

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 9.3.2015 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.



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. Representative submitted application alongwith copy of notification dated 25.8.2015 according to which the appellant has been reinstated in service.

In the light of the said application, learned counsel for the appellant requested for withdrawal of the appeal as the grievances of the appellant have been redressed.

Dismissed as withdrawn. File be consigned to the record room.


Chairman
Camp Court A/Abad

ANNOUNCED
20.10.2015

20.10.15



Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 781/2015

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. Asma Naz 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. 781/2015

Mst. Aasma Naaz D/o Manzoor Hussain (GGMS Mohayian) R/o
behali Tehsil and 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

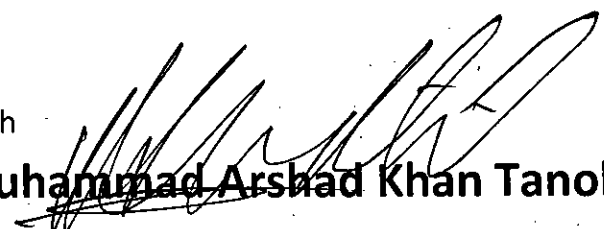
INEX

S.No	Prescription of Document	Annexure	page
1	Appeal		1-11
2	Copies of Documents/testimonial	"A"	12-21
3	Copy of appointment order and corrigendum	"B"	12-21 23-24
4	Copy of Show cause notice and one page of inquiry of the then EDO	"C"	25
5	Copy of letter dated 14.5.2012 of Respondent 3 having remarks of Respondent No 2	"D"	26
6	Copy of letter of Respondent No 1 dated 7/6/2012	"E"	27
7	Copy of impugned dismissal order of appellant	"F"	28
8	Wakalatnama		

Dated: -----/2015


Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal no. 784/15 ①

A.W.F. Province
Service Tribunal
Diary No. 808
Dated 8-7-2015

Mst. Aasma Naaz D/o Manzoor Hussain (GGMS Mohayian) R/o
behali Tehsil and 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:-

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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.
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 "A"
3. That, following this, the appellant was appointed as Qaria in respondents' Department on the basis of merits and was posted in GGHS Mohayian latter on transferred from GGHS Mohayian to GGHS Baffa vide appointment order endrst No 893/942 ESTT (APPTT) Qaria Dated 16/6/2012. Copy of appointment order and corrigendum is annexed as Annexure "B" .
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 1696-1705 on 3.3.2015.

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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 "C". 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 under Roll NO 1702002 and obtained Marks 136 out 300 and was placed at S.No 21 of the merits list and thereafter was appointed on merit and also stated that Sannad which were provided by her at the time of appointments were issued by the registered Institution/maddaris and this regards, the appellant also placed verification Performa issued by the Jameha Dar ul Uloom Mahruf ul Quran Hanfia lil Banat reference No 210 dated August 2012. All the Sannad regarding this are attached as annexure "E". Beside, District Education Officer solicited

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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 or having the said sunned from recognized Institutions be appointed vide letter No 51 34 1 dated 14.5.2012. Respondent No 2 annotated remarks on the said letter for respondent No 3 which read "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. Copy of letter dated 14.5.2012 of Respondent 3 having remarks of Respondent No 2 is annexed as Annexure "D"

8. That, besides this, respondent No 2 issued guideline regarding appointment of Qaria posts wherein respondent No 1 directed Respondent No 3 that Sunnads of Registered Institutions affiliated with wafaqul Madarias may please be accepted for purposes of recruitment of Qari/Qaria. Copy of letter of Respondent No 1 dated 7/6/2012 is attached as annexure "E".

9. That, documents testimonial of the appellant were sent to the concerned quarters for verification which were return dully verified by the relevant institutions/Madaris, hence, thereafter salary of the appellant was released.

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10. 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 1686-95/AE dated 3.3.2015. Copy of impugned dismissal order of appellant is attached as annexure "F".

