

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBU PESHAWAR

Appeal No. 639/2016

Date of Institution ... 13.06.2016

Date of Decision 30.01.2019

Noor Yousaf, Ex-Qari GHS No. 2 Khar Bajaur Agency. ... (Appellant)

VERSUS

Director Education FATA at FATA Secretariat Warsak Road, Peshawar and
another. ... (Respondents)

Present.

MR. NASIR MEHMOOD,
Advocate.

... For appellant

MR. MUHAMMAD RIAZ PAINDAKHEL,
Asstt. Advocate General

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. HUSSAIN SHAH,

... CHAIRMAN
... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:

1. The appellant was appointed as Qari at GHS No. 2, Khar Bajaur Agency upon recommendations of Departmental Selection Committee on 24.05.2013. On 02.10.2015, an order was issued by respondent No. 2, whereby, four teachers including the appellant, were dismissed on account of submission of fake documents at the time of recruitment. The appellant submitted appeal against the said order on 15.10.2015 and consequently was reinstated into service on 12.11.2015 w.e.f. the date of dismissal. Once again



an order was passed by respondent No. 2, on 26.02.2016, requiring the termination of appellant from service from the date of his appointment on account of submitting fake documents at the relevant time. He preferred a departmental appeal on 10.03.2016 which remained un-responded, hence the appeal in hand.

2. We have heard learned counsel for the appellant and learned Assistant Advocate General on behalf of the respondents and have also perused the available record with their assistance.

It was contended by learned counsel that the appellant was punished twice for the same allegation which was not called for under the law of the land. It was also submitted that in the advertisement for appointment to the post of Qari (BPS-09) the educational qualification was, inter-alia, Secondary School Certificate (Second Division). In the said circumstance and owing to the fact that the appellant had secured 479 marks out of 1050, there was no occasion for him to have submitted fake/bogus SSC certificate showing 756 marks. That, the testimonials of appellant were sent for verification by the Headmaster GHS No. 2, Khar on 22.08.2014 and result was conveyed to the respondent No. 2 in positive. That, there was no justification for respondents to have proceeded against the appellant on account of alleged fake S.S.C certificate.

On the other hand, learned AAG referred to a letter dated 01.10.2015 sent by Controller of Examination, Board of Intermediate & Secondary Education, Malakand to the respondent No. 2, wherein, it was clearly noted

that the S.S.C Certificate of appellant, under Roll No. 64845, was checked and found bogus/fake. On the said count the service of appellant was rightly dispensed with by the respondents, it was added.

3. We have considered the contention of parties in the light of available record. It is a fact that there are two certificates on record, purportedly, issued by B.I.S.E Malakand in the name of appellant under Roll No. 64845. Both pertain to the session of Annual 2011, however, the obtained marks by the candidate are noted as 756-A and 479-D in the two certificates. The certificate showing 479-D marks has been verified and stamped by Assistant Controller, BISE, Malakand while the certificate reflecting 756-A marks has been found bogus by the said Board. It is also an undeniable fact that after the allegation of submission of forged documents no departmental enquiry proceedings were ever taken against the appellant. The record is also silent regarding grant of any opportunity to appellant for production of defence against the allegation levelled against him. It appears that the appellant has twice been condemned unheard.

4. In the circumstances, we are left with no option but to allow instant appeal and set aside the order of termination of appellant dated 26.02.2016. The acceptance of appeal shall, however, not preclude the respondents from undertaking enquiry against appellant but in accordance with law and principles of natural justice. The proceedings, if taken against the appellant, shall be concluded within a period of three months, wherein, he shall be

provided ample opportunity to defend his cause and produce evidence, if so desired. Order accordingly.

Parties are left to bear their respective costs. File be consigned to the record room.





(HUSSAIN SHAH)
MEMBER(E)



(HAMID FAROOQ DURRANI)
CHAIRMAN


ANNOUNCED
30.01.2019

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	30.1.2019	<p><u>Present.</u></p> <p>Mr. Nasir Mehmood, Advocate .. For appellant</p> <p>Mr. Muhammad Riaz Painsa Khel, Asstt. AG.. For respondents with Behramand ADO</p> <p>Vide our detailed judgment of today, we allow instant appeal and set aside the order of termination of appellant dated 26.02.2016. The acceptance of appeal shall, however, not preclude the respondents from undertaking enquiry against appellant but in accordance with law and principles of natural justice. The proceedings, if taken against the appellant, shall be concluded within a period of three months, wherein, he shall be provided ample opportunity to defend his cause and produce evidence, if so desired. Order accordingly.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 30.1.2019</p>

27.07.2018

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Daud Jan AD Litigation for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 18.09.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

18.09.2018

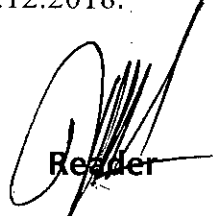
Appellant with counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Daud Jan, Superintendent for the respondents present. Representative of the department is directed to furnish all the relevant record on or before the next date. Last opportunity is granted. To come up for record and arguments on 02.11.2018 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

02.11.2018

Neither appellant nor his counsel present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 11.12.2018.


Reader

11.12.2018

Counsel for the appellant and Addl. AG for the respondents present. The Worthy Chairman is on leave, therefore, case is adjourned to 30.01.2019 for arguments before the D.B.


Member

20.02.2018

Due to non availability of D.B. Adjourned. To come up on 02.04.2018 before D.B.


(Gul Zehra Khan)
Member

02.04.2018

Clerk to counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney for respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 04.06.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

04.06.2018

Appellant with counsel present. Mr. Kabir Ullah khattak, learned Additional Advocate General present. Mr. Daud Jan ADO, representative of the respondent department absent. Relevant record is not available on file. Respondent department is directed to produce the same including application form/recruitment application of the appellant. Adjourned. To come up for further proceedings/record/arguments on 27.07.2018 before D.B.


(Ahmad Hassan)
Member

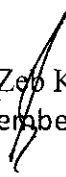

(Muhammad Hamid Mughal)
Member

16.06.2017

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 17.10.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member



(Gul Zeb Khan)
Member

17.10.2017

Appellant with counsel and Addl:AG alongwith Mr. Daud Jan, Supdt and Mr. Behramand, Physical Supervisor for respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 26.12.2017 before D.B.



Member
(Executive)



Member
(Judicial)

26.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Granted: To come up for arguments 20.02.2018 before the D.B.



Member



Chairman

639/2016

19.10.2016

Appellant in person and Mr. Behramand, APS alongwith Additional AG for respondents present. Written reply by respondents not submitted and requested for further adjournment. Request accepted. To come up for written reply/comments on 13.12.2016 before S.B.


(PIR BAKHSH SHAH)
MEMBER

13.12.2016

Appellant in person and Behramand, APS alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing 14-3-2017.


Chairman

14.03.2017

Counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for respondents present. Learned counsel for appellant submitted rejoinder which is placed on file. To come up for arguments on 16.06.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

A. No. 639/2016
Nooe Yousoof vs Govt

20.6.2016.

Appellant with counsel present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 26.2.2016 passed by respondent No. 2 vide which the appellant was dismissed from service. Against the impugned order, the appellant filed departmental appeal on 10.3.2016 which was not responded within the statutory period, hence the instant service appeal.

Appellant Deposited
Security & Process Fee

Points argued at the Bar required further consideration and the appeal is within time, therefore, admit for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 17.8.2016 before S.B.

Member

17.08.2016

Appellant in person and Mr. Murtaz, Steno alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 19.10.2016 before S.B.



Appellant in person and Mr. Member alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 19.10.2016 before S.B.

Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 639/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/06/2016	<p>The appeal of Mr. Noor Yousaf presented today by Mr. Nasir Mahmood Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14-6-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>20-6-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

IN RE; Service Appeal NO.....639.....2016

Noor YousafAppellant

Versus

Director Education FATA and another.....Respondents

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5.	Departmental Appeal	D	9
6.	Reply	E	10
7.	Letter dated 11.11.2015	F	11
8.	Reinstatement Order	G	12
9.	Service Efficiency Certificate	H	13
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14.	Copy of Service Book	M	34-37
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نور یوسف قاری

Appellant

Through

Nasir Mehmood Advocate
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar
Mob. No. 0333-9176275

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 624

IN RE; Service Appeal NO... 639 2016

Dated 13-6-16

Noor Yousaf Ex-Qari GHS No.2 Khar Bajaur Agency..... Appellant

Versus

1. Director Education FATA, at FATA Secretariat Warsak Road Peshawar.
2. Agency Education Officer Bajaur Agency..... Respondents

Appeal under section 4 of the NWFP Service Tribunal Act, 1974 against the non action on the Departmental appeal dated 10.03.2016 Dairy no.1953 of the appellant which was filed against the order dated 26.02.2016 passed by respondent No. 2 vide which appellant was dismissed from service.

