

No. 388/2016

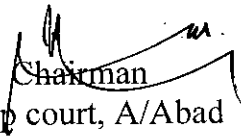
Mst. Naz Bibi vs Govt

21.08.2017

None is present on behalf of the appellant. Mr. Muhammad Bilal, Deputy District Attorney alongwith Muhammad Ulsman, Senior Clerk for the respondents present. Called several times till last hours of the court but none appeared on behalf of the appellant.

In view of the above, the appeal is dismissed for want of prosecution. File be consigned to the record room.

  
Member

  
Chairman  
Camp court, A/Abad

ANNOUNCED  
21.08.2017

15.02.2017

Appellant with counsel and Mr. Muhammad Siddique, Sr.GP for the respondents present. Counsel for the appellant requested for adjournment to file rejoinder. To come up for rejoinder and final hearing on 13.03.2017 before the D.B at camp court, Abbottabad. The restraint order shall continue.

Member  
Camp court, A/Abad

13.03.2017

*Mr. Clerk of Counsel for the appellant and* Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to non-availability of D.B arguments could not be heard. Rejoinder also not submitted. To come up for rejoinder and final hearing before the D.B on 16.05.2017 at camp court, Abbottabad. The restraint order shall continue.

Chairman  
Camp Court, A/Abad

25.05.2017

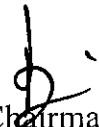
Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, to come up for the same on 21.08.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly

Registrar

388/2016

20.12.2016

Mr. Zafar Iqbal, Advocate for appellant present and Wakalatnama submitted. Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique, Sr.GP for the official respondents and private respondent No. 4 in person present. Counsel for the appellant requested for adjournment to submit rejoinder. Due to non-submission of rejoinder and incomplete bench arguments could not be heard. To come up for rejoinder and final hearing on 18.01.2017 before D.B at camp court, Abbottabad. The restraint order shall continue.

  
Chairman  
Camp court, A/Abad

18.01.2017

Counsel for the appellant and Mr. Muhammad Siddique, Sr.GP with Mr. Usman Khan, Senior Clerk for the official respondents present. Counsel for the appellant requested for adjournment to submit rejoinder. Last opportunity granted. To come up for rejoinder and final hearing on 15.02.2017 before D.B at camp court A/Abad. The restraint order shall continue.

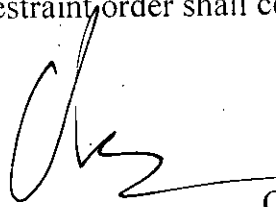
  
Member

  
Chairman  
Camp court A/Abad.

20.09.2016

Appellant in person, Mr. Muhammad Usman, Senior Clerk alongwith Mr. Muhammad Siddique Sr.GP for the official respondents and private respondent No. 4 present. Appellant requested for adjournment as she intends to engage another counsel. To come up for rejoinder and final hearing before the D.B on 19.10.2016 at camp court, Abbottabad. The restraint order shall continue.

Member

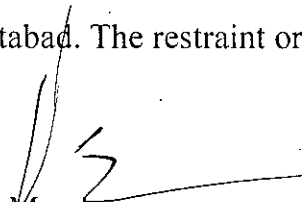


Chairman  
Camp court, A/Abad

19.10..2017

Counsel for the appellant present. Submitted wakalatnama. Mr. Muhammad Siddique, Sr.GP for official respondents and private respondent No. 4 present. Counsel for the appellant seeks adjournment. To come up for rejoinder and final hearing before the D.B on 23.11.2016 at camp court, Abbottabad. The restraint order shall continue.

Member

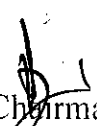


Chairman  
Camp Court, A/Abad

23.11.2016

Appellant in person and Mr. Muhammad Usman, Senior Clerk alongwith Mst. Bushra Bibi, Government Pleader for official respondents and agent of counsel for private respondent No. 4 present. Requested for adjournment to file rejoinder. The bench is also incomplete. To come up for rejoinder and final hearing before D.B on 20.12.2016 at camp court, Abbottabad. The restraint order shall continue.


Chairman  
Camp court, A/Abad



388/16

20.04.2016

Appellant with counsel, Mr. Muhammad Usman, Senior Clerk for respondents No. 1 to 3 and Headmistress, respondent No. 4 in person present. Requested for adjournment. To come up for written reply/comments on 18.05.2016 before S.B at camp court, Abbottabad. The restraint order shall continue.

  
Chairman  
Camp court, A/Abad


18.5.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk for respondents No. 1 to 3 present. Written reply by respondents No. 1, to 3 submitted. Respondent No. 4 in person present. Requested for adjournment. Last opportunity granted. To come up for written reply of respondent No. 4 on 20.07.2016 at camp court, ~~A/Abad~~. The restraint order shall continue.

  
Chairman  
Camp court, A/Abad

20.07.2016

Counsel for the appellant and Mr. Muhammad Usman, Senior Clerk alongwith for respondents No. 1 to 3 and respondent No. 4 in person with Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply by respondents No. 1 to 3 already submitted and written reply by respondent No. 4 submitted to-day. The appeal is assigned to D.B for rejoinder and final hearing for 20.09.2016. The restraint order shall continue.

  
Chairman  
Camp court, A/Abad,

12.04.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as C.T and was posted at GGHS Maira Amjad Ali when appellant and other teachers complained against behavior of Headmistress of the said school (respondent No.4) and as a consequent of the complaint of the school teachers, enquiry was conducted by Addl. Assistant Commissioner-I Mansehra in which the said Headmistress was considered as "a hub of problems". That respondent No. 4 has relieved the appellant from the said school and vide impugned order dated 09.12.2015 appellant was transferred from the said school to GGMS Shamdhara on disciplinary/administrative grounds where-against she preferred departmental appeal on 07.1.2016 which was not responded and hence the instant service appeal on 12.4.2016.

That the appellant is a widow having three children and that the impugned order amounts to punishing the appellant for no fault on her part. That no such transfer order could be made on any disciplinary or administrative grounds. Reliance placed judgment reported in 2012-PLC (C.S) 187.

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 20.4.2016 before S.B at camp court, Abbottabad. Since the appellant has not relinquished the charge and was relieved from duty by the Headmistress i.e respondent No. 4 prior to the impugned transfer order, as such the impugned transfer order including relieving order of respondents No. 3 & 4 are suspended:








Appellant Deposited  
Security & Process Fee

Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. \_\_\_\_\_ /2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.04.2016	<p>The appeal of Mst. Naz Bibi submitted today      may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	12-4-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12.04.16.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

*Appeal no 388/2016*

Mst. Naz Bibi.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Education, Peshawar etc  
.....Respondents

**SERVICE APPEAL**

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**Dated 12.04.2016**

Mst. Naz Bibi  
...Appellant

Through

*Muhammad Awais*  
**MUHAMMAD AWAIS AJIZ,  
YASIR KHATTAK,  
Advocates High Court,  
Mansehra.**



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BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal no. 388/2016

A.W.P. Provincial  
Service Tribunal  
Diary No. 388/16  
Dated 12-4-2016

Mst. Naz Bibi daughter of Ghulam Nabi  
resident of Shahrah-e-Resham Mansehra, C.T  
Teacher Government Girls High School  
Maira Amjid Ali, Tehsil and District  
Mansehra .....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education, Peshawar.
2. Director Education Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female), Mansehra.
4. Headmistress Government Girls High School Maira Amjid Ali, Tehsil and District Mansehra .....Respondents.

**SERVICE APPEAL UNDER SECTION 4  
OF THE SERVICE TRIBUNAL ACT,  
1974 AGAINST THE IMPUGNED  
ORDER BEARING ENDST. NO.11942-  
47/AE DATED 09.12.2015 PASSED BY  
THE RESPONDENT NO.3 VIDE WHICH  
THE APPELLANT WAS TRANSFERRED  
FROM GOVERNMENT GIRLS HIGH  
SCHOOL MAIRA AMJID ALI, TEHSIL  
MANSEHRA TO GOVERNMENT  
GIRLS HIGH SCHOOL SHAMDHARA,  
TEHSIL OGI.**

12/4/2016

PRAYER: -

On acceptance of the instant appeal, the impugned order of respondent No.3 dated 09.12.2015 may kindly be set aside.

Respectfully Sheweth!

1. That, the appellant is serving as a C.T teacher in Government Girls High School Maira Amjid Ali, Tehsil and District Mansehra and during service, the appellant served her duty with great zeal and zest.
2. That, the respondent No.4/ Headmistress of Government Girls High School Maira Amjid Ali having a very rude, harsh and bad behaviour towards the school staff, in this respect, the appellant and other school staff submitted an application before the respondent No.3.

*(Copy of the application is annexed as annexure "A").*

3. That, no positive/favourable response was given by the respondent No.3 on above-mentioned application therefore, the appellant alongwith other staff submitted an application

to Deputy Commissioner, Mansehra. Upon which the Deputy Commissioner assigned an inquiry to Additional Assistant Commissioner-I, Mansehra.

*(Copy of the application to Deputy Commissioner Mansehra is annexed as annexure "B").*

4. That, under the directions of Deputy Commissioner, Mansehra, Additional Assistant Commissioner, Mansehra conducted the inquiry and probed the matter and thereafter submitted his report before the Deputy Commissioner, Mansehra.

*(Copy of the inquiry report is annexed as annexure "C").*

5. That, the respondent No.3 just for harassment and for ill gotten gains, transferred the appellant from Government Girls High School Maira Amjid Ali, Tehsil Mansehra to Government Girls High School Shamdhara, Tehsil Oghi vide impugned order bearing Endst. No. 11942-47/AE dated 09.12.2015 with the collusion of respondent No.4.

*(Copy of the impugned order No.11942-47/AE dated 09.12.2015 is annexed as annexure "D").*

7. That, being aggrieved from the impugned order, the appellant preferred a departmental representation before the respondent No.2 which has not been decided so far and statutory period has been elapsed. *(Copy of the departmental representation is annexed as annexure "E").*

8. That, afterwards a so-called inquiry was initiated against the appellant in which neither any show cause notice was served upon the appellant nor she was personally heard and without fulfilling any legal requirement, the appellant was again penalized by stoppage of two increments vide order dated 02.02.2016. The act of the respondent No.4 also comes within the ambit of double jeopardy and a departmental appeal against the said order is pending before the department.

