

BEFORE THE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

5808/20
S.A No. ~~5799~~/2020

Aleem Ullah

.....Petitioner

VERSUS

Secretary Elementary & Secondary Education KPK and other

.....Respondents

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Through
Petitioner


Muhammad Yahya Khan
Advocate High Court.

Date: 18.01.2024

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

پاکستان پشاور سروس ٹریبونل

5808/20

S.A No. 5799/2020

Registry No. 10643

Dated 18-1-2024

Aleem UllahPetitioners

VERSUS

Secretary Elementary & Secondary Education KPK & Others
.....Respondents

APPLICATION FOR PLACING ON FILE THE
DOCUMENTS (1) COC PETITION NO.111-
B/2016 (2) W.P NO.387-B/2015 (3) W.P NO.138-
B/2014 OF THE HONOURABLE PESHAWAR
HIGH COURT BANNU BENCH.

Respectfully Sheweth:

1. That the above caption appeal is pending adjudication before this Honorable Court and is fixed for 31/01/2024.
2. That this Hon'ble tribunal directed the appellant to submit copies of (1) COC petition no.111-b/2016 (2) W.P No.387-b/2015 (3) W.P No.138-b/2014 of the Hon'ble Peshawar high court Bannu bench, therefore the applicant submitted the same for placing on file.
3. That placing of the annexed documents is indispensable in the best interest of justice.(Copies of additional documents are annexed as Annexure "A, B & C")

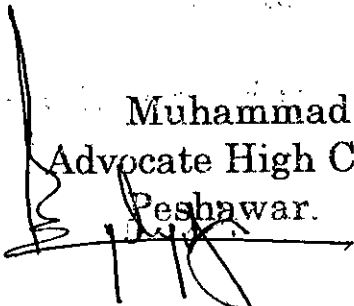
It is, therefore, humbly prayed that on acceptance of the instant application, the annexed documents may graciously be placed on Main file of service appeal No.5799/2020 in the best interest of justice,

Petitioners/Applicants

Through

Dated 18.01.2024

Muhammad Yahya Khan
Advocate High Court
Peshawar.



(2)

**IN THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR**

S.A No.5799/2020


Aleem UllahPetitioners

VERSUS

Secretary Elementary & Secondary Education KPK & Others
.....Respondents

AFFIDAVIT

I, Aleem Ullah Applicant/Appellant do hereby solemnly affirm and declare on oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Deponent

21606-4122701-5

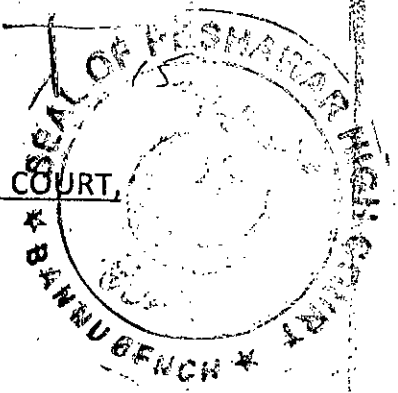
ATTESTED

18/11/2020



Annexure "A"
(3)

BEFORE THE HON'BLE PESHAWAR HIGH COURT,
BANNU BENCH



C.O.C PETITION NO. 111-B/2016

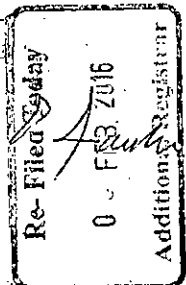
In

WRIT PETITION No. 138-B OF 2014, 408-B OF 2013 AND 387-B OF 2015.

MEMO OF ADDRESS.

Muhammad

1. Aleem Ullah S/O Ghazi Mariap PET R/O Chashma Tehsil Miranshah. N.W.A
2. Mst. Eram Nabi D/O Hazrat Nabi PET R/O Chashma Tehsil Miranshah. N.W.A
3. Rafiq Ullah S/O Mir Ajam Khan C.T R/O Malangan Tehsil Mir Ali. N.W.A
4. Dilwar Jan S/O Dilbar Jan CT R/O Palangzai Tehsil Miranshah. N.W.A
5. Abid Ur Rehman S/O Sahar Gul PET R/O Khuzai Darpa Khel Miranshah. N.W.A
6. Muhammad Usman S/O Samandar Khan TT/AT R/O Tappi Miranshah. N.W.A
7. Ghani Ullah S/O Ali Bahadur TT/AT R/O Tappi Miranshah. N.W.A
8. Ragebullah S/O Shamaraz Khan TT. R/O Mubarak Shahi Tehsil Mir Ali N.W.A
9. Nazar Ur Rehman S/O Sheroz Gul DM R/O Eppi Tehsil Mir Ali. N.W.A
10. Noor Aftab S/O Nek Zaman DM R/O Chashma Tehsil Miranshah. N.W.A
11. Zahid Ullah S/O Gul Zali Khan DM R/O Miranshah Kala Tehsil Miranshah. N.W.A
12. Wali Ullah S/O Mir Ajam Khan I.T (Lab Incharge) R/O Miranshah Kala Tehsil N.W.A
Miranshah. N.W.A
13. Bad Shah Zar S/O Syed Rouf C.T R/O Gurbaz Tehsil Ghulam Khan. N.W.A
14. Aswan Ullah S/O Bakht Ali Khan DM R/O Haider Khel Tehsil Mir Ali. N.W.A
15. Banaras Khan S/O Hukam Khan DM R/O Bora Khel Mir Ali. N.W.A
16. Zabab Ullah S/O Izat Khan CT IT (Lab Incharge) R/O Palangzai Miranshah. N.W.A
17. Fazal Wali S/O Jalil Khan C.T R/O Eppi Tehsil Mir Ali. N.W.A
18. Suleman Khan S/O Gul-Nawaaz Khan DM R/O Miransh Kala Miranshah. N.W.A
19. Kaleem Ullah S/O Nek Nawaz TT/AT R/O Data Khel Razmak. N.W.A
20. Hussain Ullah S/O Khaki Ur Rehman CT R/O Haider Khel Tehsil Mir Ali. N.W.A
21. Hakameen Khan S/O Ismail Khan CT R/O Tappi Tehsil Miranshah. N.W.A
22. Sher Ahmad S/O Ilyas Khan CT R/O Khushali Tehsil Razmak. N.W.A
23. Noor Muhammad S/O Rehmat Khan DM R/O Khushali Tehsil Razmak. N.W.A
24. Kamran Khan S/O Aslam Khan IT R/O Shah Khimar Tehsil Razmak. N.W.A
25. Farhad Ullah S/O Nabowat Khan R/O Dossali Tehsil Dossali NWA.
26. Siraj Ullah S/O Fazal Mahmood CT R/O Shamiri P/O Spinwam Tehsil Spinwam. N.W.A