11. That on receipt of dismissal order, appellant filed departmental appeal against the order of respondent No 3 to respondent No 2 on 16.3.2015. Copy of departmental appeal /representation is attached as annexure "G" 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 Qaria being qualified. The appellant was appointment on merit on the recommendation of

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Departmental Selection Committee and was placed at S.No 21 of the merit list.. Copy of merit list is attached as Annexure "H". 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

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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 prescribe period of limitation

It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order endrst. No 1686-95/AE 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

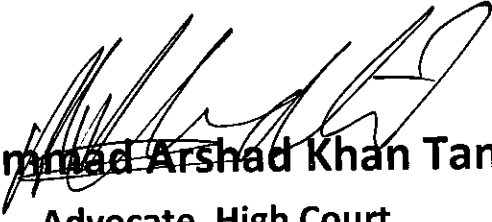
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relief which this Honourable Court deems appropriate
in the circumstance may also be done.

Dated: 26/11/2015

Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

(10)

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Mst. Aasma Naaz D/o Manzoor Hussain (GGMS Mohayian) R/o
behali Tehsil and 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. Aasma Naaz D/o Manzoor Hussain (GGMS Mohayian) R/o behali Tehsil and 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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



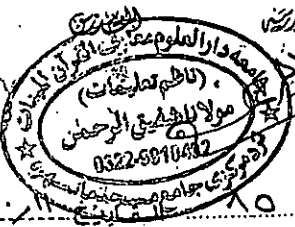
شهادة حفظ القرآن الكريم



الحمد لله رب العالمين، والصلاة والسلام على نحات النبيين، سيّدنا محمد وعلى آله وصحبه اجمعين، وبعد:

تشهد برشاشة وفان الدرر ايسى الموريم بباكستان، بأن الطالب عاصم بن محمد خان بن داهد منگور خيبر من مالسبره المولود في عام 1977، 11/11،

قد حفظ القرآن الكريم كاملاً بظهر القلب في عام 1997، ونجح في اختبار الحفظ المنعقد تحت اشراف وفاق المدارس العربية، بتقدير جيد جداً وبتأ على ذلك فترجيس الوفاق منحه شهادة حفظ القرآن الكريم ورئيس الوفاق اذ يمنحها هذه الشهادة بوصيه بتقوى الله عزوجل، وأن يتعاهد القرآن الكريم بتلاوته اثناء الليل واطراف النهار، وان يعمل بتعاليمه، وان يعلمه غيره، والله الموفق.



مدير التعليم

الوزارة

وزارة التعليم

مخبر

مخبر

رقم الشنجل 313

رقم الشهادة 191

11/11/1997

محل الإصدار

Distt: ...

No.

J44064

Board of Secondary Education, Karachi

Roll No.

234072



AUTHENTICITY VERIFIED

Secondary School Certificate Examination, 1991

GENERAL GROUP

Certified that **ASMA NAZ**
 Son/Daughter of **RAJA MANZOOR HUSSAIN**
 whose date of birth is **FIRST** DAY OF **JANUARY**
 one thousand nine hundred **SEVENTY SEVEN** has duly passed
 the Secondary School Certificate Examination held in the
 month of **MAY** 1991 as **A REGULAR** Candidate
 in the subjects mentioned below and has been placed in

GRADE **C**

COMPONENT I

SINDHI SALEES

URDU

ENGLISH

PAKISTAN STUDIES

ISLAMIAT

COMPONENT III

He/She offered **XXXXXX** of Soc. Education Karachi

as Vocational Subject and has been awarded grade **XXXXXX**
by his/her Institution on the basis of Internal Assessment

COMPONENT II

GENERAL SCIENCE

MATHEMATICS

CIVICS ELECTIVE

ISLAMIC STUDIES

AUTHENTICITY VERIFIED

Dr. / Asst. Secretary (Certificate)

Attested

Head Master
Govt. Middle School
Chandman Bazar

Altaf Ali G. Shaikh

DR. ALTAF ALI G. SHAIKH.
SECRETARY

DATED 11-01-1992

Note: This certificate is issued without alteration or erasure.
Please also see on the reverse.