*(Copies of the order dated 02.02.2016 alongwith departmental appeal are annexed "F" & "G").*

9. That, the appellant being aggrieved from the impugned order dated 09.12.2015 seeks the gracious indulgence of this Honourable Tribunal, inter alia, on the following grounds: -

#### **· G R O U N D S**

a. That, the impugned order is wrong, void, illegal, based on malafide, discriminatory, against the basic

statute and is the consequence of application on which an inquiry was conducted against the respondent No.4 wherein she has found guilty hence not maintainable in the eye of law and is liable to be set aside.

- b. That, the transfer order of the appellant is infact the revenge of application submitted before the Deputy Commissioner, Mansehra against the respondent No.4.
- c. That, the appellant and other staff having no other option except to move an application to Deputy Commissioner, Mansehra to restrain the respondent No.4 for her unlawful, illegal and immoral activities in school. The respondent No.3 was supposed to take action against the respondent No.4 but the respondent No.3 took the action against the appellant with the collusion of respondent No.4 hence the impugned order is against the norms of natural justice, fair play and equity.

- d. That, the reasons given in the impugned order are wrong, illegal, against the facts and law.
- e. That, the unlawful activities of respondent No.4 are evident from the inquiry report conducted by the Additional Assistant Commissioner-I, Mansehra. The report furnished by AAC-I, Mansehra is self explanatory.
- f. That, the transfer order of the appellant is the result of personal enmity of respondent No.4 with the appellant. The appellant could not be remained mum on the illegal and immoral activities of respondent No.4, therefore, the appellant raised the voice against the illegal and immoral activities of respondent No.4 for the reason that the appellant being a teacher could not compromise on the future as well as on the education of school students. What has been done by the appellant in due process it was the duty of the appellant.
- g. That, the act of the respondent No.3 is quite clear from the order dated 07.01.2016 through which the staff

of Government Girls High School Maira Amjid Ali have been transferred and subsequently without any cancellation order of anyone of them, vide office order dated 02.02.2016 only two teachers were transferred from the said School which is also an illegality on the part of the respondent No.3 and clearly shows the revengeful behaviour of the respondent No.3 towards the school staff. **(Copy is as annexure H1)**

- h. That, high level inquiry has been marked by the Honourable Peshawar High Court, Bench Abbottabad against the untoward behaviour of the respondent No.3 and it was clearly mentioned in the judgment of the Honourable Peshawar High Court, Bench Abbottabad that the respondent No.3 is not capable of holding such a responsible post.

*(Copy of the judgment of Peshawar High Court, Bench Abbottabad is annexed as annexure "H2).*

- i. That, the appellant is a women folk having children and residing at Mansehra City. The appellant has been transferred to a very hilly, far




flung and difficult remote area in result of personal grudges and enmity. It is impossible for the appellant to travel such a long and hilly area regularly for performing her duties.

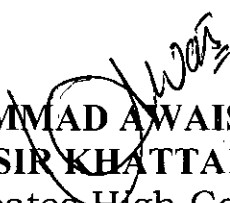
- j. That, the respondent No.3 violated the relevant rules and regulations while passing the impugned order regarding transfer of the appellant.

It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned order of respondent No.3 dated 09.12.2015 may kindly be set aside.

Dated 12.04.2016

  
Mst. Naz Bibi  
...Appellant

Through

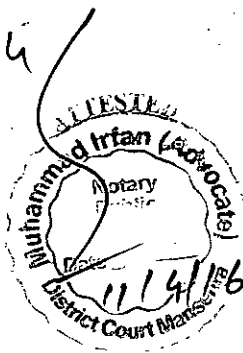
  
MUHAMMAD AWAIS AJIZ,  
YASIR KHATTAK,  
Advocates High Court,  
Mansehra.

**AFFIDAVIT.**

I, Mst. Naz Bibi daughter of Ghulam Nabi resident of Shahrah-e-Resham Mansehra, C.T Teacher Government Girls High School Maira Amjid Ali, Tehsil and District Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the 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 12.04.2016

  
Mst. Naz Bibi  
(DEPONENT)



**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Mst. Naz Bibi .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Education, Peshawar etc  
.....Respondents

**SERVICE APPEAL**

**APPLICATION FOR SUSPENSION OF  
OPERATION OF THE IMPUGNED ORDER  
DATED 09.12.2015 AND THE  
RESPONDENTS MAY PLEASE BE  
RESTRAINED FROM FORCIBLY TAKING  
CHARGE FROM THE APPELLANT AND  
FURTHER FROM DOING ANY ACT  
WHICH DIRECTLY OR INDIRECTLY  
EFFECTS THE RIGHTS OF THE  
APPELLANT TILL THE DISPOSAL OF  
INSTANT APPEAL.**

Respectfully Sheweth!

1. That, this application may please be considered as part and parcel of the above-titled appeal.
2. That, the appellant has a prima facie appeal and there is every hope of its success.


3. That, the balance of convenience also tilts in favour of the appellant.
4. That, if the interim relief as mentioned in the heading of this application has not been granted then the appellant would suffer an irreparable loss and purpose of above-titled appeal shall become infructuous.

It is, therefore, most humbly requested that the interim relief as mentioned in the heading of instant application, may please be granted in favour of the appellant till the disposal of above-titled appeal.

Dated 12.04.2016

  
Mst. Naz Bibi  
...Appellant

Through

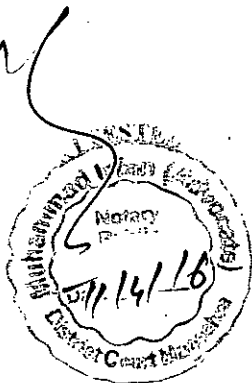
  
MUHAMMAD AWAIS AJIZ,  
YASIR KHATTAK,  
Advocates High Court,  
Mansehra.

**AFFIDAVIT.**

I, Mst. Naz Bibi daughter of Ghulam Nabi resident of Shahrah-e-Resham Mansehra, C.T Teacher Government Girls High School Maira Amjid Ali, Tehsil and District Mansehra, Appellant, do hereby solemnly affirm and declare on oath that the contents of the foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated 12.04.2016

  
Mst. Naz Bibi  
(DEPONENT)



**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Mst. Naz Bibi .....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through  
Secretary Education, Peshawar etc  
.....Respondents

**SERVICE APPEAL**

**CORRECT ADDRESSES OF THE PARTIES**


**APPELLANT**

Mst. Naz Bibi daughter of Ghulam Nabi resident  
of Shahrah-e-Resham Mansehra, C.T Teacher  
Government Girls High School Maira Amjid Ali,  
Tehsil and District Mansehra.

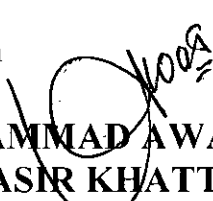
**RESPONDENTS**

1. Government of Khyber Pakhtunkhwa through  
Secretary Education, Peshawar.
2. Director Education Khyber Pakhtunkhwa,  
Peshawar.
3. District Education Officer (Female),  
Mansehra.
4. Headmistress Government Girls High School  
Maira Amjid Ali, Tehsil and District  
Mansehra.

**Dated 12.04.2016**

  
Mst. Naz Bibi  
...Appellant

Through

  
**MUHAMMAD AWAIS AJIZ,  
YASIR KHATTAK,  
Advocates High Court,  
Mansehra.**



An

جناب عالیہ

گزارش ہے کہ جب سے میرا اجد علی گرنر سکول بنائی ہوا ہے 2012 سے لیکن بحال، تعینات ہیڈ ماسٹر میں کاروبار اپنے سٹاف کے ساتھ انتہائی توہین آمیز ہے۔ تمام سٹاف نے تحریکی طور پر ایسا کرنے سے منع کیا۔ اور کہا گیا کہ اگر آپ کو کسی ٹیچر سے کوئی مسئلہ ہو تو اسے آفس میں بلڈر باعزت حل تلاش کیا جائے۔ اس بات کا کوئی اثر نہ ہوا۔ اسٹاف چیئر میں بیٹھی کو بلڈر اس تذہ کو ڈایا دھکایا گیا۔ اس سے پہلے جی محلہ سٹاف دفتر میں آنے کے بارے میں سوچتا رہا لیکن سابقہ ڈی۔ او سے مذکورہ ہیڈ کے ذاتی تعلقات ہونے کی وجہ سے پیچھے رہا۔

آج مورخہ 15/3/2015 کو ہیڈ ماسٹر میں صاحبہ اس تذہ کی عزت اچھالنے کے حوالہ سے انتہا کر دی۔ گاڑوں کی تیس عورتوں اور محافظوں کو بلڈر عتاب ٹیچرز پر گھینا الزامات لگائے۔ توضیح کی اور دھکیاں دیں۔ تنہیل کی اس انتہا پر ہم انتہائی اقدام پر مجبور ہو گئے ہیں۔ آپ سے منصفانہ فیصلہ کی استدعا کی جاتی ہے۔

محلہ سٹاف

گورنمنٹ گرنر حالی سکول میرا اجد علی

المقوم 31 | 10 | 15

1- صالحہ افضل SET

2- نازیدہ جدون AS

3- نازیلی بی آف

4- ستارہ جمیل آف

5- بیگم بی بی آف

6- صالحہ آف Sage Bibi

خدمت جناب ڈی ای او صاحب  
زنانه مدارس منقطع مائیں

جناب عالیہ

1  
گزشتہ مؤدبانہ عرض ہے کہ 31/10/15 کو جملہ سٹاف  
گورنمنٹ گریڈنگ سکول میرا الحق علی آپ جناب کی خدمت میں حاضر ہوا  
اور سکول میں پیڈسٹرس کی طرف سے ہونے والی تمام نا انصافیوں  
اور غیر پیشہ درانہ رویے کا ذکر زبانی اور تحریری طور پر کیا گیا  
آپ جناب ڈی ای او صاحب نے موقع پر معاملہ حل کروایا