6/2/2016

ATTESTED

[Signature]
EXAMINER
Peshawar High Court
Bannu Bench

(4)

2.11.16

**BEFORE THE HON'BLE PESHAWAR HIGH COURT,
BANNU BENCH**

C.O.C PETITION NO: 1113/2016

In

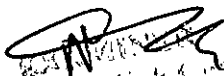
WRIT PETITION No. 138-B OF 2014, 408-B OF 2013 AND 387-B OF 2015.

1. Aleem Ullah S/O Ghazi ^{Muhammad} Marjan PET R/O Miranshah.
2. Mst. Eram Nabi D/O Hazrat Nabi PET R/O Miranshah.
3. Rafiq Ullah S/O Mir Ajam Khan C.T R/O Mir Ali.
4. Dilwar Jan S/O Dilbar Jan CT R/O Miranshah.
5. Abid Ur Rehman S/O Sahar Gul PET R/O Miranshah..
6. Muhammad Usman S/O Samandar Khan TT/AT R/O Miranshah..
7. Ghani Ullah S/O Ali Bahadur TT/AT R/O Miranshah.
8. Ragebullah S/O Shammaraz Khan TT. R/O Mir Ali
9. Nazar Ur Rehman S/O Sheroz Gul DM R/O Mir Ali.
10. Noor Aftab S/O Nek Zaman DM R/O Miranshah.
11. Zahid Ullah S/O Gul Zali Khan DM R/O Miranshah..
12. Wali Ullah S/O Mir Ajam Khan I.T (Lab Incharge) R/O Miranshah.
13. Bad Shah Zar S/O Syed Rouf C.T R/O Ghulam Khan.
14. Aswan Ullah S/O Bakht Ali Khan DM R/O Mir Ali.
15. Banaras Khan S/O Hukam Khan DM R/O Mir Ali.
16. Zabaf Ullah S/O Izat Khan CT IT (Lab Incharge) R/O Miranshah..
17. Fazal Wali S/O Jalil Khan C.T R/O Mir Ali.
18. Suleman Khan S/O Gul Nawaaz Khan DM R/O Miranshah..
19. Kaleem Ullah S/O Nek Nawaz TT/AT Razmak.
20. Hussain Ullah S/O Khaki Ur Rehman CT R/O Mir Ali.
21. Hakameen Khan S/O Ismail Khan CT R/O Miranshah..
22. Sher Ahmad S/O Ilayas Khan CT Razmak.
23. Noor Muhammad S/O Rehmat Khan DM R/O Razmak.
24. Kamran Khan S/O Aslam Khan IT R/O Mir Ali.
25. Farhad Ullah S/O Nabowal Khan R/O Mir Ali.
26. Siraj Ullah
27. Bakhtawar Jan S/O Wakeel Khan R/O Mir Ali.
28. Taj Malook S/O Sarwar Khan R/O Mir Ali.....(Petitioners)

2387/2016

Filed Form
20/11/2016

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Peshawar High Court
Bannu Bench

VERSUS

17

- 1- Muhammad Aslam Kambwa, Additional Secretary Education FATA, FATA Secretariat Warsak Road, Peshawar.
 - 2- Syed Waqar Ul Hassan, Secretary Education FATA Secretariat, Warsak Road, Peshawar.
 - 3- Hameed Ullah Khan, Director Education (FATA) FATA Secretariat, Warsak Road, Peshawar.
 - 4- Kamran Khan, Political Agent North Waziristan Agency Miranshah.
 - 5- Muhammad Nabi ,Agency Education officer Miranshah FATA.
- (Respondents)

PETITION UNDER ARTICLE 204 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, AGAINST VIOLATION OF ORDERS IN SEPARATE WRIT PETITIONS NO. 138-B OF 2014, 408-B OF 2013 AND 387-B OF 2015 DATED 10/12/2015 and 09/12/2015 OF THIS HONORABLE COURT.

Note: That the addresses of the parties as given above, are correct and Sufficient to affect service upon them.

Respectfully Sheweth:

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- 1) That the petitioners in separate Writ Petitions bearing No. 138-B of 2014, 408-B of 2013 and 387-B of 2015 dated 10/12/2015 and 10/09/2015 had approached this Hon'ble Court for the redressal of their grievances wherein this Hon'ble Court very much pleased issued directions to the respondents and the same were disposed off. (copy of order sheet of this Hon'ble Court is hereby annexed as annexure A).
- 2) That since 10/12/2015 the petitioners have been knocked the door of the respondents for their appointment on the basis of merit list and eligibility as directed by this Hon'ble Court but the respondents have been extending lame excuses.
- 3) That the petitioners have been kept on wait for indefinite period but very astonishingly the respondents floated a fresh

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EXAMINER
 Peshawar High Court
 Bannu Bench

advertisement in respect of the said posts of different categories for which the petitioners were interviewed and short listed .

- 4) That respondents being habitual are not ready to comply with the clear-cut directions of this Hon'ble Court and are bent upon frustrating directions of this Hon'ble Court by publishing advertisement in the daily newspaper "Mashriq". (copy of the advertisement is annexed as annexure B).
- 5) That since the petitioners are very much entitled to be appointed on the basis of their eligibility and merit list and if their appointments are not made in the near future, the petitioners would not only be deprived of their fundamental rights but it will also make ~~spoil~~ future/career.
- 6) That respondents by publishing a fresh advertisement are trying to create troubles for the petitioners as well as the new candidates in response to the said advertisement. Hence this Contempt of Court Petition inter alia the following grounds.

