

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No 286/2015

Date of Institution... 03.04.2015
Date of decision... 07.08.2017

Raza Ullah Khan son of Inayat Ullah R/O Ali Khail Chowga, Tehsil Puran District
Shangla. ... (Appellant)

Versus

1. Secretary Education, Khyber Pakhtunkhwa, Peshawar and 2 others.
(Respondents)

MR. JAVED ALI,
Advocate ... For appellant.

MR. MUHAMMAD ZUBAIR,
District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant had applied for the post of Drawing Master after advertisement made on 08.01.2014 in the newspaper. After passing the N.T.S test he got second position and was appointed on 23.05.2014 subject to the condition that he was to produce equivalency certificate of D.M from appropriate authority. Then the appointing authority issued a notice to the appellant on 02.6.2014 for the provision of equivalency certificate failing which his services were to be terminated. The appellant then submitted an application on 24.11.2014 to the

District Education Officer(Male) Shangla by alleging that in view of judgment of the Worthy Peshawar High Court reported as 2013-PLC(C.S)142 and upheld by the august Supreme court of Pakistan, the certificates/degrees issued by any recognized University/Institute were equal to the degrees/certificates issued by the University/Institution of Khyber Pakhtunkhwa. But the authority on 30.12.2014 terminated the services of the appellant on the ground that he failed to provide equivalency certificate.

ARGUMENTS

3. The learned counsel for the appellant argued that the case of the appellant is on equal footing with the one reported as above and that recently another judgment of the Peshawar High Court entitled "*Naveed Sarwar Vs. Secretary to Government of Khyber Pakhtunkhwa Elementary and Secondary Education and others*" has reaffirmed the ratio of the case entitled "*Khaista Rehman and others Vs. EDO and others*" reported as 2013 PLC (C.S) 132. That the department has illegally terminated the services of the appellant by not honouring the judgment of the Superior Courts.

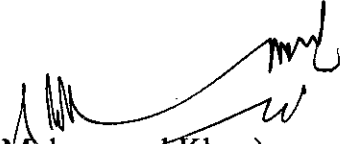
4. On the other hand the District Attorney argued that since the appointment was subject to the condition that the appellant would provide equivalency certificate which he did not and the department has rightly terminated his service.

CONCLUSION

5. Since the appellant is having D.M Certificate from a recognized Institution at Jamshoro, Sindh and in view of the ratio held by the above mentioned judgments of the Superior Courts there is no need of equivalency certificate provided the certificate is not fake/bogus.

6. In view of the ratio of the said judgment this appeal is accepted and the termination order of the appellant is set aside subject to verification of certificate from the concerned Institute within 60 days. Parties are left to bear their own costs. File be consigned to the record room.


(Gul Zeb Khan)
Member



(Niaz Muhammad Khan)
Chairman
Camp Court, Swat

ANNOUNCED
07.08.2017

03.04.2017

Counsel for appellant and Mr. Muhammad Iqbal, ADEO alongwith Mr. Muhammad Zubair, Senior Government Pleader for respondents present. Learned Senior Government Pleader requested for adjournment for producing some relevant record. Adjourned. To come up for arguments on 07.08.2017 before D.B at Camp Court Swat.


(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat.

07.08.2017

Appellant alongwith counsel and Mr. Muhammad Zubair, District Attorney alongwith Mr. Muhammad Iqbal, ADO for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of to-day, this appeal is accepted as ~~per detailed judgment~~. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp court, Swat

ANNOUNCED
07.08.2017

05.10.2016

Appellant with counsel and Mr. Muhammad Islam, ADO alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present.

During the course of arguments learned counsel for the appellant informed the Tribunal that similar certificate was considered by the respondents as a valid one and appointed. civil servants vide appointment order dated 31.10.2011. To consider the said certificates of the appellant perusal of the record regarding said appointments is essential. The respondents are therefore directed to produce the entire record including the certificates, etc. on the basis whereof the said civil servants were appointed, on 07.02.2017 on which date the appeal is to be heard by the D.B at camp court, Swat.



Member



Chairman
Camp court, Swat

07.02.2017

Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Muhammad Iqbal, AD for respondents present. Record not produced as it is yet to be traced by the respondents. To come up for such record and final hearing on 03.04.2017 before the D.B at camp court, Swat.



Member



Chairman
Camp court, Swat

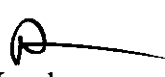
04.04.2016


Counsel for the appellant and Mr. Hifsan, SI (Legal) alongwith Mr. Anwarul Haq, GP for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 07.06.2016 at Camp Court, Swat.


Chairman
Camp court, Swat.

07.06.2016


Appellant in person and Mr. Muhammad Zubair, Sr.GP for the respondents present. Counsel for the appellant has not turned up from Peshawar. Appellant requested for adjournment. Adjourned for rejoinder and final hearing to 05.10.2016 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat.

5. 3.8.2015

Appellant in person and Mr. Muhammad Zubair, Sr.G.P. for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 5.10.2015 before S.B at camp court Swat.


Chairman
Camp Court Swat

5.10.2015

Counsel for the appellant and Mr. Bakhat Rawan, ADO alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be paid by the respondents from their own pockets. To come up for written reply/comments and cost on 8.12.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

8.12.2015

Appellant with counsel and Mr. Bakhat Rawan, ADO alongwith Mr. Amir Qadir, G.P for respondents present. Comments submitted. Cost of Rs.1000/- paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing for 4.4.2016 at Camp Court Swat.


Chairman
Camp Court Swat

13.04.2015

Appellant Deposited
Security & Process Fee


Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Drawing Master vide order dated 23.5.2014 subject to production of equivalency certificate. That the appointed order was annulled vide impugned order dated 3.12.2014 on the ground that no such equivalency certificate was produced by the appellant. That the qualification of the appellant is equivalent to that of certificate issued by this Province and is a recognized one as held by the august High Court in W.P No. 2093/2007 (page 16) and august Supreme Court of Pakistan in C.Ps No. 456-P/12, 7-P to 11-P/2013 and 19-P and 20-P of 2013 (page 22). That the appellant preferred departmental appeal on 23.12.2014 which was not responded and hence the service appeal on 3.4.2015.

That the impugned order of termination is liable to be set aside as the qualification of the appellant is established to be equated with that of that province as laid down by the judgments referred to above.

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 for 3.7.2015 before S.B.


Chairman

03.07.2015

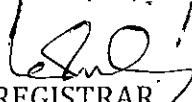

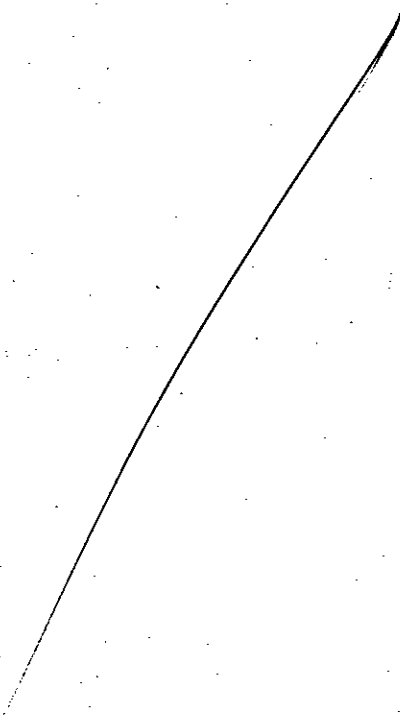
Appellant with counsel, M/S Khurshid Khan, SO for respondent No. 1 and Javed Ahmed, Supdt. for respondent No. 2 alongwith Addl: A.G for all respondents present. Requested for adjournment. To come up for written reply/comments on 3.8.2015 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 286/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.04.2015	<p>The appeal of Mr. Razaa Ullah Khan presented today by Mr. Javed Ali Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>13-4-15</u>.</p> <p> CHAIRMAN</p> 

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

Service Appeal No. 286 2015

Raza Ullah Khan

(Appellant)

VERSUS

Secretary Education, Khyber Pakhtunkhwa, Peshawar and
others

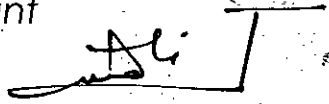
(Respondents)

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5	Copies of Medical Certificate & Charge Report	D-E	12-13
6	Copies of letter dated 02.06.2014 and reply of appellant along with judgment of superior court	F-G	14-23
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11	Wakalat Nama		

Through

Appellant


Javed Ali Muhammad Zai
Advocate, Peshawar

Dated: 30/03/2015

①

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

Service Appeal No. 286 2015

Raza Ullah Khan S/o Inayat Ullah

R/o Ali Khail Chowga, Tehsil Puran District Shangla

(Appellant)

K.W.P. Province
Service Tribunal
Diary No. 294
Dated 03-4-15

V E R S U S

- 1) Secretary Education, Khyber Pakhtunkhwa, Peshawar
- 2) Director E&SE, Khyber Pakhtunkhwa, Peshawar
- 3) District Education Office (M) District Shangla

(Respondents)

**Appeal Under Section 4 of Service Tribunal Act
1974, against order E/No. 3861/DEO(M)/SH
dated 03.12.2014 of District Education Officer
(M) Shangla whereby the service are
terminated.**

Respectfully Sheweth,

**Brief facts giving rise to the instant service appeal are as
following:**

- 1) That the appellant is well qualified Master degree
in Pushto & M.Ed and MD Certificate at his credit.
(Copy of MD Certificate is attached as Annexure
A)

- 2) That the respondent No. 3 invited applications in the newspapers for appointments against certain posts including posts of M.D / Master of Drawing. (Copy of advertisement is attached as Annexure B)
- 3) That appellant, having the requisite qualification, applied for the vacant post of M.D. The appellant successfully qualified the text and interview held for the said post and was placed at Serial No. 2 of Merit List for posts of M.D.
- 4) That being so, vide Office Order Endst No. 2640-46 dated 23.05.2014, the appellant was appointed as MD Teacher and posted as such at GMS 28 Kotkay District Shangla. (Copy of appointment order dated 23.05.2014 is attached Annexure C)
- 5) That 24.05.2014, the appellant reported for his duty at GMS 28 Kotkay and as such took charge of his duty. (Copies of Medical Certificate & Charge Report are annexed as Annexure D & E respectively)
- 6) That the respondent No. 3 vide Officer Letter dated 02.06.2014, directed the appellant to produce the proofs of equivalency of his M.D. Certificate with the Certificate issued by Institution issued in the provinces. In response of said directions the appellant approached the respondent No. 3 through letter and placed before him the judgments of honourable court

Peshawar, Mingora Bench in Titled case "Khaista Rehman VS EDO etc" which is upheld by the August Supreme Court of Pakistan where in it is held by the honourable courts that distinction cannot be drawn between the award of degrees or services by institution of Jamshuru and Karachi and that of this province. (Copies of letter dated 02.06.2014 and reply of appellant along with judgment of superior court is attached as annexure F & G respectively)

- 7) That the respondent in total disregard of judgment of Superior Courts, vide Office Order No. E/No. 3861/DEO(M) date 03.12.2014 illegally terminated the services of the appellant. (Copy of impugned order dated 03.12.2014 is attached as Annexure H)
- 8) That on 23.12.2014, the appellant preferred a departmental appeal against the termination order dated 02.03.2014 before the appellate authority / respondent No. 2. (Copy of the departmental appeal is attached as Annexure I)
- 9) That the departmental appeal of the appellant is not responded by respondent No. 2 in statutory period, hence this appeal on following grounds inter-alia.

GROUND:

- a) That the impugned dated 03.12.2014 is illegal, against the law & rule on subject, based on

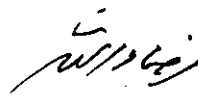
malafide, and no legal effect, hence liable to struck down.

