

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 18.3.2015 which was not responded and hence the instant service appeal on 13.7.2015.

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

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

Appellant Deposited
Security & Process Fee



Chairman

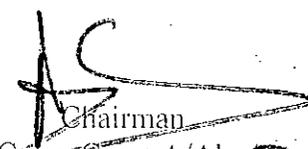
Camp Court A/Abad

20.10.2015

Counsel for the appellant and Mr.Sakeenullah, ADO alongwith Mr.Muhammad Tahir Aurangzeb, G.P for respondents present. 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Dismissed as withdrawn.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

20.10.15

ANNOUNCED
20.10.2015

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 809/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.07.2015	<p>The appeal of Mst. Shazia Afzal 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	14-7-15	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up thereon <u>24-7-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal No. 809/2015

Shazia Afzal D/O Muhammad Afzal Khan (Qaria GGHS Jabbori)
R/O village Banda Gasage Tehsil & District Mansehra

.....Appellant

VERSUS

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

.....Respondents

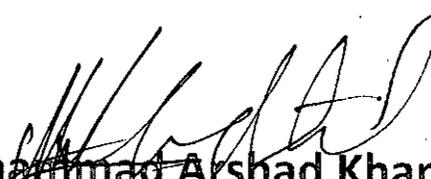
INEX

S.No	Prescription of Document	Annexure	page
1			1-10
2	Copy of Advertisement	"A"	11
3	Copies of Documents/testimonial are annexed	"B"	12-17
4	Copy of appointment order and corrigendum	"C"	18-19
5	Copy of Show cause notice and one page of inquiry of the then EDO	"D"	20-24
6	Copy of impugned dismissal order of appellant	"E"	25
7	Copy of departmental appeal /representation	"F"	26-27
8	Copy of advertisement	"G"	
9	Wakalatnama		

Dated: 10/7/2015

Shazia Afzal
Appellant

Through


Muhammad Arshad Khan Tanoli

Advocate, High Court
Abbottabad

①

BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Appeal No. 809/2015

A.W.F. Province
Service Tribunal
Diary No. 836
Dated 13-7-2015

Shazia Afzal D/O Muhammad Afzal Khan (Qaria GGHS Jabbori)
R/O village Banda Gasage 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:-

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 you non for appointment for the post of Qaria. Copy of Advertisement is annexed as Annexure "A"

Filed to-day
13/7/15

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2. That, the appellant qualified test as well as interview conducted by respondent No 3. The appellant is qualified Matric, Hifz, tajweed, teaching of tajweed, Shahadat ul Almia from registered Institution/ Maddaris. Copies of Documents/testimonial are annexed as Annexure "B"
3. That, following this, the appellant was appointed as Qaria in respondents' Department on the basis of merits and was posted in GGHS Afzal abad vide appointment order endrst No 893/942/ ESTT Qaria (F) APPTT; (f) 2012 Dated 16/6/2012. Copy of appointment order and corrigendum is annexed as Annexure "C".
4. That, the appellant served the Department with complete devotion and dedication to the entire satisfaction of her superiors from the date of her appointment i.e. 16.6.2012 onwards.
5. That, the appellant was though dismissed from service by the respondent's department endrs. No 1656-65/AE-J/ESTB on 3.3.2015.
6. That, Respondent No 3 issued Show Cause notice to the appellant without annexing the statement of allegations however, a page of inquiry which was conducted against the then EDO Umar Khan Kundi DEO, Shamim Akhtar was found attached with the show cause notice, wherein it

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

7. That, show cause notice issued to the appellant was properly replied by her mentioning that the appellant applied for the post of Qaria and appeared in ETTA Test vide Roll No 1709756 obtain 170 marks out of 300 and thereafter was appointed on merit Beside, District Education Officer solicited candid views from respondent No 2 regarding as to whether the candidate who possess their sannads of Hifz and tajweed from registered institutions are to be appointed "as per service structure in prescribe rules the sannad of Qirat from a recognized Institution meant a certificate obtained from Maddaris/Intuition Registered by the Govt. of KPK.
8. That, the respondent No 3, as stated above, served show cause notice to the appellant, which was properly replied by her. As per law, the appellant was entitled to be heard in person by respondent No 3. But Respondent NO 3 without resorting the rules, without providing opportunity of personal hearing and adopting proper modus operandi

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required for dismissal of employees from service, dismissed the appellant vide impugned dismissal order endst. No 1656-65/AE-J/ESTB dated 3.3.2015. Copy of impugned dismissal order of appellant is attached as annexure "E".