28/11/2016

GROUNDS:

- A) That the case of the petitioners has already been strongly established and based on facts.
- B) That respondents ^{are} reluctant to make appointment of the deserving petitioners on the bases of merit list.
- C) That a fresh advertisement, interview and appointments will create troubles for the petitioners and new candidates in response to the said advertisement.
- D) That if, operation of the advertisement / proceeding on the said advertisement is not stayed/stopped it will create further

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 28/11/2016
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complication for the petitioners and the expected candidates in response to the said advertisement.

E) That respondents in the light of the clear-cut directions of this Hon'ble Court dated 10/12/2015 and 10/09/2015 have not been bother about the making a single appointment from the petitioners, therefore, on the grounds mentioned above and other to be submitted at the time of arguments, it is, most humbly prayed that on acceptance of this Contempt of Court Petition, the relief prayed for may please be extended.

Any other relief not specifically prayed for and deemed appropriate by this Hon'ble Court in circumstances of the case, may also be granted to the petitioner.

Dated: 27/01/2016

Petitioners through,

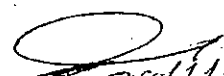
28/1/2016



Muhammad Rashid Khan (Wazir)
Advocate, High Court.

CERTIFICATE:


This is to certify that this is the first Contempt of Court Petition under the subject matter and no such petition has been filed earlier before any other forum and that the assertion of this petition are true and correct to the best of my knowledge.



28/1/2016
Muhammad Rashid Khan (Wazir)
Advocate, High Court.

73/1/2016
Additional Registrar

ATTESTED

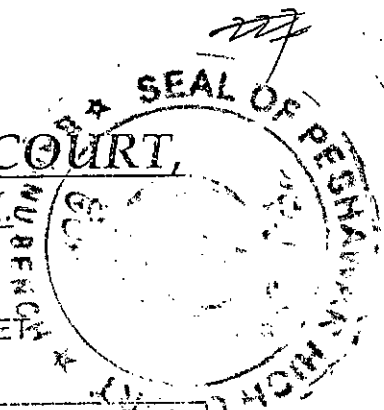

Additional Registrar
High Court

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**PESHAWAR HIGH COURT,
BANNU BENCH.**

**FORM 'A'
FORM OF ORDER SHEET**



Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
10.02.2016	<p><u>C.M (COC) No. 111-B of 2016.</u> Present: Rashid Khan Wazir Advocate for petitioner. *** Notice to the respondents.</p> <p><i>[Signature]</i> JUDGE.</p> <p><i>[Signature]</i> JUDGE.</p> <p>CERTIFIED TO BE TRUE COPY</p> <p><i>[Signature]</i> Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Ordinance 1984</p> <p><i>[Signature]</i></p>

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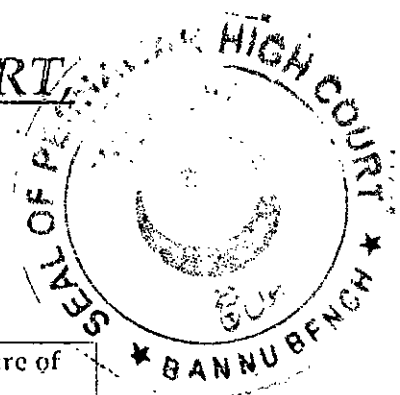
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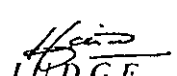
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PESHAWAR HIGH COURT
BANNU BENCH.


FORM 'A'
FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
04.04.2016	<p><u>C.O.C No.111-B of 2016.</u></p> <p>Present:</p> <p>Mr. Alamzeb, Advocate for petitioner.</p> <p>Deputy Attorney General for respondents along with respondent No.5.</p> <p>***</p> <p>Respondent No.3 is not in attendance.</p> <p>Bailable warrant of arrest in the sum of Rs.50,000/-(fifty thousand) with two sureties each in the like amount to the satisfaction of Additional Registrar of this Court be issued against respondent No.3. Adjourned to next available Division Bench.</p> <p style="text-align: right;"> <u>JUDGE</u></p> <p style="text-align: right;"> <u>JUDGE</u></p>


D. Hasan P.M.C. Bannu.

CERTIFIED TO BE TRUE COPY




Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Ordinance 1984
12/10/2023

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PESHAWAR HIGH COURT, BANNU BENCH

FORM OF ORDER SHEET

Date of order or proceeding	Order or other proceedings with signature(s) of Judge (s).
(1)	(2)
02.05.2016	<p><u>COC No.111-B of 2016 in</u> <u>W.P No.138-B of 2014.</u> <u>Present:</u></p> <p>Rashid Khan Wazir Advocate for petitioner.</p> <p>Hamidullah Jan Director Education FATA, alongwith Bahlol Khan Khattak, D.A.G. *****</p> <p>Hamidullah Jan Director Education FATA seeks time to go through the orders of this Court and also to consult Secretary Education FATA. May do so positively within one month and after receiving intimation of fixation of cases, he shall appear in person. He shall submit the reply alongwith record within a fortnight. Office is directed to club all the identical COCs. Adjourned to a date in office.</p> <p style="text-align: right;"> <u>JUDGE</u></p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;">Examiner Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Ordinance 1984</p> <p style="text-align: right;"> <u>JUDGE</u></p>



D:Azam P.S/OS

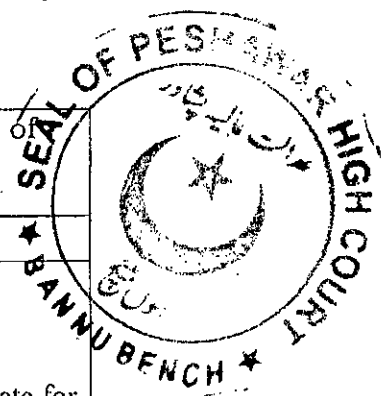
12/10/2023

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PESHAWAR HIGH COURT, BANNU BENCH