2  
چند دن بعد پیڈسٹرس صاحب نے دوبارہ تمام سٹاف کے ساتھ  
تعمیرات اور غیر پیشہ درانہ رویے شروع کر دیا۔ گام گلویج اور بار بار  
یہ طعنہ دینا کہ تم سب ڈی ای او صاحب کے پاس گئی ہو اسی  
سے جا کر چھٹی لو۔ اپنے مسائل حل کراؤ

3  
میں معاملے کی اطلاع دوبارہ جملہ سٹاف نے تحریری طور پر دی۔ اب  
موجہ 3/12/15 کو جبکہ پیڈسٹرس صاحبہ نے ہمیں اسی تاریخ کو جس نازیبی  
کو تفریحی وجم کے Leave کر دیا۔ جس نے اپنے ساتھ پیش آنے والے  
تمام نا روا رویے کے بارے میں پہلے ہی تحریری طور پر چارہ چارہ ڈی ای او صاحب  
کو آگاہ کر چکی ہے  
آپ جناب سے دوبارہ درخواست کی جاتی ہے۔ آپ جناب از خود نوٹس لیکر انوائری  
کروائی جائے تب تک مسائل کو اسی سکول میں ڈیوٹی کرنے کی اجازت دی جائے  
العمرہ جملہ سٹاف گورنمنٹ ہائی سکول میرا الحق علی

AT سے مدد  
T.T سے  
Forward To  
- DCO  
- AD Anti Corruption  
- Director Edu

1. نائیب سب ڈی ای او  
2. سب ڈی ای او  
3. سب ڈی ای او  
4. سب ڈی ای او  
5. سب ڈی ای او  
6. سب ڈی ای او

گزشتہ صہب صہب الحدیث علی میں تقریباً سارا سٹاف تقریباً عرصہ  
چھ سات سال سے تعینات ہے۔ 2012 سے جب سے ہیڈ سٹریس کی  
تعیناتی ہوئی ہے۔ آج تک تمام سٹاف ہیڈ سٹریس کی تزیل کا سٹار ہے۔

اس سے پہلے ہی ہیڈ سٹریس صہبہ ماخان میں ہیڈ سٹریس تھیں۔ اس سکول  
میں بھی اکثر غیر حاضر رہتی تھیں۔ وہاں کے سٹاف سے بھی ناروا رویہ اپنایا ہوا  
تھا۔ جس کا ریکارڈ آفس میں موجود ہے۔ ہیڈ سٹریس، نامناستہ رویے کی  
وجہ سے سائنس ٹیچر عائشہ صدیقہ ٹرانسفر کرنے پر مجبور ہوئیں۔  
ہیڈ سٹریس صہبہ کے غیر اخلاقی اور غیر پیشہ ورانہ رویے سے تنگ ہو کر تمام  
سٹاف ڈی ای اے صاحبہ کے پاس 11/10/15 کو حاضر ہوا اور زبانی و تحریری اپنے مسائل  
سے آگاہ کیا۔ واپس آکر دو دن امن ریا۔ بعد میں ہیڈ سٹریس دوبارہ اپنی رو میں  
پراگٹی۔ عالم صلوح وغیر پیشہ ورانہ زبان استعمال کرنے لگیں۔ ساتھ ہی طے بھی دہم  
رہی کہ کالی سے اپنے معاملات حل کرو اور میں leave بھی نہیں دیتی۔  
جس کی اطلاع دوبارہ ڈی ای اے صہبہ کو دی گئی جس کا حال کوئی حل نہیں  
نہلا۔ اپ کلاس فور بھی ٹیچرز کی بات نہیں مانتے۔ وہ کہتے ہیں ہیڈ سٹریس ہمیں  
غلا بھی کام کرے گی ہم نہیں گے ہم مجبور ہیں۔

آپ صہب سے اپیل کی جاتی ہے۔ آپ ہنہفانہ عنیدہ فرما کر شکریہ کا موقع دیں  
جملہ سٹاف گورنمنٹ گزٹ زبانی سکول میرا الحمد علی

Copy - Forward To # D C

- 12/10/2015
  - 20/10/2015
  - 31/10/2015 ✓
  - 13/11/2015
  - 04/11/2015
  - 05/12/2015
- ii A D Anticorruption  
ii Director Edu  
نوٹ: اس سے پہلے ان تاریخ کو ڈی ای اے  
آفس میں درخواستیں پیشی جا چکی ہیں ←

عالمہ افضل SST  
ناہیدہ جدون SST  
نازیبی C.T  
ستارہ حسین C.T  
ٹیلیفونی ٹی TT  
سابقہ Saig Bibi AT

15

Annex "C"

OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER -1, MANSEHRA

NO. 1238 /AAC-1(M)

DATED 7-12/2015.

To,  
The Deputy Commissioner,  
Mansehra.

Subject: COMPLAINT OF TEACHING STAFF AGAINST HEADMISTRESS  
GOVERNMENT GIRLS HIGH SCHOOL MERA AMJID ALI MANSEHRA.

Memo;

Reference the application of Teaching staff against Headmistress GGHS Mera Amjid Ali Mansehra sent to the office of undersigned for inquiry and report dated 02-12-2015.

The detail report is as under:

### BACKGROUND

The undersigned, Additional Assistant Commissioner -1, MANSEHRA, was entrusted to conduct an Inquiry regarding allegation against Headmistress, GGHS Mera Amjid Ali Mansehra in the application submitted by teaching staff. (Annexure A)

The applicants have elaborated in their complaint that Headmistress used to avail French leave in the last four years. Now she Headmistress often uses abusive language humiliating the respected teachers and refuses the causal leaves on need basis submitted by the teaching staff. They have requested time and again District Education Officer (female) for peaceful solution but all-in vain. The teaching staff alleged that Headmistress threatened them to relive from school and even class four do not obey there request. The behavior of the headmistress is non professional and often used abusive language in school assembly and in front of students. The teaching staff have requested for viable solution.

### PROCEEDINGS

For conducting the inquiry on the subject matter following persons/official were summoned.

- 1). Najma Saeed Headmistress GGHS Mera Amjid Ali
- 2). Saima Fzal SST GGHS Mera Amjid Ali Mansehra
- 3). Nahida Jadoon Shah SST
- 4). Naz Bibi C.T
- 5). Sitara Jabeen C.T
- 6). Negina Bibi C.T
- 7). Saigra Bibi A.T.
- 8). Students of class 7<sup>th</sup>, 9<sup>th</sup> & 10<sup>th</sup>
- 9). Inhabitants of local Mera Amjid Ali.

### STATEMENT OF HEADMISTRESS GGHS MERA AMJID ALI, MANSEHRA.

Najma Saeed Headmistress GGHS Mera Amjid Ali submitted her written statement in connection with the application of the teaching staff against her. She stated that

The teaching staff feel pleasure when leave is allowed and exasperate when leave is refused.



- (b) She wrongly announced admission fee for Science group students which was much higher than arts group. She admitted that she had received huge amount in connection of admission fee.
- (c) She stated that junior clerk is deputed in DEO (female) office and teaching staff have objection on his absence. (ANNEXURE B).

STATEMENT OF SAIMA AFZAL SST GGHS MERA AMJID ALI MANSEHRA

She narrated that headmistress humiliated the teaching staff in front of students in class rooms and in assembly. She often used abusive language and exhibit the non-professional attitude in her dealing. She herself did not attend the school regularly for the last four years which can be verified from order book of the school. Irrelevant people are allowed to enter school without verification which is itself a threat to security of female staff. Absent teachers are marked present including headmistress herself. The teaching staff are threatened to transfer from the school. Teaching staff always obey rules & regulation. Our school shown 100 percent result in 2015 and got incentive as reward. This achievement is not possible without the professional commitment of teaching staff. Miss Naz is a regular teacher and have professional commitment, complete all register in time and headmistress has biased attitude toward Miss Naz, always refused her causal leaves and deducted her salary as and when she is on leave where as all other do the same but without any deduction in the salary. (ANNEXURE C)

STATEMENT OF NAHEEDA JADOON SST GGHS MERA AMJID ALI MANSEHRA

She narrated that headmistress mortified the teaching staff in front of students in class rooms and in assembly. She often used insulting language and exhibit the non professional attitude in her dealing. She herself did not attend the school regularly for the last four years which can be verified from order book of the school. Irrelevant people are allowed to enter school without verification which is itself a danger to security of female staff. Absent teachers are marked present including headmistress herself. The teaching staff are threatened to transfer from the school. Teaching staff always obey rules & regulation. Our school shown 100 percent result in 2015 and got incentive as reward. This achievement is not possible without the professional commitment of teaching staff. Miss Naz is a regular teacher and have professional commitment, complete all register in time and headmistress has biased attitude toward Miss Naz, always refused her causal leaves and deducted her salary as and when she is on leave where as all other do the same but without any deduction in the salary. Miss Naz is a competent teacher and she is very submissive and never used even harsh word for Headmistress. Headmistress has relieved her without any reason. The headmistress called the journalist and humiliated the teaching staff in the presence of parents. She issued the illegal order against the teaching staff and tried to get signature on it. DM was given charge of the school in the presence of senior SST in the school. Same routine is still in practice in our school. She try to divide the whole staff in groups but failed and in jeopardy to transfer the entire staff. She behaved below the par and snatched chairs from teacher in the presence of students. She does not bother to ask the sweeper to clean the school. The same work are being done by the students. (ANNEXURE D)

STATEMENT OF NAZ BIBI C.T GGHS MERA AMJID ALI MANSEHRA

She described that whole staff of the this school is being victimized by the headmistress. This has been...

