الطَّالِبَةَ بِنْتِ بِنْتِ نَكِيئَةَ ..... بِنْتِ عَبْدِ الرَّشِيدِ ..... مِنْ مَانَسَهْرَه  
الْمَوْلُودَةِ فِي عَامِ 10-10-1989ء. قَدْ أَتَمَّتِ الدِّرَاسَةَ النَّهَائِيَّةَ فِي جَامِعَةِ زَيْنِبِ لِلبِنَاتِ ..... وَنَجَحَتْ فِي الْأَمْتِحَانِ النَّهَائِيِّ الْمُنْتَقَدِ  
تَحْتَ إشرَافِ وَفَاقِ الْمَدَارِسِ الْعَرَبِيَّةِ بِبَاكِسْتَانِ فِي رَجَبِ ١٣٣١ هـ بِتَقْدِيرِ جَيْدِ جَدَا ..... وَبِنَاءِ عَلَى ذَلِكَ اسْتَحَقَّتِ الشَّهَادَةَ،  
وَرِئِيسِ الْوَفَاقِ إِذِ مَنَحَهَا هَذِهِ الشَّهَادَةَ، يُوصِيهَا بِتَقْوَى اللَّهِ تَعَالَى وَيَسْأَلُ اللَّهَ عِزَّ وَجَلَّ أَنْ يَسْلِكَ بِهَا سَبِيلَ الْعَالَمَاتِ الْعَامِلَاتِ.



رئيس اللجنة / (التوقيع)

مسائب

رئيس اللجنة / (التوقيع)

مسائب

رئيس اللجنة / (التوقيع)

مسائب

رقم التسجيل 1428-05-000948

رقم الجلوس 2248

الدرجات 372 / 1-

محل الإصدار: (التوقيع)

التاريخ: 12-08-2010ء. الش





بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

وفاق المدارس لعربية  
باكستان

## كشف الدرجات

امتحان الشهادة العالية في العلوم الإسلامية والعربية (في ك)  
(للبنات) ۱۳۳۰ھ

رقم التسجيل 1428-05-000948 2009 ۶ رقم الجلوس 2344

اسم الطالب في بي نكبه

اسم الوالد عبدالرشيد

المديونية مانسمره تاريخ الميلاد 10-10-1989 ۶

جامعه زينب للبنات مانسمره  
الحاق نمبر 09323 پنجاب چوک

الدرجات	المادة	الدرجات	المادة
65	الفرائض	68	التفسير
44	البلاغه	64	المحدث واصوله
70	الادب العربي	70	الفقه

الدرجة الشرفي ۴- الدرجة الكبرى ۱۰۰- مجموع الدرجات ۲۰۰- الدرجات المحتملة 381

تشهد إدارة وفاق المدارس لعربية أن الطالبة المذكورة أعلاه قد نجحت في امتحان الشهادة العالية

بتقدير جيد جدا  
وَصَلَّى اللهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ وَحَبْلِهِمْ وَرَسَلَهُ

توقيع مراقب الامتحان



الكتب الرئيسية ملتان

التاريخ 21-08-2009 ۶

Annex C<sub>4</sub>

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

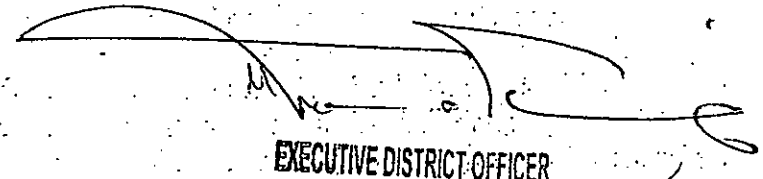
ORDER

P-14

In continuation of this office order No. 710-52 /Estt (F) Apptt AT (F)/2012 Dated Mansehra 14/06/2012 and on the acceptance of the appeal by the competent authority Bibi Nagina S/O Abdul Rashid. R/O Mansehra is hereby appointed as a **AT (Female)** against the vacant post at GGMS Chamiyal in **BPS-15 @ Rs.8500-700-29500** plus usual allowances as admissible under the rule on regular basis under the existing policy of provincial Government on the terms and conditions given below with immediate effect

TERMS & CONDITIONS:

1. His/her appointment are purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. He/she 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 he/she belong.
3. In case He/she failed to assume the charge of his/her post within 15 days of his/her appointment, candidature-ship will be stand automatically cancelled.
4. His/her services are regular but will not be entitled for pension/gratuity & he/she will not contribute any amount towards GP Fund however he/she will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
5. He/she will submit to this office, his/her all testimonial and domicile/UC Certificate from the secretary concerned union councils along-with bank drafts in the name of controller / treasurer of the concerned BISE / University within 7 days after the taking over charge for verification.
6. The release of the pay by the concerned DDOs will be subject to the receipt of verified documents by the appointing authority / (EDO E&SE Mansehra)
7. In case a document or documents is / are found fake or forged or Bogus on such scrutiny or all the verification, the service of the teachers concerned shall be terminated. The whole amount paid to him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.

