

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

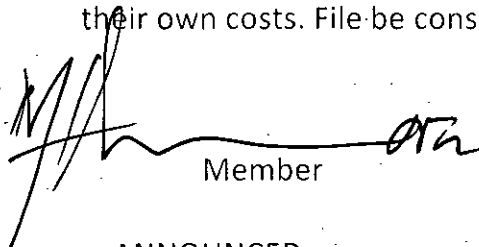


Chairman
Camp court, A/Abad

17.01.2017

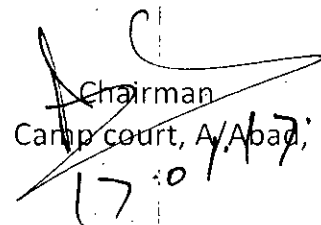
Counsel for the appellant and Mr. Muhammad Siddique, Senior Government Pleader alongwith Mr. Muhammad Usman Senior Clerk for the respondents present. Arguments heard. Record perused.

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

ANNOUNCED
17.01.2017



Chairman
Camp court, A/Abad;

17.01.17

18.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that identical service appeals No.758 to 789/2015 have already been admitted to regular hearing and fixed for further proceeding on 20.10.2015.

In view of the above, this appeal is also admitted to regular hearing. 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.

Appellant Deposited
Security & Process Fee




Chairman

Camp Court Abbottabad

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.

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

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 823/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.07.2015	<p>The appeal of Mst. Nazma Bibi presented today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	29-7-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>18-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal No. 823/2015

Mst. Nazma Bibi d/o Muhammad Aslam PST GGPS, Karkala UC
Lansa Nawab R/o Karkala UC Lansa Nawab 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

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S.No	Prescription of Document	Annexure	page
1	APPEAL		1-10
2	Copy of Advertisement	"A"	11
3	Copies of Documents/testimonial are annexed	"B"	12-19
4	Copy of appointment order and corrigendum	"C"	20-21
5	COPY OF SHOW CAUSE NOTICE	"D"	22-24
6	Copy of impugned dismissal order of appellant	"E"	25
7	Copy of departmental appeal /representation	"F"	26-28
	Wakalatnama		

Dated: 11/7/2015

(Nazma) Appellant

Through


Muhammad Arshad Khan Tanoli

Advocate, High Court

Abbottabad

①

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal No-823/15

K.W.F. Province
Service Tribunal

Diary No. 859

Date 15-7-2015

Mst. Nazma Bibi d/o Muhammad Aslam PST GGPS, Karkala UC
Lansa Nawab R/o Karkala UC Lansa Nawab Tehsil & District
Mansehra

.....Appellant

VERSUS

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

.....Respondents

SERVICE APPEAL.

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

Respectfully Sheweth,

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

- 15/7/15
1. That, respondent No 3 announced the posts of PST in Dailly "The Aaj" dated 20/5/2011 for appointment of PST teachers. The Appellant fulfills the entire criteria which is sine qua non for appointment for the post of PST Teacher.

Copy of Advertisement is annexed as Annexure "A"

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2. That, the appellant qualified test as well as interview conducted by respondent No 3. The appellant is qualified Matric, F.A/F Sc PTC with extra qualification. **Copies of Documents/testimonial are annexed as Annexure "B"**

3. That, following this, the appellant was appointed as PST Teacher in respondents' Department on the basis of merits and was posted in GGPS vide appointment order endrst No 6850-59/ Estt ; apptt-PET (F) 2011/2012 Mansehra Dated 31.5.2012. **Copy of appointment order and 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. 31.5.2012 onwards.

5. That, the appellant was though dismissed from service by the respondents' department vide Endrs. No 1966-75/AE /ESTB on 3.3.2015.

6. That, Respondent No 3 issued Show Cause notice to the appellant without annexing the statement of allegations however, a page of inquiry which was conducted against the then EDO Umar Khan Kundi and DEO, Shamim Akhtar.

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was found attached with the show cause notice, wherein it was mentioned against the name of appellant that "that appointment order was the result of misuse of authority by the then EDO according to his sweet will and wishes as against the recruitment rules". AS the inquiry committee did not 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 PST Teacher and appeared in ETTA of the merits list and thereafter was appointed on merit. Beside, District Education Officer solicited candid views from respondent No 2 regarding as to whether the candidate who possess their requisite qualification from recognized Institution to be appointed "as per service structure in prescribe rules the requisite qualification against the vacant post of PST Teacher is taken into consideration and thereafter appointment made on merit. Copy of Show Cause Notice is Attached is as Ann "D"

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

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endst. No 1966-75/AE /ESTB dated 03.03.2015. **Copy of impugned dismissal order of appellant is attached as annexure "E".**

9. That on receipt of dismissal order, appellant filed departmental appeal against the order of respondent No 3 to respondent No. 2 on 24.3.2015. **Copy of departmental appeal /representation is attached as annexure "F"** but respondent No 2 did not bother to reply the representation of the appellant so far. Hence feeling aggrieved, the instant appeal is filed by appellant inter-alia on the following grounds:-

GROUND

- a. That, the appellant fulfilled the criteria of appointment as PST being qualified. The appellant was appointment on merit on the recommendation of Departmental Selection Committee and was placed on the merit list.12
- b. Hence impugned dismissal order is illegal perverse, discriminatory without lawful justification and null and void on the rights of the appellant.

