

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No: 1163/2022

Khyber Pakhtunkhwa
Service Tribunal

Taib Hussain.....Appellant 4629

Versus

Dated 30/3/2023

Secretary E & SE KP & OthersRespondents

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District Education Officer (Male)
District Orakzai

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

Service Appeal No: 1163/2022

Taib Hussain.....Appellant

Versus

Secretary E & SE KP & OthersRespondents

Joint Parawise Comments on behalf of Respondent No. 1 to 3

Preliminary objections.

- That the instant appeal is badly barred by Law and limitation.
- That the Appellant is not entitled for any relief from this Honorable Service Tribunal as his Bachelor of Arts (B.A) Degree was found bogus as the University (Islamic University of Pakistan Sialkot) from where he obtained the degree is not the recognized / registered University of Higher Education Commission of Pakistan.
- That the Appellant has got no cause of action, locus standi to file the instant appeal.
- That the Appellant has not come to this Honorable Tribunal with clean hands.
- That the Appellant has concealed material facts from that Honorable Tribunal.
- That the Appeal is not maintainable in the present form being devoid of merits.
- That the conduct of Appellant estopped him to bring the instant appeal before this Honorable Tribunal.
- That the act of the Respondent Department is legal as per Rules / Policy.

ON FACTS.

1. That para-1 needs no comments, being pertains to the residential record of the appellant.
2. That para-2 is pertain to record.
3. That para-3 is pertain to record.
4. That para-3 is pertain to record.
5. That para-5 is correct to the extent to appointment of the appellant against the post of Arabic Teacher at GHS Dran Sheikhan, District Orakzai, however upon verification, the Appellant is not entitled for any relief from this Honorable Service Tribunal as his Bachelor of Arts (B.A) Degree was found bogus as the University (Islamic University of Pakistan Sialkot) from where he obtained the degree is not

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the recognized / registered University of Higher Education Commission of Pakistan. (**Letter OF Verification of DEO Orakzai and Letter of HEC attached as Annex-A & B**)

6. That detail reply has already been submitted under para-5 above.
7. That as per terms and condition of the appointment order of the appellant at S.No.5, that in case of any document found fake/ bogus, the appointment order shall stand cancelled, so the appellant has been treated as per rules and policy, further more an enquiry was conducted in the matter and the same fact was established (**appointment order and Inquiry report are attached as Annex-C & D**).
8. That detail reply has already been submitted under paras 5 & 7.
9. That para-9 is correct.
10. That para-10 is correct.
11. That the appellant is not entitled for any relief on the grounds that his Bachelor of Arts (B.A) Degree was found bogus as the University (Islamic University of Pakistan Sialkot) from where he obtained the degree is not the recognized / registered University of Higher Education Commission of Pakistan.
12. That the Respondent Department also submit on the following grounds inter alia.

GROUND:

- A. **Incorrect and denied**, the act of the respondent department is legal and liable to be maintained.
- B. **Incorrect and denied**, the appellant was contract / adhoc employee and he has been treated as per law, rules and policy.
- C. **Incorrect and denied**, that detail reply has already been submitted under para 5 & 7 on facts.
- D. **Incorrect & denied**, that detail reply has already been submitted under para 5 & 7 on facts and the appellant misled the Responded on the basis of his fake / bogus and avail the benefits of appointment.
- E. **Incorrect and denied**, that the cited judgment is not applicable upon the case of the appellant being different in both question of law and facts of the cases stated in preceding paras the appellant is not entitled for any on the grounds that his Bachelor of Arts (B.A) Degree was found bogus as the University (Islamic University of Pakistan, Sialkot) from where he obtained the degree is not the recognized / registered University of Higher Education Commission of Pakistan.

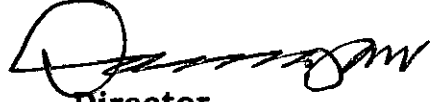
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- F. **Incorrect and denied**, the respondent department has acted as per rules and terms conditions of the appointment order.
- G. **Legal**, the respondent department also seek permission of this Honorable Tribunal to advance additional grounds at the time of arguments.