9. That on receipt of dismissal order, appellant filed departmental appeal against the order of respondent No 3 to respondent No 2 on 18.3.2015. Copy of departmental appeal /representation is attached as annexure "F" but respondent No. 2 did not bother to reply the representation of the appellant so far. Hence feeling aggrieved, the instant appeal is filed by appellant inter-alia on the following grounds:-

GROUND

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

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

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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

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

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

It is, therefore, prayed that on acceptance of the instant Service Appeal of the appellant, impugned dismissal order endrst. No 1656-65/AE-J/ESTB dated 3.3.2015 may graciously be set aside and respondent No 3 may be directed to reinstate the appellant in service in the School with effect from the date of her dismissal with all service back benefits in terms of pay etc. Any other relief which this Honourable Court deems appropriate in the circumstance may also be done.

Dated: 10/7/2015

Shazia Afzal
Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

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BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Shazia Afzal D/O Muhammad Afzal Khan (Qaria GGHS Jabbori)
R/O village Banda Gasage 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 1656-
65/AE-J/ESTB AND GRANT OF
STATUS QUO TILL FINAL DISPOSAL
OF THE MAIN APPEAL .

Respectfully Sheweth,

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

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

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

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

Dated: 10/7-2015

Shazia Afzal
Appellant

Through


Muhammad Arshad Khan Tanoli
Advocate, High Court
Abbottabad

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BEFORE THE KHYBER PUKHTUNKHAW SERVICE
TRIBUNAL, PESHAWAR.

Shazia Afzal D/O Muhammad Afzal Khan (Qaria GGHS Jabbori)
R/O village Banda Gasage 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, Shazia Afzal D/O Muhammad Afzal Khan (Qaria GGHS Jabbori)
R/O village Banda Gasage 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: 10/7 /2015

Shazia Afzal
Deponent

Annex B

P-12

S. No. PBR- 061855

Roll No.

BOARD OF INTERMEDIATE AND

SECONDARY EDUCATION
VERIFIED AND CORRECT
1429-12-19-88
7114611



Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 1996 (ANNUAL)
(HUMANITIES GROUP)

THIS IS TO CERTIFY THAT Shahida Afzal

Son/Daughter of Muhammad Afzal

and a student of Govt. Girls High School, Nowshera Cantt

has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education, Peshawar held in April 1996

as a *Regular candidate*. He/She obtained 193 Marks out of 850

and has been placed in Grade C Representing Cantt

The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|---------------------|-------------------------|
| 1. English | 3. Islamiyat | 5. Gen: Science | 7. Isl: Studies |
| 2. Urdu | 4. Pakistan Studies | 6. Gen: Mathematics | 8. Element of Economics |

He/She has been awarded Grade C on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Eightth July
one thousand nine hundred and Seventy Seven (8-7-1977)

[Signature]
Asstt. Secretary
26th July, 1996

[Signature]
Secretary

This certificate is issued without alteration or erasure.