to the DEO(F) on 31-10-2015 but no action has been taken by Education authority. The Headmistress has relieved her on 03-12-201 without any reason. The application for inquiry against Headmistress was submitted on 04-12-2015 but all-in vain. The DEO(F) has transferred her to GGHS Shambara Oghi on 09-12-2015 under disciplinary action without conducting any inquiry on my application. It is against the natural justice and unlawful. The penalty has been imposed without hearing the applicant. The inquiry is still under process in DC office but DEO(F) has taken action on the hypothesis. All the allegation of the Headmistress are baseless. She never used any loose talk against the Headmistress. I am educated and fully realized my responsibilities and know the respect of my seniors. I always obeyed the instructions issued by the headmistress and implemented in letter and spirit. How can I imagine to abuse my respected headmistress. I am at mature level and cannot dare to disregard my superior. The Headmistress embarrassed the teaching staff in front of students in class rooms and in assembly. She often used obnoxious language and exhibit the non professional attitude in her dealing. She herself did not attend the school regularly for the last four years which can be verified from order book of the school. Irrelevant people are allowed to enter school without verification which is itself a menace to security of female staff. Absent teachers are marked present including headmistress herself. The teaching staff are threatened to transfer from the school. Teaching staff always obey rules & regulation. Our school shown 100 percent result in 2015 and got incentive as reward. This achievement is not possible without the professional commitment of teaching staff. (ANNEXURE E)

STATEMENT OF SITARA JABEEN C.T GGHS MERA AMJID ALI MANSEHRA She narrated that she applied for causal leave after 45 days but headmistress refused and marked me absent with the remarks that she does not have any authority to accord leave. The headmistress passed very harsh words "Take my post, My salary, my children and my husband". The Headmistress mortified the teaching staff in front of students in class rooms and in assembly. She often used abusive language and exhibit the non professional attitude in her dealing. She herself did not attend the school regularly for the last four years which can be verified from order book of the school. Extraneous people are allowed to enter school without verification which is itself a peril to security of female staff. Absent teachers are marked present including headmistress herself. The teaching staff are threatened to transfer from the school. Teaching staff always obey rules & regulation. Our school shown 100 percent result in 2015 and got incentive as reward. This achievement is not possible without the professional commitment of teaching staff. Miss Naz is a regular teacher and have professional commitment, complete all register in time and headmistress has biased attitude toward Miss Naz, always refused her causal leaves and deducted her salary as and when she is on leave where as all other do the same but without any deduction in the salary. (ANNEXURE F)

STATEMENT OF NAGINA BIBI TT GGHS MERA AMJID ALI MANSEHRA She narrated that headmistress humiliated the teaching staff in front of students in class rooms and in assembly. She often used abusive language and exhibit the non professional attitude in her dealing. She herself did not attend the school regularly for the last four year which can be verified from order book of the school. Irrelevant people are allowed to enter school without verification which is itself a danger to security of female staff. Absent teachers are marked present

including headmistress herself. The teaching staff are threatened to transfer from the school. Teaching staff always obey rules & regulation. Our school shown 100 percent result in 2015 and got incentive as reward. This achievement is not possible without the professional commitment of teaching staff. Miss Naz is a regular teacher and have professional commitment, complete all register in time and headmistress has biased attitude toward Miss Naz, always refused her causal leaves and deducted her salary as and when she is on leave where as all other do the same but without any deduction in the salary. I was in charge of the school on 16-05-2015, four teachers were on leave on that day Miss Naz, Miss kousar, junior clerk and Headmistress herself. I have allowed the leave to Miss Naz and Kousar but Headmistress turn down Miss Naz application and deducted her salary and ignored others.

(ANNEXURE G)

STATEMENT OF SAIQA BIBI AT GGHS MERA AMJID ALI MANSEHRA She narrated that headmistress humiliated the teaching staff in front of students in class rooms and in assembly. She often used abusive language and exhibit the non professional attitude in her dealing. She herself did not attend the school regularly for the last four years which can be verified from order book of the school. Irrelevant people are allowed to enter school without verification which is itself a threat to security of female staff. Absent teachers are marked present including headmistress herself. The teaching staff are threatened to transfer from the school. Teaching staff always obey rules & regulation. Our school shown 100 percent result in 2015 and got incentive as reward. This achievement is not possible without the professional commitment of teaching staff. Miss Naz is a regular teacher and have professional commitment, complete all register in time and headmistress has biased attitude toward Miss Naz, always refused her causal leaves and deducted her salary as and when she is on leave where as all other do the same but without any deduction in the salary. She was deprived of the special incentive in spite of the fact that Miss Naz was the teacher of 10<sup>th</sup> class and shown excellent result.

(ANNEXURE H)

STATEMENT OF STUDENTS OF CLASS 7<sup>th</sup> GGHS MERA AMJID ALI MANSEHRA

The students stated that teachers never demanded anything from us. They never punish us physically. We are satisfied with our teachers, our home work is properly monitored and checked regularly. Our teachers educate us and mend our moral behavior as well.

(ANNEXURE I)

STATEMENT OF STUDENTS OF CLASS 9<sup>th</sup> GGHS MERA AMJID ALI MANSEHRA

The students stated that teachers never demanded anything from us. They never punish us physically. We are satisfied with our teachers, our home work is properly monitored and checked regularly. Our teachers educate us and mend our moral behavior as well. The Headmistress herself remain absent in the school and have hardly five days' presence in the school.

(ANNEXURE J)

STATEMENT OF STUDENTS OF CLASS 10<sup>th</sup> GGHS MERA AMJID ALI MANSEHRA

The students stated that teachers never demanded anything from us. They never punish us physically. We are satisfied with our teachers, our home work is properly monitored and checked regularly. Our teachers educate us and mend our moral behavior as well. We face problems in nervous situation which effect badly our studies.

(ANNEXURE K)

STATEMENT OF INHABITANTS OF MERA AMJID ALI MANSEHRA

They narrated that there is a tense situation in our school due to cruel behavior of Headmistress. The head of the school usually use foul language and crushing the teaching staff in the presence of students. The students were forced to complain against the teachers, and if they do not complain then students were physically punished and mentally tortured. The Headmistress has engaged illiterate women as member of P.T.C. so that she may do the fraud in the P.T.C funds. The students do sweeper jobs in the presence of class four which is objectionable. Our children waver to go school in the presence of Headmistress, as she misbehaves with the students as well. The educational atmosphere is polluted due to routine vulgar behavior of Headmistress. This school shown 100% result in the last years and won the Rs.450000 as the incentive for the teachers which cannot be achieved without professional commitment of the teaching staff. We have requested DEO(F) to take action against the Headmistress but got no response. We therefore request that the Headmistress may be transferred to save the future of our children. (ANNEXURE I).

CONCLUSION

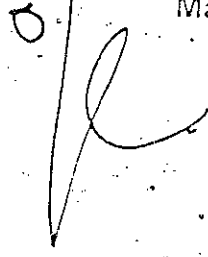
In view of above mentioned facts it is crystal clear that the Government Girls High School Mera Amjid Ali is the hub of problems created by Head of the institution. The headmistress should have exemplary character and must lead at front to extract work from her team. It is pertinent to mentioned here that headmistress shown non professional and irresponsible attitude to resolve the local problems of the school. Out of seven teachers six are complaining against her and all students of class 7<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> have recorded their statements against the Headmistress. The local of the Mera Amjid Ali also complaint against her. In the presence of all these proof it is clear that headmistress is the sole responsible for creating disturbance in the school. The case of Miss Naz was also probe in detail. She herself turned down all allegation against her and it was also supported by the statements of other teachers, students and locals. It is crystal clear that Miss Naz is innocent and has been victimized by the Headmistress. The head of the school has wrongly relieved her and consequently DEO(f) had transferred her to GGHS Shandra Ogli.

RECOMMENDATIONS

- (1). It is therefore recommended that Miss Naz Bibi C.T GGHS Mera Amjid Ali transfer order bearing Ends No.11942-47/AE-1 Dated 09-12-2015 issued by DEO(F) may be withdrawn.
- (2) It is further proposed that Secretary, Elementary & Secondary Education Department may be approached to transfer Mrs. Najma Saeed Headmistress to Government Girls High School Talhatta, Tehsil Balakot, District Mansehra, against the vacant post of Headmistress in the best interest of public.
- (3). District Monitoring Officer May be directed to Monitor the attendance of staff of Government Girls High School Mera Amjid Ali Mansehra for three months regularly and submit his report for perusal of worthy Deputy Commissioner Mansehra on or before 31/03/2016.

Report containing \_\_\_\_\_ pages is hereby submitted for further necessary action please.

~~\_\_\_\_\_~~  
-Additional Assistant Commissioner -1  
Manshra

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

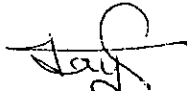
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ADJUSTMENT.

Consequent upon the complaint received from the Head Mistress GGHS Mera Amjid Ali and perusal of record/evidence, Mst: Naz Bibi C.T(BPS-15) GGHS Maira Amjid Ali ( Already relieved from school) is hereby adjusted against the vacant post of C.T BPS-15 at GGHS Shamdahara on Disciplinary/administrative ground on her own pay & grade in the interest of public service with immediate effect.

NOTE:-

1. Charge report should be submitted to all concerned.
2. No. TA/DA is allowed.


  
DISTRICT EDUCATION OFFICER,  
(FEMALE ) MANSEHRA.

Endst: No. 1112/111 /AE-I

Dated 9/12/ /2015

Copy to the:-

1. Deputy Commissioner Mansehra for information please.
2. District Motoring Officer Mansehra.
3. District Account Officer Mansehra.
4. Headmistress GGHS Shamdaraha/Maira Amjad Ali for information & necessary action.
5. B&AO Local office.
6. Office file.

  
DISTRICT EDUCATION OFFICER,  
(FEMALE ) MANSEHRA.