- b) That the impugned order also against the natural justice as before passing order, the DEO Shangla / respondent No. 3 has not served the appellant with any sort of show cause notice nor any inquiry was conducted in the matter.
- c) That there was no locus potential with the respondents to withdraw the appointment order dated 23.05.2014 as the same has been acted upon. The appellant had took charge of his duty and performed duty as such from 24.05.2015 till 03.12.2015 because of his appointment. (Copy of certificate of head matter is attached as Annexure J)
- d) That the appellant have passed (one year) intermediate grade Drawing Master Examination MD (One Year Course) in first division from recognized Govt. Institute about which certificate have been issued by the directorate of Secondary Education Haider Abad, Sindh. Being so, all the conditions / terms in respect of qualification of MD Teacher as mentioned in advertisement has fulfilled by the appellant.
- e) That the appellant has been discriminated as in previous, the respondents has issued many appointments order on basis of MD Certificates issued by Jamshuru Institutions Sindh. (Copy of

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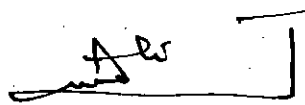
such appointment order is attached as Annexure
K)

It is therefore, humbly requested that on
acceptance of this service appeal, the impugned
order dated 03.12.2014 may kindly be set aside
and the appellant may be re-instated in his service
with all back benefits.



Appellant

Through



Javed Ali Muhammad Zai

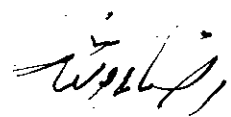
Advocate, Peshawar

Dated: 30/03/2015

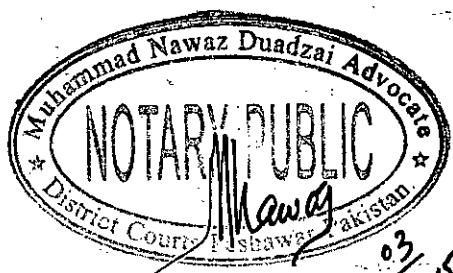
AFFIDAVIT

I, Raza Ullah Khan (Appellant), do hereby solemnly
affirm and declared on Oath that the contents of the
petition are true and correct to the best of my
knowledge and belief and nothing has been concealed
from this Honourable Court.

ATTESTED



DEPONENT



30/03/2015

6

Ann — A

Serial No. 4940

CERTIFICATE No. _____

Directorate of Secondary Education Hyderabad Region Hyd. Sindh

Seat No. 66

Centre G. S. M. H. S
Tando Allahyar



Intermediate Grade Drawing Examination

This is to certify that

Mr. / Miss Raza Ullah - Khan

I/o / D/o Imayal-ullah

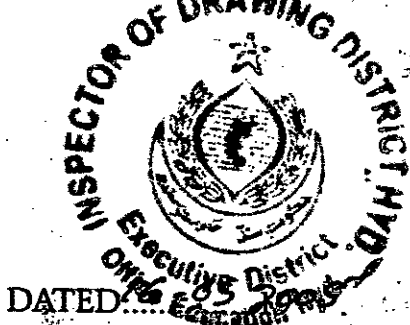
Surname _____

Passed the Intermediate Grade Drawing Examination held

in the month of DECEMBER year 1982 1999

and was placed in Isc- Division. The result was

declared on 14-12-1999.



is. Joome

REGISTRAR,
DEPARTMENTAL EXAMINATION
FOR DIRECTOR SECONDARY EDUCATION
HYDERABAD REGION, HYDERABAD,
SINDH.

Directorate of Secondary Education
Hyderabad Region Sindh

Centre No. 2 of 1982
Hyderabad

Serial No. 22

CERTIFICATE No.

Intermediate Grade Drawing Examination

This is to certify that

Mr. M. A. Khan
son of Mr. M. A. Khan
residing at

in the month of DECEMBER - year 1982
passed the Intermediate Grade Drawing Examination held

and was placed in 1st Division. The result was

declared on 15-12-1982

REGISTRAR
DEPARTMENTAL EXAMINATION
FOR DIRECTOR SECONDARY EDUCATION
HYDERABAD REGION, HYDERABAD
SINDH

DATED: 15-12-1982

7



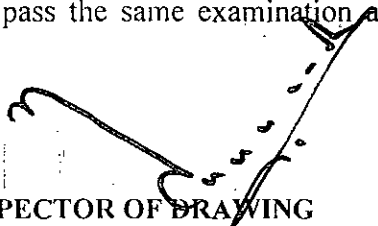
No. IDS/- 17 /2013-14

OFFICE OF THE
INSPECTOR DRAWING SINDH
HYDERABAD

Hyderabad, Dated:- 29.9.14

NO OBJECTION CERTIFICATE

This is to certify that the Inter Grade Drawing Examination completed in period of one year, consisting of 06 papers and Inter Grade Drawing Examination certificate is valid for the appointment of Drawing Master/ Teacher, who will pass the same examination at least in IInd Division.


INSPECTOR OF DRAWING
FOR SINDH HYDERABAD
Inspector of Drawing
of Sindh HYDERABAD


ATTESTED

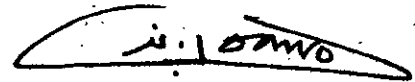
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OFFICE OF THE INSPECTOR OF DRAWING FOR SINDH HYDERABAD

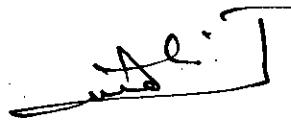
MARKS CERTIFICATE.

This is to Certificate that Mr. Raza-ullah khan s/o Inayat ullah khan who appear in the Intermediate Grade Drawing Examination 1998 -1999 with seat No.66 Center: Govt: S.M High School Tando Allahyar.

OBJECT DRAWING	GEOMETRY	NATURE DRAWING	MEMORY	DESIGN	FREE HAND	TOTAL
01	02	03	04	05	06	
100	100	100	50	100	100	550
33	33	33	17	33	33	182
46	76	77	40	80	56	375



**INSPECTOR DRAWING
FOR SINDH HYDERABAD**



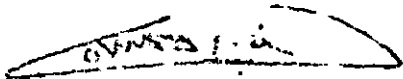
ATTESTED

OFFICE OF THE INSPECTOR OF DRAWING FOR SINDH HYDERABAD

MARKS CERTIFICATE

This is to Certificates that Mr. Raza-Ullah Khan s/o Inayat Ullah Khan who appear in the Intermediate Grade Drawing Examination 1998-1999 with seat No. 66 Center Govt. 2/1 High School Tando Allahyar.

OBJECT DRAWING	GEOMETRY	DRAWING	NATURE	MEMORY	DESIGN	FREE HAND	TOTAL
48	76	77	40	80	26	375	
33	33	33	17	33	33	183	
100	100	100	20	100	100	550	
01	05	03	04	02	06		



INSPECTOR DRAWING
FOR SINDH HYDERABAD

درخواستیں مطلوب ہیں

ملک بھر کی ایجوکیشنل سہولتوں کے ذریعہ ترقی یافتہ نوجوانوں کو اسکولوں میں داخلہ دینے کی خاطر (Adhoc School Based) (NTS) کی درخواستیں طلب ہیں۔ درخواست ناموں کی فہرست اس وقت تک جاری رکھی جائے گی جب تک کہ درخواستیں طلب ہیں۔ درخواست ناموں کی فہرست اس وقت تک جاری رکھی جائے گی جب تک کہ درخواستیں طلب ہیں۔

9

نمبر	آسامی	تعلیمی قابلیت	نمبر سال
1	پہلی ایف اے (BPS-15)	پہلی ایف اے (BPS-15)	18 تا 35 سال
2	پہلی ایم (BPS-15)	پہلی ایم (BPS-15)	18 تا 35 سال
3	پہلی ایف ٹی (BPS-15)	پہلی ایف ٹی (BPS-15)	18 تا 35 سال
4	پہلی ایف ای (BPS-15)	پہلی ایف ای (BPS-15)	20 تا 35 سال
5	پہلی ایف ای (BPS-15)	پہلی ایف ای (BPS-15)	20 تا 35 سال
6	پہلی ایف ای (PS-12)	پہلی ایف ای (PS-12)	18 تا 35 سال
7	پہلی ایف ای (BPS-12)	پہلی ایف ای (BPS-12)	18 تا 35 سال

تعمیراتی نوٹس:

اساتذہ کے سیکشن کیلئے درخواستیں ذیل ہیں۔ 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔

100 نمبرات کی مزید تقسیم اس طرح کی جائیگی۔

تعمیراتی قابلیت	کل نمبرات
پہلی ایف ای	20x نمبرات
پہلی ایف ای	30x نمبرات
پہلی ایف ای	20x نمبرات
پہلی ایف ای	15x نمبرات
پہلی ایف ای	15x نمبرات
پہلی ایف ای	05x نمبرات
پہلی ایف ای	05x نمبرات

نوٹ: 1۔ درخواست ناموں کی فہرست اس وقت تک جاری رکھی جائے گی جب تک کہ درخواستیں طلب ہیں۔ 2۔ ہر امیدوار سے NTS کی درخواست ناموں کی فہرست (300) روپے چارج کیا جائے گا۔ اگر ایک امیدوار 5 سکولوں کیلئے درخواست دے گا تو اس سے صرف 1200 روپے NTS چارج کریں گے۔ ہر امیدوار کو درخواست کرنا پڑے گی۔ عمومی شرائط: (1) تمام امیدواروں کو 18 سال اور 35 سال کی عمر میں ہونا چاہئے۔ (2) امیدواروں کو اپنی اپنی سکولوں کے سربراہ سے درخواست کرنا چاہئے۔ (3) امیدواروں کو درخواست ناموں کی فہرست (300) روپے چارج کرنا پڑے گا۔ (4) تمام امیدواروں کو درخواست ناموں کی فہرست (300) روپے چارج کرنا پڑے گا۔ (5) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (6) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (7) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (8) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (9) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (10) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (11) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (12) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (13) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (14) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (15) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (16) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (17) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (18) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔ (19) امیدواروں کو اپنی سکولوں کے سربراہ سے درخواست کرنا پڑے گی۔

محمد سعید خان ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ و زنانہ)
ایلیمنٹری و سیکنڈری ایجوکیشن ضلع شانگلہ: 0996-850639

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ATTESTED

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8-January-2014



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Office of the District Education Officer E & S Education Shangla

PH No. 0996-850639

Fax 0996-850639

E-mail emisshangla@yahoo.com

APPOINTMENT.

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of Drawing Masters (DM) School based in BPS-15 (Rs.8500-700-29500) @ Rs. 8500/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge:-

S. #	Name	Father's Name	Merit Position	Permanent Address	Place of posting	Remarks
1	Amanullah	Mohammad Anwar	108.06	Kass Lilownai	GMS Chichlo	Serial No.2 and Serial No.4 whose appointment will be effective subject to the condition of confirmation/p reduction of equivalency of their DM certificates from appropriate authority.
2	Razaullah	Inayatullah	105.53	Chowga Puran	GMS 28 Kotkay	
3	Khan Badshah	Shamozar	102.41	Basi Alpurai	GHS Maira	
4	Farmanullah	Gul Marin	100.22	Sundovi	GHS Martung	
5	Aqal Sardar	Bostan Mohammad	100.14	Alpurai	GMS Didal Kamach	
6	Hamayatullah	Ali Haidar	99.81	Sundovi	GMS Tirwary	
7	Ajmal Khan	Nabowat Khan	99.76	Chakisar	GHS Kabalgram	

TERMS & CONDITION.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year with effect from 1-6-2014 to 31/5/2014.
4. They should not be handed over charge if the exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned) any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.