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c. That, as per educational record annexed with the appeal, the appellant has been appointed as PST according to the laid down procedure and criteria mentioned in the advertisement published by respondent 3. It is further submitted that there were vacant post of PST in the Union Council of the appellant but respondent No 3 did not appoint the appellant in her Union Council. However later on she was to be posted in her own Union Council. It is worth mentioning that there was no contesting candidate in the Union Council where the appellant was appointed as per law and procedure mentioned in the advertisement.

d. 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 PST. But the conduct of respondents department towards the appellant is mala fide, discriminatory and not maintainable at law.

e. 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,

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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.

- f. 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.
- g. That, respondents' Department has led the appellant to the place which is utterly unknown to the principle of jurisprudence and natural justice.
- h. That, right from the appointment of the appellant as PST in 2012, there was no rival candidate who contested the appointment of the appellant in any Court of law anywhere in KPK.
- i. 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


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cannot be dismissed for the acts committed by the Ex-EDO.

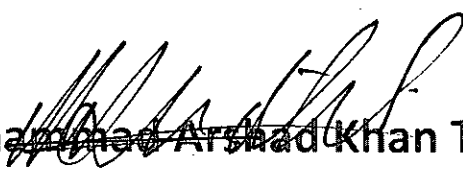
- j. That, the Honourable Service Tribunal has jurisdiction to entertain the grievance of the appellant and the appeal of the appellant is within the prescribe period of limitation

It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order Endrst. No 1966-75/AE /ESTB dated 3.3.2015 may graciously be set aside and respondent No 3 may be directed to reinstate the appellant in service in the School with effect from the date of her dismissal with all service back benefits in terms of pay etc. Any other relief which this Honourable Court deems appropriate in the circumstance may also be done.

Dated: 11/7/2015


Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Mst. Nazma Bibi d/o Muhammad Aslam PST GGPS, Karkala UC
Lansa Nawab R/o Karkala UC Lansa Nawab 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 1966-
75/AE /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) Mansehra 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

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required qualification/criteria for the said post and the applicant has not been contested by any one as there was no contesting rival candidate.


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

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

Dated: 11/7/2015


Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

(16)

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Mst. Nazma Bibi d/o Muhammad Aslam PST GGPS, Karkala UC
Lansa Nawab R/o Karkala UC Lansa Nawab 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. Nazma Bibi d/o Muhammad Aslam PST GGPS, Karkala UC
Lansa Nawab R/o Karkala UC Lansa Nawab 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: 4/7 /2015


Deponent

سلا	تفصیل	میترو	چھوٹا	بڑا	کل
E18	CGIS	no 2	no 3	2-7	69
E18				4-7	69
E11				6-7	14
E11				9-7	09
E11				11-7	09
E11				14-7	15
E18				19-7	07

اس کی	تفصیل	میترو	چھوٹا	بڑا	کل
1	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
2	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
3	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
4	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
5	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
6	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
7	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
8	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
9	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				
10	پبلک پرائیویٹ پارٹنرشپ کے تحت ڈی ایم ایف کے تحت 1100 ڈی ایم ایف کے لئے اسٹیٹ بکنک کے لئے ایک نئے ڈی ایم ایف عمارت کا تعمیراتی کام				

Pre Bid Meeting

یہ میٹنگ 31-5-2011 کو صبح 11:00 بجے ایک ہیج کوارٹر میں منعقد ہوگی۔

1) میٹنگ کے اہل ذمہ داروں کو 31-5-2011 کو صبح 11:00 بجے ایک ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

2) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

3) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

4) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

5) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

6) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

7) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

8) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

9) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

10) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

11) اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

تفصیلی معلومات کے لئے اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

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اسٹیٹ بینک کے ہیج کوارٹر میں اسٹیٹ بینک کے ہیج کوارٹر میں موجود ہے۔

P-11
Annex
A

0937-870861 فون

ایگزیکٹو انجینئر

اسٹیٹ بینک کے ہیج کوارٹر میں

Attested

M. R. Khan
MD (Civil) Abbotabad
Tanolli Adwail 4524 hwy
Abbotabad

Amir B P 12

SNo: 23368



HAZARA UNIVERSITY

MANSEHRA, PAKISTAN

DETAILED MARKS CERTIFICATE

BA ANNUAL EXAMINATION 2011

Roll No: 57823

Reg No: 10-PM-1681

Name: Nazina Bibi

F/ Name: Muhammad Aslam

Institution/ District: MANSEHRA

Part: Second

COURSE TITLE:	Max: Marks		Marks Obt:		Total	Marks in Words	Remarks
	TH	PR	TH	PR			
Part-I Marks---->	285				158	ONE HUNDRED FIFTY-EIGHT	
ENGLISH	75		25		25	TWENTY-FIVE	Pass
URDU	75		44		44	FORTY-FOUR	Pass
PAKISTAN STUDIES	40		20		20	TWENTY	Pass
ISLAMIC STUDIES	75		56		56	FIFTY-SIX	Pass
Total:	550				303	THREE HUNDRED THREE	