FORM OF ORDER SHEET



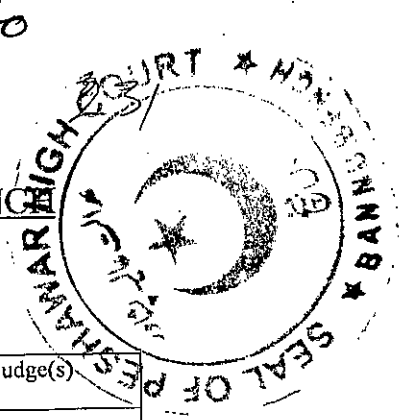
Date of order or proceeding	Order or other proceedings with signatures of Judge (s).
(1)	(2)
13.06.2016	<p><u>COC No.111-B of 2016.</u></p> <p><u>Present:</u></p> <p>Muhammad Rashid Khan Wazir Advocate for petitioner.</p> <p>Hamidullah Jan Director Education FATA, Abdul Malik litigation officer and Muhammad Nabi Agency Education Officer NWA, Bannu alongwith Bahlol Khan Khattak D.A.G.</p> <p>*****</p> <p>The respondents present in the court are directed to submit report of compliance of the orders within a fortnight, failing which the law shall take its own course.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;"><i>[Signature]</i> Examiner Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Ordinance 1984</p> <p style="text-align: left;"><i>14/6</i></p> <p style="text-align: right;"><i>12/10/2022</i></p>

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to

PESHAWAR HIGH COURT, BANNU BENCH

FORM OF ORDER SHEET



Date of order or proceedings (1)	Order or other proceedings with signature of Judge(s) (2)
27.06.2016	<p><u>C.M.No.77-B/2016.</u></p> <p>Present: Mr. Faridullah Shah Wazir, Advocate for petitioners.</p> <p>D.A.G for respondents alongwith Hamidullah Jan, Director Education FATA and Muhammad Nabi Agency Education Officer, NWA, Bannu.</p> <p>***</p> <p>MUHAMMAD GHAZANFAR KHAN, J.-The instant application has been moved by the petitioners for early hearing of main petition. The grounds agitated in the application seem genuine, therefore, allowed and the office is directed to fix the main case before next available Division Bench. Respondent No.4 is directed to appear in person on the next date of hearing and also directed to cooperate respondent No.5 in performance of his legal duty.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>

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[Signature]
JUDGE

Aftab/*

Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Ordinance 1984

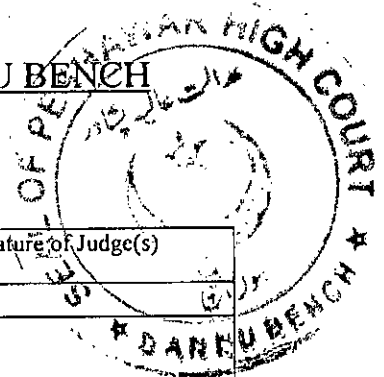
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PESHAWAR HIGH COURT, BANNU BENCH

FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge(s)
(1)	(2)
04.10.2016	<p><u>COC No.111-B/2016 with CM</u></p> <p><u>Present:</u> Muhammad Rashid Khan Wazir Advocate for petitioner.</p> <p>Mr. Behlol Khan Khattak D.A.G alongwith Hamidullah Jan Director Educatin FATA, and ZaiBullah Agency Education Officer NWA, Bannu.</p> <p style="text-align: center;">***</p> <p style="text-align: center;">Be clubbed alongwith same nature cases and fixed before next available D.B.</p> <div style="text-align: right; margin-right: 50px;">  JUDGE </div> <div style="text-align: right; margin-right: 50px; margin-top: 20px;">  JUDGE </div> <p style="text-align: center; margin-top: 20px;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center; margin-top: 10px;">Examiner Peshawar High Court Bannu Bench Authorized Under Article 87 of The Qanun-e-Shahadat Ordinance 1984</p>

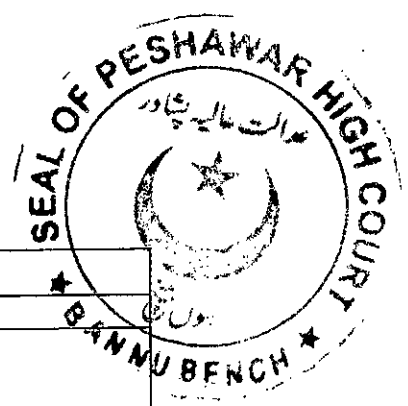
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**PESHAWAR HIGH COURT,
BANNU BENCH**

FORM OF ORDER SHEET



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
01.03.2017	<p><u>W.P.No.111-B/2016.</u></p> <p><u>Present:-</u> Muhammad Rashid Khan Wazir, Advocate for petitioner.</p> <p>Mr. Behlol Khattak, DAG for respondents.</p> <p>***</p> <p>After hearing arguments of learned counsel for parties at certain length, learned DAG pointed out that similar nature other cases are also pending before this Court and requested that all the cases be heard together. So, the office is directed to fix all the connected matters on one and the same day for hearing before the Court. Adjourned to a date in office.</p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY <u>JUDGE</u></p> <p style="text-align: center;">Examiner Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-e-Shahadat Ordinance 1988</p> <p style="text-align: right;">10/3/2017</p>

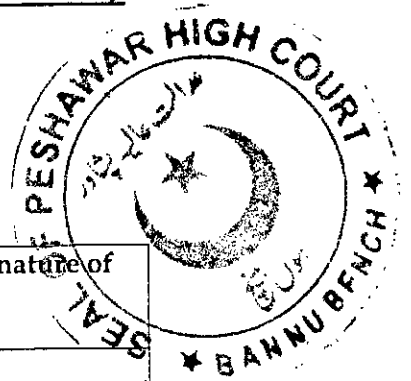
Amir
1.3.17

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PESHAWAR HIGH COURT,
BANNU BENCH.