Prayer in appeal:

On acceptance of this appeal the impugned order dated 26.02.2016 passed by respondent No. 2 may be set-aside and the appellant may please be reinstated into service with all back benefits.

Respectfully Sheweth:

1. That on the recommendations of departmental selection committee the appellant was appointed on the post of Qari at GHS Khar no.2 vide appointment order no.4371-76 dated 24.05.2013 by Agency Education Officer Bajaur Agency and since then was performing services honestly, regularly,

Filed to-day

Registrar

13/6/16

2

with dedication to work and to the entire satisfaction of his immediate officer. It may be noted here that no single adverse entry in the ACR of the appellant was recorded. Copy of the appointment order is attached as annexure-A.

2. That after appointment the credentials of the appellant were verified from the concerned Board and were found to be true, genuine and correct. Copy of the letter dated 22.08.2014 is attached as annexure-B.

3. That at the behest of hidden hands the appellant was dismissed from service vide office order no.1571-78 dated 02.10.2015 on the ground of having presented fake documents at time of his appointment. Copy of the order is attached as annexure-C.

4. That the appellant filed appeal against his dismissal order and the then Agency Education Officer filed reply to the same in which he admitted good performance, dedication to duty and eligibility of the appellant. Copy of the departmental appeal and reply is attached as annexure-D&E respectively.

5. That in the light of the performance of the appellant as is clear from the reply submitted by respondent no.2 to his then appeal respondent no.1 was kind enough to have directed the respondent no.2 to pass an order for his reinstatement. Copy of the letter is attached as annexure-F.

6. That vide office order dated 12.11.2015 respondent no.2 reinstated the appellant in service w.e.f the date of my dismissal i.e. 02.10.2015. Copy of the reinstatement order and service efficiency certificate is attached as annexure-G&H respectively.

7. That after three months and 24 days at the behest of hidden hands the appellant was again terminated from service vide office order dated 26.02.2016 on the same old ground of having presented fake documents at time of his appointment. Copy of the termination order is attached as annexure-I.

8. That the appellant filed departmental appeal (annexure-J) against the termination order which was unresponded hence the instant appeal on the following amongst other grounds;

GROUND:

A. That the whole proceedings starting from the first dismissal of the appellant up to his second dismissal are one sided without giving any opportunity of hearing to appellant although facts were explained to the respondent no.2 but were completely over looked by him thus causing miscarriage of justice.

B. That after appointment the educational testimonials of the appellant were verified from the concerned Board and were found genuine even then the appellant has been punished for no fault on his part which may kindly be set-aside and he may be reinstated in service with all back benefits.

C. That it is celebrated principle of law that no one should be punished twice for the same offence but in the case of the appellant the same rule has been trampled down and he has been subjected to worse type of mental agony.

D. That once at time of his first dismissal it was admitted by respondent no.2 that he was eligible for the post of Qari because he is having second division in SSC therefore there was no need on the part of the appellant to have presented any type of fake documents but the same aspect has been ignored by respondent no.1. Copy of the advertisement and educational testimonials are attached as annexure-K&L respectively.

E. That the whole proceeding starting from the first dismissal of the appellant up to his second dismissal is illegal, at the behest of some one, politically motivated, without lawful authority, without jurisdiction, malafide, unreasonable, void ab-initio and of no legal effect, therefore, the termination is liable to be struck down.

F. That the Service Book of the appellant was prepared and there is no adverse ACR against him and he is having unblemished record but in the instant case he has been dragged just to satisfy the ego of some one which resulted in gross miscarriage of justice which warrants interference by this honorable tribunal. Copy of the service book is attached as annexure-M.

G. That the whole proceeding resulting into his second termination offends article 25 of the constitution of Islamic republic of Pakistan, 1973.

H. That the appellant have further improved his qualification (F.A, Qari, Hafiz Quran) so request for sympathetic consideration for acceptance of my appeal.

I. That the object of law is to protect rights, undo wrong and foster justice, but the impugned termination order has not only eroded right of the appellant, but also resulted in gross miscarriage of justice, which warrants interference.

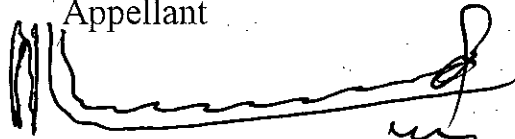
K. That the appellant seeks permission to rely on additional grounds at the time of hearing.

4

It is therefore, respectfully prayed that while considering the above facts and legal position the penalty imposed upon the appellant being not legally tenable may kindly be set-aside and he may be reinstated with all back benefits.

Any other remedy deemed proper may also be allowed.

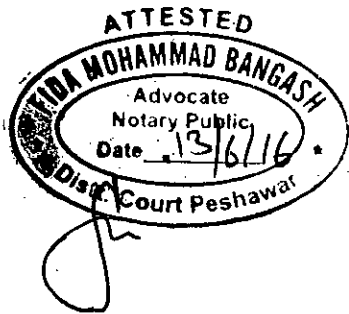
Through

نور يوسف قاری
Appellant

Nasir Mehmood Advocate
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar.

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this honorable tribunal.

Deponent





5
OFFICE OF THE AGENCY EDUCATION OFFICER
BAJAUR AGENCY AT KHAR

Annexure
A

APPOINTMENT

Consequent upon the approval by the Political Agent Bajaur and departmental selection committee the following Qari male/female candidates of Bajaur Agency are hereby appointed/adjusted against vacant Qari Posts purely on temporary basis in BPS 12 (7000-500-22000) plus usual allowances as admissible under the rules in the schools noted against their names in the interest of public service.

S.No	Name of candidate	Father Name	Name of school where appointed	Remarks
1	Noor Yousaf	Abdul Wakil	GHS Khar No 2	Against newly created post open merit
2	Gul Zada	Shah Zada	GHS Tang Khatta	Against newly created vacant post Tehsil wise merit
3	Noor Rahim	Lal Zarin	GHS Ghani Adai	Against vacant post Tehsil wise merit
4	Abdul Wahab	Said Khan	GHS Kama Dara	Against vacant post Tehsil wise merit
5	Amir Ullah	Ghulam Hussain	GHS Sharbatai	Against newly created post Tehsil wise merit
6	Salma Begum	Shahzad Gul	GGHS Mayat Khili	Against newly created vacant post Tehsil wise merit
7	Navid Shehzadi	Ahmad Jan	GGHS Bandagai	Against newly created vacant post Tehsil wise merit
8	Fuzia Bibi	Muhammad Ishaq	GGHS Sharbatai	Against newly created vacant post Tehsil wise merit
9	Robina	Amir Badshah	GGHS Pashat	Against newly created post Tehsil wise

TERMS/CONDITIONS.

1. Charge report should be submitted to all concerned in duplicate.
2. In case they wish to resign from their post, they will have to give one month prior notice OR forfeit one month pay in lieu thereof.

**Certified to be
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6

3. All kinds of documents should be verified from the concerned institutions before the drawl of salary. They will not be entitled to get pay unless their Domicile, CNIC, Academic and professional qualification are not got verified from the Institutions concerned. If their documents were found bogus in any stage their services will be considered as terminated from the date of appointment to this post.
4. The appointment of the candidates is being made purely on temporary basis & is liable to termination any time without assigning any reason.
5. Health and age certificate should be produced to this office to be obtained from the Agency surgeon concerned.
6. If he failed to report of his arrival within 15 days his appointment order will be automatically considered as cancelled.

(Khaista Rahman)
Agency Education Officer
Bajaur Agency.

Enlist No: 4371-76

Dated Khar 24.05.2013

Copy of the is forwarded to the:-

1. Director of Education (FATA) Peshawar.
2. Agency Accounts Officer Bajaur Agency.
3. AAEO concerned.
4. Accountant/Pay Clerk of the local office.
5. Head Master concerned.
6. Candidates Concerned.