Percentage: **55.09**
 Division: **SECOND**



Print Date: 15-08-2011

Checked By: [Signature]

[Signature]

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

Controller Examinations
Hazara University, Mansehra
 August 15, 2011

Attested
[Signature]
 Nazina Bibi
 Dist. Mansehra

ADA No 114593

Roll No. 61535

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



P-13

Abbottabad N.W.F.P. - Pakistan
HIGHER SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION ANNUAL 2009
Humanities Group

This is to certify that NAZIMA ASLAM

Daughter of MUHAMMAD ASLAM

A candidate from MANSEHRA DISTRICT

has passed the Higher Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in April/May 2009 as a Private candidate. She has obtained 629 marks out of 1100 and has been placed in Grade C Representing GOOD.

The Examination was taken as a Whole/In Parts and the candidate passed in the following subjects:

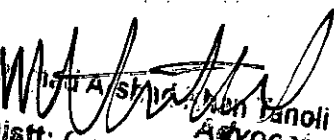
- | | | |
|-------------------|-------------------|-----------------------|
| 1.ENGLISH | 2.URDU | 3.ISL.EDU-PAK STUDIES |
| 4.ISLAMIC HISTORY | 5.ISLAMIC STUDIES | 6.ARCHEOLOGY |


Asstt. Secretary

This certificate is issued without alteration or erasure.


Secretary

Attended


Muhammad A. Shaukat
Advocate
Distt: Courts Abbottabad

ADA N^o 125342

Roll No. 55793

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



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Abbottabad N.W.F.P. - Pakistan
SECONDARY SCHOOL EXAMINATION CERTIFICATE
SESSION ANNUAL 2003

This is to certify that NAZIMA BIBI

Sen/Daughter of MUHAMMAD ASLAM

A candidate from TAKBEER MODEL PUBLIC SCHOOL MANSEHRA

has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Abbottabad held in March 2003 as a Regular/Private Candidate. He/She obtained 514 marks out of 850 and has been placed in Grade B Representing VERY GOOD.

The candidate passed in the following subjects.


- | | | | |
|------------|------------|--------------|----------------|
| 1. ENGLISH | 2. URDU | 3. ISLAMIYAT | 4. PAK STUDIES |
| 5. MATHS | 6. PHYSICS | 7. CHEMISTRY | 8. BIOLOGY |

Date of Birth according to admission form is ELEVENTH APRIL


One Thousand Nine Hundred and EIGHTY-FOUR (11-04-1984)


Asstt. Secretary

This certificate is issued without alteration or erasure.


Secretary

Attested


Attested
Secretary

119773
Sr. No. AD

BOARD OF INTERMEDIATE & SECONDARY EDUCATION ABBOTTABAD
DETAILED MARKS CERTIFICATE

Secondary School Certificate Examination

(Class X)

Session 2003 (Annual)

Group (SCIENCE GROUP)



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Name: Nazima Bibi

Father's Name: Muhammad Aslam

Roll No 55793

Subjects	Marks	MARKS OBTAINED			
		Theory	Practical	Total	In Words
1. English	150	47	43	90	Ninety Only
2. Urdu	150	46	49	95	Ninety-Five
3. Islamiyat	75	58		58	Fifty-Eight
4. Pakistan Study	75	50		50	Fifty Only
5. New Rizzi	100	62		62	Sixty-Two
6. Physics	100	51	10	61	Sixty-One
7. Chemistry	100	30	16	46	Forty-Six
8. Biology	100	39	13	52	Fifty-Two

Total 850

514-B Five Hundred Fourteen Only

Remarks

Checked By:

Date: 25-06-2003

Note: Errors & Omissions are excepted

Khaksar and BRAINS Software Enterprise (KBSOft)

Controller of Examinations
BISE Abbottabad

Attested

Controller of Examinations
BISE Abbottabad

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD



Serial No. 208103

PROVISIONAL RESULT CARD

Name ✓ NAZMA BIBI
 Father's Name MUHAMMAD ASLAM
 Address C/O S/KEEPER SUBIDAR MUHAMMAD
 IRFAN POST OFFICE LASSAN NAWAB
 Tehsil MANSEHRA
 District MANSEHRA
 has successfully completed PRIMARY TEACHING CERTIFICATE

Roll No. AC614633
 Registration No. 09NMA00328
 Final Semester AUT- 2009

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The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 09	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	66
SPR- 09	0614	EDUCATIONAL PSYCHOLOGY	100	64
SPR- 09	0613	PRINCIPLES OF EDUCATION	100	69
SPR- 09	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	61
AUT- 09	0619	TEACHING OF SCIENCE & PHYSICAL EDUCATION	100	70
AUT- 09	0618	TEACHING OF MATHEMATICS	100	71
AUT- 09	0617	TEACHING OF URDU	100	73
AUT- 09	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	79
AUT- 09	0620	TEACHING OF ISLAMIAT & SOCIAL STUDIES	100	66