ADMITTED



APPOINTMENT

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of Teaching Assistants (TA) School based in BT-15 (RS-2500-700-2500) @ Rs. 8500/- fixed pay award allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge:-

S. No.	Name	Father's Name	Age	Permanent Address	Place of Posting	Remarks
1	Amnullah	Mohammad Anwar	108.00	Kass, Bhowani	GHS Chichlo	Serial No. 1 and 2
2	Kaznullah	Muznullah	107.23	Poran, Chowga - Kotkay	GHS 28	whose appointment will be effective subject to the condition of continuation of production of equivalence of their DA certificates from appropriate authority.
3	Ishan Badshah	Shamsoor	107.41	Basi, Alpurai	GHS Zaira	
4	Faramnullah	Gul Farin	100.22	Sundori	Zairang GHS	
5	Adaj Gardar	Mohammad Bostan	100.17	Alpurai	Kotkay GHS Dibal	
6	Hanaynullah	All Haidar	99.21	Sundori	GHS Miray	
7	Ajmal Khan	Zaboor	99.70	Chikran	GHS Khabigean	

TERMS & CONDITION

1. NO TADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year with effect from 1-6-2014 to 31/5/2014.
4. They should not be handed over charge if the exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the CEO (concerned) any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.

(11)

6. Thier services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his certificates are verified
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will be expired automatically and no subsequent appeal etc shall be entertained..
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before taking over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his/her contract period. In case of misconduct, he will be preceded under the rules framed from time to time.
13. Thier appointment is made on School based, He will have to serve at the place of posting, and His service is not transferable to any other station.
14. Before handing over charge once again their document may be checked if they have not the required qulifications they may not be handed over charge.

(Saeed Khan)
DISTRICT EDUCATION OFFICER (M)
SHANGLA

Endst: No 2640-46 : Dated 23/5/2014

Copy forwarded for information and necessary action to:-

1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. The District Accounts Officer District Shangla.
3. The Pricipal/Head Masters GHSS/GHS/GMS District Shangla.
4. PA to District Education Officer (M) Shangla.
5. The DMIS Cell Local Office
6. The Local Accountant of this office.
7. The Teachers Concerned.
8. P/File.

DEPUTY DISTRICT EDUCATION OFFICER (M)
SHANGLA

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ATTESTED

6. Their services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO (concerned) is issued that his certificates are verified.
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will be expired automatically and no subsequent appeal etc shall be entertained.
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10. Before taking over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his/her contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
13. Their appointment is made on School based. He will have to serve at the place of posting, and his service is not transferable to any other station.
14. Before handing over charge once again their document may be checked if they have not the required qualifications they may not be handed over charge.

(Saad Khan)
DISTRICT EDUCATION OFFICER (M)
SHANGHA

Encl: No 2/20-14 Dated 23/2/2014

- Copy forwarded for information and necessary action to:-
1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
 2. The District Accounts Officer District Shangha.
 3. The Principals Masters CHS/HS/MS District Shangha.
 4. PA to District Education Officer (M) Shangha.
 5. The DMS Cell Local Office.
 6. The Local Accountant of this office.
 7. The Teachers Concerned.
 8. P/In.

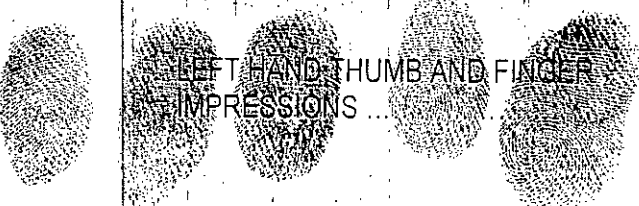
DEPUTY DISTRICT EDUCATION OFFICER (M)
SHANGHA

MEDICAL CERTIFICATE

Name of Official RAZA ULLAH KHAN
 Caste or race AFGHAN
 Father's Name INA YAT ULLAH KHAN
 Residence Vill & p/o Chaugra Teh. Purva
Distt. Shangla
 Date of Birth 09.01.1980
 Exact Height by measurement 5F - 6"
 Personal mark of identification Mul [mark]
 Signature of the official [Signature]
 Signature of head of office: _____

Signature [Signature]
 Deputy Distt. Ed. Officer (M)
 SHANGLA

I do hereby certify that I have examined Mr. Razaullah
 a candidate for employment in the office of the Education Dept. Shangla
 and cant not discover that he had any disease
 accountable or other constitutional effection or bodily infirmity
 except nil
 I do not consider this as disqualification for employment in the office of the
Education Dept His age according to
 his won statement 34 years and by
 appearance about 31 Years.



LEFT HAND THUMB AND FINGER IMPRESSIONS

[Signature]

AWBESTB

[Signature]
 Medical Superintendent
 Civil Hospital
 Medical Superintendent
 Civil Hospital
 District Shangla
 24/05/2014

Charge Report

Consequent upon that appointment of Mr. Raza Ullah Khan S/O Inayat Ullah Khan as DM through DEO E&SE district Shangla order Endost No 2640-46

Date 23-05-2014 against the vacant post of Drawing Master at GMS 28

Kotkay.

Mr. Raza Ullah Khan DM GMS 28 Kotkay is hereby submitted

arrival / Charge report today on 24-05-2014 before noon. Against the vacant post of DM

Mr. Raza Ullah Khan
Drawing Master
GMS 28 Kotkay


Head Master
GMS 28 Kotkay

E/NO _____

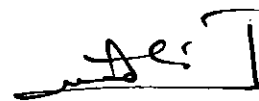
Dated 24.5.2014

Copy Forwarded for information

- (1) Director E&SE KPK with references
- (2) EDO(E&SE) Shangla
- (3) DAO Shangla
- (4) Office Record


Head Master
GMS 28 Kotkay

Head Master,
G.M.S, 28 Kotkay,
Martung Distt: Shangla.


ATTESTED

Charge Report

Compared upon that appointment of Mr. Raza Ullah Khan 810 Insani Ullah Khan
as DM through DEO BS-26 district Special order Enrolment No. 2840/14
Date 28-08-2014 against the vacant post of Drawing Master at GMS 28
Koray.
Mr. Raza Ullah Khan DM GMS 28 Koray is hereby appointed
against Charge report today on 24-09-2014 before noon. Against the vacant post of DM

Head Master
GMS 28 Koray

Mr. Raza Ullah Khan
Drawing Master
GMS 28 Koray

Date: 24-09-2014

Enrolment No. _____

Copy Forwarded for information

- (1) Mr. Raza Ullah Khan
- (2) Mr. Raza Ullah Khan
- (3) Mr. Raza Ullah Khan
- (4) Mr. Raza Ullah Khan

Head Master
GMS 28 Koray

Mr. Raza Ullah Khan

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OFFICE OF THE DISTRICT EDUCATION OFFICER(M) DISTRICT SHANGLA.

No. 1100 /DEO SH

Dated 9 /06/2014

To

1. Mr Razaullah S/O Inayatullah R/O Chowga Puran.

Subject: PROVISION OF EQUIVALENCY DM CERTIFICATE.

Memo:

You have appointed as DM (M) at GMS 28 Kotkay without equivalency of the Provincial/Federal Govt./Directorate of curriculum teacher education Khyber Pakhtunkhwa Abbottabad.

You are directed to produce the said equivalency within fifteen days up to 17/6/2014 in case failing in the stipulated period you will be terminated for service from the date of appointment.

DISTRICT EDUCATION OFFICER(M)
DISTRICT SHANGLA.

ATTESTED

To,
DEO Shajla

(15)

Ann - G

Subject: In Response to your office Memo No 4000/DEOSB dated 2/06/14 regarding equiancy Certificate.

Respected Sir,

It is stated with respect as under

- (1) That the applicant was appointed by your esteemed office after passing test & interviews on open merit.
- (2) That the applicant is having Master degree in Physics and MEd and one year Diploma in Drawing Master Certificate from a recognized Government Institution at Hyderabad Sindh.
- (3) That as per as equiancy Certificate is concerned, it is stated with great respect that this point is discussed and decided in case titled "Khaista Rehman vs EDO etc" by honorable Peshawar High Court, Mingora bench. which is been upheld by Supreme Court of Pakistan. (Copy of Court order attached with this application)
- (4) In the mentioned above case the honorable Court has clearly held that distinction could not be drawn between the award of degrees or services by the institution of Jamshori and Karachi and that of this province.
- (5) That applicant case may kindly be dealt in the light of Peshawar High Court bench at Mingora and Supreme Court of Pakistan.

It is therefore very humbly prayed that applicant DM Certificate may kindly be considered self sufficient in the light of Court orders.

Yours obediently,

Roznulloh Khan

DM(M) at GMS 28 Kotkay.

Date: 24-11-2014

ATTESTED

(16)

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT
(Judicial Department)

W.P. No.2093/2007.



JUDGMENT

Date of hearing: 23.6.2012.

Appellant-Petitioners (Khaista Rehman & others)

by Mr. Khadij Rehman Advocate.

Respondent (EDO & others) by:

Messrs Arshad Muneer Khan Advocate & DAG.

KHALID MAHMOOD, J.- This judgment shall dispose of writ petitions No.2093, 1896 of 2007, 294 of 2008, 3402 of 2009, 3620 & 4378 of 2010, 2288 & 159 of 2011, as same question of law is involved in all these petitions.

2. The brief facts of the case are that in response to advertisement for different posts of teachers in the Education Department, petitioners applied for the same. After conducting the test and interview for the said posts, the petitioners were ignored in the matter of appointment and the appointment orders dated 22.8.2007 etc, issued by the respondents department are illegal, without lawful authority and of no legal effect. According to petitioners, they were not invited for interview, rather vide impugned order dated 22.8.2007, appointment of respondents No.5 to 13 was made.

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Petitioners have prayed for directing the respondents concerned to appoint the petitioners being trained and qualified for the said posts.

3. On 23.02.2012, during course of hearing, this Court come to the conclusion that all the certificates produced by the petitioners with regard to their professional qualification should be examined by Secretary Education, the Province of Sindh as to whether the same are ^{J^o} genuine and have been issued by the concerned Institution and also to verify that the certificates produced by the petitioners are equivalent to Drawing Master. The petitioners were also directed to submit their original certificates with the Additional Registrar of this Court within a week time for sending for the above-said purpose. Prior to that comments and rejoinder were filed by the parties concerned.

4. Counsel for petitioners argued that impugned order issued by respondent No.1/ department is against law, without jurisdiction and of no legal effect; that the petitioners were trained drawing masters; that respondent concerned had totally ignored the petitioners while making the impugned order of appointment in spite of the fact that they were placed at high pedestal of merit and qualified for the appointment.

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On the other hand, it was argued on behalf of respondents that all the appointments were made in accordance with law and policy of the Government governing the subject.

5. With the valuable assistance of the counsel for the parties, the record perused.

6. The main grievances of all the petitioners in the present case that all the petitioners had submitted their requisite qualification along with certificate of Drawing Master before the respondent for their appointment. After test and interview, the merit list was prepared by the respondent concerned wherein the petitioners were declared higher in merit but later on instead of appointment of petitioners, the other candidates were appointed on the ground that the Drawing Master certificate obtained by the petitioners from institutions situated in Jamshoru and Karachi are not equivalent to the certificate which was prerequisite for the post of Drawing Master.

Counsel for the petitioners referred to the recruitment policy. He also referred to the advertisement published on 11.02.2007 in which the required qualification was F.A/F.Sc. with certificate of Drawing Master from any recognized institution. According to the recruitment policy as well as said publication petitioners on the patch-

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wise criteria had passed their examined on 31.5.1997. In the first merit list displayed by the respondents, the petitioners had qualified and stood first in the merit list. The respondents on the pretext that the certificate of Drawing Master is not obtained from the recognized institution, who were ignored in the said appointment and the case of the petitioners remained pending after verification of the Drawing Master certificate. Thereafter, the concerned institution wherefrom the petitioners had obtained the D.M. certificate were asked for the verification of the said certificate. This Court too, had directed the concerned institution for the verification of the certificate.