Agency Education Officer
Bajaur Agency.

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7
OFFICE OF THE HEAD MASTER

GHS Khar No2 Bajaur Agency

Mc 035

Date 22/08/2014.

Annexure
"B"

The Agency Education Officer,
Bajaur Agency


Subject: Submission of Replies Regarding Complaint Against Noor Yousaf Qari GHS Khar No2.

Sir,

Reference to your office No 3590 dated 20/8/2014 on the above subject, the detail Para wise report is submitted in your kind honor for N/A please.

1. Name of his appointing authority is Khaista Rahman Agency Education Officer Bajaur Agency
2. Date on which he was posted at our school is 25/5/2013 Endst No.4371-76.
3. His following academic and professional documents have been verified from the concerned institutions.
 - I. Detail marks certificate (SSC-Annual 011) by BISE Malakand.
 - II. Shadat Hifzul Quranul Kareem by Madrassa Thadreebul Quran Mardan.
 - III. Al Shadatul Alamia by Jaamia Imdadul Uloomul Islamia Peshawar.
 - IV. Al Shadatul Sanvia Al Khasa.
 - V. Al Shahadatul Sanvia Al Ama.

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Head Master
GHS Khar No.2

13-1580

13-1580

to cross
3 month
7000

8580

118

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR

Phone: 220395

Fax: 220395

Annexure "C"



DISMISSAL ORDER

Services of the following teachers are hereby dismissed from the date of their appointments as noted against their names on account of submitting fake documents by them at the time of recruitment.

S.NO	NAME	F/NAME	APPOINTED AS	NO & DATE	PLACE OF DUTY
1.	Saima	Khairur Rahman	TT	No: 4365-70, Dated 24/5/2013	GGPS Batai Tehsil Khar Bajaur Agency
2.	Fatima Bibi	Abdul Haq	AT	No: 4359-64, Dated 24/5/2013	GGHS Khar, Bajaur Agency
3.	Sirajul Haq	Abdul Haq	CT	No: 4887-92, Dated 19/4/2013	GHS Batwar Tehsil Salarzai Bajaur Agency
4.	Noor Yousaf	Abdul Wakeel	Qari	No: 4371-76, Dated 24/5/2013	GHS No: 2 Khar, Bajaur Agency

(SAEED GUL)
Agency Education Officer
Bajaur Agency

Endst No: 1571-78 Dated 2/10/2015

Copy of the above is forwarded to the;

1. Director-Education FATA Peshawar for information please.
2. Political Agent Bajaur Agency for information please.
3. PS to Secretary SSD FATA Secretariat Peshawar.
4. Agency Accounts officer Bajaur Agency for necessary action please.
5. Head Master / Principals /AAEO concerned for necessary action under intimation to this office.
6. H/C local office for record.
7. Accountant of the local office for similar action.
8. Teachers concerned.

Agency Education Officer
Bajaur Agency

Received on 5.10.2015.

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5.10.2015

9
BEFORE THE DIRECTOR OF EDUCATION FATA
AT FATA SECRETARIAT WORSAK ROAD PESHAWAR.

Annexure
"D"

Mr. NOOR YOUSAF QARI: Appellant.

VS

Agency Education Officer Bajaur Agency: Respondent

Subject: APPEAL AGAINST THE OFFICE ORDER NO: 1571-78 dated 02.10.2015 WHEREBY THE RESPONDENT DISMISSED THE SERVICE OF APPELLANT.

Respectfully Sheweth:

The Appellant submits as under:

1. That the appellant was appointed on Qari Post on merit under order No.4371-76 dated.24.05.2013 issued by Agency Education Officer on the recommendation of Departmental Selection Committee.
2. That the appellant took charge of this duty on 25.05.2013 at GHS Khar No.2 Bajaur Agency.
3. That the appellant has performed his duty honestly, regularly and remain punctual in his duty.
4. That the Principal and students of the concerned school are fully satisfied from his duty.
5. That the Appellant is qualified for the Qari post and the required qualification have already been verified by the concerned board/institution through the Principal of the concerned school (Letter attached)

PRAYER:

On the acceptance of the instant appeal the order dated 02.10.2015 of Education Officer of Bajaur Agency may kindly be set-aside and the service of appellant may please be restored.

Dated 15.10.2015

DBO Bajaur

*Para wise comments
may be submitted
for perusal / screening.*
Director
FATA Secretariat Peshawar.

APPELLANT
Noor Yousaf Qari GHS Khar No.02
Bajaur Agency..

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11
Annexure "F"

FATA SECRETARIAT
DIRECTORATE OF EDUCATION
WARSAK ROAD PESHAWAR, PAKISTAN
PHONE: 091-9710166 FAX 091-9710216

NO. 11318
DATED 11/11/2015 F-7-6 GENERAL MOHMAND FILE KC

To
The Agency Education Officer
Bajour Agency

Subject: APPEAL AGAINST THE OFFICE ORDER NO.1571-78 DATED 2/10/2015 WHEREBY THE RESPONDANT DISMISSED THE SERVICE OF APPALLENT.

Memo:
I am directed to refer your reply in response of remarks on appeal of Qari Noor Yousaf No.nil dated 6-11-2015 regarding subject cited above.

According to the statement of the Head Master Govt High School Khar No.2, ~~that the teacher is a regular and punctual and if his original Marks of documents did not disturb the merit list then his appeal may be considered for re-instatement in the interest of public service as the Department already facing shortage of teachers.~~

Assistant Director (Estab)

Endst.No. _____
Copy to;

Dated _____ 2015

P.A to Director Education, FATA.

sal
Assistant Director (Estab)

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Annexure "E"

BEFORE THE DIRECTOR OF EDUCATION FATA PESHAWAR AT
FATA SECRETARIATE WARSAK ROAD PESHAWAR.

Noor Yousaf Qari (Appellant)
VS


Agency Education officer Bajaur Agency (Respondent)

Subject: APPEAL AGAINST THE OFFICE ORDER NO 1571-78, DATED 2/10/2015 WHEREBY THE
RESPONDANT DISMISSED THE SERVICE OF APPELLANT

Memo:

Reference your remarks on the body of the appeal of Mr. Noor Yousaf Qari.
GHS No: 2 Khar, Bajaur Agency, the requisite para wise reply is submitted as under please.

1. Correct
2. Correct
3. Correct
4. Correct
5. His original marks in his SSC certificate are 479 (2nd division) while his DMC contains 756 marks which was not verified by the board concerned although he was already qualified and eligible for Qari post on his original marks 479.


Agency Education Officer
Bajaur Agency 06/11/15

As per AEO Bajaur:
- He already qualified and eligible for Qari post on his original marks 479,
- Head master concerned says he is found regular, punctual and efficient and satisfied from his duty

As no one is going to be disturbed. Hence may be reinstated.

AM/11/15

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True Copy

12

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR

Phone: 220395 Fax: 220395 Email: Rahmatwali30@yahoo.com



RE-INSTATEMENT ORDER

Annexure "G"

At the behest of Director Education FATA Peshawar vide his office No: 11319, dated 11/11/2015, the services of Mr. Noor Yousaf (Qari) GHS No: 2 Khar are hereby re-instated w.e.f the date of dismissal order issued vide this office Endst No: 1571-78, dated 2/10/2015.

**Agency Education Officer
Bajaur Agency**

Endst No: 2069-72 Dated 12/11/2015

Copy of the above is forwarded to the;

1. Director of Education FATA Peshawar w/r to his office No: as cited above.
2. Agency Accounts officer Bajaur Agency.
3. Head Master GHS No: 2 Khar.
4. Official concerned.

**Agency Education Officer
Bajaur Agency**

**Certified to be
True Copy**



13

Annexure "H"


OFFICE OF THE HEAD MASTER
GHS Khar No.2 Bajaur Agency
No 084 Dated 13-10-2015

SERVICE EFFICIENCY CERTIFICATE

It is certified that Mr. Noor Yousaf S/o Abdul Wakeel Jan was working as on Qari post w.e.f 24-05-2013 at GHS Khar No.2 Bajaur Agency.

He is found regular, punctual and efficient during his duty. He has full command over his subject. The students and undersigned are fully satisfied from his duty and his work.