Attested

Muhamm *[Signature]*
Dist. *[Signature]*

S.No. 26255

Roll No. 163370 ✓

Group. Humanities ✓



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B.I.S.E PESHAWAR



VERIFIED AND FOUND CORRECT

Assistant Secretary
(Certificates)
BISE Peshawar
27/12/98

**Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan**

**INTERMEDIATE EXAMINATION
SESSION 1998 - ANNUAL ✓**

This is to Certify that Shazia Afzal ✓ *Scn / Daughter of* Muhammad Afzal ✓
and a Student / ~~resident~~ of Government Girls College Nowshera ✓ Registered No. 132-B/GN-96
has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar
held in June/July, 1998 as a Regular Candidate. ~~He / She~~ obtained 642 Marks out of 1100
and has been placed in Grade C Representing Good ~~He / She~~ *has* been awarded Grade C on the
basis of internal assessment by the institution concerned. ~~The Examination was taken as a whole / in parts~~ *attested*

Assjt Secretary
Assjt Secretary

Muhammad
District Councils Abbottabad

Secretary
Secretary

This certificate is issued without alteration or erasure.

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University of Peshawar (Pakistan)

Session SUPPLEMENTARY 2000

SHAZIA AFZAL

DAUGHTER

of

MUHAMMAD AFZAL

and a Student

of

GOVERNMENT GIRLS COLLEGE NOWSHERA

having passed the prescribed

Examination held in

FEBRUARY 2001

is this day admitted by the University

of Peshawar to the Degree of

Bachelor of Arts

in the SECOND Division

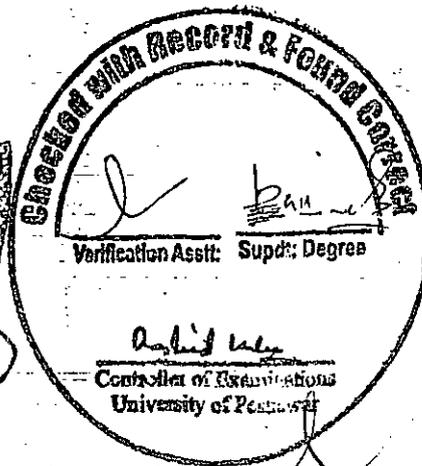
The examination was taken as ~~xxx~~ whole ~~xx~~ in parts.

Serial No. 066492

Registration No. 98 - NG - 1908

Roll No. 9783

Result declared on 28TH APRIL, 2001



M. Parvisha
Registrar

Countersigned

Z. Iqbal
Vice-Chancellor

M. Anwar Iqbal
Associate
Registrar
Peshawar

University of Peshawar (Pakistan)

Session ANNUAL 2004

SHAZIA AFZAL DAUGHTER of MOHAMMAD AFZAL and a student
of DISTRICT NOWSHERA having passed the prescribed examination
held in AUGUST 2004 is this day admitted by the University of Peshawar
to the Degree of
Master of Arts
in FIRST Division

The Subject of Examination being ISLAMIYAT

The Examination was taken as a whole / ~~in parts~~

Serial No 045777

Delam
Head Mistress
Govt. Girls High School
Jaborri (Manshera)



Attested
Muz...
Distt. Courts Abulhabad

[Signature]
Registrar

[Signature]
Countersigned
Vice-Chancellor

Registration No. 98-16-1908

Roll No. 25400

Result declared on FEBRUARY 28, 2005

بیتناظرہ قرآن مجید و مہجید و مہجید و مہجید



جامعہ تبحرین القرآن و روضۃ المدنی

P-16

الحمد لله الذي بعثت فينا محمدًا و آله و صحبه أجمعين في هذه الأوقات العصيبة...
بیشک لاکھوں روز و سلام اللہ کے آخری روز لیل محسبی اللہ علیہ وسلم پر، جن کے ذریعہ دین اسلام ساری دنیا میں پھیلا۔ انا بعد قرآن مجید
اللہ جل شانہ کی طرف سے ایمانداروں کے لئے نصیحت، شفاء، ہدایت اور رحمت کی آخری کتاب ہے۔ پس اللہ جل شانہ کی طرف سے خوشخبری
ہے، ان خاص بندوں کے لئے جو قرآن مجید کو توجہ و ادب سے سنتے ہیں اور اس کی بہترین تعلیمات کی اتباع کرتے ہیں۔ (مضمون آیات قرآنی)