7. In the similar nature case wherein the D.M. certificate was obtained from Jamshoru verified in a case by Abbottabad Bench of this Court, in WP No. 66 of 2009 titled "Muhammad Banaris vs. Govt. of Khyber Pakhtunkhwa" wherein it is held that the D.M. certificate by Jamshoru is competent and the recognized one.

8. In the present case, the D.M. certificate qualify from all corners as a genuine certificate issued by the recognized institution, which was the requirement of the recruitment policy as mentioned above. We have gone through the merit list which clearly indicates that the

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petitioners have been deprived on lame excuse on the ground of delaying tactics regarding the verification of D.M. certificate obtained by the petitioners. It was also pointed out that respondent in subsequent appointment had also appointed other candidates who had obtained DM certificates from the same Institutions whereas, petitioners has been deprived though they have also qualified from the same Institutions, hence act of respondents is discriminatory and is utter violation of Article 25 of the Constitution. Instead of petitioners who were at better pedestal in the merit list, the other candidates who were below at the merit list as compared to the petitioners have been appointed which apparently shows the mala fide on the part of respondents. After thrashing the entire record, we have come to the conclusion that petitioners have wrongly been deprived for appointment against the post of D.M. which requires interference by this Court.

جواب

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مکتب

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In the light above discussions, facts and circumstances of the case, all the writ petitions are allowed and respondents are directed to appoint the petitioners against the said post positively.)

Dr. J

WWW.BS.BE

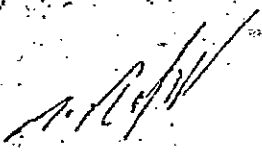
Announced
Dt: 28.6.2012.


JUDGE


JUDGE

Certified

Office
20/07/12



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JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, MINGORA
BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

W.P. No. 1896/2007.

JUDGMENT

Date of hearing: 28.6.2012.

Appellant-Petitioner (Mst. Najena & others)

by Messrs Rehmanullah & Ibrahim Advocates.

Respondent (Govt of NWFP & others)

by Messrs Akhtar Murr's Khan Advocates & D.A.S.

KHALID MAHMOOD, J.- For reasons recorded in the detailed judgment in writ petition No.2093 of 2007, titled "Khaista Rehman Vs: E.D.E, etc", this writ petition is allowed in terms of the judgment.

Announced
DI: 28.6.2012.

[Signature]
JUDGE

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JUDGE

office
20/07/12

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20/7/12

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ATTESTED

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE NASIR UL MULK
MR. JUSTICE SARMAJ JALAL OSMANY

Civil Petitions No. 456-P/12, 7-P to 11-P/2013 and 19-P & 20-P of 2013

Against the judgment dated 28.6.2012 passed by Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat in W.P's No.2093 of 2007, 3402/2009, 3620/2010, 4378/2010, 159/2011, 2288/2011, 1896/2007 and 294/2008.

Executive District Officer, Schools &
Literacy District Dir Lower, etc

... Petitioners

VERSUS

Khasista Rehman, etc
Lazim Khan, etc
Mst. Laida Tabassum, etc
Mst. Shagufta Bibi, etc
Shireenzada, etc
Gul Rasool Khan, etc
Mst. Naggena, etc
Ghulam Hazrat

(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)
(in CP 456-P/2012)

... Respondents

For the Petitioners:

Ms. Neelam Khan, AAG, KPK
Ms. Najmunnisa Sardar, DEO

For the Respondents:
(in CPs 8-9 & 19-20)

Mr. Isha Khan, ASC

Others:

N.R

Date of hearing:

21.06.2013

ORDER

Nasir-ul-Mulk, J.- These petitions for leave to appeal have been filed by the Executive District Officer, Schools of three Districts, Dir Lower, Dir Upper and District Bannu against the judgment of the Peshawar High Court, Mingora Bench delivered in writ petition No.2093 of 2007 whereby a number of similar writ petitions were disposed of. The respondents had filed

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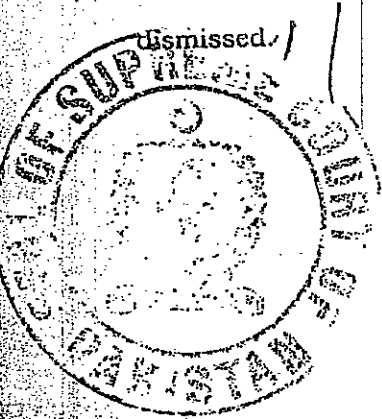
[Signature]
Deputy Registrar,
the Court of Pakistan,
Peshawar.

writ petitions challenging the decision of the petitioners for appointment to the post of Drawing Master, who though had

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during selection attained the required merits but their appointments were declined on the ground that they had obtained the requisite qualifications from the institutions situated in Jamshoro and Karachi. The petitions were accepted by the High Court on the ground that distinction could not be drawn between the award of degrees or services by the institutions of Jamshoru and Karachi and that of this Province. Thus on the ground of discrimination the writ petitions of respondents were allowed and the petitioners were directed to appoint the respondents to the said posts. We find **no merits** in ~~these~~ petitions as apparently no reasonable classification exists between the qualifications obtained from the said institutions and ~~from~~ those in Province of K.P.K since the respondents selection was made way back in the year 2007 and six years have passed, we had therefore directed the petitioners to issue appointment orders of the respondents. Today the said order have been produced before us. The respondents, except for one Lazim Khan, in Civil Petition No.07-P of 2013 has been duly appointed. Learned Law Officer states that said the respondent shall also be appointed in due course after his papers are found in order. These petitions have no merits and therefore



Sd/- Nasir-ud-Mulk, J.
Sd/- Sarmad Jalal Qureshi, J.

Certified to be true copy
 Deputy Registrar
 Supreme Court of Pakistan
 Peshawar

AWTESTED

Peshawar, the
 21st of June, 2013
 arshed/ *

Not approved for reporting



24

Amn - H

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA.

CONTACT NO. (0996) 850639. 851108- Fax # 851108

OFFICE ORDER/WITHDRAWAL

In the light of the condition given at S.No.2 and S.No 4 of the appointment order bearing endost; No.2640-46 dated 23/5/2014 issued by this Office as well as this office letter No.3099 dated 2/6/2014, issued to Mr Farmanullah DM S/O Gul Marin R/O Sundovi GHS Pishlor and Mr Razaullah DM S/O Inyatullah R/O Chowga Puran GMS 28 kotkay respectively were directed for the production of equivalency of the DM certificate from the provincial/Federal Govt./Directorate of curriculum teacher Education Khyber Pakhtunkhwa Abbott bad up to 17/6/2014 but they failed to do so.

In view of the above their services are hereby terminated from the date of appointment in the best interest of public service.

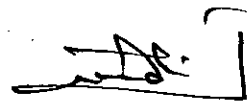
DISTRICT EDUCATION OFFICER (M)
SHANGLA

E/No 3861 /DEO(M) SH Dated 3 /12/2014.

Copy of the above is forwarded to;

1. The Head Master GHS Martung/Pishlor
2. The Head Master GMS 28 kotkay
3. The Local Accountant of this office.
4. The Teachers concerned.


DISTRICT EDUCATION OFFICER (M)
SHANGLA


AWESTED

BEFORE THE DIRECTOR EDUCATION KHYBER PUKTON KHWA

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 03/12/2014 OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM HIS SERVICES.

DEO M, Shongla. Justice per rules of the Provision.

Prayer: ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL, THE IMPUGNED ORDER DATED 03./12/2014 MAY KINDLY BE SET ASIDE AND APPELLANT MAY BE REINSTATED IN HIS SERVICE WITH ALL BACK BENEFITS.

Respectfully Shewith,

1. That the impugned order dated 03/12/2014 is illegal, unconstitutional, based on mala-fide and of no legal effect.
2. That the order in question is inconsistent with the law and rules on subject.
3. That impugned order is also against natural justice as before passing impugned order the DEO Shongla has not issues any sort of Show-Cause notice to the appellant and nor the enquiry was made in matter before passing impugned order.
4. That the appointment order dated 23/05/2014 has been acted upon as due said appointment order the appellant taken charge and performed his duty as such for about six (6) months.
5. That the appellant have passed (one year) Intermediate Grade Drawing Master Examination in first division from recognized Government Institution about which certificates have been issued to the appellant by the Directorate of Secondary Education Hayder Abad Sindh.
6. That the certificate of DM of appellant issued by Hayder Abad Director is equallent to such certificate of Khyber Pukton Khwa institution. In this respect the Superior Courts of Pakistan delivered so many Judgments. For ready reference Judgments of Supreme Court of Pakistan and High Courts are annexed.

*Said Jan
Put up on
file
31/12/14*

*Director
Khyber Pakhtunkhwa
Education
Government
Shangla, Shangla*

msd

ATTESTED

7. That the appellant time and again approached the DEO Shangla through application and provided him the Copies of above cited Judgments of Superior Courts of Pakistan. But in spite of this the DEO Shangla passed the impugned order in total violation of the Judgment of Superior Courts of Pakistan. Being so the DEO Shangla has liable himself to be prosecuted under Contempt of Court Act.
8. That under Article 189 & 201 of the Constitution of Pakistan binding effects and binding upon all persons.
9. That it is fundamental rights of the appellant to be dealt with in accordance with law. Hence the impugned order is also against the provision of Article 4 of the Constitution.

It is therefore, humbly requested that on accepted this Departmental Appeal, the impugned order dated 03/12/2014 may kindly be set aside and the appellant may be reinstated in his service with all back benefits.

Dated: 23/12/2014

DEPONENT _____

Raza
Raza ullah Khan S/O Inyat Ullah Khan

Ex. DM GMS 28 Kotkay

CNIC: 15505-0583281-9

Mobile:0340-9070321

Raza
ATTESTED

Duty Certificate (27) Am - J

Certified That Mr. Raza Ullah Khan S/o
Mayat Ullah Khan DM has performed his
duty From 24-05-2014 To 03-12-2014 Regularly at
GMS 25 Kotkay.

During his duty I found him
Very hard working, able, and punctual.

I wish his success in future
and he will prove himself as best
Teacher.


A rectangular stamp with illegible text inside.

Sic Saibuty
Head Master

GMS 28 Kotkay

Head master,
Govt: Middle School,
28Kotkay Martung Shangla.

Head master,
Govt: Middle School,
28Kotkay Martung Shangla.



**OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION SHANGLA.
CONTACT NO. (0996) 850639, 851108- Fax # 851108**

OFFICER ORDER/APPOINTMENT:

Consequent upon the recommendation / approval by the District Selection Committee (Elementary & Secondary Education), Shangla in its meeting held on 31/10/2011 the undersigned has been pleased to appoint the following DMs on 80% fresh recruitment and 20% by promotion amongst PSTs in BPS-09 (Rs.6200-380-17600) against the vacant posts of DM (Male & Female) mentioned against their names (as per amended regular / contract policy and permanent in case of in service) with immediate effect in the interest of public service.