Attested
Altaf Ali G. Shaikh

Head Master
Govt. Middle School
Chandman Bazar

17

MALIK JAMAL HIGH SCHOOL

(Recognized)

BLOCK - N, CHISHTINAGAR, SECTOR 11₂,
ORANGI TOWN, KARACHI.

Provisional Certificate

No. 4301

Date 10.09.1991

This is to certify that Asma Naz
S/o Dt Raja Manzoor Hussain
bearing Roll No. 234072 passed the S.P.C.
Part I/II Examination (Main / Supplementary)
1991 of the Board of Secondary Education,
Karachi as a regular candidate from this institution
with distinction in "C" grade.

The date of his/her birth, according to the school
records, is (in figure) 01.01.1977 (in words) First
January Nineteen Hundred & Seventy Seven

His/her character and conduct were Good
during his stay at this School.

Group General

A. Sultan
Class Teacher

[Signature]
Head Master

[Signature]
Head Master
Govt. Middle School
Pudran Mandala

[Signature]
Muhammad Arshad Khan Tanoli
Advocate
Distt. Courts Abbottabad

REGISTERED

18

Phone No. 99260252-5

BOARD OF SECONDARY EDUCATION KARACHI

SERIAL NO. 003334

**BOARD OF SECONDARY EDUCATION
KARACHI**

STATEMENT OF MARKS
S. S. C. EXAMINATION
(FOR SUCCESSFUL CANDIDATES ONLY)

EXAMINATION ANNUAL 1991 ROLL NUMBER 234072
 GROUP GENERAL

NAME ASMA NAZ
 FATHER'S NAME RAJA MANZOOR HUSSAIN
 SCHOOL/PRIVATE MALIK JAMAL HIGH SCHOOL
 BL-N, SECTOR 11-1/2, CHISHTI NAGAR ORANGI TOWN

SUBJECTS			
COMPONENT I	MARKS	COMPONENT II	MARKS
SINDHI SALEES URDU NORMAL	52 33 /150	GENERAL SCIENCE	050 /100
ENGLISH (COMP) PAPER I ENGLISH (COMP) PAPER II	37 13 /150	GENERAL MATHEMATICS	075 /100
PAKISTAN STUDIES	54 /75	CIVICS ELECTIVE	057 /100
ISLAMIAT	55 /75	ISLAMIC STUDIES	064 /100

GRAND TOTAL: 490 OUT OF 850 MARKS

GRADE: C

GRADE IN COMPONENT III
AWARDED BY THE SCHOOL IN

XXXXXXXXXXXXXXXXXX

GRADE: XXXX

DATED 28-08-91

Muhammad Arshad Khan
 Advocate
 Distt. Courts Abbottabad

Jalil Ahmad
 91-(A)

E. & O. E.

CONTROLLER OF EXAMINATIONS

For Important Notes Please Turn Over

*Muhammad
 Hussain*

REGISTERED

19

Phone No. 99260252-5

BOARD OF SECONDARY EDUCATION KARACHI
KARACHI-75990

NO. BSE/CERTIFICATE/ 1870 /2012

DATED: 27/7/12

Executive District Office
P.S. Education
Manshera

DDO F
Pl. Proceed

SUBJECT: VERIFICATION OF DOCUMENTS:

REFERENCE: Your Letter No. 3902/AE-11 Dated 18/7/12

Dear Sir/ Madam,

The Photo Copy /ies of Certificate as per list given below have been checked with the office record and is/are found as per record given against each:

S.NO	NAME OF CANDIDATE	ROLL NO.	YEAR	REMARKS
				CORRECT/TEMPERED/BOGUS
1.	Asma Naz	234072	1991	CORRECT
	/		/	/

[Signature]
27/7/12
DEALING ASSISTANT

[Signature]
SUPERINTENDENT

[Signature]
ASSISTANT SECRETARY
(CERTIFICATE SECTION)