  
EXECUTIVE DISTRICT OFFICER  
ELEM: & SECY. EDU: MANSEHRA

P-15

8. His/her services are liable to termination on one month prior notice from either side in case of resignation without prior notice; his/her one month pay/allowances if any shall be forfeited to Government Treasury.
9. His/her services can be terminated at any time in case his/her performance is found un-satisfactory; he/she will be proceeded against under the removal from service under E&D Rules 2011.
10. He/she should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
11. He/she may not be handed over the charge if his/her age is above 35 years and below 18 years.
12. The Candidates who are working as regular before 1<sup>st</sup> July 2001 in pervious post, his/her entitled for pension / gratuity etc.
13. No: TA/DA etc is allowed.
14. Charge report should be submitted to all concerned in duplicate.

(DR. AMBAR ALI KHAN)  
DISTRICT COORDINATION OFFICER  
MANSEHRA

Endst: No. 4399-409 /Estt: Apptt: PST//2011-12 Dated Mansehra the 23/7 2012

Copy to the:-

1. Secretary to Govt: of KPK E&SE Department Peshawar.
2. Director E&SE Department KPK Peshawar.
3. District Accounts Officer, Mansehra.
- 4-5. District Officer (M&F) Local Office.
6. PA to District Coordination Officer, Mansehra.
7. Budget & Accounts Officer, local office, Mansehra.
8. Candidates concerned.

  
EXECUTIVE DISTRICT OFFICER  
E&S EDU MANSEHRA

Annex - C.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E & S) EDU: MANSEHRA

P-16

CORRIGENDUM.

In partial modification of this office Endst: No. 4399-409/AE-II(F) dated 23/07/2012 please read GGMS Seki Bala instead of GGMS Chamyal in the interest of public service with immediate effect.

Note:

1. No TA/DA is allowed.
2. Charge Report should be submitted to all concerned.

*sol*  
EXECUTIVE DISTRICT OFFICER  
E&S EDUCATION MANSEHRA.

Endst No 4747-51

Dated 26/7 /2012

Copy of the above is forwarded to the:-

1. District Accounts Officer, Mansehra.
2. District Officer (F) E&SE Mansehra.
3. Headmistress Concerned.
4. Teacher Concerned
5. Office Copy

  
EXECUTIVE DISTRICT OFFICER  
E&S EDUCATION MANSEHRA



Annex 'D' P-17

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

No. 2715 / Establishment/ 2014

Email: deofmansehra@yahoo.com

Dated: 29/19 / 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 Nageena** D/O Abdul Rasheed Govt: Girls Middle School Chamiyal presently at GGMS-Sokal Mansehra Show cause Notice as follows:

- 1) You were appointed as **AT** at GGMS Chamiyal vide defunct Executive District Officer (E&SE) Mansehra Endst: No 4399-409 Dated 23.07.2012 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 will & 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.

~~47~~ 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.

- j) Misconduct and dishonesty in getting bogus/faked appointment without due process of recruitment.
- k) Inflicted huge financial losses to the Govt; Treasury receiving pay are result of bogus appointment.
- l) By snatching established rights of the deserving candidates due for appointment on merit. Cheating/canceling the facts for un lawful appointment with coorandation of then EDO.

~~318~~ 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.

~~49~~ 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.

~~50~~ 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.

~~61~~ A copy of the finding inquiry committee related page is enclosed.

*Naghmana*

COMPETENT AUTHORITY

Received

Abdul Salam Rde  
Sho  
18/10/14





Annex E P-19

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

- 1:- Where as Mst: NAGINA BIBI D/O ABDUL RASHID <sup>working</sup> as AT GGHS/GGMS/GGP Kohy Bala 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: NAGINA BIBI D/O ABDUL RASHID CT/RET/TT AT GGHS/GGM/GGPs Kohy Bala.

*(Signature)*

DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

Order No. 2471-80 /AE- I /Estab: dated 14/03/2015.  
Copy to the:-

- 1. Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
- 2. Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3. District Accounts Officer Mansehra.
- 4. District Incharge Officer Mansehra.
- 5. District Commissioner Mansehra.
- 6. District Headmistress GGMS Bala
- 7. District Office Mansehra.
- 8. District Accounts Officer, Local Office.
- 9. Mst: NAGINA BIBI

*(Signature)*

DISTRICT EDUCATION OFFICER  
FEMALE MANSAEHRA.