80% Fresh Recruitments DM (Male)

S#	Name	Father Name	Union Council	Merit Position	School / Station where posted
1	Izat Khan	Umar Zarin	Alpurai	54.28	GHS Koriang
2	Hassan Zeb	Nami Haq	Alpurai	53.61	GMS Chichlo
3	Faizur Rahman	Najmul Uloom	Chawga	47.38	GHS Titwalan
4	Tahirullah	Sher Zaman	Bar Puran	47.5157	GMS 28 Kotkay
5	Zahid Alam	Yar Gul	Lilownai	45.7530	GHSS Butyal

DM 20% PROMOTED FROM PST (MALE)

S#	Name	Father Name	Qualification	Present School	School / Station where posted
1	Azizur Rahman	Abdul Wadood	BA, DM	GPS Shangla	GMS Kuz Balkor

80% Fresh Recruitments DM (Female)

S#	Name	Father Name	Union Council	Merit Position	School / Station where posted
1	RAHAT NAZ	INAYTULLAH	Chawga	48.68	GGHS Alpurai No2

DM 20% PROMOTED FROM PST (Female)

S#	Name	Father Name	Qualification	Present School	School / Station where posted
1	Sarhad Begam	Bacha Khan	MA, B,Ed, DM	GGPS Deran Sar	GGMS Dehrai (Alpurai)

TERMS AND CONDITIONS:

- 1) The appointment is purely on contract basis against BPS-09 plus usual allowances as admissible under the rules.
- 2) The probation period of appointment shall be two years.
- 3) The appointment of the above candidates as made as regular civil servants for all intents and purposes except for purpose of pension and gratuity. They shall be entitled to receive such amount contributed by him towards the contributory provident fund, along with contribution made by the government, to their account in the said fund, in the prescribed manner, in lieu of pension and gratuity.
The service of the above candidates will be liable to termination at any time without assigning any notice / reason. In case of resignation without notice, two month pay and allowances if any shall be forfeited to Govt. treasury.
The candidates should join their posts within fifteen days of the issue of their orders. The Principal / Head Master / Head Mistress / DDO concerned should furnish a certificate to the effect that the candidates have joined the posts within stipulated period of time failing which their appointment will be automatically treated as cancelled.
- 6) The fresh candidates will not be handed over charge if their age exceeded 35 or below 18 years.
- 7) The appointment is subject to the production of health and age certificate from the medical superintendent concerned.

APPROVED

(29)

- 8) The Principal / H/M / DDO concerned should check their original certificates / domicile etc before handing over charge and attested copy of the agreement signed on both side be obtained for further verification of certificates / Degrees from concerned Institution.
- 9) Charge report should be submitted in duplicate to all concerned.
- 10) No TA / DA is allowed.
- 11) The candidate will be governed by the terms and condition of service mentioned in agreement / enforced.
- 12) The Principal / H/M / DDO concerned should obtain Surety Bond as well as agreement as to obey the contract policy and will have no right to challenge the contract policy in court of law.

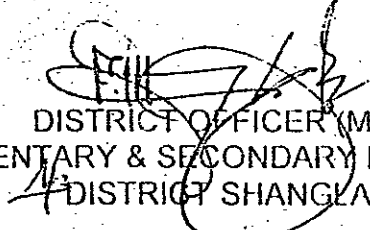
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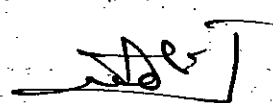
(ABDULLAH)
 EXECUTIVE DISTRICT OFFICER
 ELEMENTARY & SECONDARY EDUCATION /
 CHAIRMAN DSC (E&SE) DISTRICT SHANGLA

Order No 1673-83Dated: 31/10/2011

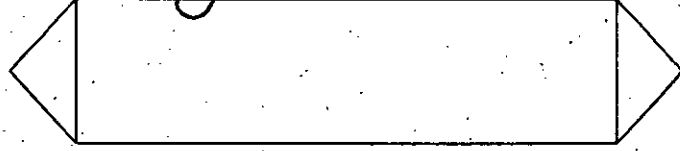
Copy of the above is forwarded to:

- 1) The PS to Secretary Elementary & Secondary Education Department Khyber Pukhtunkhwa, Peshawar.
- 2) The Director Elementary & Secondary Education Khyber Pukhtunkhwa, Peshawar.
- 3) The District Coordination Officer, Shangla.
- 4) The District Account Officer, Shangla.
- 5) All the concerned Principals / Head Masters / Head Mistresses / DDO Concerned.
- 6) The Candidates concerned.


 DISTRICT OFFICER (M&F)
 ELEMENTARY & SECONDARY EDUCATION
 DISTRICT SHANGLA.


 AMIR KHAN

بعد الت مردس نڈ بونل صوبہ ضمیر بختونخوا لیتہ



ایم ایف
رضوان اللہ

2015ء منجانب

30 مارچ

مورخہ

بنام

رضوان اللہ نام صورت

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کیسے کیلئے صا وریہ علی محمد زکی اور وکیل کے لئے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر خلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

السلام اللہ

ایم ایف

Accepted

رضوان اللہ

2015ء

30 مارچ

30

المرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

مقام

original

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.

APPEAL No:-286 -2015


Raza Ullah Khan S/O Inayat Ullah r/o Chowga Puran Shangla. (Appellant)

Versus.

Secretary Education Khyber Pakhtunkhwa and others

INDEX.

S#	Description of documents	Annexure	Pages
1	Parawise comments	—	1,2
2	Affidavit	—	3,
3	Authority letter.	—	4
4	letter of DCTE regarding non equivalent status of DM certificate	A	5
5	office letter for provision of equivalency	B	6
6	stay order of High Court bench SWAT.	C	7-8
7	Detail Judgement of the bench.	D	9-12
8	Appointt order Conditional status Showed in Remarks Column.	E	13-14
9	Appeal of appealant	F	15-16
10	Response of appeal (Rejection)	G	17.


DEPONENT
Asstt: Distt: Edu: Officer (Estab)
(M) Primary, Shangla.

(1)

BEFORE THE PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal NO: 286/2015

Raza Ullah Khan S/O Inayat Ullah R/O Ali Khail Chowga, Tehsil Puran District Shangla.

(Appellant)

Versus

- 1) Secretary Elementary and Secondary Education Pakhtunkhwa, Peshawar.
- 2) Director E & SE Pakhtunkhwa Peshawar.
- 3) District Education Officer (Male) Shangla.....(Respondents)

Para wise comments in r/o Respondents, No: 1 to 3.

Respectfully Shewith.

Preliminary Objections

- 1) The appellant has no cause of action/locus standi to file the appeal.
- 2) The instant appeal is badly time barred.
- 3) The appellant has concealed the material facts from this honorable Tribunal, hence liable to be dismissed.
- 4) The appellant has not come to this honorable Tribunal with clean hands.
- 5) The appellant has filed the instant appeal just to pressurize the respondents.

Facts.:


- 1) Incorrect, he has the qualification, but not required for the post of DM in Pakhtunkhwa Province
- 2) Incorrect, the posts of Drawing masters were advertised not master of drawing.
- 3) Incorrect, he qualified NTS test for the post of DM (Drawing Master) not MD and was placed at serial No. 2 of the merit list. But at the time of interview it was disclosed/ came into the knowledge of the undersigned that the appellant has got his DM certificate from Hyderabad Sindh, which needs equivalency with Directorate of Curriculum and teachers Education (DCTE) Abbotabad (Pakhtunkhwa). For the purpose, mentioned in his appointment order in remarks column that "Serial NO. 2 and serial No. 04 whose appointment will be effective subject to the condition of confirmation/ production of equivalency of their DM certificates form appropriate authority". Mean while DEO (F) office obtained guidance from DCTE Abbotabad Pakhtunkhwa regarding equivalency of DM certificate issued by Sindh Hyderabad. In response of that guidance, vide, memo No. 5080 dated; 29/05/2014 DCTE Abbottabad Pakhtunkhwa clearly denied its equal status with certificate issued by DCTE. Letter attached as annexure ("A"). They were once again directed for provision of equivalency of their certificates, vide, this office memo, No. 4000/DEO SH dated 02/06/2014, but instead of production of equivalency certificate, they produced stay order/ interim relief from Dar-ul -Qaza swat (Letter and Dar-ul-Qaza order sheet attached as annexure (B & C). after two hearings their case was set aside in Dar-ul-Qaza Swat (DQ judgment is attached as annexure D). Then, vide this office order NO: 3861 dated 03/12/2014 their conditional appointment was withdrawn in light of the condition mentioned in their appointment order at remarks column (order attached as annexure ("E").
- 4) In correct, he was appointed, but, with a condition mentioned at remarks column in that appointment order, as mentioned in above para.


- 5) He reported for duty in light of that order in which it was clearly mentioned that their order will be subject to condition of production of equivalency from an appropriate authority. It shows that he accepted that order with all terms and conditions.
- 6) In correct, they produced stay order/ interim relief in the subject case from Dar-ul-Qaza Swat that no adverse action should be taken against the petitioners (See annexure "C" Please).
- 7) Incorrect, respondent No: 03 only followed the condition in the remarks column of their appointment order, while, accepting that order with conditions, appellant was bound to produce equivalency certificate.
- 8) Incorrect, he appealed to respondent No. 02 which has been marked to respondent No. 03 for provision of Justice and insurance of merit as per rules and policy of the provincial Govt;. In light of that appeal respondent No: 03 has submitted detail report to respondent No. 02 (Appeal and reply of the appeal attached as annexure "F & G").
- 9) Incorrect.


Ground.

- A) Incorrect, the said order is legal and is in ambit of rules and policy as mentioned above.
- B) Incorrect, there was no need for show-cause and proper enquiry, because it was not a case of mis-conduct. As it was clear from the condition of the order, so, respondent No: 03 acted upon that condition.
- C) Incorrect, as the appellant has accepted this office order, dated 23/05/2014, in which it was a condition that he will produce equivalency from appropriate forum. So he was bond for that as Dar-ul-Qaza has mentioned it in its judgment dated (17/09/2014. (See annexure "D" Please).
- D) Incorrect, the appellant has passed his examanation from Hyderabad Sindh, which is not equal to DM Course in Pakhtunkhwa. It is clear from DCTE letter No. 5080 dated, 29/05/2014. (Attached as annexure "A").
- E) Incorrect, respondent No. 03 is only bound to rules regulation and policy of the provincial Govt.

It is therefore, humbly prayed that by acceptance of these comments, the instant appeal may be set aside with heavy cost, please.


Respondent No. 1
 Secretary E & SE
 Pakhtunkhwa.


Respondent No. 2
 Director E & SE
 Pakhtunkhwa.


Respondent No. 3
 DEO (M) Shangla.

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.

APPEAL No:-286 -2015


Raza Ullah Khan S/O Inayat Ullah r/o Chowga Puran Shangla. (Appellant)

Versus.

Secretary Education Khyber Pakhtunkhwa and others.

AFFIDAVIT.

I, Bakht Rawan ADO Establishment (M) Primary Shangla do hereby solemnly affirm and declare on oath that all the content of the instant comments are true and correct to the best of my knowledge and belief and nothing has been concealed .


Asst: Dist: Edu: Officer (Estab)
(M) Primary, Shangla.

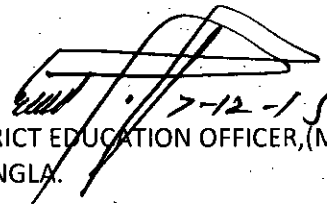
IDENTIFIED BY:

DEPONENT

14

AUTHORITY LETTER:-

Mr. Bakht Rawan ADEO (M) Estt: Pry is hereby authorized to submit comments in court case appeal No: 286 /2015 title Raza Ullah Khan V.S Secretary Education and others before the Hon: court of service tribunal Peshawar positively.


7-12-15
DISTRICT EDUCATION OFFICER, (M)
SHANGLA.

Annex A.