[Signature]
Munir Ahmad Khan Janjani
District Education Officer
Manshera



No. 044064

Roll No. 234072

20

Board of Secondary Education Karachi



AUTHENTICITY VERIFIED

Secondary School Certificate Examination, 1991

GENERAL GROUP

Certified that **ASMA NAZ**
 Son/Daughter of **RAJA MANZOOR HUSSAIN**
 whose date of birth is **FIRST** DAY OF **JANUARY**
 one thousand nine hundred **SEVENTY SEVEN** has duly passed
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 month of **MAY 1991** as a **REGULAR** Candidate
 in the subjects mentioned below and has been placed in

GRADE **C**

- | | |
|------------------|-----------------|
| COMPONENT I | COMPONENT II |
| SINDHI SALEES | GENERAL SCIENCE |
| URDU | MATHEMATICS |
| ENGLISH | CIVICS ELECTIVE |
| PAKISTAN STUDIES | ISLAMIC STUDIES |
| ISLAMIAT | |

COMPONENT III
 He/She offered **XXXXXXXXXX** of Ser. Education Karachi
 as Vocational Subject and has been awarded grade **XX**
 by his/her Institution on the basis of Internal Assessment

DATED 11-01-1992

Note: This certificate is issued without alteration or erasure. Please also see on the reverse.

M. A. Shaikh
 Head Master
 Govt. Middle School
 Phulwan, Karachi

Altaf Ali G. Shaikh
 DR. ALTAF ALI G. SHAIKH
 SECRETARY

Mustafa
 Advocate
 Distt: Courts Abbottabad

DEALING ASSISTANT

SUPERINTENDENT

ASSISTANT SECRETARY (CERTIFICATE SECTION)



22

08-04-07872

جامعہ دارالعلوم معارف القرآن حنفیہ للبنات

نزد مرکزی جامع مسجد مانسہرہ

تاریخ 20/08-08

فون نمبر: 0322-9910492

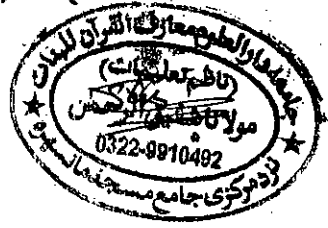
حوالہ نمبر 210

جناب ای - ڈی - او صاحب ایلمنٹری اینڈ سیکنڈری

ایجوکیشن ضلع مانسہرہ۔
اسناد برائے سند حفظ و تجوید القرآن الکریم

آپ کے ارسال کردہ فوٹو نمبر 3903 مورخہ 18/07/2012ء کے مطابق طالبہ عالیہ نازد دفتر راجہ منظور حسین نے اول نمبر ۳۳ کے تحت ہمارے مدرسہ جامعہ دارالعلوم معارف القرآن للبنات جوہ وفاق المذاہب العربیہ پاکستان کے ساتھ منسلک ہے۔ اس حفظ اور تجوید القرآن کی تعلیم ممکن کی ہے۔ اس کے اسناد برائے حفظ و تجوید القرآن ہمارے مدرسہ کے ریکارڈ کے مطابق درست ہیں۔

دستخط عتیقہ جامعہ دارالعلوم
معارف القرآن حنفیہ للبنات
نزد مرکزی جامع مسجد مانسہرہ



Attested
Muharrir Advocate
Distt: Courts Abbottabad



Annex

Q B

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

ORDER

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 KHURD	AV/Post
8	ASMAT BIBI	ABDUL REHMAN	LASSAN NAWAB	GGHSS LASSAN NAWAB	AV/Post
9	BIBI MARIUM	FIDA HUSSAIN	MANGLOOR	GGHS PAIRAN	AV/Post
10	SAMMIYA RAHIEM	RAHIM SHAH	OGHI MANSEHRA	GGHS OGI	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	GGHSS BAFFA	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.