" " خدمت جناب ڈائریکٹر ایجوکیشن K.P.K پشاور  
ایپل پرنسپل کے خلاف ٹرانسفر آرڈر - باہمالی تنخواہ

22

Annex E

جناب عالی  
سائلہ 1986 سے ایجوکیشن میں فرائض منصبی سر انجام دے  
رہی ہے۔ بغیر کسی وجہ کے صرفہ 04/12/05 کو پبلسٹکس سہیلہ نے صلح آئے، سی

Reliving chit دے دی

05/12/05 کو سائلہ نے ڈی ای او سہیلہ کو انکوائری کی درخواست دی 07/12/05 کو  
ڈی سی سہیلہ کو انکوائری کی درخواست دی -

بغیر انکوائری اور میری کوئی بات سننے بغیر ڈی ای او سہیلہ نے موضع 09/12/05  
کو سائلہ کو آدگی شدہ ٹرانسفر کر دیا گیا۔ ساتھ ہی سائلہ کی تنخواہ بھی  
بند کر دی بغیر انکوائری کے سائلہ کو Disciplinary Action کے تحت ٹرانسفر کر  
دینا سہا سہا اصرار کیا ہے۔

سائلہ آپ جناب سے اپیل کرتی ہے کہ سائلہ کا یہ آرڈر کنسل کیا جائے اور  
سائلہ کی تنخواہ باہمالی کی جائے۔ سائلہ کا شوہر نہیں اور اپنے بچوں کے واحد کفیل  
ہے۔ امید کی جاتی ہے کہ سائلہ کی درخواست پر بحمد رانہ غور فرمایا جائے گا  
ڈی سی اور ڈی ای او سہیلہ کو ڈی سی درخواست ساتھ لف چے۔  
العارضہ

سائلہ - نازلی بی بی آ ج

گورنمنٹ گریلز ہائی سکول میرا الحجہ علی مانسیرہ

المرقومہ 07/12/05

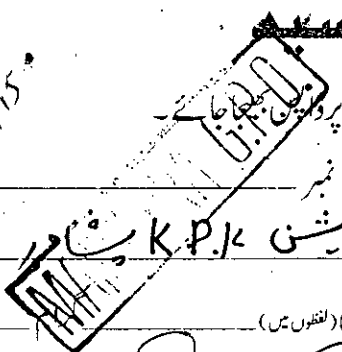
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7/15

رجسٹری یا بیمہ بھیجنے والے کو پشت پر دیئے گئے پتہ پر واپس بھیجا جائے۔



☆ ایک رجسٹری

برائے (نام) **حنا ڈائریلٹری ایجوکیشن K.P.** وصول پائی۔

وزن (لغویں میں)

بیمہ کی قیمت

تاریخ: 07/01/16

مکتوب الیہ کے دستخط

☆ یہاں "پوسٹ کارڈ" "پیکٹ" یا "پارسل" بھیجیں تو تحریر کریں۔ بیمہ کی صورت میں لفظ "بیمہ" پہلے تحریر کریں۔  
☆ صرف بیمہ کی صورت میں یہاں اندراج کیا جائے۔ بصورت دیگر کاٹ دیا جائے۔

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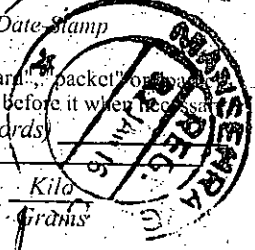
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Date Stamp

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.  
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Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) } Grams

Name and address of sender } \_\_\_\_\_  
\_\_\_\_\_






OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRADECISION

In-the light of enquiry reports against Mst: Naz Bibi CT GGHS Mera Amjid Ali and perusal of all the relevant record provided by the enquiry officers, I Mst: Faiza Shafi District Education Officer (Female) Mansehra do hereby impose minor penalty of stoppage of two increments in respect of Mst: Naz Bibi CT GGHS Mera Amjid Ali under transfer GGHS Shamdarha. She is warned to be careful in future otherwise strict disciplinary action will be taken under the efficiency and disciplinary rules 2011.

Note:- Necessary entry to this effect should be made in her service Book and other record.

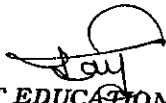
  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA.

Dated Mansehra the 2/2/2016.

Endst: No. 11686-9E/

Copy of the above is forwarded to the:-

1. Director Elementary & Secondary Education KPK Peshawar for information please.
2. Deputy Commissioner Mansehra.
3. Head Mistress GGHS Mera Amjid Ali.
4. Office File.

  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA.

Record  
Faiza

## بخدمت جناب ڈائریکٹر ایلیمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ

مضمون: اپیل بنا اراضی نوٹیفیکیشن نمبر 90-1686 مورخہ 02-02-2016

جناب عالی!

گزارش ہے کہ میں محنت معلّمہ C.T گورنمنٹ گرلز ہائی سکول میرا مجد علی اپنے فرائض سرانجام دے رہی ہوں اور مانسہرہ کی رہائشی ہوں۔

۱۔ یہ کہ سائلہ محکمہ تعلیم میں تقریباً عرصہ 28 سال سے بطریق احسن اپنے فرائض منصبی ادا کر رہی ہے۔ اس دوران سائلہ نے جس بھی سکول میں ڈیوٹی کی ہے اللہ تعالیٰ کے سامنے جوابدہ ہونے کی خوف سے ہمیشہ اپنے کام کو ترجیح دی ہے۔

۲۔ یہ کہ گورنمنٹ گرلز ہائی سکول میرا مجد علی میں سائلہ کو پڑھاتے ہوئے تقریباً پانچ سال کا عرصہ ہوا ہے۔ اس دوران ہیڈ ماسٹرس صاحبہ نے رویہ انتہائی تعصبانہ، غیر اخلاقی اور غیر پیشہ ورانہ رویہ اختیار کیا ہوا تھا کہ 30 اکتوبر 2015 کو ہیڈ ماسٹرس صاحبہ نے گاؤں کی خواتین اور صحافیوں کی موجودگی میں اساتذہ کی جس قدر تذلیل کی ناقابل بیان ہے۔ جس پر سکول کی تمام معلمات ہیڈ ماسٹرس صاحبہ کی شکایت لیکر (ڈی۔ ای۔ اوصاحبہ) کے دفتر حاضر ہوئیں۔

۳۔ یہ کہ ہیڈ ماسٹرس صاحبہ کی نا انصافیوں اور ظالمانہ اور غیر پیشہ ورانہ غیر منصفانہ اور ناروادیے کے خلاف 31-10-2015 کو جملہ سٹاف DEO آفس حاضر ہو کر تحریری اور زبانی طور پر DEO صاحبہ کو گاہ کیا۔ (کاپی ساتھ لف ہے۔)

۴۔ اس درخواست پر کارروائی نہ ہونے کی وجہ سے دوبارہ 06-11-2015 درخواست پیش کی گئی۔ (کاپی ساتھ لف ہے۔)

۵۔ یہ کہ ہیڈ ماسٹرس صاحبہ نے ذاتی رنجش کی بنا پر انتقامی کارروائی کرتے ہوئے 04-12-2015 کو سائلہ کو Relieving Chit دے دی۔ جس پر سائلہ نے DEO صاحبہ کو Relieving Chit کے خلاف 05-12-2015 کو درخواست دی۔ (کاپی ساتھ لف ہے۔)

۶۔ یہ کہ 07-12-2015 کو جملہ سٹاف نے DC صاحب کو انکوائری کے لئے درخواست دی۔ جس پر انکوائری ہوئی۔ (جس کی کاپی لف ہے۔)

۷۔ یہ کہ DEO صاحب نے بغیر کسی انکوائری اور ثبوت کے ساکنہ کو Under Disciplinary action کے تحت GGHS شمد ڈھ ٹرانسفر کر دیا۔ (کاپی ساتھ لف ہے۔) ساکنہ نے اس ٹرانسفر کے خلاف اپیل آپ جناب کو 07-01-2016 کو ارسال کی ہے۔ جس کا بھی تک کوئی فیصلہ نہیں ہوا۔ (کاپی ساتھ لف ہے۔)

۸۔ 17-01-2015 کو ایک انکوائری کمیٹی DEO صاحب نے ایک انکوائری ٹیم سکول میں بھیجی جس نے جانب دراندہ رویہ اپنایا اور انکوائری رپورٹ لکھی جس کو بنیاد بنا کر DEO صاحب نے ایک نیا لیٹر نمبر 90-1686 مورخہ 02-02-2016 کو جاری کیا۔ جس میں ساکنہ پر Penalty لگائی گئی۔ جس میں ساکنہ کی دو انکریمنٹس روک دی گئیں۔ یکے بعد دیگرے پلاہ سزائیں دی گئیں۔ جو غیر منصفانہ اور غیر قانونی فعل ہے۔

۹۔ یہ کہ مذکورہ انکوائری رپورٹ کی کاپی درخواست کے باوجود نہیں دی گئی۔ (کاپی ساتھ لف ہے) استدعا ہے کہ ساکنہ پر بذریعہ لیٹر نمبر 90-1686 مورخہ 02-02-2016 کے تحت لگائی گئی Penalty کو ختم کیا جائے اور لیٹرنڈ کور کو منسوخ و کالعدم قرار دیا جائے۔

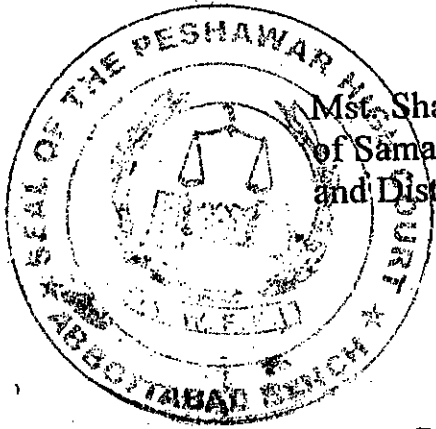
ارض

ساکنہ ناز بی بی C.T گورنمنٹ گرلز ہائی سکول میرا امجد علی

موبائل نمبر: 0345-9611329

BEFORE THE PESHAWAR HIGH COURT,  
BENCH ABBOTTABAD

W.P No. 346A of 2015



Mst. Shazia Gul wife of Amjid Saeed resident  
of Samang union council Sachan Kalan, Tehsil  
and District Mansehra .....Petitioner

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Peshawar.
2. The Director Education Khyber Pakhtunkhwa Elementary & Secondary Education, Peshawar.
- ~~3. The District Education Officer (Female), Mansehra.~~
4. The District Accounts Officer, Mansehra.
5. Miss Uzma Alam daughter of Alam Zeb resident of Sachan, Tehsil and District Mansehra presently appointed as PST Government Girls Primary School Halkai, Tehsil and District Mansehra .....Respondents.