Certified to be
True Copy


Head Master
GHS Khar No.2 Bajaur Agency



14

OFFICE OF THE AGENCY EDUCATION OFFICER BAJAUR AGENCY AT KHAR

Phone: 220395

Fax: 220395

Annexure

"I"

DISMISSAL ORDER

Consequent upon the directives of the Director Education FATA letter No: 1923 dated 16/02/2016/E-6 E-7 Bajaur/KC the services of Mr. Noor Yousaf Qari GHS No: 2 Khar Bajaur Agency, appointment Order NO: 4371-76 Dated 24/5/2013 is hereby terminated from the date of appointment on account of submitting fake documents at the time of recruitment.

Encls No: 2989-96

Dated 28/2/2016

(Muhammad Aslam Khan)
Agency Education Officer
Bajaur Agency

Copy of the above is forwarded to the,

1. Director Education FATA Peshawar w/r to his office letter No: as noted above.
2. Political Agent Bajaur Agency for information please.
3. PS to Secretary SSD FATA Secretariat Peshawar.
4. Agency Accounts officer Bajaur Agency for necessary action please.
5. Head Master GHS No: 2 Khar Bajaur Agency with the direction that all the salaries drawn by them may be recovered and be deposited in to Govt treasury under intimation to this office.
6. H/C local office for record.
7. Accountant of the local office for similar action.
8. Mr Noor Yousaf S/O Abdul Wakeel.

Shahid
Agency Education Officer
Bajaur Agency

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Annexure
"5"

BEFORE THE HONORABLE DIRECTOR EDUCATION FATA AT FATA
SECRETARIAT WARSAK ROAD PESHAWAR.

**Departmental Appeal against the order Dated
26.02.2016 passed by Agency Education Officer
Bajaur Agency vide which the appellant was
dismissed from service**

Respectfully Sheweth;

Short but brief facts are narrated before your honor for sympathetic consideration please;

1. That on the recommendations of departmental selection committee i was appointed on the post of Qari at GHS Khar no.2 vide appointment order no.4371-76 dated 24.05.2013 by Agency Education Officer Bajaur Agency and since then am performing services honestly, regularly, with dedication to work and to the entire satisfaction of my immediate officer. It may be noted here that no single adverse entry in my ACR has recorded.
2. That after appointment my credentials were verified from the concerned Board and were found to be true, genuine and correct.
3. That at the behest of hidden hands i was dismissed from service vide office order no.1571-78 dated 02.10.2015 on the ground of having presented fake documents at time of my appointment.
4. That I filed appeal before your honor against my dismissal order and the then Agency Education Officer filed reply to the same in which he admitted my good performance, dedication to duty and eligibility.
5. That in the light of my performance as is clear from the reply submitted by agency education officer to my then appeal your honor was kind enough to have directed the Agency Education Officer to pass order for my reinstatement.

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- 6) That vide office order dated, 12.11.2015, Agency Education Officer Bajaur Agency reinstated me in service w.e.f. the date of my dismissal i.e. 02.10.2015.
- 7) That after three months and 24 days at the behest of hidden hands I was again terminated from service vide office order dated 26.02.2016 on the same old ground of having presented fake documents at time of my appointment.
- 8) That the said penalty is result of misapplication of law and misunderstanding of facts thus it would be in the interest of justice, equity and fair play that the punishment awarded to me may kindly be set-aside on the following amongst other grounds;

GROUND:

- (A) That the whole proceedings starting from my first dismissal up to my second dismissal are one sided without giving any opportunity of hearing to me although facts were explained to the learned agency education officer but were completely over looked by him thus causing miscarriage of justice.
- (B) That after appointment my educational testimonials were verified from the concerned Board and were found genuine even then I have been punished for no fault on my part which may kindly be set-aside and I may be reinstated in service with all back benefits.
- (C) That it is celebrated principle of law that no one should be punished twice for the same offence but in my case the same rule has been trampled down and I have been subjected to worse type of mental agony.
- (D) That once at time of my first dismissal it was admitted by agency education officer that I was eligible for the post of Qari because i am having second division in SSC therefore there was no need on my part to have presented any type of fake documents but the same aspect has been ignored by the agency education officer.
- (E) That the whole proceeding starting from my first dismissal up to my second dismissal is illegal, at the behest of some one, politically motivated, without law authority, without jurisdiction, malafide, unreasonable, void ab-initio and of no legal effect, therefore, the termination is liable to be struck down.

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(F) That my Service Book was prepared and there is no adverse ACR against me and I have unblemished record but in the instant case I have been dragged just to satisfy the ego of some one which resulted in gross miscarriage of justice which warrants interference by your honor.

(G) That the whole proceeding resulting into my second termination offends article 25 of the constitution of Islamic republic of Pakistan, 1973.

(H) That I have further improved my qualification (F.A, Qari, Hafiz Quran) so request for sympathetic consideration for acceptance of my appeal.

(I) That the object of law is to protect rights, undo wrong and foster justice, but the impugned termination order has not only eroded right of the mine, but also resulted in gross miscarriage of justice, warrants interference.

(K) That I seek permission of your to rely additional grounds at the time of hearing.

It is therefore, respectfully prayed that while considering the above facts and legal position the penalty imposed upon me being not legally tenable may kindly be set-aside and I may be reinstated with all back benefits.

Mr. Noor Yousaf
Qari GHS No.2 Khar Bajaur Agency

نور یوسف
سید

2103-2303032-5

1-3-2016

Certified to be
True Copy



18

Annexure

"K"

درخواستیں مطلوبہ ہیں

حکومت تعلیم اجزاء ایجنسی میں سرکاری سکولوں میں بی بی ای ای کی تعلیم کے لیے طلبہ کی کٹنگ کے لیے درخواستیں قبول کی گئی ہیں۔ درخواستیں 10/12/2012 سے 17/12/2012 تک ایجنسی کے سرکاری سکولوں میں جمع کروائی جائیں گی۔

شرائط: (1) تقریباً ریکارڈ بنیادوں پر ہوگی لیکن پٹن اور گریڈ کے حوالہ سے۔ (2) بی بی ای کی تعلیم کے لیے طلبہ کی کٹنگ کے لیے درخواستیں 18 سے 35 سال کے درمیان ہونی چاہئیں۔ (3) درخواستیں طلبہ کے لیے ہونی چاہئیں۔ (4) درخواستیں طلبہ کے لیے ہونی چاہئیں۔ (5) درخواستیں طلبہ کے لیے ہونی چاہئیں۔ (6) درخواستیں طلبہ کے لیے ہونی چاہئیں۔ (7) درخواستیں طلبہ کے لیے ہونی چاہئیں۔ (8) درخواستیں طلبہ کے لیے ہونی چاہئیں۔ (9) درخواستیں طلبہ کے لیے ہونی چاہئیں۔

نمبر شمار	تاریخ شروع	تاریخ اختتام	تاریخ شروع	تاریخ اختتام	موضوع
1	10/12/2012	9/12/2012	10/12/2012	9/12/2012	بی بی ای (بی بی ایس - 15)
2					بی بی ای (بی بی ایس - 14)
3	12/12/2012	11/12/2012			بی بی ای (بی بی ایس - 9)
4	18/12/2012	15/12/2012			بی بی ای (بی بی ایس - 9)
5					بی بی ای (بی بی ایس - 9)
6	18/12/2012	17/12/2012			بی بی ای (بی بی ایس - 9)
7					بی بی ای (بی بی ایس - 9)

المشتر: عبدالحق انچارج ایجنسی ایجوکیشن آفیسر باجوڑ ایجنسی

عبدالحق انچارج

Certified to be True Copy

Keep in record file

31/12/2011

19
BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MALAKAND (CHAKDARA) KHYBER PAKHTUNKHWA PAKISTAN



SECONDARY SCHOOL CERTIFICATE
 EXAMINATION

(3) (7)

Annexure 1/2

S.No. MB

SESSION ANNUAL 2011

Roll No. 64845

Group: Humanities

Noor Yousaf Son/Daughter of Abdul Wakeel
 Private Candidate of Bajaur Agency

appeared as _____
 has secured the marks shown against each subject, in the Secondary School Certificate Examination held in the month of March The Examination was taken as a whole.