Attested
Muhar...
Distt. Officer, Abbottabad

[Signature]

- 24
4. Their services are regular but will not be entitled for pension/gratuity & they will not contribute any amount towards GP Fund however they will contribute CP fund on the prescribed rate & half contribution will be made by the Government.
 5. They will submit to this office, their all testimonial/Registration copy of their Madrasa (Institutions), 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 (a) receipt of verified documents by the appointing authority / (EDO E&SE Mansehra) (b) duly attested & verified registration copy of the concerned Dini Madrassa (Institutions), where he/she has obtained his/her Sanad/Certificate.
 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.
 8. Their services are liable to termination on one month prior notice from either side in case of resignation without prior notice. Their one month pay/allowances if any shall be forfeited to Government Treasury.
 9. Their services can be terminated at any time in case their performance is found un-satisfactory; they will be proceeded against under the removal from service under E&D Rules 2011.
 10. They should produce Age & Health Certificate from the MS DHQ Hospital Mansehra.
 11. They may not be handed over the charge if their age is above 35 years and below 18 years.
 12. The Candidates who are working as regular before 1st July 2001 in pervious post, their entitled for pension / gratuity etc.
 13. No. TA/DA etc is allowed.
 14. Charge report should be submitted to all concerned in duplicate.

(Umar Khan Kundi)
EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

Endst: No 893-932 /Estt: (F)Apptt: Qaria (F)/2012 Dated Mansehra the 16/6 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.
- 6-26. Principal/Headmistresses School concerned.
27. PA to District Coordination Officer, Mansehra.
28. Budget & Accounts Officer, local office, Mansehra.
- 29-50. Candidates concerned.


EXECUTIVE DISTRICT OFFICER,
E&SE MANSEHRA

Attested

Advocate
Distt: Courts Mansehra

Annex 'D'

P-25

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. 7747 / Establishment/ 2014
Dated: 29/9/2014

Email: deofmanshra@yahoo.com
Phone & Fax: 0997-302518

SHOW CAUSE NOTICE

I, Naghmāna Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Servant (Efficiency & Discipline) rules, 2011, do hereby serve you Mst. Asma Naz D/O Raja Manzoor Hussain, Qaria. Govt. Girls High School Mohayian, Mansehra Show cause Notice as follows:

- 1) You were appointed as Qaria at GGHS-Mohayian, vide defunct Executive District Officer (E&SE) Mansehra Endstt: No893-942/Estt(f)Apptt: Qaria 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 an lawful appointment with coorandation 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.

R. Asma Naz
D/O Raja Manzoor Hussain
Govt. Girls High School
Mohayian, Mansehra

COMPETENT AUTHORITY

As

District Education Officer
(Female) Mansehra

Arrested
Muzaffar Hussain
Dist. Council Mansehra



OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
E&SE MANSEHRA
No. 57341
Dated Mansehra the 14/5/2012

144

Annex^{ce} D

26

To
The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar

Subject Guidance regarding Qari Post

Memo: It is stated that this office had advertised for the appointment of Qari/Qaria for filling up the relevant vacant position in Government High Schools.

As per Service Structure, and Prescribed rules / Policy the minimum qualification for the post is SSC with Hifz e Quran and Qirat Sand from the recognized institution.

The available list of recognized Institutions in the Department up dated up till 1990, comprising of only 67 Institutions (List attached)

As hundreds of candidates, who have passed the required EATA Test and have the requisite qualification, but the institution from where they acquired the Hifz e Quran and Qirat Sanad are mostly not included in the limited and not updated list of recognized institutions, as aforesaid mentioned.

Most of the candidates have obtained their Hifz Sanad from the recognized Tanzim ul Wafaq ul Madars, notified by the Department, while the Qirat Sanad is of Registered Institutions where they studied.

As there is available no updated list of recognized Institutions, therefore undersigned may be guided

1. You are requested to guide the undersigned, that whether to include only those candidates in the merit list who possess the Sanad of Hifz & Tajweed from
2. the recognized institutions or to include all those candidates who acquired their sanad from any registered institutions.