CREDITS: 5

Total Marks / Obtained 900 / 619

Result Declared on SEPTEMBER 17, 2010

Percentage / Grade 69 B

Date of issue SEPTEMBER 29, 2010

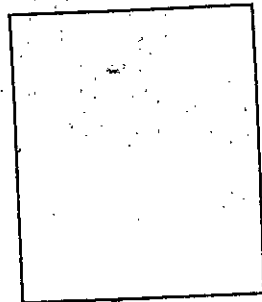
[Signature]
Controller of Examinations

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

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

DOMICILE CERTIFICATE



I declare that I was born of parents who are permanently domiciled in N.W.F.P. having belong to it by birth / settled in it.

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I belong by birth to Village / Mohallah KARKHALA
Tehsil MANSEHRA Distric MANSEHRA

Signature of the applicant

Dated: 23 / Apr / 2003

30/4/03

Pursuant to the declaration dated 23 / April / 2003 filed

by NAZMA BIBI ~~SON~~ / daughter of MUHAMMAD ASLAM
domiciled in N.W.F.P. is hereby certified that the said NAZMA BIBI
is born of parents who are permanent residents of the N.W.F.P. having belonged to it by birth / settled in it.

Verification Over Leaf

I have satisfied myself from personal / my knowledge, verification that the above declaration is true and certify.

This 29th day of April 2003.

M. Anwar Syed
DEPUTY DISTRICT OFFICER
Revenue & Estate Manshera
Deputy District Revenue Officer

COUNTER SIGNED

26/4/03
District Revenue Officer

[Signature]
District Revenue Officer,
Revenue & Estate Manshera.

DISTRICT REVENUE OFFICER
MANSEHRA

Attest

[Signature]
District Court Manshera

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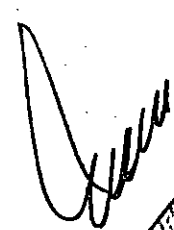
It is certified that Nazma bibi D/o Mohammad Aslam Resident of Karkahala was student of Govt Girls Primary School Dhamakka. Her date of birth according to school records is (11-04-1984).

Kkqjs
 Chief Executive Officer
 Govt Girls Primary School
 Dhamakka

Signature
 Date

تقدیر کا جائزہ ہے۔۔ مسماة ناطقہ بيب دختر محمد اسلم دختران مان نكرهه قيس و صلح، كسر محمد اسلم د/و آزاد آباد
 سے پيدائش - رجسٹریشن سے اور مسماة ناطقہ نذرة نادره محمد اسلم د/و دا محمد منقذ نكرهه كسر بعد رجسٹریشن
 زمين مال ۲۰۰۰ د ۱۱ كشنر ۳۱ سن كالف ۰۳ ۰۳

صوبہ اسیسٹنٹ کمشنر
 ۲۰۰۳


 Assistant Director
 7 St Street Manshehra.



SNo: 3550

HAZARA UNIVERSITY

MANSEHRA, PAKISTAN

DETAILED MARKS CERTIFICATE

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MASTER OF ARTS (FINAL) ANNUAL EXAMINATION 2014

Roll No: 39270Reg No: 10-PM-1681Name: Nazima BibiF/ Name: Muhammad AslamInstitution/ MANSEHRASubject: Islamiyat

District: _____

COURSE TITLE:	Max: Marks		Marks Obt:		Total	Marks in Words	Remarks
	TH	PR	TH	PR			
MA Previous Marks	500				333	THREE HUNDRED THIRTY-THREE	
(Al-Qura'an) Translation 2nd Half & Commentary alongwith Grammar	100		62		62	SIXTY-TWO	Pass
Principles of Islamic Jurisprudence	100		55		55	FIFTY-FIVE	Pass
Islam & other World Religions	100		60		60	SIXTY	Pass
Kalam & Philosophy of Islam / Islam in Contemporary Muslim World	100		56		56	FIFTY-SIX	Pass
Islamic Economics / Islamic Politics / Islam & Science	100		53		53	FIFTY-THREE	Pass
General Viva Voce	100		64		64	SIXTY-FOUR	Pass
Total: 1100					683	SIX HUNDRED EIGHTY-THREE	
Percentage: 62.09							
Division: FIRST							

Print Date: 27-02-2015

Checked By: A

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

Muhammad Aslam
Controller Examinations
Hazara University, Mansehra
February 27, 2015

Attended,
Muhammad Aslam Tanoli
Dist. Controller Mansehra

H

P-20

Annex C,

To be substituted even endorsement No/Date

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E&S EDUCATION MANSEHRA

ORDER

In Continuation to this office endorsed No. 5360-5384/Estt: (F) Apptt: PST (F)/2011-12 dated 18/05/2012 on the acceptance of appeal the following candidates are hereby appointed as Primary School Teacher PST (Female) against vacant posts in their relevant union councils in BPS 7 @ Rs.5800-320-15-400 plus usual allowances as admissible under the rule on regular basis under the existing policy of provincial Government on the terms and condictions given below with immediate effect.