FORM 'A'
FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
27.4.2017	<p><u>COC #11-B/2016 in W.P No.138-B/2014, 408/2013, 381/2015 & with CM # 74-B/2017</u></p> <p>Present:</p> <p>Mr.Muhammad Rashid Khan Wazir advocate for petitioners.</p> <p>DAG for the official respondents.</p> <p>***</p> <p>Be fixed on 2nd day of 2nd available</p> <p>D.B.</p> <p><u>JUDGE.</u></p> <p><u>JUDGE.</u></p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examiner Peshawar High Court Bannu Bench Authorized under Article 37 of The Qanun-e-Shahadat Ordinance 1984</p> <p>12/10/2017</p>

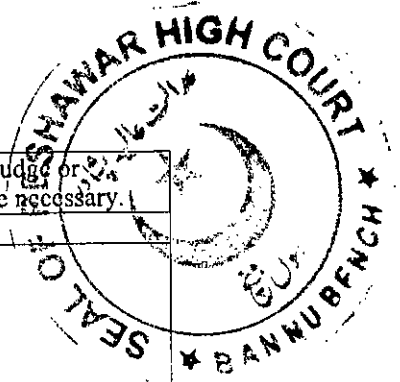
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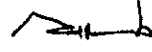
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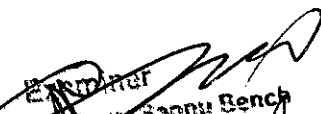
**IN THE PESHAWAR HIGH COURT,
BANNU BENCH.**
FORM "A"
FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
11.8.2017	<p>CM (E.H) No.174-B of 2017 in COC NO.111-B of 2016.</p> <p>Present:</p> <p align="center">Khush Amir Khattak Advocate for petitioner.</p> <p align="center">*****</p> <p>SHAKEEL AHMAD, J--- In view of arguments advanced at the bar, this CM for early hearing is allowed. Office is directed to fix this petition in the first week of September, 2017.</p> <p align="right">  JUDGE </p>


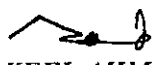
Office

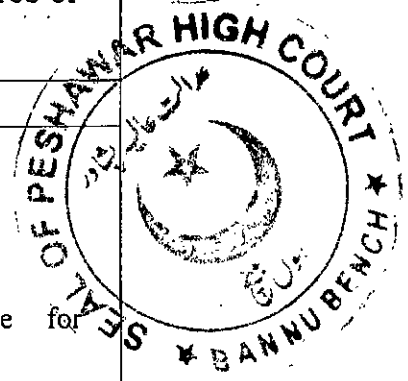
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 Examiner
 Peshawar High Court, Bannu Bench
 Authorised Under Article 57 of
 The Qanun-e-Shahadat Ordinance 1984

2023

PESHAWAR HIGH COURT, BANNU BENCH
FORM OF ORDER SHEET

Date of order or proceeding	Order or other proceedings with signatures of Judge (s).
(1)	(2)
19.09.2017	<p><u>COC No.111-B of 2016.</u></p> <p><u>Present:</u></p> <p>Khush Amir Khattak Advocate for petitioner.</p> <p>Bahlol Khan Khattak Advocate for respondents.</p> <p>*****</p> <p>This petition be clubbed with COC No.145-B of 2016 and be fixed in next available DB.</p> <p style="text-align: center;">  (ABDUL SHAKOOR) JUDGE </p> <p style="text-align: center;">  (SHAKEEL AHMAD) JUDGE </p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;"> Examiner Peshawar High Court Bannu Bench Authenticated Under Article 23 of The Qanun-e-Shahadat Ordinance 1984 </p>



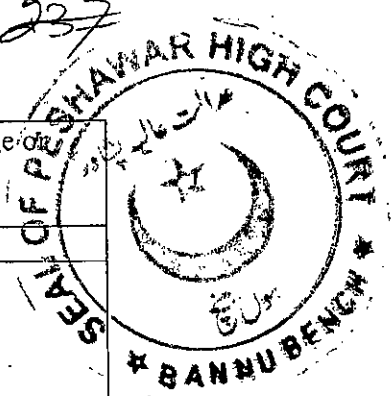
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
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FORM "A"
FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
11.4.2018	<p>COC No. 111-B/2016</p> <p><u>Present:</u></p> <p>Mr. Muhammad Rashid Wazir advocate for petitioner.</p> <p>Mr. Behloul Khan DAG for respondents.</p> <p>*****</p> <p>Adjourned along-with WP No 30-B/2017, to a short date in office.</p> <p style="text-align: right;">  JUDGE </p> <p style="text-align: right;">  JUDGE </p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;"> Examiner Peshawar High Court Bannu Bench Authorised Under Article 87 of The Qanun-y-Shahadat Ordinance 1984 </p> <p style="text-align: right;">2/10/2018</p> <p>Office 12/4/2018</p>

SCANNED



Imranullah (D.B) Justice Abdul Shakoor and Justice Shakeel Ahmad

19

17
238

FORM "A"
FORM OF ORDER SHEET



Date of order or proceedings 2.	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary. 3.
20.6.2018	<p><u>COC No. 111-B/2016 in WP No. 138-B/2014.</u></p> <p><u>Present:</u></p> <p>Mr. Muhammad Rashid Khan Wazir advocate for petitioner.</p> <p>Mr. Shahid Hameed Qureshi Addl: A.G for official respondents.</p> <p>*****</p> <p>After 31st Amendment in the Constitution of Pakistan, FATA has been merged into the Province of Khyber Pakhtunkhwa, therefore, the question of jurisdiction has been resolved and all the cases are adjourned to a date in office, with direction to fix these cases separately as per their own turn. However, those cases wherein similar question of law and fact is involved be fixed on one and the same date. In this regard Mr. Sawal Nazir Khan advocate has committed that he will provide the list of similar cases to the office of Additional Registrar of this Court.</p> <p style="text-align: right;">  JUDGE </p> <p style="text-align: right;">  JUDGE </p>

SCANNED

Office
21/6/2018

Imranullah (D.B) Justice Abdul Shakoor and Justice Shakeel Ahmad

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Bannu Bench
Authorised Under Article 37 of
The Qanun-e-Shahadat Ordinance 1984

19

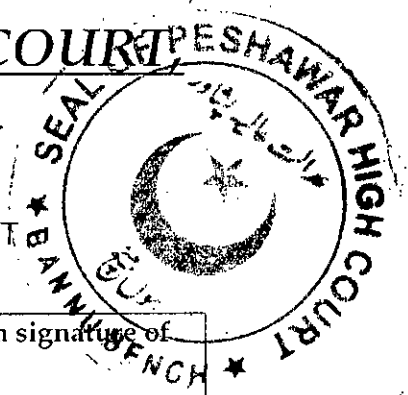
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239

PESHAWAR HIGH COURT
BANNU BENCH.