*EDDO E&SE
Mansehra
As per Service Structure
and Prescribed Rules
the Sanad of Qirat from
a recognized institution
must be certificate
obtained from a Madrasa
Institute registered
Government of Khyber
Pakhtunkhwa*

EXECUTIVE DISTRICT OFFICER,
MANSEHRA

28/5/2012

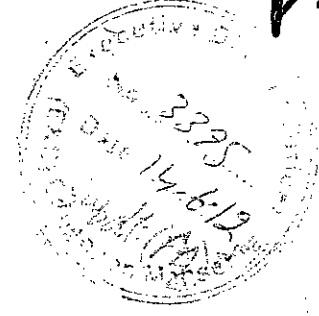
Attested
[Signature]
Advocate
Distt. Courts Abbottabad



Annex "E"

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)5-12/Darul Uloom Swat/Chitral/10/
Dated Peshawar the 7-6-2012.

P-27



To

The Executive District Officer
Elementary & Secondary Education
Mansehra.

Subject:- GUIDELINE REGARDING PPOINTMENT OF QARI POSTS.

I am directed to refer to your letter No. 5134 dated 14-5-2012 on the subject noted above and to state that "Sanads" of Registered Madaris affiliated with Wafaqul Madaris may please be accepted for the purpose of recruitment of Qari/Qaria.

Supd. No. 11

(Signature)
(MUHAMMAD AYUB KHAN)
SECTION OFFICER (PRIMARY)

DC

Attested

(Signature)
District Officer, Mansehra



Annex

F

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

28

1. Where as Mst. Asma Noor D/O Raja Moazzam Hussain working as DDO/UGHS/GHS/GGP Mahyia was served with show cause notice and was proceeded under the Khyber Pakhtunkhwa 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 Inayat Jan, (PCS SG B-20) Agricultural Department Khyber Pakhtunkhwa, Peshawar (Now Secretary Zakat, Usher and Social Welfare Department)
- (ii) Mr. Ashfaq 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 examining 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. And, 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 "DEPRIVATION" from Govt. Services upon Mst. Asma Noor D/O Raja Moazzam Hussain UGHS/GHS/GGP Mahyia.

(Signature)

DISTRICT EDUCATION OFFICER
FEMALE MANSEHRA.

1/1/11 I/Instab. dated 03/03/11 1115

- Copy to the:-
- 1. Secretary Elementary and Secondary Education Department Khyber Pakhtunkhwa, Peshawar.
 - 2. Director Elementary and Secondary Education Khyber Pakhtunkhwa, Peshawar.
 - 3. District accounts Officer Mansehra
 - 4. DDO of Monitoring Officer Mansehra.
 - 5. Deputy Commissioner Mansehra.
 - 6. Municipal Headmaster's _____
 - 7. DDO Mansehra
 - 8. District and Accounts Officer Local Office _____
 - 9. _____
 - 10. _____

(Signature)

DISTRICT EDUCATION OFFICER
FEMALE MANSEHRA

(Signature)
Attested
Muhammad Zahid Khan Janoli
District Officer
Distt. Courts Abbottabad

خدمتِ خدا - ڈائریکٹر صاحب ایگزیکٹو ایجنسی سندھری ایجوکیشن کپک اور
میرٹھ: محمدناہ ایس برصغیر حکم فائنل ایئر ڈسٹریکٹ ایجوکیشن آفیز زمانہ الم 0