S#	Name of Candidate	Father's Name	U/Council	Place of Posting
1	Rafia Musadiq	Musadiq Lodhi	Lassan Nawab	GGPS Fateh Bandi
2	Nazma Bibi	Muhammad Aslam	Lassan Nawab	GGPS Angar Bain
3	Sab Khaliq	Khaliq ur Rehman	Lassan Nawab	GGPS Seri Malwal

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.
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 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

[Handwritten signature]

[Handwritten signature]
 Muhammad Shao Khan Tanchi
 Advocate
 Distt. Courts Abbottabad


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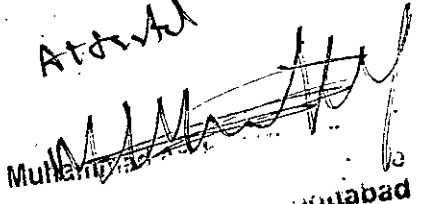
- him/her as salary will be recovered and a case against him/her shall be registered under relevant section of Law.
8. Their services are liable to termination on one month prior notice from either side. in case of resignation without prior notice, their one month pay/allowances if any shall be forfeited 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. 6850-59 /Estt: (F)Apptt:PET(F)/2011-12 Dated Mansehra the 31st May 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. Deputy District Officer (Female) E&SE Mansehra.
7. PA to District Coordination Officer, Mansehra.
8. Budget & Accounts Officer, local office, Mansehra.
- 9-67 Candidates concerned.


EXECUTIVE DISTRICT OFFICER
E&S EDU: MANSEHRA

Attest

Distt: Courts Abbottabad

Anne D P-22

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

No. 7923/AE-III(D)

Dated 01/10/ /2014

SHOW CAUSE NOTICE.

I, Naghmana Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, do hereby serve you Mst. Nazma Bibi, PST GGPS Angar Bain Mansehra as follows:

1. You were illegally appointed as PTC at GGPS Angar Bain vide defunct Executive District Education Officer (E&SE) Mansehra Endst: No. 6850-59 /Aptt./PET dated 31.5.2012, whereas you were stranger for recruitment process initiated through EATA, you never appeared in selection process as a candidate for said post through EATA. Your name did not fall in the merit list prepared for the selection of candidates. Acceptance of your appeal and subsequently your appointment order was the result of misuse of authority by the then EDO according to his sweet will and wishes against the recruitment rules, as per inquiry report received through Government of Khyber Pakhtunkhwa, elementary and Secondary Education Department Letter No. SO(S/M)E&SED/4-17/2013 Umar Khan EDO BS-19 dated 25.8.2014. Moreover the then EDO (E&SE) removed from Government Service in connection with all such bogus appointment including you made by him.

2. Going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense 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.
- d) inflicted huge financial losses to the Govt: Treasury receiving pay and result of bogus appointment.
- e) By snatching established rights of the deserving candidates due for appointment on merit. Cheating / cancelling the facts for an unlawful appointment with collusion of then EDO.

1. 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.

2. You are, hereby, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. 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 defense to put in and in that case an ex-parte action shall be taken against you.

4. A copy of relative page of the finding of the inquiry committee is enclosed

At Dated.
Muharri
Distt: Courts Mansehra

COMPETENT AUTHORITY

Mst. Nazima Bibi PST
GGPS Angar Bain

District Education Officer
(Female) Mansehra

B

The District Education Officer,
(Female) Mansehra

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Annex D

Subject: - REPLY TO SHOW CAUSE NOTICE NO. 7923/AE-III(M) DATED 01.10.2014.

Respected Madam!

The reply to the above referred notice is as under: -

PRELIMINARY OBJECTION

- 1) The case on the subject is pending in the High Court so, any proceeding is void and illegal till disposal of case.
- 2) The show cause notice addressed to me as PST, GPS Angar behar is wrong as it is well in the notice of your good-self that I am posted as PST in GPS Karkala, Union Council Lassan Nawab.
- 3) No copy of enquiry report is provided to me, as entered in Para - 4 of the notice.
- 4) I have been serving continuously for the last 2½ years and no salary was paid to me uptill now.

FACTUAL OBJECTION

- 1) Para No. 1 of your notice is incorrect. I was appeared and qualified the ETEA Test and my name was mentioned in the merit list which is also on the record in the High Court. I was appointed on merit as per policy, the misuse of authority by the then EDO if any is not my responsibility as per judgments of the Supreme Court reported in 2006 - SCMR - Page - 678 according to which the candidate is not responsible for any irregularity. (Copy attached).
- 2) That I am unaware about my enquiry. The enquiry if conducted is not under the relevant law I was never

Attested
Muhammad Ashraf Khan Tanoli
Advocate
Distt: Courts Abbottabad

associated in the enquiry. No copy of the proceeding or report was supplied to me and no enquiry was conducted in my presence.