جامعہ تبحرین القرآن و روضۃ المدنی
بیاد سید حمزہ علیہ السلام، سیر بیانی، نو شہرہ میں

معلم / سائلہ شازیہ افضل، بی بی، محمد انصاری

زناظرہ قرآن مجید عملی تجویز سے مکمل کر کے جامعہ کے امتحان درجہ مہجید میں نمایاں کامیابی حاصل کر کے مستند اعزاز حاصل کی۔
مخاندانہ کو ہے کہ اللہ تعالیٰ قرآن مجید کے لازمی حقوق:- تجویز سے پڑھنے پڑھانے، تہلیل اور اشاعت کرنے کی سعادت میں حامل بقا و نصیب
کندے۔ یا کہ خیرکم من تعلم القرآن و علمہ میں شامل ہو سکے۔ نصیحت: سارے اسلامی مدارس بالخصوص ایسے جامعہ
اور اس کی منظور شدہ شاخوں کی ترقی، ان کے اساتذہ و معلمات، مسلمانین و خدام اور جملہ اکابرین علماء و اصحاب کے لئے مفید و جان نجات
کرنے ہوئے ازو انہ سورۃ الاخلاص تیس مرتبہ پڑھ کر بخش دیا کریں نیز قرآن مجید کی تلاوت، تفسیر و احکام کی اطاعت، حجاب کرامت و شکر کی
محبت، علماء حق دارالعلوم دیوبند کی حمایت کرتے ہوئے دین اسلام کی عزت اور ہر باطل کا مقابلہ کت اور جرات سے کرتے رہیں۔ تاکہ
قدم بقدم اللہ تعالیٰ کی خوشنودی، مدد اور نصرتیں حاصل ہوں۔ وَلَیْسَ لَکُم مِّنْ دُونِ اللّٰهِ مَن یَنْصُرُکُمْ اِنَّ اللّٰهَ لَیْسُبُوْا عِبَادَہٗ

بیتناظرہ قرآن مجید



بیتناظرہ قرآن مجید و مہجید و مہجید و مہجید

بیتناظرہ قرآن مجید و مہجید و مہجید و مہجید

تاریخ: ۱۴۲۷/۸/۲

۱۹۲۳

ماہنامہ قرآن مجید



جامعہ تبحرین القرآن

صفحہ 615

Attested

Signature: Muhammad Tanoli

Director

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
نَحْمَدُهٗ وَنُصَلِّیْ عَلٰی رَسُوْلِهِ الْكَرِیْمِ

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

سند نمبر ۲۵



دعوت الی الخیر من الجامعۃ الشرعیۃ الاسلامیۃ ہاجرۃ البینات (حیدرآباد)

حارہ صدیقہ شیکیری مدیریہ: السنہ عقلمیۃ سرحد پاکستان

الحمد لله الذي انزل على عبده كتابه وكانظ علينا حروفه وحروفه وآدابه والصلوة والسلام على من آتاه فاعلم
خطاب به وعلى آله واصحابه المتأدبين بأدابه الذين حملوا القرآن ووعوه وجامعوا في حفظه ووروه.
أما بعد

محمد افضل
مدير

بنت

شازیه افضل

خان احتفا في الدين

من مصنفات

۱۹۷۷-۷۸

دخلت في الجامعة الشرعية الإسلامية هاجرہ البینات لحفظ القرآن الكريم
فكففت القرآن النجيد مع التجويد حسب وسعها فاعطيناها هذه الورقة.
لتكون عندها سندا ونرجو ان تعرف هذه قدر النعمة العظيمة وتتلوه اثناء ليل
اناء النهار ولا تنساه تعبد بها في من التوحيد وغيره من العقائد والعبادات
والمعاملات والمعاشرت وحسن الاخلاق وتقرءه ابتغاء مرضات الله ولا
تاكل به اعرض الدنيا ط قال ربك ادعوانى استجب لكم وقال تعالى اجيب
دعوة الداع اذا دعان فليستجيبوا لى وليؤمنوا بى لعلهم يرشدون وصلى
الله تعالى على خير خلقه محمد واله واصحابه اجمعين