Diary NO
1342
27/07/2015

Annex 6

ص 11
29
پہلے لکھی گئی ہے

سائڈہ تعلق گاؤں بجالی تحصیل ضلع مالیر ہے۔ سائڈہ نے فارم اپس کے لئے
جو الٹا شمار 2015/11 apply کیا اور سالہ 2004-05 کے قریب ETEA ایٹان
پاس کیا اور DSC کے ذریعے باقاعدہ انٹرویو کے بعد پیرلہ آرڈر 893-942
سائڈہ کو 9945 دی گئی تھی۔ تعینات کیا گیا Appointed ہے۔ آج تک سائڈہ
باقاعدگی سے اپنے ڈیوٹی سر انجام دیتی رہی ہے اور انھوں کو علیحدگی دینی فرم کرنا
صرف 29/9 کو 7747 کے تحت سٹوڈنٹس جاگڈیاں جس میں
سائڈہ پر مختلف جارحانہ گتے ہیں جن میں سے ٹو پوائنٹ پوائنٹ ڈیوٹی
میں سائڈہ کو صرف 3/3/15 اور 1705-1696 کے تحت Dismissed
آؤڈر دیا گیا جو بالکل ایک طرف اور دوسری طرف اور Rules & regulations
کے خلاف۔ سائڈہ پر جو جارحانہ ٹو پوائنٹ گتے ہیں ان میں سے سب سے پہلے
ہیں۔ دوسرے نے مدعا اور دوسری سائڈہ کے جواب کو بالکل مدنظر نہیں رکھا
اور یہی Codal formalities کو پورا کیا گیا۔
آ - ج - سے اتنا ہے کہ سائڈہ کو تندرستی پر جان بچاؤ
کے لئے تمام supporting documents درخواست کے ساتھ لکھے ہیں

محمدناہ
Amme No. 02/3/15
فارم
9945
دی گئی ہے

Attested
[Signature]
Bhatti, G. K. S. Abbottabad

قیمتی

کورٹ فیس

وکالت نامہ

بعدالت KDK سرور، کنٹرول اینڈ ماڈرن

عنوان: عاصمہ ناز خانم، بنام گورنمنٹ KDK الیکٹریسیٹی

منجانب: اسمدہ

نوعیت مقدمہ: ریل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام

حجرت سید صاحب سٹیٹ انکوریٹنگ کورپوریشن اہمار

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 پر داختمہ 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 بمراء استجارت نالش 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۔

بمقام: المرقوم:

Attested

M. Arsh Khan Tanali
Adv High Court Ald

Arsh Khan
Tanali

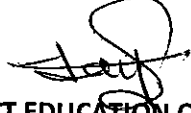
BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

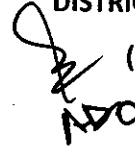
Service Appeal No. 781/2015

Respectfully Shewth

1. That the services appeal No: 781/2015 in respect of MST: Aasma Naz is pending before this honorable court for reinstatement.
2. That reference director E & SE department notification Endst: No 4254-59 /F.No.79/Appeals Female MSR Dated Peshawar 25/8/15, the appellant has been conditionally reinstated against the post of Qaria (Notification attached):

It is requested that the above mentioned appeal may kindly be dispose off please.


DISTRICT EDUCATION OFFICER
(FEMALE) MANSEHRA



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

WHEREAS, Mst. Asma Naz, Qaria at Government Girls High School Mohiyan District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1696-1705 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. 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. Her name was at S.No. 22 of the merit list. Her Sanad of Hifzul Quraan was from Wafaqul Madaris Multan. Whereas the sanad of Tajveed ul Quraan was from Jamea Darul Uloom Maareful Quraan Behali Mansehra. She was appointed as Qaria vide a general order Endst: No. 893-942 dated 16/06/2012 at S. No. 21.

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.

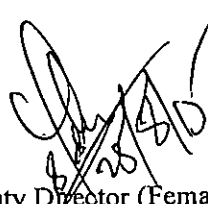
NOW THEREFORE, in exercise of powers conferred upon the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) under E&D Rules 2011 read with rules 17 (2) (b) & (c) and keeping the findings/recommendations of the committee into consideration, accepts the appeal of aforesaid sacked teacher and set aside the order of DEO (F) Mansehra No. 1696-1705 dated 03/03/2015 and reinstate Ms. Asma Naz, Qaria, at Government Girls High School Mohiyan District Mansehra with effect from the date of her dismissal with all back benefits subject to production of the requisite registration & affiliation to the DEO (F) Mansehra.

Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 4254-59 /F.No. 74 /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 with the remarks to obtain/ascertain the requisite registration & affiliation from Mst. Asma Naz, Qaria and place on record under intimation to this office.
2. District Accounts 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