- a) I have never used any force or dishonesty upon the authority.
 - b) Not mentioned in the notice.
 - c) Not mentioned in the notice.
 - d) Para (d) is wrong. I have been serving under your kind control, but no salary was paid to me in this connection a writ petition is pending in the High Court and your good-self is well aware about the case.
 - e) Para (e) is also incorrect. I was appointed on merit and still serving under your control for the last 2½ years. I was never informed that my order was not on merit.
- 1) Incorrect. Your good-self is not competent to pass such order without proper enquiry in my presence and affording opportunity of hearing.
 - 2) Due to above cited ground your good-self is not competent to pass such a order.
 - 3) Reply to the notice is being sent through registered AD.
 - 4) Incorrect. Copy not annexed with the notice.

It is, therefore, prayed that notice may be withdrawn and my salary may be restored.

Dated 11.10.2014

Nazma Bibi

Primary School Teacher
Govt. Girls Primary School
Karkala, U.C. Lassan Nawab
District Mansehra

Attended

Mulla Arshad Khan Tanoli
Advocate
Distt. Courts Abbottabad



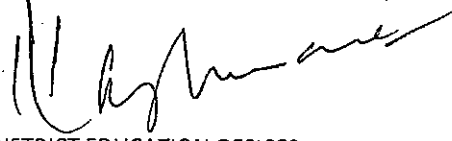
Annex

P-208
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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

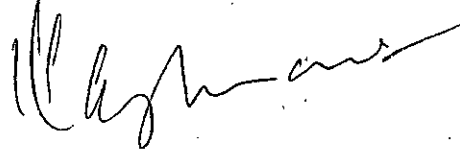
NOTIFICATION

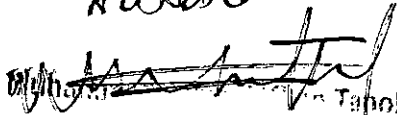
- 1:- Where as Mst: Nazima Bibi D/O M. Aslam working as PST GGHS/GGMS/GGP Angar Ban was served with show cause notice and was proceeded under the Khyber Pukhtunkhwa Govt: Servants (Efficiency and Disciplinary) Revised Rules 2011 for the charges mentioned in her Show-Cause Notice.
- 2:- And where as the 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. Nazma Bibi D/O M. Aslam CT/PET/TT PST GGHS/GGM GGPS Angar Ban.


DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

Endst: No. 1966-75 /AE- /Estab: dated 03/03/2015.
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. District Monitoring Officer Mansehra.
5. Deputy Commissioner Mansehra.
6. Principal/Headmistress _____
7. SDEO(F) Mansehra.
8. Budget and Accounts Officer Local Office.
9. Mst: _____
10. Office File.


DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

Attested

District Accounts Officer Mansehra

To,

The Director (E&SE)
Peshawar.

6 P-26
Arme F

Subject: DEPARTMENTAL APPEAL/ REPRESENTATION.

1. Reference made to dismissal order Endst. No. 1666-75/AE-I/Estab dated 03/03/2015. 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 on 19/06/2012.
 - ii. That the applicant passed ETEA test and there after qualified interview for the post of PST.
 - iii. That EDO (E&SE) Mansehra issued appointment order of the applicant purely on the basis of merit vide order Endst. No. 6850-59/Estt(F)Apptt: PET(F)/2011-12 dated 31/05/2012 and the applicant was posted to Govt. Girls Primary School Angar Bain, against the vacant post of PST.
 - iv. That the applicant is eligible for the post of PST according to the recruitment policy and

Attested
Muh/Wir/Ad/Advocate
Distt: Courts Abbottabad

qualification prescribed for appointment for the said post.

- v. That thereafter, the applicant was transferred from GGPS Angar Bain to GGPS Sharota and thereafter GGPS Karkala on 23/05/2013. (Copies of transfer order of the applicant are attached).
- vi. That the applicant is qualified PST having M.A & PST certificates from the recognized institutions. (Copies of degrees/ certificates are attached).
- vii. That the applicant served in the Education Department from the date of appointment till the date of impugned dismissal order dated 03/03/2015 with complete devotion/ dedication and to the entire satisfaction of her superiors.
- viii. That DEO(F) Mansehra issued impugned dismissal order referred in Para No. 1 above which is malafide, against the law, perverse, and void and liable to be set aside on the following grounds:-

GROUND:-

- a. That the applicant was recruited according to the prescribed rules as well as on merit on

Attended
 Mulla
 District Education Officer
 Mansehra

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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.

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

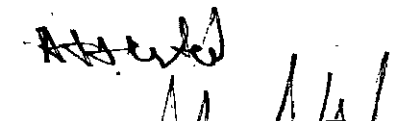
Dated; 24/3 /2015

Your's sincerely



(NAZMA BIBI)

D/o Muhammad Aslam
GGPS Karkala,
District, Mansehra



MUHAMMAD ASLAM
District, Mansehra

قیمتی

کورٹ فیس

وکالت نامہ

بعدالت جناب سردس ٹریڈنگ کمپنی پشاور

عنوان: مساتہ نانگہ بہہ بنام گورنمنٹ ۱۹۲۷

منجانب: Appellant

نوعیت مقدمہ: (سردس اپیل)

باعث تحریر آنکہ

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

محمد ارشد خان تنویر ایڈووکیٹ ایبٹ آباد

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 و دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد استجارت نالاش بصینہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: ۱۱/۷

بمقام: ایبٹ آباد

Accepted
Mohammad Hanan Tanoli
Advocate
Distt: Courts Abbottabad

نانگہ بہہ

(1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD.