Subject	Marks	MARKS OBTAINED				Total	In Words
		9th		10th			
		Theory	Pract	Theory	Pract		
1. English	150	28	—	26	—	54	Fifty-Four
2. Urdu	150	44	—	34	—	78	Seventy-Eight
3. Islamiat (Comp)	75	35	—	—	—	30	Thirty
4. Pakistan Studies	75	—	—	25	—	25	Twenty-Five
5. General Science	150	46	—	27	—	73	Seventy-Three
6. Mathematics	150	32	—	33	—	65	Sixty-Five
7. Islamic Studies	150	37	—	39	—	76	Seventy-Six
8. Pashto	150	41	—	37	—	78	Seventy-Eight
Total = 1050						479.0	Four Hundred Seventy-Nine

Result Verified

Controller Signed

Controller

Board of Intermediate & Secondary Education Malakand Chakdara

D.O.B: (03-APR-88), Third April, Nineteen Hundred Eighty-Eight

Checked By: [Signature]

Note: Errors / Omissions, excepted; Any mistake in the above particulars must be intimated within 30 days after receiving the above certificate.
 Computer Cell BISE, Malakand

Print Date: Tuesday June 7, 2011 Result Date: Saturday June 11, 2011

[Signature]
 Controller of Examinations
 B.I.S.E. Malakand

Certified to be
 True Copy

20

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION MALAKAND

Khyber Pakhtunkhwa, Pakistan

DETAILED MARKS & PROVISIONAL CERTIFICATE

HIGHER SECONDARY SCHOOL CERTIFICATE EXAMINATION



S.No.MB 13170

Reg. No. 47915-B/MKD-2012

INTERMEDIATE (SUPPLY PART-II) EXAMINATION,2015

Roll No: 6547
Group: Humanities

Noor Yousaf Son of Abdul Wakeel

appeared as Private Candidate of Bajaur Agency

has secured the marks shown against each subject in the Higher Secondary School Certificate Examination held in the month of October The Examination was taken in parts.

Subjects	Marks	Marks Obtained				Total	Marks in Words
		Part-I		Part-II			
		Theory	Pract	Theory	Pract		
English	200	35	-	38	-	73	Seventy-Three
Urdu	200	55	-	47	-	102	One Hundred Two
Islamic Education	50	30	-	-	-	30	Thirty Only
Pakistan Studies	50	-	-	25	-	25	Twenty-Five
Civics	200	45	-	37	-	82	Eighty-Two
Islamic Studies	200	60	-	63	-	123	One Hundred Twenty-Three
Pashto	200	51	-	40	-	91	Ninety-One

Total : 1100

Marks : 526-D Five Hundred Twenty-Six Only

Remarks :

Checked By : [Signature]

Note: Errors / Omissions excepted. Any mistake in Name etc must be intimated within 30 days after receiving the above certificate.

Computer Cell BISE, Malakand.

Print Date : 04:December:2015

Certified to be
True Copy

[Signature]

Controller of Examinations
B.I.S.E, Malakand.

Result Verified
12-02-16
Assistant Controller
Secrecy
Board of Inter & Secondary
Education Malakand

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

383492 تسمیہ کی کتابی سچے سچے بزرگے جملہ آرائش



حفظ القرآن الکریم

الحمد لله رب العالمین والصلوة والسلام علی کل خاتم النبیین، سیدنا محمد وعلى اله وصحبه اجمعین، وبعد:

تتهدى رعا سعة رضى ان لا ارضى الا لرضى اللهيمة بجا كنان، بان الطالب نور يوسف

بن مولوى عبدالوکیل خان من باجوڑ ايجنسى المولود في عام 03-04-1988 - قد حفظ القرآن الکریم كاملاً

بظهر القلب مع التهجويد في جامعه قاسم العلوم باجوڑ ايجنسى عام 2016م - وبج في اجنسى

المعظ المنعقد تحت اشراف وفاق المدارس العربیة بمغلیہ خانہ ممتاز وبسآ علی ذلك وترجم لیس الوراق منحه شہادة

حفظ القرآن الکریم ورئيس الوراق اذ یمتحن هذه الشهادة بوصفه بتمقوى الله عز وجل، وأن يتعاهد القرآن الکریم بتدوینہ

اتحاد الیسيل واصطاف التبار، وان یعمل بتعالیه، وان یعمله بحیرة، والله الموفق

بجوڑ ايجنسى

الوراق

مدير الوراق

الوراق الوراق

بجوڑ ايجنسى

محمد اسحاق



18-05-2016

الوراق

الوراق

الوراق

الوراق

39915

بجوڑ ايجنسى

1437039363

بجوڑ ايجنسى

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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010457



شهادة

الثانوية الخاصة

في اللغة العربية والاسلام والادب العربي

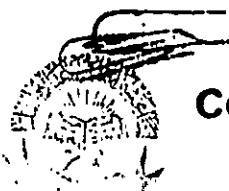


الحمد لله رب العالمين. والصلوة والسلام على خاتم الانبياء والمرسلين، وعلى آله وصحبه أجمعين. اما بعد، فان رئاسة
 وفاق المدارس العربية بباكستان، تشهد بان الطالب نور يوسف بن عبد الوكيل من باجوڑ اجنسى
 المولود في عام 03-04-1988. قد أتم دراسة الثانوية الخاصة في جامعه مدينه العلوم
 تحت إشراف وفاق المدارس العربية بباكستان في شعبان 1429هـ بتقدير مقبول. وبذلك استحق الشهادة
 ورئيس الوفاق اذ يمنحه هذه الشهادة يوصيه بتقوى الله تعالى. ويسأل الله عز وجل ان يسلك به سبيل العلماء العاملين

23



مدير
 جامعة مدينه العلوم



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رقم التسجيل 1427-05-004898

رقم الجلوس 8587

الدرجات 274/10

محل الإصدار (الجامعة العربية بباكستان)

التاريخ 01-09-2008

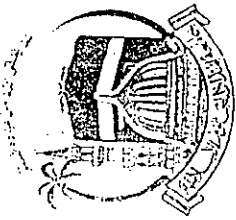
بسم الله الرحمن الرحيم

جامعة امداد العلوم للاسلامية

مدينة بنساور - باكستان

الدراسة العالمية

في العلوم العربية والدراسات الاسلامية العليا



الحمد لله رب العالمين، والصلاة والسلام على قائد الغر المحجلين سيدنا محمد وآله وصحبه ومن تعيهم باحسان الى يوم الدين .
 وبعد، فان جامعة امداد العلوم للاسلامية بمدنية بنساور من اخذى الجامعات الاسلامية الكبرى في باكستان التي تقوم بمهمة تدريس العلوم الاسلامية ونشرها وتربية جيل صالح من المتخرجين كل عام، وقد التحق بها اخوتنا في الله... ب. بوري يوسف...
 المولود عام... 01/10/1979 وقد نجح في الاختبار النهائي المنعقد في... 19/7/1432... بتقدير جيد... واستحق الشهادة العالمية في العلوم العربية والدراسات الاسلامية العليا. وهذه الشهادة توصيه بتقوى الله سبحانه وتعالى، واتباع ما عليه جميعهم: اهل السنة والجماعة، والقيام بواجبه الديني والمواطن، وشرح معاني الآثار والتفاهل الفردي والموطن، والله تعالى يوفقه وياتنا جميعا.