Prayer:

In light of the stated factual and legal position, it is humbly prayed that the case of the appellatant may be dismissed in favor of the department.



District Education Officer (Male)
District Orakzai
(Respondents No.1)


Director
Elementary & Secondary Education
Khyber Pakhtunkhwa
(Respondents No. 2 & 3)

AFFIDAVIT

I District Education Officer District Orakzai do hereby solemnly affirm and declare that the contents of the instant Joint Parawise Comments are true & correct to the best of my knowledge & belief.

ATTESTED


District Education Officer (Male)
District Orakzai
(Respondents No.1)





OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

DISTRICT ORAKZAI AT HANGU

No.

Date the. 30 / 03 /2023.

AUTHORITY LETTER

This is to certify that Mr. Asad Ullah Sub Divisional Education Officer (BS-17) (Male) District Orakzai is hereby authorized to attend / submit joint parawise Comments in service appeal No. 1163/2022 titled Taib Hussain versus Govt. of Khyber Pakhtunkhwa and others.

District Education Officer (M)
District Orakzai

**District Education Officer
Orakzai at Hangu**

(4) (7)

(Annex-A)

To,

✓ Director (Attestation & Accreditation),
Higher Education Commission (HEC),
Sector H-9, East Service Road, Islamabad, Pakistan.
UAN: 051-111-119-432

Subject: **RECOGNITION & AFFILIATION OF ISLAMIC UNIVERSITY OF PAKISTAN SIALKOT:**

Please refer to the subject cited above and it is stated that some of the individuals have applied for various district cadre teaching posts in district Orakzai and few of them are appointed too who possess degrees from the Islamic University of Pakistan Ranger Road Sialkot Cantt. Punjab Pakistan.

Apropos, degrees of all the appointees in district Orakzai are posted to the aforesaid university for verification but the same are not received to this office until date. Copies of the obtained degrees are annexed at flag 'A' & 'B' for ready reference.

In light of the above, it is decided that recognition and affiliation of the Islamic University of Pakistan Ranger Road Sialkot Cantt: may be verified from your good office/HEC.

Therefore, it is requested that the Islamic University of Pakistan Ranger Road Sialkot Cantt: Punjab Pakistan may be verified is to either it is a recognized institute & included in the recognized list of institution or it is a fake, illegal & unrecognized institute as per accreditation criteria/guidelines of the HEC, please.

An early response in this regard will be highly appreciated.


DISTRICT EDUCATION OFFICER,
ORAKZAI

Encls (2):

Even No. & Date:

Copy forwarded for information and necessary action to the:-

- 1) Director, E&SED Khyber Pakhtunkhwa, Directorate of Education, Peshawar.
- 2) Additional Director (Estab), Directorate of Education, Merged Areas, Peshawar.
- 3) Section Officer (PE), Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.


DISTRICT EDUCATION OFFICER,
ORAKZAI



HIGHER EDUCATION COMMISSION

Sector II-9, Islamabad Ph:90400930 Fax No.90402102
URL: www.hec.gov.pk

(Annex-B)

Assistant Director
(Accreditation)

No. 15(23)/A&A/Acc/HEC-2014/ 25.
March 11, 2022

Subject: Recognition & Affiliation of Islamic University of Pakistan, Sialkot

I am directed to refer your letter on the subject cited above and to inform that the Islamic University of Pakistan, Sialkot is not recognized by HEC and the name of this university has also been included in the list of "Illegal/Fake Institutions" available at HEC's website: <https://hec.gov.pk/english/universities/Pages/AIK/Illegal-DAIs.aspx>. Therefore, the degrees/transcripts/certificates/diplomas issued by the said University are not recognized by this Commission.