Appeal No 823/2015

Mst: Naziam Bibi, D/O Muhammad Aslam , PST GGPS Karkala U/C Lassan Nawab R/O Karkala , Tehsil & District Mansehra.....APPELLANT

Versus

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

.....RESPONDENTS.

Written reply on behalf of Respondents.

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appeal is time-barred and not entertain able.
4. That the appellant has not come to this tribunal with cleans hands.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appeal is based on false and mala fide hence deserves dismissal.
7. The appellant has suppressed the material facts from this Honorable Service Tribunal, hence not entitled for any relief & appeal is liable to be dismissed.

FACTUAL OBJECTIONS:

- 1) Para No.1 is correct to the extent that respondent No.3 announced the post of PST in daily "The AAJ" dated 20-5-2011, while rest of the Para is incorrect.
- 2) Para No.2 is subject to proof.
- 3) Para No.3 is incorrect. The appellant was appointed as PST in the education Department through illegal appointment order dated 18-05-2012. (Appeal annexure C)
- 4) Para No.4 needs no comments.

5) Para No.5 is correct.

6) Para No.6 is correct to the extent that the respondent No.3 issued show cause notice to the appellant on the bases of inquiry conducted at high level, in the light of same inquiry the respondent No.3 was directed by the competent authority through letter No. SO(S/M) E&SE D/4-17/2013/ Umar Khan EDO BS-19 Dated Peshawar the August 25, 2014, that further action may be taken in the light of the finding of the inquiry committee after issuance of Show cause notice to the female teachers who were illegally appointed.

(Annexure A)

7) Para No.7 is in correct as composed hence denied the competent authority was not satisfied with the reply of the appellant.

8) Para No.8 is incorrect. The respondent No.3 issued Show cause notice to the appellant after completion of high level inquiry, as stated in Para No.6 opportunity of personal hearing was given to the appellant which was not availed. Dismissal of the appellant was in accordance with the law / rules.

9) The departmental appeal of the appellant rejected by the Director E & SE Peshawar on the following grounds.

i. She belongs to U/C Lissan Nawab where 02 Posts of PST were lying vacant. Being at S. No. 04 of the merit list of her U/C. She was appointed at GGPS Anger Ban (U/C Nika Pani) through a single / continuation order of 03 candidates vide No. 6850-89 dated 31-05-2012.

ii. Appeal may be rejected with the remarks that she was appointed out of merit.

(Annexure-B)

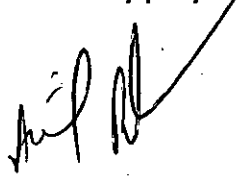
GROUNDS:-

- a. Para No. a & b is incorrect.
- c. Para No. c is incorrect hence denied the detail of the posts and merit of the appellant has already mentioned in para No.9
- d. Para No. d is correct to the extent of adoption of proper procedure as per Law. Rest of the para is incorrect, hence denied.
- e. Para No. e is incorrect. The entire allegations leveled against the appellant have been proved by the enquiry committee and appellate authority.


- f. Para No. f is incorrect. All the coddle formalities have been fulfill while dismissed the appellant.
- g. Para No. g is incorrect. The act of the respondent department is in accordance with the principle of jurisprudence and natural justice.
- h. Para No. h is incorrect. The detail of posts and rival candidate in her own U/C was given in the Para No.9
- i. Para No. i is incorrect. The proceeding against the appellant was made on the direction of higher authorities.
- j. Legal may be treated as per 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.823-A/2015 titled case MST: Nazima Bibi PST Versus Education are correct and true to the best of my knowledge and record and I have concealed nothing as material facts before this Honorable Court.


DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL, CAMP COURT ABBOTTABAD

Mst: Nazima Bibi, EX-PST,APPELLANT

VERSUS

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

SERVICE APPEAL

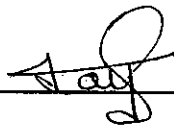
**REAPPLICATION IN RESPECT OF SUSPENSION OF OPORATION OF IMPUGNED
ORDER DATED 03-03-2015.**

RESPECTFULLY SHEWETH:

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

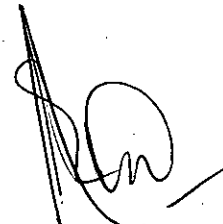
It is therefore most humbly prayed that the application may graciously be dismissed with cost.

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



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.823/2015 titled case Mst: Nazima Bibi, EX-PST Versus Education are correct and true to the best of my knowledge and belief and I have concealed nothing as material facts before this Honorable Court.