FORM 'A'
FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
10.12.2018	<p><u>C.M (COC) No.111-B of 2016.</u> Present:</p> <p>Mr. Rashid Khan Wazir Advocate for the petitioner.</p> <p>Mr. Hazrat Said, DAG along with Muhammad Sharif, ADEO. ***</p> <p>ADEO present in Court states that those candidates who were on merit have been appointed and would submit the copy of appointment orders. May dos so before the date fixed. Last opportunity is provided to the respondents. In case the judgment is not implemented then charge would be framed against serving officials.</p> <p style="text-align: right;"><i>[Signature]</i> <u>JUDGE</u></p> <p style="text-align: right;"><i>[Signature]</i> <u>JUDGE</u></p>

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Issued

(D B) Justice Muhammad Nasir Mahfooz and Justice Shakeel Ahmad.

SCANNED

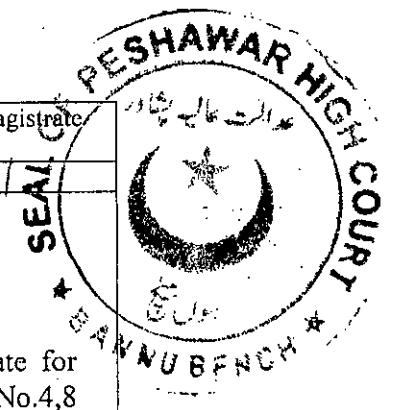
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Examiner
Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Ordinance 1984

(21)

19
240

FORM "A"
FORM OF ORDER SHEET



Date of order or proceedings 2.	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary. 3.
22.01.2019	<p>COC No.111-B/2016.</p> <p><u>Present:</u></p> <p>Mr. Khosh Amir Khattak advocate for petitioners along-with petitioners No.4,8 & 18 namely- Dilawar Jan, Ragebhullah and Suleman</p> <p>*****</p> <p>SHAKEEL AHMAD, J--- Petitioners No.4,8 & 19 along with learned counsel for petitioners states that the instant petition may be disposed of with the direction to respondents to issue appointment order to the petitioners present in court, if they fulfill the requisite criteria essential for appointment and are duly qualified.</p> <p>In view of the above, the instant petition is disposed of accordingly.</p> <p>Announced 22.01.2019.</p> <p><i>[Signature]</i> JUDGE.</p> <p><i>[Signature]</i> JUDGE</p> <p>CERTIFIED TO BE TRUE COPY</p> <p><i>[Signature]</i> Examiner Peshawar High Court Bannu Bench Authorised Under Article 57 of The Qanun-e-Shahadat Ordinance 1984</p>

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23/1/19

SCANNED

Imranullah (D.B) Justice Muhammad Nasir Mahfooz and Justice Shakeel Ahmad

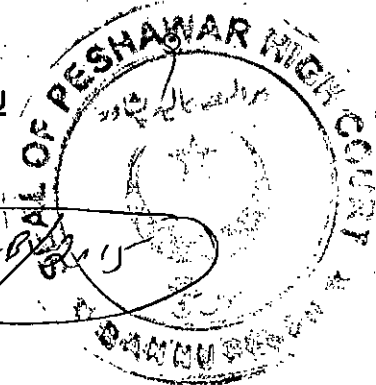
Annexure "B" 1

22

BEFORE THE PESHAWAR HIGH COURT BANNU BENCH BANNU

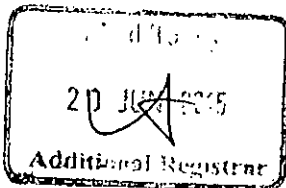
Writ Petition No. 387-B /2015

1000-783-0/2015



- 1) Haseen Ullah Son of Haki Rehman Resident of P/O Mir Ali, Haider Khel Tehsil Mir Ali District North Waziristan Agency.
- 2) Wali Ullah Son of Zarai Gul Resident of Bobali Shashi Khel P/O Spin Wam Tehsil Spin Wam District North Waziristan Agency.
- 3) Syed Jalal Son of Noor Zal Resident of Bobali Tori Khel P/O Spin Wam Tehsil Spin Wam District North Waziristan Agency.
- 4) Amir Nawaz Khan Son of Akbar Khan Resident of Drozanda Miami Kabul Khel P/O Shewa Tehsil Shewa District North Waziristan Agency.
- 5) Amir Qadam Jan Son of Sardullah Jan Resident of Spin Wam Tehsil Spin Wam District North Waziristan Agency.
- 6) Abdul Wali Shah Son of Muhammad Noor Shah Resident of Datta Khel P/O Mir Ali Tehsil Mir Ali District North Waziristan Agency.

..... (PETITIONERS)



VERSUS

- 1) Additional Chief Secretary, FATA Secretariat, Warsak Road, Peshawar.
- 2) Director Education (FATA) FATA Secretariat, Peshawar.
- 3) Political Agent, North Waziristan Agency Miranshah.
- 4) Agency Education Officer, North Waziristan Agency Miranshah.

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ATTESTED
[Signature]
EXAMINER
Peshawar High Court
Bannu Bench

5) Agency Account Officer, North Waziristan Agency Miranshah,

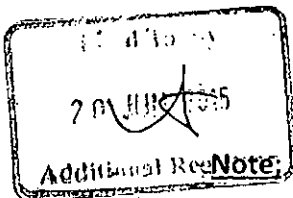
..... (RESPONDENTS)

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

PRAYER: ON ACCEPTANCE OF INSTANT WRIT PETITION THIS HONORABLE COURT MAY VERY GRACIOUSLY BE PLEASED TO DECLARE THE ORDER NO. 3991-99/S/ DATED 21/09/2013 OF RESPONDENT NO.3 AS ILLEGAL, VOID, UNLAWFUL, ABUSIVE, VIOLATIVE OF DISCRETIONARY AUTHORITY AND ANNIHILATION UPON THE RIGHTS OF THE PETITIONERS AND FURTHER TO DIRECT THE RESPONDENT NO.4 TO MAKE THE APPOINTMENT OF THE PETITIONERS AS PER MERIT LIST ALREADY PREPARED.

NOTE: That the said impugned Order/notification dated 21/09/2013 has already suspended by this Honourable Court in Writ Petition No. 10-B/2014 titled as Ihsan Ullah & Others VS Additional Chief Secretary FATA & Others.

(Copy of writ petition alongwith order is hereby annexed as Annexure-A)

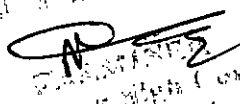


Addresses of the parties given above are sufficient for the purpose of service.