2. This issues with the approval of Competent Authority.


(Arif Mehmood)

✓ **The District Education Officer,**
Office of the District Education Officer,
Umar Plaza, Main Kohat Road,
Muslimabad-Hangu,
Orakzai

Copy to:

• The Director, Students Affairs Division, HEC

OFFICE OF THE DISTRICT EDUCATION OFFICER
DISTRICT ORAKZAI

Phone No. 0925-690017

(Annex-C)

APPOINTMENT ORDER:

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In consequent upon recommendation of the Departmental Selection Committee dated 11/11/2020, appointment of the following male candidates are hereby ordered against the post of Arabic Teacher (AT) school based in BPS: 15 @ (Rs.16120-1330-56020/- (Rs. 16120) plus usual allowances as admissible under the rules on adhoc school based policy of Provincial Government, in Teaching Cadre on the terms and conditions given below with immediate effect.

Roll No.	Name	Father Name	CNIC#	Score	Place of Posting/ Remarks
1360	SYED TAJDAR HUSSAIN	SYED SAGHIR HUSSAIN	2160340448637	105.34	GHS Khawa Surti Khel
2153	IFTIKHAR ALI	NOOR GHULAM	2160379862447	103.23	GHS Funtt Bugh
2677	MUHAMMAD IKRAM	MOLANA ABDUL JABBAR	2160182774649	103.19	GMS Tuar Kurri
2278	KHALIL REHMAN	FAZAL JALIL	1410116898007	102.84	GMS Yarka Kanhaw
2123	FARMAN ULLAH	KHUDAM UD DIN	2160193526329	100.30	GMS Gween
1192	NIJAT HUSSAIN	ALEEM HUSSAIN	1430170035557	96.30	GMS Safer Fowiz Khel
1213	MUHAMMAD HUSSAIN	MASTAN GUL	1410142821825	91.95	GMS Zarka Khel
1116	TAIB HUSSAIN	HILAL HUSSAIN	2160325062771	90.50	GHS Duan Shekhan

Attested
[Signature]


TERMS & CONDITIONS:

- 1) No TA/DA etc is allowed.
- 2) Charge reports should be submitted to all concerned in duplicate.
- 3) Appointment is purely on adhoc basis initially for one year.
- 4) They should not be handed over charge if they/he/she exceeds 35 year or below 18 years of age. Age relaxation case may be submitted to competent authority.
- 5) Appointment is subject to the condition that the certificates/documents/CNIC/Domicile must be verified from the concerned authority by the District Education Officer (Male) District Orakzai. Anyone found producing bogus/fake/forge/tempered

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- Certificate/Testimonials will be reported to the law enforcing agencies for further course of action(s) and his/her appointment shall stand as cancelled.
- 6) Their services are liable to termination on one month's notice from either side. In case of resignation without notice his one month pay and allowances shall be forfeited to the Government.
 - 7) Pay will not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that their (his/her) certificates are verified.
 - 8) They should join their (his/her) post within 15 days. In case of failure to join their (his/her) post within 15 days their (his/her) appointment shall stand cancelled automatically and no subsequent appeal etc shall be entertained.
 - 9) Health & Age Certificate should be produced from the Medical Superintendent DHQ Hospital Orakzai before taking over charge.
 - 10) They (he/she) will be governed by such rules and regulations as may be issued from time to time by the Govt.
 - 11) Their (his/her) service shall be terminated at any time, in case their (his/her) performance are (is) found unsatisfactory during their (his/her) contract period. In case of misconduct, they (he/she) shall be proceeded under the rules framed from time to time.
 - 12) Their (his/her) appointment are (is) made on school base, they (he/she) will have to serve at the place of posting, and their services are (is) not transferable to any other station.
 - 13) Before handing over charge once again their documents may be checked if they have not the required qualifications, they may not handed over the charge.
 - 14) If any meritorious candidate is deprived from appointment by this order and the competent authority accept his/her appeal, the appointment order of the low merit candidate will be withdrawn in favor of meritorious candidate.
 - 15) In case of any discrepancy in documents, oversight or clerical mistake, the competent authority has the right to modify or withdrawn appointment order of a candidate according to rules/policy.
 - 16) Posting/adjustment on the advertised/available vacancies is the discretionary powers of the appointing authority and no one has the right to claim for adjustment at a specific school.
 - 17) The competent authority reserved the right of corrigendum if needed.
 - 18) Salaries will be paid subject to the provision of duty certificate from concerned Head/DDO.
 - 19) Errors & omissions will be acceptable within the specified period.