شهادة استاذ
شوراء استاذ

۹۸

مجموعه درجات

الجامعة الإسلامية هاجرہ البینات

مكتبة مكيه (مكتبة شكري)

شهادة منقحة بنت محمد

ارخ اعطاء السند ۲۰ - ۱۰ - ۱۹۷۷

Attested

شازیه افضل
محمد افضل
شوراء استاذ

Annex C, P-18

OFFICE OF THE EXECUTIVE DISTRICT OFFICER OF 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 BFS-9 @ Rs.6200-380-17000 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:-

C/S
District Education Officer
(F) Mansehra

S#	Name	Father Name	Address	Place of Posting	Remarks
1	BIBI BUSHRA	FIDA HUSSAN	MANGLOOR	GGHS KASSA	AV/Post
2	SHAZIA ABBEL FATIMA BIBI	M AFZAL KHAN FIDA HUSSAIN	BANDA GESUCH	GGHS JABORI	AV/Post
3	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 AFZALABAD	AV/Post
7	BIBI SAEEDA SALAMA	FIDA HUSAIN	MANGLOOR	GGHS THATHI KHURD	AV/Post
8	ASMAT BIBI	ABDUL REHMAN	LASSAN NAYAB	GGHS LASSAN NAYAB	AV/Post
9	BIBI MARIUM	FIDA HUSSAIN	MANGLOOR	GGHS PAIRAN	AV/Post
10	SAMMIYA RAHIEM	RAHIM SHAH	OGHI MANSEHRA	GGHS OCHI	AV/Post
11	SAIMA BIBI	FIDA HUSSAIN	MANGLOOR	GGHS DANDA KHOLAN	AV/Post
12	ALYIA BIBI	ALI KHAN	AFZALABAD	GGHS SANGAR	AV/Post
13	AYSHA KANWAL	KHALIL UR REHMAN	LABARKOT	GGHS MAIRA AMJID	AV/Post
14	AMBER ZEB	ALAM ZEB	PHULRA	GGHS PHULRA	AV/Post
15	AISHA BANO	SHAHZADA	MILPOLE MANSEHRA	GGHS ZAFFA	AV/Post
16	BUSHRA BIBI	LAL KHAN	PHULRA	GGHS SAWAN KWARA	AV/Post
17	MAMCONA WAJID	WAJID	BILAKUND	GGHS GHANOOOL	AV/Post
18	HAMEEDA	MOHD YOUSAF	PHULRA	GGHS JARED	AV/Post
19	TABSUM	MOHD NAZIR	OGHI MANSEHRA	GGHS TRAWIA	AV/Post
20	SABA NOOR	SHEIKH NOOR ELLAHI	MANSEHRA	GGHS TALHATA	AV/Post
21	ASMA NAZ	RAJA MANZOOR HUSSAIN	BEHALI	GGHS MOHAYAN	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.

Munam
Distt: District Education Officer
Mansehra

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 31st 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 883-942 / Estt: (F) Appt: 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.

A. Hestel
 EXECUTIVE DISTRICT OFFICER,
 E&SE MANSEHRA

Muhammad Khan Tanoli
 District Coordination Officer
 Mansehra



P-20
Annex-D

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. 7722

DEO 2014

Email: deofmanshrra@yahoo.com

Dated 29/9/

2014

Phone & Fax: 0997-302518

To

Head Mistress,
Govt Girls High School

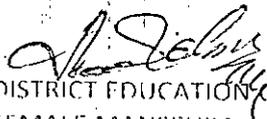
Subject

Tabori

SHOW CAUSE NOTICE

Memo:

Show Cause notice in respect of Mst. Shezida Qaria D/O
M. Afzal Khan of your school is attached herewith. You are
directed to serve the same to the teacher concerned and return one copy to this
office as a token of receipt.