RESPECTFULLY SHEWETH;

A. Brief facts of the case in hand are that on 28/04/2013 respondent No. 4 made an advertisement published in daily news paper for

al

ATTESTED

 JUDGE
 Court of Writs
 Islamabad Bench

various posts to which the petitioners also applied being eligible and qualified for the same.

(Copies of advertisement dated 28/04/2013 and testimonials of the petitioners are hereby annexed as Annexure-B, C, C-1, C-2, C-3 and C-4 respectively)

B. That the petitioner No.1 applied for the post of C.T, petitioner No.2 applied for the post of A.T, petitioner No.3 applied for the posts of A.T & T.T, petitioner No.4 applied for the post of C.T, petitioner No.5 applied for the post of I.T and petitioner No.6 applied for the post of P.E.T (JDPE) and as such declare successful.

C. That the Departmental Selection Committee was constituted and the petitioners were selected as successful candidates and merit lists were prepared as per policy November 2012.

(Copies of Policy November 2012 and merit lists are hereby annexed as Annexure- D & E)

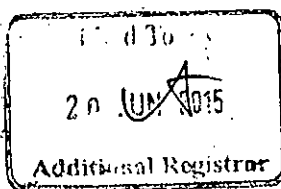
D. That on 21/09/2013 respondent No.3 directed respondent No.4 to cancel the appointment of appointed candidates and also directed not to made appointment orders of the petitioners.

(Copy of Order No. 3991-99/S/ dated 21/09/2013 is hereby annexed as Annexure-F)

E. That the petitioners being aggrieved from the order of respondent No.3 seeks the indulgence of this Honorable Court inter alia on the following grounds.

GROUNDS:

- 1) That the impugned order No. 3991-99/S/ dated 21/09/2013 is against the law and policy and is without lawful authority hence untenable in the eyes of law.



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 Additional Registrar

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2) That the petitioners duly qualified the test / interview and merit list was prepared by the duly constituted Departmental Selection Committee and each of them had signed the merit list under the chairmanship of respondent No.4.

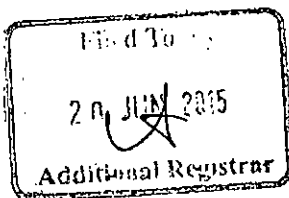
3) That by not it is an established law, that when once the process of appointment is completed then the same cannot be frustrated by halting or re-advertising the same. Wisdom can be drawn from the case of "Engineer Siddiq Ullah VS Government of Khyber Pakhtunkhwa & others reported as 2013 PLC (C.S) P-1405.

4) That respondent No.4 who appeared before this Honourable Court in writ petition No. 70-B/2015 titled Muhammad Shoaeb VS Additional Secretary FATA & Others on 28/04/2015 and made commitment before the Court that he will appoint the petitioners of writ petition no 70-B/2015. And the case of the petitioners is also similar to the case of petitioners of writ petition No. 70-B/2015 and also deserve the same relief.

(Copy of writ petition No. 70-B/2015 alongwith order is hereby annexed as Annexure-G & H)

5) That in the similar facts and circumstances This Honourable Court has granted relief to the candidates of writ petition No. 1446-P/2015 titled as Sahib Zaman etc VS Secretary Education FATA etc decided on 05/03/2015, and writ petition No. 497-P/2015 titled as Rehmat Ullah etc. VS Additional Chief Secretary FATA etc decided on 09/06/2015.

(Copies of writ petition No. 1446-P/2015 alongwith judgment and writ petition No. 497-P/2015 alongwith judgment are hereby annexed as Annexure-I & J)



APPROVED

[Signature]

[Signature]

- 6) That the respondent No.3 having no authority whatsoever to set at naught the issuance of appointment orders of the petitioners without any legal justification.

For the above stated reasons and others to be stated at the time of arguments it is therefore, most humbly prayed that on acceptance of instant writ petition, this Honorable Court may very graciously be pleased to declare the No. 3991-99/S/ dated 21/09/2013 of respondent No.3 as illegal, void, unlawful, abusive, violative of discretionary authority and annihilation upon the rights of the petitioners and further to direct the respondent no.4 to make the appointment of the petitioners as per merit list to meet the ends of justice.

PETITIONERS

THROUGH COUNSEL

Dated: 20/06/2015



PIR HAMID ULLAH SHAH

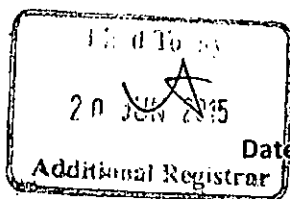
ADVOCATE HIGH COURT

INTERIM RELIEF

That this Honorable Court may very graciously be pleased to suspend the impugned order dated 21/09/2013 till the disposal of instant writ petition.

PETITIONERS

THROUGH COUNSEL



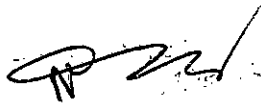
Dated: 20/06/2015



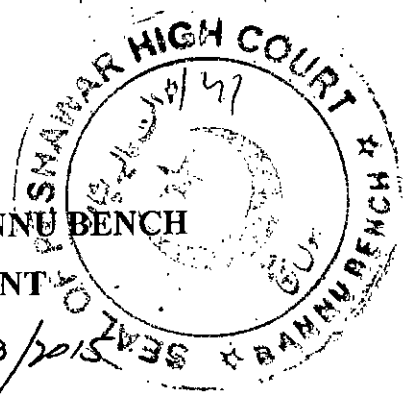
PIR HAMID ULLAH SHAH

ADVOCATE HIGH COURT

ACCEPTED



27



JUDGMENT SHEET
PESHAWAR HIGH COURT, BANNU BENCH
JUDICIAL DEPARTMENT

Writ Petition No. 387-B/2015

JUDGMENT

Date of hearing..... 10.09.2015.

Petitioner(s) *Haseenullah and Others By P. Hameedullah Shah Adv.*

Respondent(s) *By F.M. Sabir Adv. Standing Council Res. no 3 By Faridullah Shah Nagin Adv.*

MUHAMMAD YOUNIS THAHEEM, J.- Vide

our detailed judgment in writ petition No. 330-B of 2013, this writ petition is disposed of accordingly.