Attested



DISTRICT EDUCATION OFFICER
DISTRICT ORAKZAI

Dated: 26/11/2020

Encls. No. 6300-167

Copy forwarded for information and necessary action to the:
1. Accountant General Khyber Pakhtunkhwa Peshawar.

(8)

1. PS to Secretary (E & SE) to the Govt. of Khyber Pakhtunkhwa, (E & SE) Deptt., Civil Secretariat Peshawar.
2. PA to Director (E & SE), Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commissioner, Orakzai.
4. District Account Officer, Orakzai.
5. Principals/Head Masters/Headmistress concerned.
6. District Monitoring Officer, Orakzai.
7. Assistant Programmer/CO, EMIS Cell Local Office.
8. Budget & Account Officer/Accountant/Pay Clerk/, Local Office.
9. Candidate concerned.
10. Office Copy.

[Signature]
DISTRICT EDUCATION OFFICER
DISTRICT ORAKZAI

Attested
[Signature]

TITLE OF THE ENQUIRY:

ENQUIRY REPORT:

(Annex-D)

Enquiry against Mr. Taib Hussain AT GHS Dran Sheikhhan, District Orakzai.

AUTHORITY:

DEO Orakzai office letter No. 698, dated 04-02-2022

DATE OF ENQUIRY:

05-02-2022 to 09-02-2022

VENUE OF THE ENQUIRY:

Office of the DEO-Orakzai, GHS Saifal Dara-Orakzai & GHS Mandail, District Orakzai.

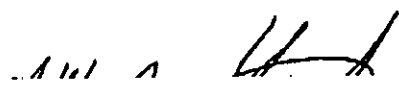
NAME OF THE ENQUIRY OFFICER:

- 1-Saifullah Khan Principal-BPS: 18, GHS Mandail-Orakzai.
- 2-Noor Hassan, Head Master BPS: 17, GHS Saifal Dara, Orakzai.
- 3-Shakeel Ahmad, SST BPS: 16, GHS Sawaro Kot, Orakzai.

PREAMBLE:

- 1-Apointed as AT BPS: 16 vide EDO-Orakzai office Endst No. 6300-10, dated 26/11/2020. (Annex-A)
- 2-Served at GHS Dran Sheikhhan since inception of appointment until date. His duty performance & service certificate has been obtained and attached herewith at Annex-B.
- 3-Pakistan Citizen Portal Complaint (PCP) bearing Complaint Code KP241221-89483632 (AB) dated 25/12/2021 regarding fake degrees is attached at Annex-C.
- 4-District Education Officer, Orakzai has sent a letter bearing DEO Orakzai office letter No. 200, dated 11/01/2022 seeking information regarding fake, illegal & unrecognized institutions in Pakistan including Islamic University of Pakistan Ranger Road Sialkot Cantt: Punjab Pakistan. Letter of the DEO Orakzai is attached at Annex-C.
- 5- In light of DEO Orakzai office letter to the Higher Education Commission (HEC) Islamabad bearing No. 200, dated 11/01/2022 regarding recognition & affiliation of the Islamic University of Pakistan Sialkot & subsequent list of Fake, Illegal, Unlawful and Unrecognized institutions in Punjab at serial No. 96, Annexed at D and the same are also present at HEC URL: <https://www.hec.gov.pk/english/universities/Pages/AJK/illegal-DAIs.aspx>, wherein Islamic University of Sialkot Punjab is included in the list that particular list.
- 6-Apropos, District Education Officer Orakzai has already withdrawn some of the orders vide DEO Orakzai office Endst: Nos. 416-28, dated 22/01/2022, No. 652-64, dated 02/02/2022 for possessing degrees from fake, illegal, unlawful and unrecognized institutions i.e Islamic University of Pakistan Sialkot, Punjab, the same university from which the accused Mr. Taib Hussain s/o Hilal Hussain bearing CNIC No. 21603-2506277-1 halled his BA degree.
- 7-One of the SST Namely Mr. Hafiz Ullah s/o Gul Saif Khan bearing CNIC No. 21604-923820-9 has already been reported to the Directorate for possessing the B.ED degree halled in 2020 from fake, illegal, unlawful and unrecognized institutions i.e Islamic University of Pakistan Sialkot, Punjab.
- 8-The accused was suspended by the honorable DEO Orakzai vide No. 698, dated 04/02/2022, his suspension order is attached at Annex-E.