(5)

DIRECTORATE OF CURRICULUM & TEACHER EDUCATION, KHYBER PAKHTUNKHWA, ABBOTTABAD
Phone # 0992-382634, Fax # 0992-381527, email: dcte-kpk@hotmail.com

No. 5080 /AD Trg: Equivalency

Dated A/Abad the 29/5 /2014

To

The District Education Officer ✓
(F) Shangla

Subject:-
Memo:


EQUIVALENCY OF CERTIFICATE/DIPLOMA OF DM

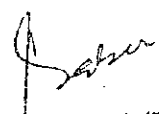
Reference: your Memo: No.1605 dated 20/5/2014 on the subject cited above.

The scheme of studies approved as declared by Directorate of curriculum & Teacher Education Khyber Pakhtunkhwa Abbottabad is as under:-

1. Duration of Drawing Master course is one year & Total Marks are 1200
2. There are 10 compulsory subjects taught in Drawing Master Course i.e.
 - (i) Scale Technical and Geometrical Drawing Free Hand sketching.
 - (ii) Modal Drawing
 - (iii) Natural Study
 - (iv) Black Board Sketching
 - (v) Craft
 - (vi) Islamiyat
 - (vii) History of Art
 - (viii) Expressional Drawing
 - (ix) Physical Education
 - (x) Design
3. Registrar Departmental Examination Khyber Pakhtunkhwa Peshawar is the authority to conduct the Pre-Service Course examination while in IGD, there is no third party validation of examination.
4. Teaching practice/practicum is compulsory in DM Course having 200 Marks.

Keeping in view the above grounds the IGDE certificate issued by the Controller, Inspector of Drawing, Hyderabad Sindh is not equivalent to DM one year certificate issued by the RDE Peshawar.

Attested

Asstt. Dist. Edu. Officer (Estab)
(M) Primary, Shangla.


ASSISTANT DIRECTOR (TRG)
DCTE ABBOTTABAD

Annex B

(6)

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) DISTRICT SHANGLA.

No. 1100 /DEO SH

Dated 2 /06/2014

To

1. Mr Razauallah S/O Inayatullah R/O Chowga Puran.

Subject: PROVISION OF EQUIVALENCY OF DM CERTIFICATE.

Memo;

You have appointed as DM (M) at GMS 28 Kotkay without equivalency of the Provincial/Federal Govt./Directorate of curriculum teacher education Khyber Pakhtunkhwa Abbottabad.

You are directed to produce the said equivalency within fifteen days up to 17/6/2014 in case failing in the stipulated period you will be terminated for service from the date of appointment.

Attended
Asstt. District Officer (Estab)
(M) Primary, Shangla.

AS
DISTRICT EDUCATION OFFICER(M)
DISTRICT SHANGLA.

Annex C
⑦

BEFORE THE PESHAWAR HIGH COURT
BENCH AT MINGORA / DAR-UL-QAZA SWAT

Writ Petition No 308 of 2014

88

1. Raza Ullah S/O Inayat Ullah Khan R/O Chowga, Puran,
District Shangla.
2. Farman Ullah S/O Gul Mareen R/O Sundovi, District Shangla.

VERSUS

1. District Education Officer (M) District Shagnala.
2. Director Education, KP Peshawar.
3. Government of Khyber Pakhtunkhwa, through Secretary
Education at Peshawar.....(Respondents)

WRIT PETITION

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF THE ISLAMIC REPUBLIC OF
PAKISTAN 1973.

PRAYER:-

ON ACCEPTANCE OF THIS WRIT PETITION THE ORDER
OF RESPONDENT NO. 1 DATED 02.06.2014 MAY KINDLY
BE DECLARE ILLEGAL, UNLAWFUL AND AGAINST THE
NATURAL JUSTICE AND NORMS OF LAW AND MAY BE
SET ASIDE AND THE APPOINTMENT ORDER OF THE
PETITIONERS DATED 23/05/2014 MAY BE REMAIN
INTACT.

FILED TODAY
Additional Registrar

Attached
Asstt. Dist. Edu. Officer (Estab)
(M) Primary, Shangla.

Handwritten notes and signatures on the right margin, including "Said", "Prepa", "id", "and", "Cor", and "1/8/14".

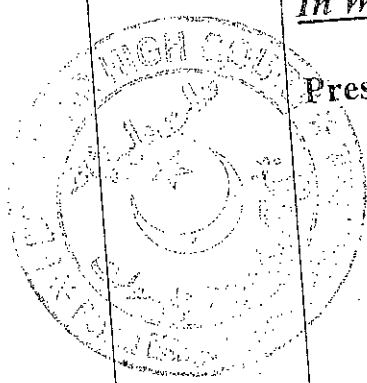
**PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT**

FORM OF ORDER SHEET

83

Court of
Case No. of

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	17.6.2014	<p>C.M No. 465-M/2014 In W.P No. 308/2014 with Interim Relief.</p>



Present: M/S Nisar Ali Essakhel & Umar Farooq Badshah, Advocates for the petitioners.

Let notice of this C.M be given to the respondents for a short date in office. In the meanwhile no adverse action should be taken against the petitioners.

Sl. No. 4078
 Name of Applicant Razaullah
 Date of Presentation of Application 18-06-14
 Date of Receipt of Application 18-06-14
 No. of Copies 4-P
 Fee Paid 8/-
 Date of Receipt of Copy 18-06-14

Sd/- Judge

Certified to be true copy

[Signature]
18-06-14

[Signature]
Attested
Asstt. Dist. Edu. Officer (Estab)
(M) Primary, Shangla.

Peshawar High Court, Mingora Bench, Dar-ul-Qaza, Swat
 (Mingora Bench) Swat District Office of Education - Shangla Office 1984

Annex (D)
⑨

BEFORE THE PESHAWAR HIGH COURT
BENCH AT MINGORA / DAR-UL-QAZA SWAT

Writ Petition No 308 of 2014

1. Raza Ullah S/O Inayat Ullah Khan R/O Chowga, Puran,
District Shangla.
2. Farman Ullah S/O Gul Mareen R/O Sundovi, District Shangla.

VERSUS

1. District Education Officer (M) District Shagnala.
2. Director Education, KP Peshawar.
3. Government of Khyber Pakhtunkhwa, through Secretary
Education at Peshawar.....(Respondents)

WRIT PETITION

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NATURAL JUSTICE AND NORMS OF LAW AND MAY BE
SET ASIDE AND THE APPOINTMENT ORDER OF THE
PETITIONERS DATED 23/05/2014 MAY BE REMAIN
INTACT.

FILED TODAY

Additional Registrar

14 JUN 2014

Attested
Asstt. Distt. Edu. Officer (Estab)
(M) Primary, Shangla.

(10)

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, MINGORA
BENCH
(DAR-UL-QAZA), SWAT
(Judicial Department)

W.P. No. 308-M of 2014

JUDGMENT

Date of hearing: 17-9-2014.

Appellant-Petitioner ✓ *(Razaullah & others by Mr. Umar Farooq Bedshah, Advtd.)*

Respondent *(District Education Officer (M) & others, Mr. Sabir Shah, AAS.)*

ABDUL LATIF KHAN, J. - Through instant petition, the

petitioner prayed that order passed by respondent No. 1 dated 2-6-2014 be declared illegal, against the norms of justice and further sought restoration of his appointment order dated 23-5-2014.

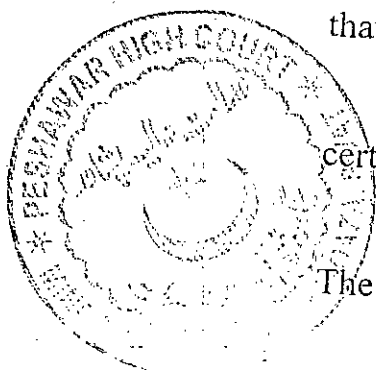
2. Arguments heard and record perused.
3. A perusal of record reveals that the petitioner assailed the order No. 3099/EDO/SH dated 2-6-2014, wherein he has asked to produce equivalency certificate within 15 days up to 17-6-2014 and in case of failure his services will be terminated from the date of his appointment.

"Nawab"

Attended
Asstt. Distt. Editr: Officer (Estab)
(M) Primary, Shangla.

(H)

The petitioner has been appointed on 23-5-2014 consequent upon the recommendation of District Selection Committee against the post of Drawing Master (DM) (BPS-15) on contract under existing police of the provincial government on certain terms and conditions, wherein one the condition that his appointment is subject to production of certificate/document duly verified by the EDO concerned.



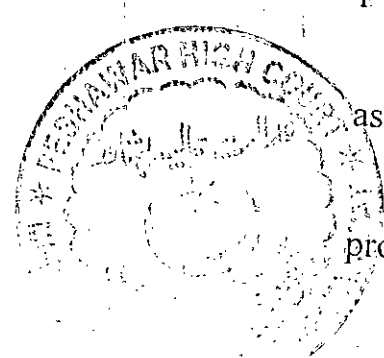
The petitioner has accepted his appointment order and thereafter submitted charge report on 25-5-2014, the condition of production of equivalency of Drawing Master from appropriate authority has also find mentioned in the remarks column of the appointment order. As all the conditions have been accepted by the petitioner the respondents has simply asked the petitioner vide the impugned order dated 2-6-2014 for production of equivalency certificate, who instead of producing the same filed the instant petition, which is not maintainable for the

"Nawab"

Amended
 Asstt. Dir. Secy. Officer (Estab)
 (M) Primary, Shangla.

(12)

reason that no final order has been passed against the petitioner and, as such, the instant petition is pre-mature as the petitioner has agreed to produce equivalency certificate vide condition laid down in the appointment order of the petitioner and thereafter by acceptance of the same has assumed the charge, therefore, he is under obligation to produce the equivalency certificate and vide impugned order no penal action has been taken against him except asking him to produce the same as agreed upon, which is reasonable order and not amenable to the writ jurisdiction of this Court.



For the aforementioned reason, the instant petition being devoid of merits is hereby dismissed.

Announced.
Dt: 17-9-2014.

Sd: Abdul Latif Khan-J

Sd: Lal Jan Kattak-J

M

JU

Certified to be true copy

Attended
ASST. DIST. ED. OFFICER (ESTAB)
(M) Primary, Shangla.

7740
Name of Petitioner *Bakht Nawab*
Date of Presentation of Petition *26-11-14*
Date of Completion of Copies *26-11-14*
No. of Copies *4-P*
Fee Charged *8/-*
Date of Delivery of Copies *26-11-14*

"Nawab"

07716
22/09/2014



13

Annex (e)

**Office of the District Education Officer
E & S Education Shangla**

PH No. 0996-850639
Fax 0996-850639
E-mail emisshangla@yahoo.com

APPOINTMENT.

Consequent upon recommendation of the District Selection Committee, appointment of the following candidates are hereby ordered against the post of Drawing Masters (DM) School based in BPS-15 (Rs.8500-700-29500) @ Rs. 8500/- fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge:-

S. #	Name	Father's Name	Merit Position	Permanent Address	Place of posting	Remarks
1	Amanullah	Mohammad Anwar	108.06	Kass Lilownai	GMS Chichlo	Serial No.2 and Serial No.4 whose appointment will be effective subject to the condition of confirmation/p reduction of equivalency of their DM certificates from appropriate authority.
2	Razaullah	Inayatullah	105.53	Chowga Puran	GMS 28 Kotkay	
3	Khan Badshah	Shamozar	102.41	Basi Alpurai	GHS Maira	
4	Farmanullah	Gul Marin	100.22	Sundovi	GHS Martung	
5	Aqal Sardar	Bostan Mohammad	100.14	Alpurai	GMS Didal Kamach	
6	Hamayatullah	Ali Haidar	99.81	Sundovi	GMS Tirwary	
7	Ajmal Khan	Nabowat Khan	99.76	Chakisar	GHS Kabalgram	

TERMS & CONDITION.