WRIT PETITION UNDER ARTICLE 199  
OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973 FOR A  
DECLARATION TO THE EFFECT THAT  
NON-ISSUING OF THE APPOINTMENT  
ORDER OF THE PETITIONER AGAINST  
THE POST OF PST AND APPOINTMENT  
OF RESPONDENT NO.5 VIDE ORDER  
ENDST NO.2842-2906 DATED 27.03.2015  
ISSUED BY THE RESPONDENT NO.3 IS UN-  
CONSTITUTIONAL, ILLEGAL, UNLAWFUL,

No 1418  
6-4-15

*[Signature]*  
 Certified to be true Copy  
 Peshawar High Court  
 Abbottabad Bench  
 Authorized Under Sec 75 A of Ordinance

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH.  
(JUDICIAL DEPARTMENT)

W.P No. 346-A of 2015

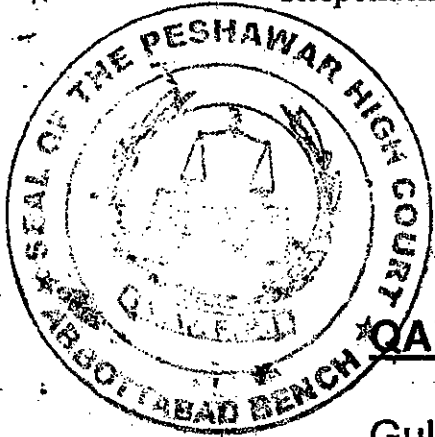
JUDGMENT

Date of hearing.....15.03.2016.....

Petitioner(s)\_(Mst. Shazia Gul) by Mr. Junaid Anwar Khan,  
Advocate.....

Respondent (s)...(Government of Khyber Pakhtunkhwa etc) by Mr.  
Muhammad Naeem Abbasi, AAG alongwith  
Ms. Faiza Shafiq, DEO (Female) Mansehra,  
respondent No.3.

\*\*\*\*



QALANDAR ALI KHAN, J:- Mst. Shazia

Gul, petitioner, applied for the post of PST  
in the respondent-department (Education  
Department) in response to the publication  
in the newspaper dated 26.11.2014, and  
was a candidate for two vacancies of PST  
in Union Council Sachan, Tehsil and  
District Mansehra, on the basis of her  
qualification and domicile of the said Union  
Council. In the test and interview, she

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Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Acts Ord 1973

secured sixth position in the merit list and second position on Union Council basis after Mst. Tahira who stood at serial No.1 and was appointed against the vacancy available in GGPS Gori Khurd, whereas, against the second vacancy in GGPS Halkai, Ms. Uzma Alam, (Respondent No.5) was appointed though she was one step below in the merit list as well as in the list prepared on Union Council basis. Feeling aggrieved of violation of merit, the petitioner assailed appointment order of respondent No.5, and also prayed for her appointment as PST in GGPS Halkai in accordance with the merit list.

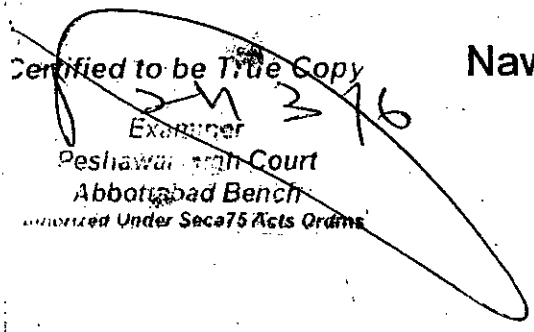
2. In the written reply/comments, the District Education Officer (Female), Mansehra (Respondent No.3), though did not deny the merit position of the petitioner, yet defended appointment of respondent No. 5 on the ground that the

petitioner was not a permanent resident of Union Council Sachan and was, instead, a resident of Union Council Jabbar Devli, therefore, she was not eligible to be appointed against the post of PST in Union Council Sachan. The respondent claimed that the petitioner failed to submit any *Nikah Nama* or residential certificate at the initial stage of interview.

3. The petitioner submitted rejoinder to the written reply/comments of the respondent and also attached therewith copy of *Nikah Nama* of respondent No.5 showing her a permanent resident of Khan Dehri, Shinkiari, and her husband a resident of Madan, Tehsil & District Mansehra. The petitioner also brought on record copies of her Computerized National identity Card (CNIC) showing her address as Sumang, Nawaz Abad, Mansehra, residential



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 Abbottabad Bench  
 Authorized Under Sec 75 Acts Ordins



certificate issued by Secretary, Union Council Sachan Kalan, Mansehra, on 28.02.2015 also showing her a resident of Union Council Sachan Kalan, besides a copy of *Nikah Nama* showing her *Nikah* with Amjad Saeed on 9.7.2010, who was a permanent resident of Sumang, Nawaz Abad, Tehsil & District Mansehra. The petitioner alleged that all these documents were provided to the respondent well in time; and we also see no reason on the part of the petitioner for withholding these documents in her possession before the date of interview showing her resident of Union Council Sachan, especially when she was a candidate for the post of PST in Union Council Sachan; but the respondent all along remained adamant that the petitioner failed to submit her *Nikah Nama* or residential Certificate at the initial stage of interview.

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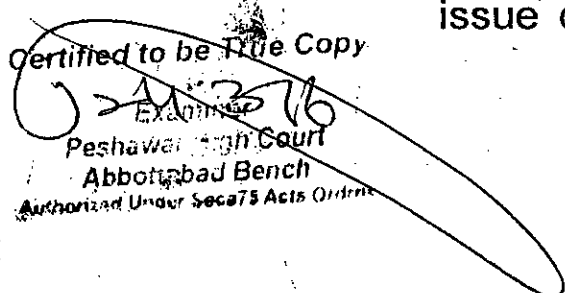
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Peshawar High Court  
Abbottabad Bench  
Authorized Under Sec 75 Acts Ordms



4. Apart from the fact that production of *Nikah Nama* at the stage of interview was neither a pre-condition laid down in the publication dated 26.11.2014, which only required production of original identity card, nor there is anything on record to show that she was ever required to submit the *Nikah Nama*; while, on the other hand, the petitioner had been time and again showing herself a resident of Sachan as reflected even in the merit list attached with the written reply/comments and also relied upon by the respondent. The copy of application / appeal of the petitioner dated 25.03.2015, attached with the written reply / comments, shows her resident of Sachan Kalan, but no attention was paid to her this claim and respondent No.5 was appointed in indecent haste on 27.03.2015, without first resolving the issue of domicile of the petitioner, or first



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requiring her to produce the so-called requisite documents before issuance of the impugned appointment order. The plea of the respondent that second application / appeal of the petitioner with regard to her domicile of Sachan was received one day after the impugned appointment order on 28.03.2015, is farther from reality and a lame excuse to cover the illegality, to say the least, as claim of the petitioner with regard to her domicile was already before the respondent vide her application dated 25.03.2015 i.e. two days before the impugned order dated 27.03.2015. Besides, the respondent failed to bring on record a single document showing the petitioner resident of Union Council Jabbar Devli; while, on the other hand, the petitioner has been able to place on record Nikah Nama showing respondent No.5 a resident of Khan Dehri, Shinkiari and her

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2/3/16  
Peshawar Court  
Abbottabad Bench  
Authorized Under Sec 75 Acts Ordms

husband also a resident of Madan, Tehsil  
& District Mansehra.

5. Despite all the aforementioned glaring facts clearly showing violation of merit and rules for extraneous considerations, we deemed it proper to summon respondent No.3 to explore the possibility of rectifying the wrong done to the petitioner and at the same time saving respondent No.5 from being dislodged from the post being occupied by her as a result of impugned appointment order.

During her first appearance, Ms. Faiza Shafiq, DEO (Female), Mansehra, informed the Court that vacancies were still available in Union Council Sachan and that she would consider case of the petitioner on the basis of merits of her case. As such, she was granted time to resolve the issue at her own end, and the case was adjourned for today. She was not present

when the case was taken up for hearing in the morning. She was, therefore, summoned through the learned Additional AG, and she appeared along with the learned Additional AG during second half of the Court time, but in a defiant mood. In her presence, it was pointed out by the learned counsel for the petitioner that she had made appointments against the vacant posts in Union Council Sachan during the intervening period after previous date, and the respondent confirmed such appointments a week before. When asked about the urgency to make appointments during pendency of the case relating to the post of PST in Union Council Sachan, particularly after her commitment to consider case of the petitioner, she replied in somewhat arrogant manner that there was no restraining order of the Court,

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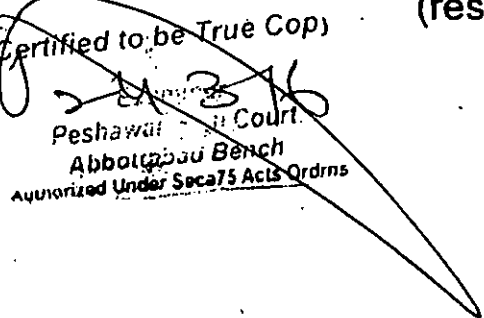
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 Peshawar High Court  
 Abbottabad Bench  
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therefore, she had the authority to make the appointments:

6. The above stated facts and conduct of the respondent would, ordinarily, warrant a stern action, but before taking such a step, we deem it appropriate to direct a high level inquiry into the conduct of the respondent in the case. Therefore, the Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar (Respondent No.2) is directed to conduct a proper inquiry to determine the following:-

- a) Was the petitioner provided ample opportunity to prove her domicile of Sachan or while malafidely ignoring her CNIC, residential certificate dated 25.02.2015 and other documents, including even the merit list showing her a resident of Sachan, appointment order of Ms. Uzma Alam, (respondent No.5) was issued in

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Peshawar Court  
Abbottabad Bench  
Authorized Under Sec 75 Act's Ordns

indecent haste' even without looking into her domicile?

- b) Was production of *Nikah Nama* a pre-requisite for considering appointment of a candidate or was the petitioner even asked about meeting such a requirement?
- c) Are the recent appointments against vacant posts in Union Council Sachan justified during pendency of a case pertaining to the same Union Council wherein serious questions regarding exercise of powers of appointment by the respondent have been raised; and further, have such appointments been made in accordance with the policy of merit and the law / rules applicable to such appointments?
- d) How the petitioner could be compensated and wrong done to her rectified, after finding with regard to the impugned appointment, even without disturbing the appointment of Ms. Uzma Alam, if her appointment is also found not in violation of the policy of domicile?