Attested

9. By executing the power conferred under Rule-(12) 1(a)(b) & C, questionnaires were served upon the accused AT to ascertain the obligatory statement attached vide Annex-F.

GROUND:

- 1-The accused was liable for granting relief in already drawn salaries as the accused has already performed his duty. Proof of the same is already annexed at flag B.
- 2-The accused has already received his salaries and still receiving his subsistence allowance during his suspension period vide order of Even No. & date.
- 3-The accused Mr. Taib Hussain s/o Hilal Hussain bearing CNIC No. 21603-2506277-1 hailed BA degrees from fake, illegal, unlawful and unrecognized institutions i.e Islamic University of Pakistan Sialkot, Punjab present at Serial No. 96 at HEC URL: <https://www.hec.gov.pk/english/universities/Pages/AJK/Illegal-DAIs.aspx>.
- 4-As his BA degree has been verified by the university concerned instead of its presence in the list of fake, illegal, unlawful and unrecognized institution.

RECOMMENDATIONS/CONCLUSIONS:

- 1. Mr. Taib Hussain s/o Hilal Hussain Arabic Teacher (AT) BPS: 15 at GHS Dran Sheikhhan Central Orakzal bearing CNIC No. 21603-2506277-1, bearing Personal No. 00976636 has obtained his BA degree annexed at F is hailed from fake, illegal, unlawful and unrecognized institutions i.e Islamic University of Pakistan Sialkot, Punjab present at Serial No. 96 at HEC URL: <https://www.hec.gov.pk/english/universities/Pages/AJK/Illegal-DAIs.aspx>. Hence, liable to be treated under the terms & conditions of his appointment order at Serial No. 5.
- 2. Mr. Taib Hussain s/o Hilal Hussain Arabic Teacher (AT) BPS: 15 at GHS Dran Sheikhhan Central Orakzal bearing CNIC No. 21603-2506277-1, bearing Personal No. 00976636 is accountable to be treated under the Rule-4(b)-iii of the Khyber Pakhtunkhwa, Government Servants Efficiency & Discipline Rules 2011 (Amended).
- 3. His already drawn salary is justifiable as he has performed his duty since 26-11-2020 to 31-01-2022 at GHS Dran Sheikhhan, Central Orakzal.
- 4. Instead of the accused AT, agents for selling degrees from fake, illegal, unlawful and unrecognized institutions should be reported to the law enforcement agencies for proceeding under the rules & policy enogue.
- 5. FIR may be lodged against the defaulters (degree selling agents) from fake, illegal, unlawful and unrecognized institutions (Islamic University of Pakistan Sialkot, Punjab).

Attested


INQUIRY OFFICERS:

- 1. Mr. Saif Ullah Khan, Principal BPS: 18 GHS Mandaul, District Orakzal.
- 2. Mr. Noor Hassan, Head Master BPS: 17, GHS Salfal Dara, District Orakzal.
- 3. Mr. Shakeel Ahmad, SST BPS: 16, GHS Sawaro Kol, Orakzal.

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