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Annex F

To,  
The Director (E&SE)  
Peshawar.

Subject: DEPARTMENTAL APPEAL/ REPRESENTATION.

1. Reference made to dismissal order Endst. No. 2471-80/AE-I/Estab dated 14/03/2015. Copy attached.
2. That the applicant writes to submit as under;-
  - i. That as per advertisement appeared in the daily news paper, the applicant submitted her documents to ETEA authorities for ETEA test.
  - ii. That the applicant passed ETEA test and there after qualified interview for the post of TT & AT.
  - iii. That EDO (E&SE) Mansehra issued appointment order of the applicant purely on the basis of merit vide order Endst. No. 4399-409/Estt(F)Apptt: <sup>AT</sup> PET(F)/2011-12 dated 23/07/2012 and the applicant was posted to Govt. Girls Middle School Chamiyal, against the vacant post of AT.
  - iv. That it is worth mentioning that the appointment order dated 23/07/2012 of the applicant was cancelled vide Endst. No. 610-15 dated



30/11/2012. The said first cancellation order of the applicant was kept secret in the office file by the concerned officials. In the mean while after cancellation of first order, the petitioner was adjusted from Govt. Girls Middle School Sehki Bala to Govt. Girls Middle School Sokal vide Endst. Order No. 2879-82/ESstt(F) dated 02/04/2013. Cop of first cancellation order and thereafter adjustment order dated 02/04/2013 are attached.

- v. That salary of the applicant was stopped in the month of July, 2013, therefore the applicant filed writ petition No. 664-A/2013 before Honourable High Court, Abbottabad bench for release of her salary from 01/07/2013 onwards.
- vi. That during the pendency of writ petition of the applicant before Honourable High Court, Abbottabad bench the then District Education Officer Mansehra issued order Endst. No. 2325-31 dated 02/05/2014 wherein stated that;
- “Whereas on receipt of above mentioned application, service record has thoroughly been scrutinized by under signed which has revealed*

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*that appointment order vide Endst No. 4399-409 dated 23/07/2012 was duly verified by the then EDO (E&SE) Mansehra/ appointing authority as per note 1 of the cancellation order vide Endst No. 610-15 dated 30/11/2012, hence the appointment order dated 23/07/2012 is still intact. Whereas the officials is directed to continue her services against AT(F) posted at GGMS Sokal Mansehra as per adjustment order vide Endst No. 2879-82 dated 02/04/2013.*

*Whereas the salary of official is hereby released”.*

Copy of order dated 02/05/2014 issued by DEO(F) is attached.

- vii. That resultantly, the said order was produced by the learned counsel of the applicant before the Honourable High Court, Abbottabad bench, therefore W.P No. 664-A/2013 was declared by the court as infructuous vide order dated 11/09/2014. Copy of writ petition and order is attached.
- viii. That it is further stated that the applicant's salary was released by the present District Education Officer (F), Mst. Naghmana Sardar vide page 5 of

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service book of the applicant. Photocopy of service book is attached. It is further stated that the applicant was adjusted from GGMS Sokal to GGMS Kotli Bala vide adjustment order No. 444-49/A-E-III(F) dated 13/01/2015. Copy of adjustment order is attached.

- ix. That the applicant is eligible for the post of TT & AT according to the recruitment policy and qualification prescribed for appointment for the said post.
- x. That the applicant is qualified AT having M.A & Shahadat-ul-Almia certificates from the recognized institutions. (Copies of degrees/ certificates are attached).
- xi. That the applicant served in the Education Department from the date of appointment till the date of impugned dismissal order dated 14/03/2015 with complete devotion/ dedication and to the entire satisfaction of her superiors.
- xii. That DEO(F) Mansehra issued impugned dismissal order referred in Para No. 1 above which is

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malafide, against the law, perverse, and void and liable to be set aside on the following grounds:-

GROUNDS:-

- a. That the applicant was recruited according to the prescribed rules as well as on merit on the basis of requisite qualification. Therefore, applicant is entitled to remain in Govt. service as AT.
- b. That District Education (Female) Mansehra dismissed the applicant but some similar employees have not been dismissed by her. Hence dismissal order of the applicant is discriminatory and same is not maintainable at law.
- c. That the DEO(F) (E&SE) Mansehra has made room to accommodate some blue eyed chaps who are in her good books.
- d. That impugned dismissal order is against the law and without lawful justification.