الكتب الدراسية التي قرأها الطالب

المصححان للامام البخاري ومسلم والشيخ الأديب

والمواطن، وشرح معاني الآثار والتفاهل الفردي

توقيعات المشايخ

الشيخ ابراهيم نقيب الله

سید البرهان

عبد الرحمن

رجسٹریشن نمبر سیکورٹ پاکستان (1983) 2488/5/522

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رقم التسجيل 1183

رقم الشهادة 6538

الرقم 335/600



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

جامعة اربيل للعلوم الإسلامية



٧٨ شارع مال مدينة بوشاور - باكستان

كف الدرجات

19/7/1432

للملاخبة السنوية المنعقدة في

الدرجة دورة الحديث

1183

رقم التسجيل

مولوي عبدالوكيل

اسم الوالد

نور يوسف

اسم الطالب

01/01/1979

تاريخ الميلاد

باجو اجنسي

المديرية

يشهد قسم الاختبارات بالجامعة بان الطالب المذكور اعلاه قد اشترك في

الامتحان السنوي في المواد والكتب المقررة في المنهج وكانت النتيجة كالتالي:

اسم الكتاب	ارقام	اسم الكتاب	ارقام	اسم الكتاب	ارقام	الجموع
ابوداود كتاب	63	بدر كتاب	50			335
ترمذي كتاب	69	لعنوي مع مولانين	43			التقدير
سنن مع شمس	55	اسم كتاب	50	الايوسط	55.83	جود

توقيع الامتحانات

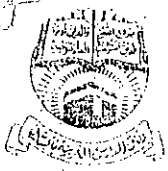
توقيع المدير



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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

وفاق المدارس العربیة
پاکستان

کشف الدرجات

ادارة الشؤون التعليمية في العلوم الإسلامية والعربية (ايفك)



رقم الترخيص: 8587
رقم التسجيل: 1427-05-004898
تاریخ الترخيص: 29/04/2008

اسم الطالب: نور يوسف
اسم الوالد: عبد الوکیل

تاریخ الميلاد: 03-04-1988

اسم الجامعة / المدرسة: جامعة مدينة العلوم
گازون ٹویک ڈاکخانہ عنایت کے خار باجوڑ ایجنسی

الحاق نمبر: 03445

الدرجات	المادة	الدرجات	المادة
40	التحوي	41	التفسير والحديث
40	الادب العربي	65	الفقه
40	النطق والبلاغة	48	اصول الفقه

الدرجة الشاغرة: 40 - الدرجة الكبرى: 100 - مجموع الدرجات: 100 - الدرجات المتحصلة: 274

تشهد إدارة وفاق المدارس العربیة أن الطالب المذكور اعلاء قد نجح في امتحان الشهادة الثانوية الخاصة

مقبول

توقيع مراقب الامتحان



المكتب الرئيسي: ملتان

التاريخ: 01-09-2008

Certified to be
True Copy

الحمد لله رب العالمين

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

013-11

وما أرسلناك إلا رحمة للعالمين

هُوَ الْمُسْتَعَانُ

سَيِّدُ الْفُلَانِ مِنْ جَامِعَةِ حِفْظِ الْقُرْآنِ وَالتَّجْوِيدِ بِشَاوَرٍ

أَلْحَمْدُ لِلَّهِ مُحَمَّدًا وَ نَسْتَعِينُهُ وَ نَسْتَغْفِرُهُ وَ نُؤْمِنُ بِهِ وَ نَتَوَكَّلُ عَلَيْهِ وَ نَعُوذُ بِاللَّهِ مِنْ شُرُورِ
أَنْفُسِنَا وَ مِنْ سَيِّئَاتِ أَعْمَالِنَا مَنْ يَهْدِهِ اللَّهُ فَلَا ضَلَالَةَ لَهُ وَ مَنْ يَضِلَّهُ فَلَا هَادِيَ لَهُ وَ نَشْهَدُ
أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَ حُدَاةَ لَا شَرِيكَ لَهُ وَ نَشْهَدُ بِإِسْلَامِنَا وَ نَبِيِّنَا وَ مَوْلَانَا مُحَمَّدًا عَبْدَهُ
وَ رَسُولَهُ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَ عَلَى آلِهِ وَ أَصْحَابِهِ وَ اتَّيْنَهُمُ الْكِتَابَ يَتْلُونَهُ حَقَّ تِلَاوَتِهِ أُولَئِكَ
الْمُخَاسِرُونَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَ آلِهِ وَ سَلَّمَ إِنَّ فِي الْقُرْآنِ لَعِزَّةً لِكُلِّ عَزِيزٍ وَ قُرْآنٌ
أَنْ أَفْضَلَ لَكُمْ مَنْ تَعَلَّمَ الْقُرْآنَ وَ عَلَّمَهُ: أَمَا بَعْدُ: لَعَلَّكُمْ تَتَّقُونَ وَ قُرْآنٌ وَ قِرَاءَتُهُ مِنْ مِهْمَاتِ الدِّينِ
فَلَا بُدَّ لِكُلِّ مُسْلِمٍ أَنْ يَشْتَعِلَ فِيهَا وَ أَنْ لَا يَضْرِفَ عُمُرَهُ فِيهَا لَا يُغَيِّرُ وَ بِحَمْدِهِ اللَّهُ وَ تَوْفِيقِهِ
قَدْ قَرَأَ مِنْهُ وَ اسَاطِيحُ حَافِظُ قَارِي بْنِ نُورِ بُونِ مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ جَانٍ مِنْ مِضَافَاتِ بَاجُورِ فِي سَنَةِ 1416

ناظره
حفظ

عِنْدَ الْعَبْدِ الْمُسْكِينِ الْقَارِي عَبْدِ السَّيِّعِ عَفِي عَنْهُ وَ قَرَأَ أَبُو الْحَفَاطِ الْقَارِي عَبْدُ السَّلَامِ
رَحْمَةُ اللَّهِ تَعَالَى قَرَأَ عَلَى الْقَارِي الْقُرْآنِي شَمْسِ الدِّينِ رَحِمَهُ اللَّهُ تَعَالَى أَوَّلَ خَطِيبٍ فِي مَسْجِدِ
وَرِيْرِ خَانَ لَاهُورِ وَ بَعْدَهُ مَيِّمَنُ مَسْجِدِ بَمْبِي بِالْهِنْدِ قَرَأَ أُسْتَاذُ الْقُرْآنِ شَمْسُ الْعُلَمَاءِ قَارِي
عَبْدَ اللَّهِ الْبَكِّي رَحِمَهُ اللَّهُ تَعَالَى مَدْرَسَةُ صَوْلِيَّةَ مَكَّةَ الْمُكْرَمَةَ فِي جَامِعَةِ حِفْظِ الْقُرْآنِ
وَ التَّجْوِيدِ "رَجِسْتَرْد" بِشَاوَرٍ فِي الْوَاقِعِ جَامِعِ مَسْجِدِ حَاجِي طُورَه قُلِّ بَابِي فِي بَلَدَةِ بِشَاوَرِ
بَاكِسْتَانِ -

30 ذيقعدة 1416

Certificate to be
True Copy

صحة المبارک

دستخط مهتم
الرئيس

19-4/1996/

تاریخ

دستخط مدرسين و ممتحن صاحبان

جنتی اللہی الطیبہ الحسینہ

التاریخ

18.02.1994

رقم المسجل

13

مکتبہ القرآن میڈیا خان (مرکز) لاہور

مشہد کتابتہ

خط القرآن الکریم

Certified True Copy

من مدرسہ تدریس القرآن میان خان (سردان) پاکستان

بجملہ و الصلوٰۃ والسلام علی خاتم الرسل وعلیٰ آلہ واصحابہ الذین ہم خلائد
العباد وخیر المخلوق بکمد الانبیاء وبعثت تشهد الجامعة مدرسۃ تدریس القرآن میان خان بان الروح
البار الحافظ نور بیوسف بن عبدلکیل جان المتوطن پاکستان من مضائق باجوڑ
تد حفظ القرآن الکریم کاملاً ونظماً من الغیب بفضل اللہ وکریمہ ص فی مکاتبة تکریم القرآن وفاز فی اخذ العفظ واعلمنا
هذه الباقاة لتكون له شهادة مع الوصية بتقوى الله والمواظبة بآدق القرآن وتعلمها به غيره - والله الموفق والسعيد

امضاء آیت

الاساتذة العلم

الدرجات 92

طبعة المدرسة



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

وفاق المدارس العربية
باكستان

كشف الدرجات

امتحان الشهادة الثانوية العامة في العلوم الإسلامية والعربية (مترك)

عام ١٤٢٦ هـ
2006 م

رقم التسجيل 1427-05-004898 رقم الجلوس 8679

اسم الطالب نور يوسف اسم القوالد عبدالوکیل

المديونية باجوڑ ایجنسی تاریخ الميلاد ١٣٠٥-٨-١٣ هـ

03-04-1988 م

اسم الجامعة/ المدرسة جامعة مدينة العلوم

الحاق نمبر 03445 آڈن نوکے ڈاکھانہ عنایت کھ ظر باجوڑ ایجنسی

الذکرت	المکاة	الذکرت	المکاة
27	الصرف	٤١	التفسير والتجويد
70	النحو	٤١	الحديث والأدب العربي
30	المنطق	٤١	الفقه
261	مجموع الذکرات ٦٠- الذکرات المحصلة		الذکرة الصغرى ٤٠- الذکرة