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for one year with effect from 1-6-2014 to 31/5/2014.
4. They should not be handed over charge if the exceeds 35 years or below 18 years of age. Age relaxation case may be submitted to competent authority.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities by the DEO (concerned) any one found producing bogus Certificate will be reported to the law enforcing agencies for further action.

Accepted
Asstt. Distt. Edu. Officer (Estab)
(M) Primary, Shangla.

(14)

6. Thier services are liable to termination on one month's notice from either side. In case of resignation without notice his one-month pay/allowances shall be forfeited to the Government.
7. Pay will not be drawn until and unless a certificate to the effect by DEO(concerned) is issued that his certificates are verified
8. He should join his post within 10 days of the issuance of this notification. In case of failure to join their post within 10 days of the issuance of this notification, his appointment will be expired automatically and no subsequent appeal etc shall be entertained..
9. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
10. Before taking over charge he will sign an agreement with the department, otherwise this order will not be valid.
11. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
12. His services shall be terminated at any time, in case his performance is found unsatisfactory during his/her contract period. In case of misconduct, he will be preceded under the rules framed from time to time.
13. Thier appointment is made on School based, He will have to serve at the place of posting, and His service is not transferable to any other station.
14. Before handing over charge once again their document may be checked if they have not the required quifications they may not be handed over charge.

(Saeed Khan)
DISTRICT EDUCATION OFFICER (M)
SHANGLA

Endst: No 9640-46 : Dated 23/5/2014

- Copy forwarded for information and necessary action to:-
1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
 2. The District Accounts Officer District Shangla.
 3. The Pricipal/Head Masters GHSS/GHS/GMS District Shangla.
 4. PA to District Education Officer (M) Shangla.
 5. The DMIS Cell Local Office
 6. The Local Accountant of this office.
 7. The Teachers Concerned.
 8. P/File.

Saeed Khan
Asstt. Distt. Edu. Officer (Estab)
(M) Primary, Shangla.

[Signature]
DEPUTY DISTRICT EDUCATION OFFICER (M)
SHANGLA

BEFORE THE DIRECTOR EDUCATION KHYBER PUKTON KHWA

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 03/12/2014 OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM HIS SERVICES.

[Handwritten notes on the left margin:]
Prayer: ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL, THE IMPUGNED ORDER DATED 03./12/2014 MAY KINDLY BE SET ASIDE AND APPELLANT MAY BE REINSTATED IN HIS SERVICE WITH ALL BACK BENEFITS.

Prayer: ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL, THE IMPUGNED ORDER DATED 03./12/2014 MAY KINDLY BE SET ASIDE AND APPELLANT MAY BE REINSTATED IN HIS SERVICE WITH ALL BACK BENEFITS.

Respectfully Shewith,

1. That the impugned order dated 03/12/2014 is illegal, unconstitutional, based on mala-fide and of no legal effect.
2. That the order in question is inconsistent with the law and rules on subject.
3. That impugned order is also against natural justice as before passing impugned order the DEO Shangla has not issues any sort of Show-Cause notice to the appellant and nor the enquiry was made in matter before passing impugned order.
4. That the appointment order dated 23/05/2014 has been acted upon as due said appointment order the appellant taken charge and performed his duty as such for about six (6) months.
5. That the appellant have passed (one year) Intermediate Grade Drawing Master Examination in first division from recognized Government Institution about which certificates have been issued to the appellant by the Directorate of Secondary Education Hayder Abad Sindh.
6. That the certificate of DM of appellant issued by Hayder Abad Director is equalent to such certificate of Khyber Pukton Khwa institution. In this respect the Superior Courts of Pakistan delivered so many Judgments. For ready reference Judgments of Supreme Court of Pakistan and High Courts are annexed.

[Handwritten notes on the left margin:]
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11/1/14

[Handwritten signature]
Asstt. Distt. Edu: Officer (Estab)
(M) Primary, Shangla.

That the appellant time and again approached the DEO Shangla through application and provided him the Copies of above cited Judgments of Superior Courts of Pakistan. But in spite of this the DEO Shangla passed the impugned order in total violation of the Judgment of Superior Courts of Pakistan. Being so the DEO Shangla has liable himself to be prosecuted under Contempt of Court Act.

- 8. That under Article 189 & 201 of the Constitution of Pakistan binding effects and binding upon all persons.
- 9. That it is fundamental rights of the appellant to be dealt with in accordance with law. Hence the impugned order is also against the provision of Article 4 of the Constitution.

It is therefore, humbly requested that on accepted this Departmental Appeal, the impugned order dated 03/12/2014 may kindly be set aside and the appellant may be reinstated in his service with all back benefits.

Dated: 23/12/2014

DEPONENT *Raza Ullah Khan*
 Raza ullah Khan S/O Inyat Ullah Khan
 Ex. DM GMS 28 Kotkay
 CNIC: 15505-0583281-9
 Mobile:0340-9070321

[Signature]
ATTACHED
 Dist. Officer (Estab)
 (M) Primary, Shangla.

[Signature]
ATTACHED



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA

CONTACT NO. (0996) 850639, 851108- Fax # 851108

NO. _____/

Dated: 11/2015

To

The Director.
Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 3/12/2014 OF THE DISTRICT EDUCATION OFFICER (M) SHANGLA WHERE BY THE APPEALANT HAS BEEN TERMINATED FROM SERVICES.

Memo!

Reference is made to an appeal received to this office from your good office on the subject cited above.

It is submitted that both the applicants, namely Raza Ullah & Farmanullah were appointed as DM teachers through NTS process vide this office order No. 2640-46 dated 23/5/2014. But it is pertinent to say that both the applicants have got their certificates from Hyderabad sindh, Director DCTE in his letter addressed to DEO(F) Shangla clearly stated that this is not equal to the certificate issued from DCTE Abbatabad. So, their order was issued conditionally that equivalency should be produced from proper forum, which was indicated in their appointment order at remarks Colum. But they failed to produce the same and went to Dar-ul-Qaza Swat Court did not consider their appeal. So, this Office withdraw/ terminated their appointment order.

It is requested that their appeal may be set aside Please.

DISTRICT EDUCATION OFFICER (M)
SHANGLA

E/No 611 /DEO(M) SH Dated 26/11/2015.

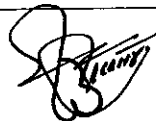
Copy of the above is forwarded to Mr Raza Ullah & Farmanullah R/O Chowga Puran District Shangla.

Asstt. Dir. (M) Primary, Shangla.

DISTRICT EDUCATION OFFICER (M)
SHANGLA

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL PESHAWAR.**APPEAL No:-286 -2015****Raza Ullah Khan S/O Inayat Ullah r/o Chowga Puran Shangla. (Appellant)****Versus.****Secretary Education Khyber Pakhtunkhwa and others****INDEX.**

S#	Description of documents	Annexure	Pages
1	Parawise comments	—	1,2
2	Affidavit	—	3,
3	Authority letter.	—	4
4	letter of DCTE regarding non equivalency status of DM Certificate.	A	5
5	office letter for provision of equivalency.	B	6
6	stay order of High Court bench SWAT	C	7-8
7	Detail judgement of the bench.	D	9-12
8	Appointment order showing Conditional Status in Remarks Column.	E	13-14
9	Appeal of appellant.	F	15-16
10	Response of appeal (Rejection)	G	17


DEPONENT
 Asstt: Distt: Edu: Officer (Estab)
 (M) Primary, Shangla.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

In Matter Service Appeal No. 286/2015

Raza Ullah Khan

(Appellant)

V E R S U S

Secretary Education KPK and others

(Respondents)

REJOINDER TO THE PARAWISE COMMENTS OF
RESPONDENT ON BEHALF OF THE APPELLANT

Respectfully Sheweth,

On Preliminary Objections:

All the preliminary objection raised by the respondents in their parawise comments are false and incorrect. The appellant service has been illegally terminated vide impugned order dated 31.12.2014. Hence the appellant has go cause action against the respondents / department. The instant appeal of the appellant is well in time and correct and maintainable in all respect.

ON FACT:

- 1) In reply of Para 1 of the comments of the respondent, it is submitted that as per advertisement published on 08.01.2014 in newspapers as well as recruitment policy /

rules, the required qualification for post of D.M. (Drawing Master) was / is B.A., B.Sc. from any recognized University with certificate of Drawing Mater of one year course. The appellant has required qualification for said post of Drawing Master and that was the reason, the respondents / department accepted application of appellant and allowed him to participated in the examination (NTS) for the post and after securing 2nd position in test and interview, appointed him against the post of Drawing Master.

- 2) Para No. 2 is correct.
- 3) In reply of Para No. 3 of the comments, it is submitted that in response of Letter No. 4000/DEO, SH dated 02.06.2014, the appellant through letter dated 24.11.2014 produced the judgment of Peshawar High Court, Mingora Bench in Writ Petition No. 2093/2007 titled "Khaista Rehman and others VS EDO and others" wherein the point of equivalency of certificates of Drawing Mater issued by the institutions of Khyber Pakhtunkhwa and that of Jamshoru & Karachi (Sindh) was discussed and August Court declared that the certificate of Drawing Master obtained from Sindh etc. is equivalent to certificate of Drawing Master of institution of KPK. The above mention judgment in Writ Petition No. 2093/2007 of Peshawar High Court, Mingora Bench was also upheld by the August Supreme Court of Pakistan, wherein the August Supreme Court held that distinction could not be drawn between award of degree or services by institution of Jamshoru (Sindh) and Karachi and that of this province (KPK). Under Article 189 & 190 Constitution of Islamic Republic of Pakistan,

the respondents / department is bound to give effect or following the above mentioned decision of the August Supreme Court of Pakistan. It worth mentioning that in response of letter dated 02.06.2014 for production of equivalency certificate, the appellant produced above mentioned judgments of Peshawar High Court, Mingora Bench as well as that of the August Supreme Court of Pakistan. In light of above mentioned judgments of Superior courts, the letter memo No. 5080 dated 29.05.2014, DCTE Abbottabad KPK and that of impugned order of termination of service order of the appellant dated ³⁻¹²⁻²⁰¹⁴ 26.01.2015 are illegal, against law, unconstitutional, and in violation of the decision of August Supreme Court of Pakistan.

- 4) As per above Para 3 of rejoinder.
- 5) As per above Paras of rejoinder. Moreover, the appellant by production judgments / decision of the Superior courts before the respondents / department, has fully proved the equivalency of his certificate of Drawing Master from Hyderabad Sindh with that of institutions of this province (KPK). And as such the appellant has fulfilled the condition of production of equivalency certificate.
- 6) No comments, anyhow, the honourable High Court, Mingora Branch vide its judgment dated 17-9-2014 refused to issue writ against respondent / department on ground that the respondent / department has not yet taken any adverse action against the appellant.

- 7) Incorrect. The appellant has fulfilled his liability by placing the judgments on the point of equivalency of superior courts before the respondent. The respondent / department were bound to follow the decision of the superior court. By not doing so, the respondent / department shown their dis-respect to the judgments / decision of the august of Supreme Court of Pakistan.
- 8) Incorrect, as per above paras.
- 9) Not correct.

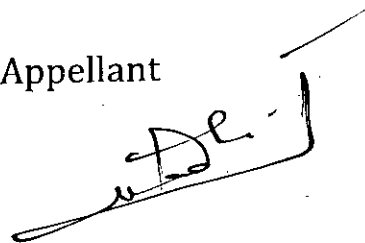
ON GROUNDS:

- A) Incorrect; the impugned order is illegal, against rule and law on subject. And above all ^{against} giant the decision / judgment of Supreme Court of Pakistan.
- B) Incorrect, after proving equivalency of the certificate obtained by the appellant and that of certificate of Drawing Master of this province, by the appellant, the impugned action / order of the respondents / department is not warranted in law.
- C) As per above paras.
- D) Incorrect.
- E) The appointment order of the appellant was according to the law and policy of this province.