- e. That as per law, DEO(F) was supposed to issue statement of allegations, show case notice, and conduct proper inquiry but the requisite formalities have not been observed. It is further added that the applicant was not afforded opportunities of personal hearing as well as Cross Examining the person who leveled allegations against her. Hence dismissal order is based on hypothesis, surmises and conjectures.
- f. That valuable rights to continuing service in Education Department have been accrued to the applicant and DEO(F) Mansehra does not mention appointment order of the applicant and the impugned dismissal order. Hence impugned dismissal order is illegal and liable to be cancelled.
- g. That District Education Officer (F) being Inquiry Officer is not competent to issue dismissal order of the applicant as per law.

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It is, therefore, prayed that on acceptance of instant departmental appeal, impugned dismissal order dated 14/03/2015 of the applicant may graciously be set aside.

Dated; \_\_\_\_\_/2015

Your's sincerely



(Bibi Nagina)

D/o Abdur Rasheed  
GGMS Kotli Bala,  
District, Mansehra

کورٹ فیس  
قیمتی

# وکالت نامہ

بعدالت KPK سپریم کورٹ

عنوان: طیغی بی بی (عارضی) بنام گورنمنٹ ایلوٹیشن و غیرہ

منجانب: اسپلانٹ

نوعیت مقدمہ: اپیل

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

شہزاد رضا انصاری اور دیگر کے حاکمی کورٹ اور کے

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی 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 کاروائی 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 جز و بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

بمقام:

Attested

M. Arshad Khan Tanoli  
Adv High Court Ald

کی کی گئی ہے

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

**CAMP COURT ABBOTTABAD**

**Appeal No. 776/2015**

Mst: Bibi Nageena , D/O, Abdur Rasheed AT, GGMS Chambyal, R/O Tehsil &

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 Respondent 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 the 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,



- 9. 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)**

**FACTUAL OBJECTIONS:**

- 1) Para No.1 is correct to the extent that respondent No. 3 announced the post of AT in the daily "The AAJ" dated 20-5-2011, while the rest of the Para is incorrect.
- 2) Para No.2 is incorrect. The appellant has submitted the application form No. nil under R. No 180 for the post of TT instead of AT but her name was included in the merit list of AT in hand writing in later stage at S. No 9-A.
- 3) Para No.3 is incorrect. The appellant was appointed as AT out of merit, as mentioned in the finding of the inquiry report.

**( Annexure-A )**

- 4) Para No.4 is incorrect, hence denied.
- 5) Para No.5 is correct.
- 6) Para No.6 is correct to the extent that Respondent No.3 issued show cause notice to the appellant after the finding of inquiry committee and the office of the Worthy Secretary E & SE Department Peshawar has directed the respondent No.3 to take action in the light of finding of the inquiry committee.

**( Annexure-B )**

- 7) Para No.7 is incorrect. The reply of the appellant was not satisfactory for which the dismissal order was issued.
- 8) Para No.8 is incorrect. The appellant was dismissed from service after fulfilling the codal formalities.
- 9) Para No.9 is correct to the extent that the appellant filed Departmental appeal against the respondent NO. 3 but the said appeal was rejected on the following grounds.
  - i. She has submitted application form No. Nil under R. No 180 for the post of T.T instead of A.T but her name was included in the merit list of AT in handwriting in later stage at S. No 9A.

- ii. Appeal may be rejected with the remarks that she was appointed against the post other than the post applied for through addition in the merit list showing her a candidate for the post of T.T instead of A.T. (Annexure-C)

**GROUND:-**

- a. Para No. a is incorrect. The appellant was appointed out of the merit. Erasing overwriting without initials was found in the list of candidates duly approved by the DSC.
- b. Para No. b is incorrect. The appellant was appointed out of laid down procedure and criteria.
- c. Para No. c is incorrect, hence denied, every case has its own circumstances and facts.
- d. Para No. d is incorrect, hence denied.
- e. Para No. e is incorrect. The appellant was dismissed from service after fulfilling the codal formalities.
- f. Para No. f is incorrect, hence denied.
- g. Para No. g is incorrect. The appellant's name does not exist in the merit list.
- h. Para No. h is incorrect. The appellant was removed from service after the finding of high level inquiry committee.
- i. Para No. i is pertaining to law, hence may be treated according to law.

**Prayers:**

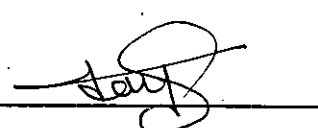
It is therefore humbly prayed that the instant appeal may kindly be dismissed.