شهادة إدارة وفاق المدارس العربية

بتقدير مقبول

المكتب الرئيسي ملتان

توقيع مراقب الامتحان

الشع

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



وفاق المدارس العربية
باكس

كلمة شكر

امتحان الشهادة التي ذمة الخاصة في العلوم الإسلامية والعربية (إيفك)

٢٩ - ١٤

رقم التسجيل 8587

رقم التسجيل 898

رقم الخطة 8587

اسم الطالب

اسم الطالب عبد الوكيل

المديرية باجوز ايجسي

تاريخ الميلاد 03-04-1988

اسم الجامعة / المدرسة جامعته مدينه العلوم

الحاق نمبر 03445

كافون نويكك ذالك خانه عنابت كخ خار باجوز ايجسي

الدرجة	المادة	الدرجة	المادة
40	السنحو	41	التفسير والحديث
40	الادب العربي	65	الفقه
40	المنطق والبلاغة	48	اصول الفقه

الدرجة الصغرى ٤٠ - الدرجة الكبرى ١٠٠ - مجموع الدرجات ٦٠٠ - الدرجات المحصلة 274

تشهد إدارة وفاق المدارس العربية أن الطالب المذكور أعلاه قد نجح في امتحان الشهادة الثانوية الخاصة

مقبول

بتقدير

توقيع مراقب الامتحان

المكتب الرئيسي ملتان

01-09-2008

الشارح

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قائم شدہ ۱۳۵۲ھ 33

سیریل نمبر

جامعہ حفظ القرآن و تجوید رجسٹرڈ پشاور

جامع مسجد حاجی طور قل بابائے بخاری ہسپتال روڈ پشاور (پاکستان) فون

سند نمبر 013-M 135

تاریخ ۱۹-۴-۱۹۹۶

نام حافظہ قاری ولدیت: مولوی عبدالوکیل خان ۱۳۱۴ھ

پتہ: تحصیل جھم خارا جھوڑا مجلسی تاریخ اجراء سند ۱۳۵۲ھ

حصہ المبارک

مضامین	کل نمبر	حاصل کردہ نمبر
یسرنا القرآن شریف	100	۹۵
حفظ القرآن کریم	100	۸۹
تجوید القرآن	100	۹۱
جمال القرآن	100	۸۸
فوائد کیسے	100	۹۵
مشق وحدار	100	۹۵
دو دیگر امتیازی نمبر	100	۸۹
ٹوٹل نمبر	700	627

مہتمم

درجہ

دستخط مہتمم دہر

دستخط مدرس دہر

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(For use in Police Department only)

34

Annexure
"M"

Heirs:-

1. (Pass) SSC exam session 2011 (A) under roll no. 64845
from BISE Malakand O/marks 479/1050-

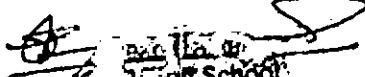
(2) مدرس تدریس القرآن میاں خان (نمبر 64) شماره حفا القرآن الکریم

3. استناداً به امتحان تدریس العامة وفاق المدارس العربیة بالستان

رقم الجلوس - 4879 عام 2006 الدرجة المحقة - 361/600
received back.


4. استناداً به الترتیب العامة وفاق المدارس العربیة بالستان

رقم الجلوس 2587 عام 2008 الدرجة المحقة - 374/600


Head Master
G.H.S. Bajaur Agency

Left Thumb-Impression

4. (Pass) (FA) exam session 2015 (S) under roll number
from BISE Malakand O/M = 586/1100/-


HEAD MASTER
G.H.S. 11002
Bajaur Agency

Qualifications	Date	Qualifications	Date
English		First Arts	
Pushto		E.L. or B.A.	
Urdu		Pledership examination	
Plan-Drawing		Training School Final Examination	
Finger Print		Other Qualifications:-	
Drill Instructing			
Court Duties			
Reserve Duties			

N.B. - Line to be drawn under the qualification possessed.

SP 

The entries in this page should be renewed or re-attested at least every five years and the Signature to 10 should be dated.

1. Name: Noor Yusaf

2. Race: Muslim

3. Residence: Village Teh. Khir Bayur Agency


4. Father's name and residence: Abdul Wakil


5. Date of birth by Christian era as nearly as can be ascertained: 03/04/1988

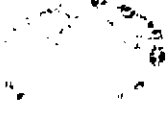
6. Exact height by measurement: 5-8"

7. Personal marks for identification: Black mole on forehead

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger 

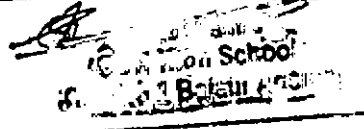
Ring Finger 

Middle Finger 

Fore Finger 

Thumb 

9. Signature of Government Servant 

10. Signature and Designation of the Head of the Office, or other attesting Officer. 

Certified to be True Copy

1	2	3	4	5	6	7
	Whether substantive or officiating and whether permanent or temporary	If Officiating state (i) Substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	<u>36</u> Date of Appointment

Govt. H.S. Khar No. 2

(P.P.S.-No-12 7800-500-32000)

7000/- P.M. 25/5/2013

7500/- 1/12/2013

8000/- 1/1/2014

Dismissed from his service
 from the date of his
 appointment vide AEO
 Bajaur Endst. No 1971 -
 dated 02.10.2015

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Head Master
 Gov. H.S. Khar No 2
 3.10.2013

Re-Instatement order

Re-Instated w.e.f. from the
 date of dismissal vide AEO
 Endst. No 2069-72 dated 12.11.2015

Head Master
 Gov. High School
 Khar No 2 Bajaur Agency

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.639/2016

Noor Yousaf Ex-Qari GHS NO 2 Khar Bajaur AgencyAppellant.

Versus

1. Director of Education FATA.

2. Agency Education Officer Bajaur.....Respondents.

Para-wise comments on behalf of respondents No.1 and 2

Respectfully sheweth

Preliminary objections

1. That the appellant has got no cause of action to file the instant appeal.
2. That the appellant has not come to this honorable tribunal with clean hands.
3. That the appellant has concealed material facts from this honorable tribunal.
4. That the appellant is estopped by his own conduct to bring the present appeal.
5. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the instance appeal is not maintainable and devoid of merits.

On facts.

1. No. comments pertain to record.
2. **Incorrect:** the SSC certificate of the appellant is found fake as a result of verification from BISE Malakand vide letter No.6175/Secrecy/22- BIE- Mkd dated 1/10/2015/. Copy attached (Annexure (A) & (B) respectively.
3. **Incorrect:** The appellant is defaulter in the eye of law and involved in the forgery as he produced fake/ bogus certificate before the respondent department. In order to get himself appointed through illegal means, when the document of the appellant was subject to proper verification from the concerned Board, his SSC Certificate was found bogus/fake. Copy of verification report and fake DMC certificate is attached
4. **Incorrect:** as elucidated above.
5. **Incorrect:** as explain in Para No.2. Above.
6. **Incorrect:** The respondent NO 2 was under an obligation to withdraw an illegal order as the appellant was defaulter in the eye of law and his reinstatement could become a flood gate for all those similar persons like the appellant.
7. **Incorrect:** as explain in Para No.6 above.
8. **Incorrect:** However detail reply of grounds is as under.

Grounds:

- A. **Incorrect:** On account of fake certificate the appellant is not entitled for Government Service /benefits.
- B. **Incorrect:** The SSC certificate of the appellant is fake on account of verification from BISE Malakand vide letter No.6175/Secrecy/22- BIE- Mkd dated 1/10/2015.
- C. **Incorrect:** as explain Para B above.
- D. **Incorrect:** hence denied.
- E. **In correct:** all Government employees are bound to perform their duties according to rules/ terms & conditions mentioned in the appointment order of the appellant.
- F. **Incorrect:** as explain Para B above.
- G. **Incorrect:** Services of the appellant has been dismissed by the competent authority in the interest of public and for the smooth running of the department.
- H. No comments pertain to record.
- I. **Incorrect:** the appellant is not entitled for any benefits on the basis of fake SSC Certificate.
- J. Respondents are also seeks permission to advance other ground and proofs at the time of arguments.