DISTRICT EDUCATION OFFICER
FEMALE MANSEHRA.

Endst:No. _____

Copy to the:-

1. Deputy Commissioner, Mansehra.
2. District Monitoring Unit Mansehra.
3. Sub Divisional Education Officer (Female) Mansehra.
4. ADEO Circle concerned is directed to ensure the attendance by the concerned teacher.

Attested -

DISTRICT EDUCATION OFFICER
FEMALE MANSEHRA.


District Education Officer
Female Mansehra



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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

No. 7722 / Establishment/ 2014

Email: deofmansehra@yahoo.com

Dated: 29/9/ / 2014

Phone & Fax: 0997-302518

SHOW CAUSE NOTICE

I, Naghmana Sardar, District Education Officer (Female) Mansehra as Competent Authority under the Khyber Pakhtunkhwa Servant (Efficiency & Discipline) rules, 2011; do hereby serve you Mst Shazia D/O M.Afzal Khan; Qaria, Govt: Girls High School Jabbori Mansehra, Show cause Notice as follows:

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

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

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

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

3) As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty of dismissal from services under rule 4 of the said rules.

4) You, are thereof, required to Show Cause as to why the aforesaid penalty should not be imposed upon you & also intimate where you desire to be heard in person.

5) If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defiance to put in and in that case an ex-parte action shall be taken against you.

6) A copy of the finding inquiry committee related page is enclosed.

Attested

[Handwritten signature]
District Education Officer
(Female) Mansehra

COMPETENT AUTHORITY

[Handwritten signature]
District Education Officer
(Female) Mansehra

To

P-22

The District Education Officer (Female)
Mansehra District

Sub Reply of Show Cause Notice

Honourable Madam,

With due respects it is stated that a Show Cause Notice No. 7722 dated 29.09.2014 was issued to me. Some Explanations were demanded in this Show Cause notice.

I want to reply these points.

① I was appointed as Qaria at G.G.H.S Jabbari vide EDO (E.S.E) Mansehra Endstt No. 893-942/Estt Qaria (f) dated 16.06.2012 on purely merit bases after passing Eata Securing marks were 172.

② It is not correct. I have not committed any misconduct & dishonoury because my appointment was made after passing through due process of recruitment.

③ It's also incorrect inflecting huge financial losses to the Govt. because I have been performing my duty regularly since after my appointment.

④ This also incorrect. I have not snatched established rights of deserving candidate. I was deserving myself for appointment due to coming on merit at Serial No. 2. More over Sanad Hifz-ul-Quran and Sanad Qirat are also from registered institutions.

Muhammad
Tancil

P.T.O

Madame,

P-23

In the light of above facts, kindly no
strick action be imposed on Sympathetic grounds.

Yours obediently,

Miss Shazia Afzal B/o Muhammad Afzal
Qaria
G.G.H.S, Jabbari

Forward

Afzal

29-10-2014

Attn: Mr. ...
Govt. College ...
Jabbari (Khasra)

Interestingly the aforementioned minutes / record of the DSC was not made from office of the District Officer (Female) Mansehra and the same were, however, made through Fax from office of the DO (M) Mansehra after frequent requests (see XI).

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

NAME & NUMBER	PLACE OF POSTING	Facts	Remarks
Bushra Fida D/O Mansehra	GGHS Hassa	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
D/O Ahammad Khan	GGHS Jabori	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi Fida D/O Mansehra	GGHS Doga	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi D/O Harayun	GGHS Dyaryal	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
M D/O Mansehra	GGHS Muradpur	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
D/O Ali Abbas	GGHS Afzal Abad	Sanad Hifz ul Quran from wafaq but Sanad Qirrat is not from recognized institution	The appointment is not valid and is against the recruitment rule/policy.
D/O Mansehra	GGHS Thathi Khurd	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi Abdul D/O Mansehra	GGHS Lissan Nawab	No Sanad Sanad Hifz ul Quran and No Sanad Qirrat	The appointment is not valid and is against the recruitment rule/policy
Maryam Fida D/O Mansehra	GGHS Pيران	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Shah D/O Mansehra	GGHS Dghi	Sanad Hifz ul Quran is from recognized institution but Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy.
Bibi Fida D/O Mansehra	GGHS Danda Kheilan	Sanad Hifz ul Quran and Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy
Bibi D/O Mansehra	GGHS Sangar	Sanad Hifz ul Quran is from recognized institution but Sanad Qirrat is not from recognized institution.	The appointment is not valid and is against the recruitment rule/policy