Respondent No. 1  \_\_\_\_\_

Secretary E&SE, KPK, Peshawar.

Respondent No.2  \_\_\_\_\_

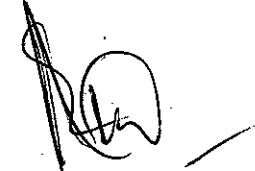
Director E&SE, KPK, Peshawar.

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.776-A/2015 titled case Mst: Bibi Nageena, AT 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

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWR**

Mst: Bibi Nageena, .....APPELLANT

**VERSUS**

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

**SERVICE APPEAL**

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

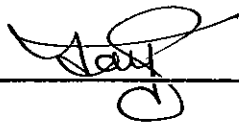
**RESPECTFULLY SHEWETH:**

1. The replication may please be considered as integral part of written reply.
2. Para no. 2 is incorrect.
3. Para no. 3 in incorrect.
4. Para No. 4 is incorrect.

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.776-A/2015 titled case Mst: Bibi Nageena, AT 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



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

Dated Peshawar the February 27, 2014

7

**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)

## INTRODUCTION:

DURING THE YEAR 2012 AND 13 IN OFFICE OF THE EDO, 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**)

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

**[ii] 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.

- i. **PROCEEDINGS:**

The committee informed both the accused officers vide No. PS/SSA/Enquiry /2013 Dated **6/7/2013**. 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 Minister 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)**.

*[Handwritten signature]*



38. The following irregularities have been found in the appointment of Arabic Teachers.

10

S. No	SERIAL NO. IN THE MERIT LIST OF ATs	NAME & FATHER NAMES	APPOINTMENT ORDER NO. AND DATE/PLACE OF POSTING	FACTS	Remarks
	09-A Hand-written fake entry	Bibi / Nageena / D/O Abdul Rasheed / EATA form number nil	Endst No. 4399-409/Estt:(F) apptt:AT/2012 Dated 23.7.2012  Appointed as AT at GGMS Chamial in BPS-15	Her name was inserted at S.No 09-A of the merit list at later stage under the initials of supdt: and EDO E &SE Mansehra. Her application for TT post addressed to the EDO E &SE Mansehra is available on the record and same was marked to the supdt: dated 09.7.2012. The relevant page of the Note sheet is incomplete. DO(F) was neither aware of the appeal nor her signature found on the appeal/file. Certificate of MA Urdu is irrelevant qualification for the post and have been issued after closing date of the advertisement i.e. 6.6.2011. The result of MA (Urdu) was declared on 8.2.2012. Award of weightage of MA was not justified. Photocopies of the academic/professional certificates attached with her application were unattested. Erasing, overwriting without initials was found in the list of candidates duly approved by the DSC. Astonishingly she was appointed as Arabic Teacher whereas she had requested for appointment as Theology Teacher as per her appeal. (Annex-XXIX).	No proper procedure was adopted to decide her appeal. Meeting of DSC was not held to decide upon her appeal. Appointment order was issued by the EDO E&SE Mansehra without approval of DSC through working paper. The appointment is illegal and in violation of recruitment policy.

*[Handwritten signature]*

*[Handwritten signature]*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT

(B)

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

(11)

To

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

*Mastering / Suppl.*  
*file use - examine / the case of*  
*put up / from the*  
*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:

*[Signature]*  
(MUJEEB-UR-REHMAN)  
SECTION OFFICER (SCHOOLS/MALE)

(12)

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA, PESHAWAR.**

**NOTIFICATION.**

WHEREAS, Mst Bibi Nagina, AT at Government Girls Middle School Kotli Bala District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 2471-80 dated 14/03/2015 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. 5500-09 dated 23-04-2015 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. She has submitted application form No. Nil under R.No.180 for the post of T.T instead of A.T but her name was included in the merit list of A.T in handwriting in later stage at S.No.9A.
2. Appeal may be rejected with the remarks that she was appointed against the post other than the post applied for through addition in the merit list showing her a candidate for the post of T.T instead of A.T.

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) (a) and keeping the findings/recommendations of the committee into consideration, rejects the appeal of aforesaid sacked teacher for reinstatement, however her dismissal order issued by the DEO (F) Mansehra vide order No. 2471-80 dated 14/03/2015 is hereby converted into removal from service.

Director  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 4271-76 /F.No. 79 /Appeals Female MSR Dated Peshawar the 25/8/2015

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

1. District Education Officer (Female) Mansehra
2. District Accounts Officer Mansehra
3. Head Mistress Concerned.
4. Appellants concerned
5. PA to Director E&SE KP, Peshawar
6. Master File.

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