In the light of above explained position it is humbly prayed that the appeal may very kindly be dismissed having no force.

Respondent No.1


Director Education FATA.

Respondent No.2


Agency Education Officer
Bajaur Agency

AFFIDAVIT

We the above respondents do hereby declare and affirm that the above comments are true and correct to the behest of our knowledge and nothing has been concealed from this Honorable Tribunal.

Respondent No.1


Director Education FATA.

Respondent No.2


Agency Education Officer
Bajaur Agency

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION MALAKAND

No. 675/Secrecy/BISE-Mkd

Dated: 01/10/2015

To

The Agency Education Officer
Bajaur Agency at Khar


Subject: **VERIFICATION**

Memo:

Reference your letter No.1499 dated 29-09-2015 on the subject cited above.

In this regard it is stated that the DMC in respect of Mr. Noor Yousaf S/O Abdul Wakeel bearing R.No: 64845 Session SSC/A/2011 checked and found **Bogus/Fake** which is not tally with Board Secrecy record.

Therefore the document forwarded in your honour for necessary action at your end.

For 
CONTROLLER OF EXAMINATIONS
BISE, MALAKAND



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MALAKAND (CHAKDARA) KHYBER PAKHTUNKHWA PAKISTAN**

NEW **EXAMINATION**
INTERMEDIATE



S.No.MB 023075

SESSION ANNUAL 2011

Roll No: 64845

Group: Humanities

Neor Yousaf

Son/Daughter of Abdul Wakeel

appeared as

Private Candidate of Bajaur Agency

has secured the marks shown against each subject, in the Secondary School Certificate Examination held in the months of March The Examination was taken as a whole.

Subject	Marks	MARKS OBTAINED					
		9Th		10Th		Total	In Words
		Theory	Pract	Theory	Pract		
1. English		45	--	41	--	86	Eighty-Six
2. Urdu	150	56	--	58	--	114	One Hundred Fourteen
3. Islamiat (Comp)	75	66	--	--	--	66	Sixty-Six
4. Pakistan Studies	75	--	--	39	--	39	Thirty-Nine
5. General Science	150	55	--	53	--	108	One Hundred Eight
6. Mathematics	150	49	--	60	--	109	One Hundred Nine
7. Islamic Studies	150	70	--	69	--	139	One Hundred Thirty-Nine
8. Pashto	150	49	--	46	--	95	Ninety-Five
Total = 1050						Marks <u>756-A</u>	Seven Hundred Fifty-Six
						Remarks	

D.O.B: (03-APR-88), Third, April, Ninteen Hundred Eighty-Eight

Checked By: [Signature]

Note: Errors / Omissions excepted. Any mistake in the above particulars must be intimated within 30 days after receiving the above certificate.
Computer Cell BISE, Malakand

[Signature]
Controller of Examinations
B.I.S.E, Malakand

Print Date: Tuesday June 7, 2011 Result Date: Saturday June 11, 2011

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

IN RE; SERVICE APPEAL NO.639\016

Noor Yousaf.....Appellant

VERSUS

Director of Education FATA and others.....Respondents

Rejoinder on Behalf of Appellant to the reply of Respondents

Respectively Sheweth;

Preliminary Objections;

All the preliminary objections are wrong and have been taken as a routine because it has not been explained how the appeal is not maintainable and appellant has got no cause of action. The appeal is very much maintainable and the appellant has come to this honorable tribunal with clean hands. The appellant has not concealed any facts from the honorable tribunal and the appellant is not estopped to file the appeal. There is no mis-joinder and non-joinder of necessary of necessary parties.

Facts:

1. Para-1of the reply needs to reply.
2. Para-2 of the rejoinder is wrong and incorrect. The appellant suffered due to quarrels between two Ex-Directors. Logically when the appellant was qualified and eligible for the post of Qari in accordance with his marks i.e. 479 being the criteria set out in the advertisement then why he would have tempered his marks by enhancing it. Even during interview the original documents of the appellant were checked. However for the satisfaction of this honorable tribunal the appellant has recently again verified his DMC from the concerned Board. At the time of applying for the post the appellant filed attested copy of the DMC showing 479 marks with his documents but the same has not been sent to the concerned board and now the attested copy has not been appended with comments. Copy of the DMC is attached as annexure-A.
3. Para-3 is wrong and incorrect. Detail rejoinder has been given in Para-2 above.
- 4&5. Paras-4&5 of the Para-wise are wrong and incorrect and Paras-4&5 of the appeal are reiterated.

6. Para-6 of the reply is incorrect. The appellant was earlier dismissed on the same ground and then was reinstated in service. The Head Master of the school concerned verified the documents of the appellant from concerned Board and entry in his service Book was entered to this effect.

7&8. Para-7&8 of the reply are wrong and incorrect and the appellant was wrongly terminated from service again on the same grounds and no show cause notice was issued to the appellant.

Grounds:

A. Ground-A of the reply is incorrect and Ground-A of the appeal is reiterated.

B. Ground-B of the reply is incorrect and also misleading. The appellant has again verified his DMC from the concerned Board. Ground-B of the appeal is also reiterated.

C&D. Ground-C&D of the reply is incorrect and detail rejoinder has been given in foregoing paras.

E. Ground-E of the reply is incorrect. The appellant was performing his duties in accordance with rules/terms and conditions mentioned in his appointment order. Ground-E of the appeal is also reiterated.

F. Ground-F of the reply is incorrect and detail rejoinder has been given in foregoing paras.

G. Ground-G of the reply is incorrect. The appellant was illegally terminated from service.

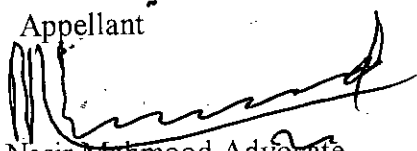
H. Ground-H of the reply needs no rejoinder.

I. Ground-I is wrong and incorrect. The appellant has not done wrong which would disentitle him from service.

J. Ground-J of the appeal is reiterated.

It is, therefore, respectfully prayed that on acceptance of this rejoinder and the facts mentioned in the appeal, the appeal may kindly be accepted.

Through

نامہ دار ایوسف
Appellant

Nasir Mahmood Advocate
Supreme Court of Pakistan
13-D Haroon Mansion Peshawar

Affidavit

I, do hereby declare, and affirm on oath that the contents of above rejoinder are true and correct to the best my knowledge and belief and nothing has been concealed from this hon'ble court.

نامہ دار ایوسف
Deponent

ATTESTED

MEHER GUL Advocate
Oath Commissioner
Licence: 13678-79
Nic: 17201-2994101-9
Mob: 0306-2951781
Reg No: 14/3/17



**BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
MALAKAND (CHAKDARA) KHYBER PAKHTUNKHWA PAKISTAN**

DETAILED MARKS & PROVISIONAL CERTIFICATE



S.No.MB 029070

SESSION ANNUAL 2011

Roll No: 64845

Group: Humanities

Noor Yousaf Son/Daughter of Abdul Wakeel

appeared as Private Candidate of Bajaur Agency

has secured the marks shown against each subject, in the Secondary School Certificate Examination held in the months of March The Examination was taken as a whole.

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3. Islamiat (Comp)	75	30	--	--	--	30	Thirty Only
4. Pakistan Studies	75	--	--	25	--	25	Twenty-Five
5. General Science	150	46	--	27	--	73	Seventy-Three
6. Mathematics	150	32	--	33	--	65	Sixty-Five
7. Islamic Studies	150	37	--	39	--	76	Seventy-Six
8. Pash'o	150	41	--	37	--	78	Seventy-Eight
Total = 1050						Marks	479-D Four Hundred Seventy-Nine
						Remarks	

D.O.B: (03-APR-88), Third, April, Nineteen Hundred Eighty-Eight

Checked By: [Signature]

Note: Errors / Omissions excepted. Any mistake in the above particulars must be intimated within 30 days after receiving the above certificate.
Computer Cell BISE, Malakand

Print Date: Tuesday June 7, 2011 Result Date: Saturday June 11, 2011

Result Verified

[Signature]
Assistant Controller

Assistant Controller
(Enclosure)

Board of Inter. & Secondary Education Malakand

[Signature]

Controller of Examinations
B.I.S.E, Malakand