

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 1163/2022

Date of Institution... 27.07.2022

Date of Decision... 18.09.2023

Taib Hussain S/O Hilal Hussain (EX-AT) Government High School Dran Shekhan Central Orakzai, R/O Tapa Mir Was Khel, Hussaini Abad, P.O Kuriz, District Orakzai.

... (Appellant)

VERSUS

District Education Officer, Orakzai, Umar Plaza, Main Kohat Road, Muslimabad Hangu and 02 others.

... (Respondents)

MR. QAISAR ABBAS BANGASH,
Advocate

--- For appellant.

MR. FAZAL SHAH MOHMAND,
Additional Advocate General


--- For respondents.

SALAH-UD-DIN
FAREEHA PAUL

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precise facts forming the background of the instant appeal are that various posts of Male and Female teachers in District Orakzai were advertised in the newspaper.

 The appellant applied for the post of Arabic Teacher (BPS-15) and after passing ETEA test and fulfilling other requirements, he was appointed vide order dated 26.11.2020. The appellant assumed the charge of his post and started performing of his duty, however vide order dated 12.02.2022, he was removed from service. The appellant being aggrieved of the order dated 12.02.2022, challenged the same through

filing of departmental appeal, however the same was rejected on 27.06.2022, hence the instant service appeal.

2. On receipt of the appeal and its admission to regular hearing, respondents were summoned, who put appearance through their representative and contested the appeal by way of filing written reply raising therein numerous legal and factual objections.

3. Learned counsel for the appellant addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned Additional Advocate General for the respondents has controverted the arguments of learned counsel for the appellant and supported the comments submitted by the respondents.

4. We have heard the arguments of learned counsel for the parties and have perused the record.

5. The appellant was appointed as Arabic Teacher (BPS-15) on the strength of Bachelor Degree obtained by him from Islamic University of Pakistan Ranger Road Cantt Sialkot. An anonymous complaint was floated on Pakistan Citizen Portal with regard to appointment of certain candidates during the years 2019-20 & 2020-21 possessing degrees obtained from fake, illegal and unrecognized Institutions. In wake of the said complaint, District Education Officer Orakzai sent letter dated 11.01.2022 to the Director (Attestation and accreditation) Higher Education Commission Pakistan requesting therein for verification as to whether Islamic University of Pakistan Ranger Road Sialkot is a recognized University or otherwise. Assistant Director


(Accreditation) Higher Education Commission vide his letter No. 15(23)/A&A/Acc/HEC-2014/25 dated March 11, 2022 informed the District Education Officer Orakzai that the Islamic University of Pakistan, Sialkot is not recognized by HEC and the name of the said University has been included in the list of “**Illegal/Fake Institutions**”. On receipt of the afore-mentioned letter, an inquiry committee was constituted, which probed the matter and in light of the report of the inquiry committee, the appellant was removed from service vide impugned order dated 12.02.2022.

6. It is an undeniable fact that the appellant had obtained Bachelor Degree from an unrecognized University and he was thus not entitled for getting any job on strength of the said degree. The University, wherefrom the appellant had obtained Bachelor Degree has been declared as illegal and fake by Higher Education Commission, therefore, the principal of *locus poenitentiae* could not be attracted in such a situation for allowing the appellant to carry on his job on the said degree.

7. In view of the above discussion, the appeal in hand being devoid of any merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.09.2023


(FAREEHA PAUL)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ORDER
18.09.2023

Appellant alongwith his counsel present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand being devoid of any merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room..

ANNOUNCED
18.09.2023



(Fareeha Paul)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)