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 24/3/16  
 Peshawar Bench  
 Abbottabad Bench  
 Authorized Under Sec 75 Acts & Ordms

e) Is Ms. Faiza Shafiq, DEO(Female) Mansehra, not liable to stern disciplinary action in view of her above stated conduct or even otherwise she is capable of holding such an important position in the Education Department with her arrogant and defiant attitude?

7. While referring the matter for inquiry/departmental proceedings to the Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar (Respondent No.2), the writ petition is disposed of, with further direction to respondent No.2 to complete inquiry/ departmental proceedings, and submit findings/report, within one month of the receipt of this judgment/order, for further appropriate action in the matter, to the Additional Registrar of this Bench. It may also be observed that the petitioner would be well within her right to also avail

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Peshawar Court  
Abbottabad Bench  
Authorized Under Sec 75 Act 1973

remedy available to her under the law, if she felt aggrieved of an order by the competent authority in her case.

**Announced:**  
**Dt.15.03.2016.**

SD JUDGES

'M.S.Awan'

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*M.S.Awan*

Peshawar High Court

Abbottabad Bench

Authorized Under Section 75 Acts Ordms



OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE MANSEHRA

TRANSFER

Annex H2

49

In the light of the inquiry report, conducted by the Inquiry Committee headed by Mst Nadia Hameed Lodhi Principal GGHS Chandhian, Mansehra, the Teaching staff of Government Girls High School Maira Amjad Ali Mansehra is hereby transferred on Disciplinary grounds on panel measures decision (non challengeable in courts) to the schools mentioned against each on their own pay and grade with immediate effect.

S. No	Name & Designation	From	To	Remarks
1	Nabeeda Jadoon SST (G)	GGHS Maira Amjad Ali	GGMS Janglan	Under Disciplinary Grounds
2	Miss Mehmoona SST (G)	GGMS Janglan	GGHS Maira Amjad Ali	Vice S No 1
3	Saima Afzal SST (G)	GGHS Maira Amjad Ali	GGMS Parus	Under Disciplinary Grounds
4	Sitara Jabeen CT	GGHS Maira Amjad Ali	GGMS Ramkot	Under Disciplinary Grounds
5	Asima Syed CT	GGMS Ramkot	GGHS Maira Amjad Ali	Vice S No 4
6	Kousar Bibi SDM	GGHS Maira Amjad Ali	GGHS Pairan	Under Disciplinary Grounds
7	Sajida Sarwar SDM	GGHS Pairan	GGHS Maira Amjad Ali	Vice S No 6
8	Nazia Jabeen PET	GGHS Maira Amjad Ali	GGMS Chanser	Under Disciplinary Grounds
9	Faiza Anwar PET	GGMS Chanser	GGHS Maira Amjad Ali	Vice S No 8
10	Nagina Bibi TT	GGHS Maira Amjad Ali	GGMS Malkan	Under Disciplinary Grounds
11	Saiqa Bibi TT	GGMS Malkan	GGHS Maira Amjad Ali	Vice S No 10
12	Saiqa Bibi SAT	GGHS Maira Amjad Ali	GGHS Tarawra	Under Disciplinary Grounds
13	Mehmoona Manzoor SAT	GGHS Tarawra	GGHS Maira Amjad Ali	Vice S No 12
14	Ayesha Kanwal Qaria	GGHS Maira Amjad Ali	GGHS Sanghar	Under Disciplinary Grounds
15	Miss Aliya Qaria	GGHS Sanghar	GGHS Maira Amjad Ali	Vice S No 14

Note:-

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed.

DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA

Dated Mansehra the 7/11/2016

Endst: No 300-19

Copy of the above is forwarded for information to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhawa Peshawar.
2. District Accounts Officer Mansehra.
3. Head Mistresses Schools concerned
4. Teachers Concerned.
5. Office File.

DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA

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DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA.

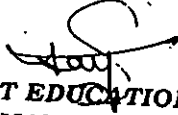
OFFICE ORDER.

The following teachers are hereby transferred on disciplinary grounds (panal measure) and longest tenure basis on their own pay and grade in the interest of public service with immediate effect.

S.NO	NAME & DESIG:	FROM	TO	REMARKS
1	Nagina TT	GGHS Mera Amjid Ali	GGMS Malkan	Vice S No 2
2	Saiqa Bibi TT	GGMS Malkan	GGHS Mera Amjid Ali	Vice S No 1
3	Saiqa Bibi SAT	GGHS Mera Amjid Ali	GGHS Trawra	Vice S No 4
4	Memoona Manzoor SAT	GGHS Trawra	GGHS Mera Amjid Ali	Vice S No 3

Note: -

1. No TA is allowed.
2. Charge reports should be submitted to all concerned.


  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA

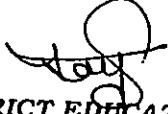
Endst: No. 1698-1745

Dated 24/11 /2016.

Copy of the above is forwarded to the:-

1. Director Elementary & Secondary Education KPK Peshawar for information please.
2. District Account Officer Mansehra.
3. Head Mistress GGHS Mera Amjid Ali/Trawra./GGMS Malkan
4. Teacher Concerned.
5. Office File.



  
DISTRICT EDUCATION OFFICER  
(FEMALE) MANSEHRA

DBM No

298

S.No

17943

BC No.

1 2 3 4 5 6

Name of Advocate.

محمد ارسلی

وکالت نامہ

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Akhtar Nawaz Khan  
Additional High Court  
General Secretary  
District Bar Ass: Mansehra

بعدالت جناب سروسٹر ایجوٹنل KPK پٹن اور  
عنوان: حماة نازیبی بی بنام حکومت KPK و فیروز  
منجانب: ایبلانڈٹ نوعیت مقدمہ سروسٹر ایبل

باعث تحریر آنکہ  
دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام لیٹا اور / KPK کے لیے  
پلا رٹشٹک، محترم راولس عازم ایڈووکیٹس ہاؤس کورٹ  
کو بدیں شرانگہ وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا اور پرفت پکارے  
جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ  
میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علا  
کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے علا  
کسی اور جگہ سماعت ہوا یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار  
نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی ایبل مگرانی دائر کرنے نیز ہر قسم کی درخواست  
بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول  
کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور اسپر دہاشی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا  
بصورت ایبل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتمامی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف  
کو بشرط ادائیگی علیحدہ محنتانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوران مقدمہ یا ایبل مگرانی کسی دوسرے وکیل یا سپر شٹو  
بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہوں گے جیسے وکیل موصوف کو  
اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت  
میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرواختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔  
لہذا وکالت نامہ لکھ دیا ہے اور دستخط / انگوٹھا ثبت کر دیا ہے تاکہ سند ہے۔ مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے۔

مورخہ 11 اپریل 2016

ACCEPTED

Signature of Advocate

حماة نازیبی دستبر غلام فی — ایبلانڈٹ

# VAKALAT NAMA

NO. \_\_\_\_\_/20.

IN THE COURT OF K.P.K, Service Tribunal, Peshawar

Mst. Naz Bibi (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Education Deptt (Respondent)  
(Defendant)

I/We Mst. Naz Bibi

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

Mst. Naz Bibi

( CLIENT )

ACCEPTED

M. Asif Yousafzai

**M. ASIF YOUSAFZAI**  
Advocate

& Taimur Ali Khan

& Syed Nooman Ali Bulekani

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

(4)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR.**

**APPEAL No. 388/2016**

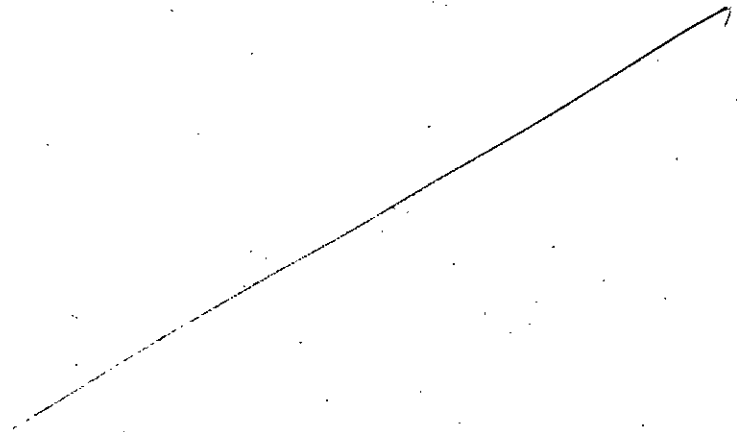
Mst. Naz Bibi, CT GGHS Mera Amjed Ali .....APPELLANT

**VERSUS**

1. Govt: of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education, Peshawar.
2. The Director Elementary & Secondary Education, Khyber Pakhtun Khawa Peshawar.
3. District Education Officer (Female) Mansehra.
4. Head      Mistress      GGHS      Mera      Amjed      Ali  
.....RESPONDENTS.

Written reply on behalf of the Respondent No. 1, 2, and 3.

**PRELIMINARY OBJECTION.**

1. That the appellant has got no cause of action/locus standi to file the present Appeal.
  2. That the Appeal is not maintainable in its present form.
  3. That the Appellant has not come to the Tribunal with cleans hands.
  4. That the Appellant is estopped by his own conduct to bring the instant Appeal.
  5. That the transfer of the appellant was in the interest of Public Service and under section 10 of Khyber Pakhtun Khawa Civil Servant Act on the basis of disciplinary grounds.
- 


6. That the Appeal is groundless based on malafide attention.
7. That the Appeal is barred by law and limitation.
8. That the appellant has suppressed the original facts from this Honorable Tribunal, hence not entitled for any relief and consequently appeal to dismissal.

### FACTS

#### RESPECTFULLY SHEWETH

1. Para is not admitted. The unblemished service of appellant needs proof. Respondent 4, being the competent authority, filed complaint, from time to time, against the appellant that she had committed misconduct and was indulgent in certain subversive activities which was against the public interest as well as the matter.