Attested

[Handwritten signature]

[Handwritten signature]



P-25
Annex E

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

- 1:- Where as Mst: Shez'ia D/O M. Afzal Khan working as Q.A. GGHS/GGMS/GGP Jabbari 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. Shez'ia D/O M. Afzal Khan Alleged
CP/PET/RT Q.A. GGHS/GGMS/GGP Jabbari


DISTRICT EDUCATION OFFICER
FEMALE MANSAEHRA.

Muh 
Distt: Courts and
ate
dated

Endst: No. 1656-65 /AE- I /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.

Annex F

P-26

To

The Director,
Elementary & Secondary Education,
KPK Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED NOTIFICATION ISSUED UNDER
EDDST NO A/EE-1/ESTAB: DATED 03-03-2015 WHEREBY MAJOR PENALTY OF
DISMISSAL FROM GOVT SERVICE WAS IMPOSED UPON THE APPELLANT WITHOUT
LAWFUL AUTHORITY (COPY OF IMPUGNED NOTIFICATION IS ATTACHED & MARKED
AS ANNEX "A")

Prayer: IMPUGNED NOTIFICATION MAY PLEASE BE SET ASIDE FROM THE DATE OF ITS
ISSUANCE DECLARING THE SAME WITHOUT LAWFUL AUTHORITY CONTRADICTORY
TO THE RECRUITMENT POLICY & RULES AND RE-INSTATE THE APPELLANT WITH ALL
BACK BENEFITS AT THE SAME STATION.

Respected Sir,

I would like to invite your kind attention to the following facts in connection to
colorful exercise of power on the part of authority i.e DEo (F) Mansehra

- (i) That the then Edo (E & SE) Mansehra invited application for recruitment of teachers of
various cadres in Distt: Mansehra through advertisement published in daily
maarwaq (copy attached and marked as Annex "B")
- (ii) That as per procedure appellant applied for the post of QARIA. ETA test was conducted
on 2011 and appellant appeared as a candidate under Roll No
1709756 and obtained 172 marks out of 300. (Copy of attached and
marked as Annex "C")
- (iii) That the then Edo conducted interview and scrutinized the documents of the candidates
and merit list of the candidate was displayed for receiving objections. After due process
the meeting of DSC was held and approved the cases of Qaria candidates for
appointment against the post of QARIA whereas the name of appellant falls at S.No
Appointment :
- (iv) That appointment order of the appellant was issued under Edstt No
873-942 dated 16.06.2012 and appellant was posted against
the post of QARIA at GGHS Jabbori Mansehra. (Copy attached and marked as Annex "D")
- (v) That appellant continuously performing her duty without any break for the last 02 years
& 09 months while she received a show cause notice whereby allegations where leveled
against the appellant based on concoction and concealment of facts. The same are
reproduced as below.