DEPONENT



7

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

Dated Peshawar the February 27, 2014

NOTIFICATION

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

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

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

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

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

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

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

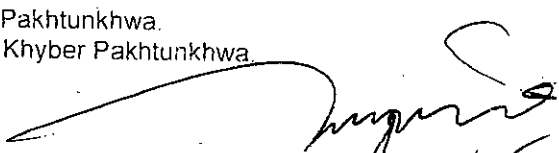
6. **NOW, THEREFORE**, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to impose major penalty of "**Removal from service**" upon Mr. Umar Khan Ex-Executive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

SECRETARY

Endst: of Even No. & Date:

Copy forwarded to the: -

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


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



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

(A)

No:SO(S/M) E&SED/4-17/2013/Umar Khan EDO BS-19

Dated Peshawar the August 25, 2014

(8)

To:

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

Mr. ... / ...
file ... / ...
put ... / ...
DEC

Subject: - ENQUIRY REGARDING APPOINTMENT/ GUIDANCE.

I am directed to refer to your letter No.30/6 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. Khafaq 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)

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.

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**)

[Handwritten signatures]

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 violation 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]

62. On the approval of Departmental Selection Committee, the appointment order of 59 candidates in BPS-07 were issued in their relevant union councils under the existing policy of the Provincial Govt. by Mr. Umer Khan Kundi EDO E&SE Mansehra under Endst:No.5360-5384 Estt: (F) Apptt: PST (F)/2011-12 dated 18.05.2012. **(Annex- LVIII)**

63. **IRREGULARITIES / INDIVIDUALS APPOINTMENT ORDER OF PSTS**

S.No in the Merit List OF PSTs	NAME & FATHER NAMES	Union Council	APPOINTMENT ORDER NO/Endst: No . AND DATE/PLACE OF POSTING	Facts	Remarks
03	Rafia Mussadiq D/O Mussadiq Lodhi	Lassan Nawab	Endst:No.6850-59/Estt:(F)Apptt:PST(F) 2011-12 dated Manshera 31.05.2012 Appointed at GGPS Fateh Bandi in BPS-7	Saba Khaliq D/O Khaliq Ur Rehman was at S.No.5 of the merit list. Her single order was issued under Endst:No.6850-59 dated 21.05.2012 on the acceptance of appeal by Mr. Umer Khan Kundi EDO E&SE Mansehra in GGPS Seri Malwal vide Endst:No6850-59/Estt:/Apptt:PST/2011-12 dated 21.05.2012. (Annex- LIX)	Since No DSC was convened to decide the appeals and no proper procedure was adopted. Hence the appointment order is against the recruitment rules and proper procedure. Appointment are illegal.
	Nazima Bibi D/O Muhammad Aslam	Lassan Nawab	Endst:No.6850-59/Estt:(F)Apptt:PST(F) 2011-12 dated Manshera 31.05.2012 appointed at GGPS Angar Bain in BPS-7	Rafia Mussadiq and Nazima Bibi U/C Lassan Nawab were appointed in substitution of Even No.&Date. Nazima Bibi D/O Muhammad Aslam was appointed at GGPS Angar Ban U/C Lassan Nawab where the post was not vacant/created up to the date of appointment. Even the SNE was not released and the appointment order was passed on 31.05.2012, it is astonishing that the appointing authority passed the order for appointment where the post was not created.	
	Saba Khaliq D/O Khaliq Ur Rehman Appointed	Lassan Nawab	Endst:No.6850-59/Estt:(F)Apptt:PST(F) 2011-12 dated Manshera 31.05.2012 at GGPS Seri Malwal in BPS-7	Appeal submitted by Uncle of Mst. Rafia Musaddiq was received in the office of EDO E&SE Mansehra on 13.07.2012, in which the applicant objected that	

(B)
(12)

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

NOTIFICATION.

WHEREAS, Mst Nazima Bibi, PST at Government Girls Primary School Angar, Ban District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1966-75 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. She belongs to U/C Lissan Nawab, where two (02) posts of PST were lying vacant. Being at S. No. 04 of the merit list of her U/C. She was appointed at GGPS Anger Ban (U/C Nikka Pani) through a single/continuation order of 03 candidates vide No. 6850-89 dated 31/5/2012.
2. Appeal may be rejected with the remarks that she was appointed out of merit.

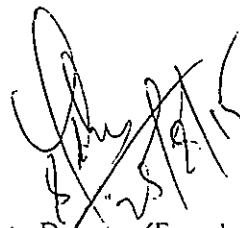
NOW, THEREFORE, in exercise of powers conferred upon the Director E&SE Khyber Pakhtunkhwa, Peshawar (appellant authority) under E&D Rules 2011 read with rules 17 (2) (a) and keeping the findings/recommendations of the committee into consideration, rejects the appeal of aforesaid sacked teacher for reinstatement, however her dismissal order issued by the DEO (F) Mansehra vide order No. 1966-75 dated 03/03/2015 is hereby converted into removal from service.

Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 4330-34 /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. Sub Divisional Education Officer (Female) Mansehra
4. Appellants concerned
5. PA to Director E&SE KP, Peshawar
6. Master File.


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