It is, therefore, humbly prayed that on acceptance of this rejoinder, the appeal of the appellant may be accepted / allowed as prayed for.

Appellant

Through


Javed Ali Mohammadzai
Advocate, Peshawar

Dated: 28.03.2016

AFFIDAVIT

I, Raza Ullah Khan (appellant), do hereby solemnly affirm and declare on Oath that the contents of this Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honorable Tribunal.


DEPONENT

**OFFICE OF THE
EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION SHANGLA**
CONTACT NO. (0996) 850639, 851108 Fax # 851108

OFFICER ORDER/APPOINTMENT

Consequent upon the recommendation / approval by the District Selection Committee (Elementary & Secondary Education, Shangla) in its meeting held on 31/10/2011 the undersigned has been pleased to appoint the following DMs on 80% fresh recruitment and 20% by promotion amongst PSTs in BPS-09 (Rs.6200-380-17600) against the vacant posts of DM (Male & Female) mentioned against their names (as per amended regular / contract policy and permanent in case of in service) with immediate effect in the interest of public service.

80% Fresh Recruitments DM (Male)					
#	Name	Father Name	Union Council	Merit Position	School / Station where posted
1	Iqbal Khan	Umar Zarin	Alpurai	54.28	GHS Kormang
2	Hassan Zeb	Nami Haq	Alpurai	53.61	GMS Chichlo
3	Azizur Rahman	Najm ul Uloom	Chawga	47.38	GHS Titwala
4	Tahirullah	Sher Zaman	Bar Puran	47.5157	GMS 28 Kolkay
5	Zahid Alam	Yar Gul	Lilownai	45.7530	GHSS Bulyal
DM 20% PROMOTED FROM PST (MALE)					
#	Name	Father Name	Qualification	Present School	School / Station where posted
1	Azizur Rahman	Abdul Wedood	BA, DM	GPS Shangla	GMS Kuz Balko
80% Fresh Recruitments DM (Female)					
#	Name	Father Name	Union Council	Merit Position	School / Station where posted
1	RAHAT NAZ	INAYTULLAH	Chawga	48.68	GGHS Alpurai No2
DM 20% PROMOTED FROM PST (Female)					
#	Name	Father Name	Qualification	Present School	School / Station where posted
1	Sarhad Begam	Bacha Khan	MA, B.Ed, DM	GGPS Deran Sar	GGMS Dehrai (Alpurai)

TERMS AND CONDITIONS:

- 1) The appointment is purely on contract basis against BPS-09 plus usual allowances as admissible under the rules.
- 2) The probation period of appointment shall be two years.
- 3) The appointment of the above candidates as made as regular civil servants for all intents and purposes except for purpose of pension and gratuity. They shall be entitled to receive such amount contributed by him towards the contributory provident fund along with contribution made by the government, to their account in the said fund, in the prescribed manner, in lieu of pension and gratuity.
- 4) The service of the above candidates will be liable to termination at any time without assigning any notice / reason. In case of resignation without notice, two month pay and allowances if any shall be forfeited to Govt. treasury.
- 5) The candidates should join their posts with in fifteen days of the issue of their orders. The Principal / Head Master / Head Mistress / DDO concerned should furnish a certificate to the effect that the candidates have joined the posts with in stipulated period of time failing which their appointment will be automatically treated as cancelled.
- 6) The fresh candidates will not be handed over charge if their age exceeded 35 or below 15 years.
- 7) The appointment is subject to the production of health and age certificate from the medical superintendent concerned.



OFFICE OF THE EXECUTIVE DISTRICT OFFICER (EDUCATION DISTRICT HYDERABAD)

MARKS CERTIFICATE

Certificate showing the number of marks secured by Mr./Ms. Rahat Naz

S/o D/o Inayat Ullah In each head of passing at the Elementary / Intermediate / Drawing Grade Examination

2004 to 2005 Seat No 170 Center G. S. N. H. S. Tando Allah Yar

SUBJECT						TOTAL MARKS	Pass or Fail or Conduct	Division / Grade	Remarks
Object Drawing	Plain Geometry	Nature Drawing	Memory Drawing	Design	Free Hand				
Max Marks 100	Max Marks 100	Max Marks 100	Max Marks 100	Max Marks 100	Max Marks 100	600			
Min Marks 33	Min Marks 33	Min Marks 33	Min Marks 33	Min Marks 33	Min Marks 33	198			
75	60	73	70	71	66	423	Pass	1st	



Dated 20/06/2006

J. Lodhi
CONTROLLER

INSPECTOR OF DRAWING
BOARD GRADE DRAWING EXAMINATION
(EDUCATION) DISTRICT HYDERABAD
SINDH

OFFICE OF THE INSPECTOR
NO. IDS/ 138

INSPECTOR FOR SINDH HYDERABAD.
DATED: 10/12/11

To

THE DISTRICT OFFICER
ELEMENTARY
SCHOOL

THE DISTRICT OFFICER
SECONDARY EDUCATION

SUBJECT:

VERIFICATION

OF DRAWING CERTIFICATE.

REFERENCE:

YOUR

LETTER NO & 775 DATED 23/01/2011

AND

WITH REFERENCE TO YOUR OFFICE NO UNDER REFERENCE IN
SUBJECT NOTED ABOVE THE ORIGINAL INTERMEDIATE GRADE DRAWING CERTIFICATE
IN RESPECT (*1) TAHIR ULLAH S/O SHERZAMAN KHAN (2) SARHAD BEGUM S/O
BAGHA KHAN (3) RAHAT NAZ S/O INAYAT ULLAH FOUND CORRECT GENUINE AND
RETURN HERewith COPY OF THE ORIGINALS FROM THE LODGER.

1 SEAT NO 438
YEAR 2003.07
PASS 1ST DIVISION

TAHIR ULLAH S/O SHERZAMAN Khan

2 SEAT NO 5574
YEAR 1993.07
PASS 1ST DIVISION

SARHAD BEGUM S/O BAGHA KHAN

3 SEAT NO. 170
YEAR 2004.
PASS 1ST DIVISION

RAHAT NAZ S/O INAYAT ULLAH

Inspected 10/12/2011

INSPECTOR OF DRAWING
FOR SINDH HYDERABAD

Said Sahab

place on ver

2011

Serial No. 4941

CERTIFICATE No. _____

Directorate of Secondary Education
Hyderabad Region Hyd. Sindh

Seat No. 5574

Centre P.A.S.S.
Hyderabad



Intermediate Grade Drawing Examination

This is to certify that

Mr. / Miss Sarhad Begum.

No. / No. Bacha Khan.

Surname _____

Passed the Intermediate Grade Drawing Examination held

in the month of Dec year 1993-94.

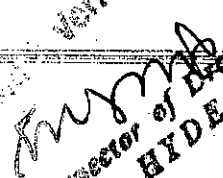
and was placed in 1st Division. The result was

declared on 19-6-1994.



REGISTRAR,
DEPARTMENTAL EXAMINATION
FOR DIRECTOR SECONDARY EDUCATION
HYDERABAD REGION, HYDERABAD,
SINDH.

DATED 21.06.2006


Inspector of Drawing
Hyderabad Sindh

OFFICE OF THE INSPECTOR OF DRAWING FOR SINDH HYDERABAD.

No. IDS/ 138

HYD: DATED: 10/12/11

4

To

THE EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
SHANGLA

SUBJECT: VERIFICATION OF DRAWING CERTIFICATE.

REFERENCE: YOUR OFFICE LETTER NO & 775 DATED 23/09/2011

FOR INFO

WITH REFERENCE TO YOUR OFFICE NO UNDER REFERRED SUBJECT NOTED ABOVE THE ORIGINAL INTERMEDIATE GRADE DRAWING CERTIFICATE IN RESPECT (*1) TAHIRULLAH S/O SHERZAMAN KHAN (2) SARHAD BEGUM BACHA KHAN (3) RAHAT NAZ D/O INAYAT ULLAH FOUND CORRECT GENUINE RETURN HERewith SOLY VERIFIED FROM THE LODGER.

1

SEAT NO 436 TAHIR ULLAH S/O SHERZAMAN Khan
YEAR 2008.07
PASS 1ST DIVISION

2

SEAT NO 5574 SARHAD BEGUM D/O BACHA KHAN
YEAR 2003.04
PASS 1ST DIVISION

3

SEAT NO. 170 RAHAT NAZ D/O INAYAT ULLAH
YEAR 2004.07
PASS 1ST DIVISION

[Handwritten signature]

INSPECTOR OF DRAWING FOR SINDH HYDERABAD


*Said Sahabzada
place on record*

2/12/11

Serial No. _____

Certificate No. 2

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (EDUCATION) HYDERABAD



Certificate

INTERMEDIATE GRADE DRAWING EXAMINATION

Seat No 438

Centre G.D.H.S Latifabad
No 7 Hyderabad

This is to certify that Mr/Ms Tahir-Ullah

S/O, B/O

Sherzaman Khan

Surname

Khan

Passed the Intermediate Grade Drawing Examination held in the month of 26-3-2007
year 2006-2007 and was passed in Grade/Division 1st Division

The result was declared on dated

24-5-2007

Checked & Verified

[Signature]

[Signature]

Dist. School
Mandera Shergu.

[Signature]
CONTROLLER

BOARD OF GRADE DRAWING EXAMINATION
(EDUCATION) DISTRICT HYDERABAD
SINDH

Dated 13-8-2007

Checked & Verified

[Signature]
Inspector of Drawing
of Sindh HYDERABAD

70

DIRECTORATE OF CURRICULUM & TEACHER EDUCATION, KHYBER PAKHTUNKHWA, ABBOTTABAD

Phone # 0992-382634, Fax # 0992-381527, email: dcte-kpk@hotmail.com

No. 5080/AD Trg: Equivalency

Dated A/Abad the 29/5/2014

To

The District Education Officer:
(F) Shangla

Subject:-
Memo:


EQUIVALENCY OF CERTIFICATE/DIPLOMA OF DM

Reference your Memo: No.1605 dated 20/5/2014 on the subject cited above.

The scheme of studies approved as declared by Directorate of curriculum & Teacher Education Khyber Pakhtunkhwa Abbottabad is as under:-

1. Duration of Drawing Master course is one year & Total Marks are 1200
2. There are 10 compulsory subjects taught in Drawing Master Course i.e.
 - (i) Scale Technical and Geometrical Drawing Free Hand sketching.
 - (ii) Modal Drawing
 - (iii) Natural Study
 - (iv) Black Board Sketching
 - (v) Craft
 - (vi) Islamiyat
 - (vii) History of Art
 - (viii) Expressional Drawing
 - (ix) Physical Education
 - (x) Design
3. Registrar Departmental Examination Khyber Pakhtunkhwa Peshawar is the authority to conduct the Pre-Service Course examination while in IGD, there is no third party validation of examination.
4. Teaching practice/practicum is compulsory in DM Course having 200 Marks.

Keeping in view the above grounds the IGDE certificate issued by the Controller, Inspector of Drawing, Hyderabad Sindh is not equivalent to DM one year certificate issued by the RDE Peshawar.


ASSISTANT DIRECTOR (TRG)
DCTE ABBOTTABAD

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1879 /ST

Dated 15 / 8 / 2017

To


The District Education Officer M,
Government of Khyber Pakhtunkhwa,
Shangla.

Subject: -

JUDGMENT IN APPEAL NO. 286/2015, MR. RAZA ULLAH KHAN.

I am directed to forward herewith a certified copy of Judgement dated 7.08.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.