"YOU WERE ILLEGALLY APPOINTED AS QARIA AT GGHS JABBORI MANSEHRA VIDE
DEFUNCT EXECUTIVE DISTRICT OFFICER (E & SE) MANSEHRA ENDST NO
873-942 DATED 16.6.2012 WHERE YOU WERE STRANGER FOR
RECRUITMENT PROCESS INTIATED THROUGHT ETA ACCEPTANCE OOF YOUR APPEAL
AND SUBSEQUENTLY YOUR APPOINTMENT ORDER WAS TH RESULT OF MISUSE OF
AUTHORITY BY THE THEN EDO ACCORDING TO HIS SWEET WILL AND WISTED AGAINST
THE RECRUITMENT RULES" (COPY ATTACHED)

[Signature]
Abdul Qadir Tanoli
District Education Officer
Distt: Mansehra

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(vi) That a reply was submitted in response to show cause notice whereas appellant adopted continuation that she was appointed after due recruitment process and her appointment order along with 21 other candidates was issued in a lot after the approval of DSC (copy attached and marked as Annex "F")

(vii) That appellant received impugned order dated 03-03-2015 whereas the major penalty of dismissal from service has been imposed upon the appellant. ^{(1) Qirrat}

(viii) That appellant passed her professional qualification QARIA from Jamia Tehseen-ul-Quran (copy attached and marked as Annex "G")
^{Peer Piat Nosheta S}

Sir,

- a. Appellant was appointed after due process of recruitment through ETA test and appointment order of 893-942 candidates was issued after the approval of DSC. The appellant served for a period of 02 years and 09 months without any break to the entire satisfaction of department.
- b. No inquiry was conducted or initiated. No opportunity of defense offered No personal hearing was made. How the authority passed the order in the light of E & D rules and under what charges/evidence imposed such a harsh punishment of dismissal from service

It is stated that no such recommendation was made by the committee who was constituted to conduct inquiry against the then EDO.

In the light of above facts you are requested to set aside the impugned notification of dismissal from service that is without lawful authority and having no legal sanctity and re-instate the original appointment order of the appellant with all back benefits at the same station who was appointed against the post of PST in result of completion of due recruitment process on merit basis.

Yours Faithfully
(Appellant)

Shazia Afzal

GGHS Jabori Mansehra

Dated: 18 /03/2015

Attested

Muhamm...
Muhammad Tanoli
...
...

قیمتی

کورٹ فیس

وکالت نامہ

بعدالت KPR سپریم کورٹ آف پاکستان

عنوان: سجاد علی شاہ بنام گورنمنٹ KPR وکلاء

منجانب: اسلمند

نوعیت مقدمہ: اپیل

باعث تحریر آنکہ

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

محمد ارشد خان نیچی رٹورسٹ ہاں کورٹ آف پاکستان

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراء استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 10 جمادی 2015

بمقام: اسلمند

~~Accepted~~ Accepted

M. Arshad Khan Tanali

Shazfa Arzal

Adv High Court Ad

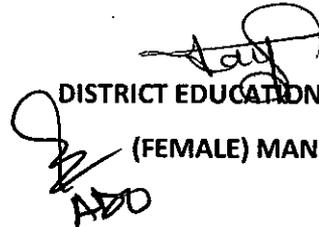
BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 809/2015

Respectfully Shewth

1. That the services appeal No: 809/2015 in respect of **MST: Shazia Afzal** is pending before this honorable court for reinstatement.
2. That reference director E & SE department notification Endst: No 4166-71 /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

ADD

7
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

WHEREAS, {Mst. Shazia, Qaria} at Government Girls High School Jabbori District Mansehra was dismissed from service by the DEO (Female) Mansehra vide Order No. 1656-65 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. Shazia's name was at S.No. 02 of the merit list. Her asnad of Hifzul Quraan was from Jamia Shareeatul Islamia Hajera Lel Banat Shinkiari Mansehra. Whereas the sanad of Tajveed ul Quraan is from Jamia Tehseenul Quraan Peerpai Nowshera. She was appointed as Qaria vide a general order Endst: No. 893-942 dated 16/06/2012 at S. No.02.

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. 1656-65 dated 03/03/2015 and reinstate Ms. Shazia, Qaria, at Government Girls High School Jabbori District Mansehra with effect from the date of her dismissal with all back benefits subject to production of the requisite registration & affiliations to the DEO (F) Mansehra.

Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. 2166-11 /F.No. 71 /Appeals Female MSR Dated Peshawar the 25/8/15 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. Shazia 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