*(Written statements of Headmistress/ Respondent 4  
are annexed as A, B & C).*

2. Para is denied by the fact that Respondent 4, being the Head of School, was in authority to keep the School administration smooth sailing. She was supposed and believed to control the staff for the sake of efficiency. On the other hand, appellant along with other staff members wanted to maintain their upper hand and wanted things continued on their own choice.
- 

① From time to time, appellant along with her colleagues were warned, but of no avail.

*(Contents of order book etc and confession statement of appellant are annexed as D, E, F & G).*

③ Para is not admitted. Respondent 3 has marked for an impartial inquiry, constituted and conducted by the departmental officials, in accordance with the prescribed procedure, and its findings, based on proved grounds, were followed by the Department.

*(Inquiry report is annexed as H).*

4. Not admitted. Against the issue there was no single inquiry which appellant has preferably cited in this Para. But there were several other investigations and inquiries too, which have their own findings and the consequential outcome of the case. The appellant has suppressed material facts and brought out one-sided picture of the things.

*(Further inquiries against appellant are annexed I & J)*

5. Para is not admitted. In the light of inquiry and its subsequent findings, Respondent No. 3 has taken action against the officials involved along with Headmistress/ Respondent 4, whose transfer proposal was forwarded to Respondent 2 for further action. The appellant, due to ill-behavior and

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misconduct, was relieved by Headmistress/ Respondent 4. The transfer of appellant was, thus, admissible as per rules.

*(Relieving chit/ complaint from Respondent 4, proposal of Respondent 4 and the subsequent departmental proceedings against appellant are annexed as K to Q)*

6. Para 6 is not mentioned.
7. Para is not admitted. Appellant was not an aggrieved person, but was treated in accordance with law as being a source of trouble for School administration. Hence the departmental appeal deserves no merit and thereby set aside.
8. Para is incorrect. Para is not admitted. Facts are revealed through the foregoing Para that the appellant has been guilty of misconduct and other activities leading to bad atmosphere inside and outside the School premises. The appellant has frequently defied the departmental rules and has even gone further beyond moral restriction by holding a press conference and political influence against the higher officers, which speaks of certain ulterior motives on the part of appellant. Such a negative behavior of appellant has not only been a source of considerable headache to Respondent Department, but has also been cause of wastage of time in instructional matter. Grounds were enough to proceed against the appellant through show cause notice. Even, appellant,



arrogantly, did not bother to appear for personal hearing, hence, was liable to be penalized.

*(Press clipping from appellant, and the consequent response of departmental letter and service rules against political influence are annexed as ~~Q-R&S~~)*

R.S.T

9. Para needs no comments.

### GROUND

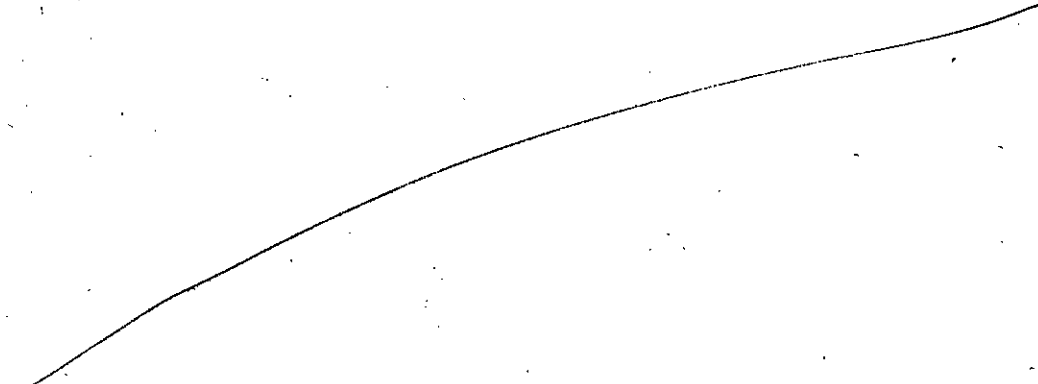
- a. Para is incorrect. Appellant has rightly been treated in accordance with law and has been proved guilty through the essential of inquiries. While, Respondent 3, taking the matter impartially and without any discrimination, has also approached Respondent 2 for the transfer of Respondent 4.
- b. Para is incorrect. Para also needs proof. Facts have been brought out through various means of investigation of inquiries. An inquiry was also held under the auspices of Deputy Commissioner. There was no revenge against the Appellant, who was penalized simply because she was guilty of misconduct, behaving in rude manner and indulging in disobedience of superiors.
- c. Para is incorrect. Para also needs proof. Situation has already been clarified, which has come clear like crystal that appellant along with others was responsible for troubling in smooth sailing of administration of School and in killing the

precious time of innocent students. From time to time appellant along with others were warned to be careful and refrain from adventurism, but of no avail. In order to correct the wrong doings the transfer of appellant along with other was, thus, indispensable in view of public interest as situation was being spoiled much due to violent atmosphere at GGHS Mera Amjed Ali. Even Respondent 4 has not been spared, as she has been proposed for transfer.

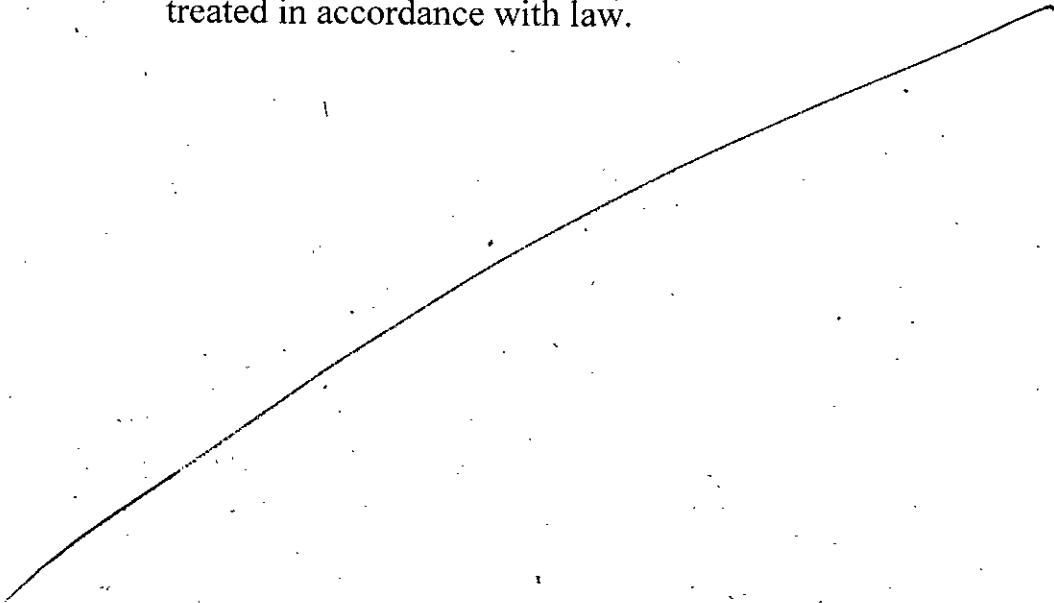
d. Para is incorrect. It needs proof that the departmental action held against the appellant is without lawful reason.

e. Para is incorrect. Appellant along with other are mainly responsible in bringing about the condition worst at GGHS Mera Amjed Ali. Apart from the inquiry held by AAC-I Mansehra, there were other findings too which are worthy of credence, whereby circumstances were enough to proceed against the appellant as per E & D Rules.

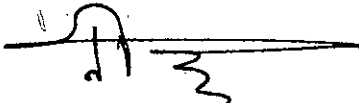
f. Para is incorrect. Appellant along with others were eager for ascendancy and were quite arrogant in their behavior in order to handle the School affairs at their own choice as has been revealed at the time of investigation by the Respondent Department. Haughtily, appellant along with others went beyond the limit through the instrument of in press conference, political grouping and other illegal activities, which are quite denouncing for a Government servant. It is quite extraneous that appellant was reluctant to compromise





on the education of school students and for the sake of duty, while the facts remain that she set in defiance all the departmental rules.

- g. Para is incorrect. Para also needs proof. The withdrawal of transfer order has been founded on the essential of investigation and inquiry. Appellant had personal grudges with Respondent 4, which was impairing the school administration. It was finally proposed and decided by the Respondent Department to transfer 3 officials, including the appellant one, while Respondent 4 is under proposal.
  - h. Para is extraneous and not admitted Appellant is playing false in order to bury her own misdeeds.
  - i. Para is not admitted. Transfer is a part of service, which has been taken under disciplinary grounds as appellant has been rude and violent against the superiors. Besides appellant has already been holding an extraordinary tenure of more than 5 years at GGHS Mera Amjed -Ali. Hence Para not maintainable.
  - j. Incorrect. Respondent 3 took the matter with rules and regulations whereby the appellant has been justifiably treated in accordance with law.
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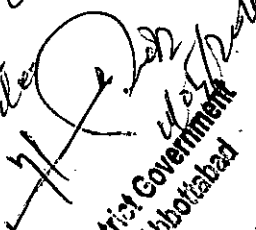
It is, therefore, graciously requested that the appeal may very kindly be dismissed with coast please.

1. Respondent 1   
Secretary to E & S. E Khyber Pakhtun Khawa Peshawar.

2. Respondent 2.   
Director E & S.E Khyber Pakhtun Khawa Peshawar.

3. Respondent 3.   
District Education Officer (F) Mansehra.

*Verdict suggest  
in attachment of  
all Amestore 2 other  
relevant records &  
Affidavits*

  
Senior District Government  
Placer Abbottabad

*12/9/2016*

**AFFIDAVIT**

I, Saleem Ashrf ADEO Litt:t, Office of the District Education Officer (F) Mansehra, do, hereby solemnly affirm and declared that the contents of reply in the instant W.P No.388/2016 titled case Mst:Naz Bibi Versus Education is correct and true to the best of my knowledge and belief and I have concealed nothing as material facts before this Honorable Court.

  
DEPONENT