Announced.
Dt.10/9/2015.

M.Azam
[Handwritten signature]

Sd/ Mr. Justice Ikramullah Khan, J
Sd/ Mr. Justice Muhammad Younas Thaheem Khan, J

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Peshawar High Court Bannu Bench
Authorized Under Article 87 of
The Qanun-e-Shahadat Ordinance 1984

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, BANNU BENCH
(Judicial Department)

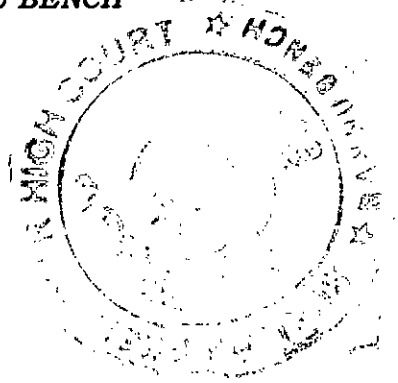
JUDGMENT

Writ petition No.330-B of 2015

Rasool Mehmood and others

Vs

Addl. Chief Secretary FATA etc



Date of hearing 10.9.2015

Appellant-Petitioner Rasool Mehmood and Others

By Alamzeb Khan Adv

Respondent By FM Sabir Adv. (Standing Counsel)

no: 3 By Faridullah Ghani Wazir Adv.

MUHAMMAD YOUNUS THAHEEM J.--- This

judgment in writ petition No.330-B of 2015 shall also dispose of writ petitions bearing Nos. 354-B of 2013, 421-B of 2013, 10-B of 2014 and 387-B of 2015, because in all these petitions common question of law and fact is involved and arising out of one and the same order bearing No.3991-99/S dated 21-9-2013 passed by the Political Agent, North Waziristan Agency Miranshah, respondent

Sign
SR
2

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[Signature]
Peshawar High Court, Bannu Bench
Authorized Signatory of
The Court constituted Ordinance 1999

[Signature]
10/9/15

No.3 herein, whereby appointment orders of the petitioners in the education department North Waziristan Agency, recruited on different posts, have been declared null and void on the ground that their degrees/ certificates were fake.

2. We have heard the learned counsel for the parties and gone through the record annexed with the petition.

3. Perusal of the record transpires that the petitioners of the instant writ petition on the same subject matter, have earlier filed Writ petition No.497-P of 2015 which was decided on 9.6.2015 and the respondents/ department were directed to issue formal appointment orders of the petitioners in compliance with the recommendation of the competent authority, positively within prescribed period. The only grievance of the petitioners is that till date the competent authorities have not made any recommendation for their appointment.

S. M. J. 2

ATTESTED

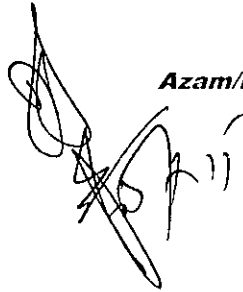
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 Director High Court
 Suiy Branch

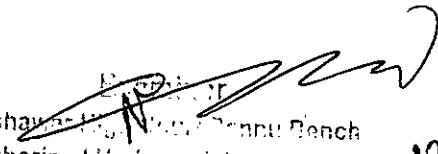
4. In wake of the above, we direct the competent authorities of the education department to make recommendation for appointment of the petitioners in all the writ petitions on the posts in question positively within thirty days strictly in accordance with law, policy of the Government on the subject, merit and after due verification of their educational testimonials by the concerned Boards/ Universities/institutions.

5. For the reason discussed above, all the writ petitions are disposed off accordingly.

ANNOUNCED
10.9.2015

CERTIFIED TO BE TRUE COPY


Azam/PS


Peshawar Bench
Authorised Under Article 37 of
The Qanun-e-Amahadat Ordinance 1980

12/10/2023

Sd/ Mr. Justice Ikramullah Khan, J
Sd/ Mr. Justice Muhammad Younas Thaheem Khan, J

S.No 9553
Date of Presentation of Application 12-10-23
No of Pages P. 9
Copying Fee /
Urgent /
Total 36
Date of Issue 12-10-23
Date of Receipt 12-10-23
Date of Delivery 12-10-23
Received By [Signature]

Annexure "C"

6-1-31

IN THE PESHAWAR HIGH COURT BANNU
BENCH BANNU.

Write Petition # 138-B 2014



1. Ghani Ullah S/O Ali Bander R/o Miranshah NWA. (A.T), (T.T)
2. Muhammad Usman S/O Samander Khan, R/o Miranshah NWA. (A.T), (T.T)
3. Kamran Khan S/O Aslam Khan R/o Shah Khimar Razmak, (C.T).
4. Raghaib Ullah S/O Shamaraz Khan R/o Mir Ali, NWA (TT).
5. Sheher yar Ud Din S/O Shah Alam Khan R/o Razmak, NWA (CT).
6. Khalil ur Rehman S/O Qandahar Khan R/o Razmak, NWA (CT).
7. Nayab D/O Shahid Nasim Dawar Miran Shah NWA (Lab Assistant).
8. Noor Muhammad S/O Rahmat Khan R/o Ali Khel Razmak NWA (DM).
9. Nazir ur Rehman S/O Sheroz Gul R/o Appi Mir Ali NWA (DM)

VS

MNO - 988A-B/15

1. Additional Chief Secretary FATA, FATA Secretariat Peshawar.
2. Director FATA Education, FATA Secretariat Peshawar.
3. Political Agent North Waziristan Agency, Miranshah.
4. Agency Education Officer North Waziristan Agency Miranshah.
5. Principal Govt Girls Degree College, Miranshah.
6. Agency Account Officer, NWA Minanshah.

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**Writ Petition under article 199 of the
constitution of Islamic Republic of
Pakistan, 1973.**

Note : Addresses given above shall suffice the object of service upon parties.
All necessary and proper parties have been arrayed in the panel of
respondents.

Filed Today

[Handwritten signature]
Additional Registrar

18-3-14

ATTESTED

[Handwritten signature]
Additional Registrar

[Handwritten signature] (32)

PRAYER:

a). on acceptance of the instance writ petition, it is most humbly requested to please declare order dated: 21.09.2013 made by respondent # 3 as illegal without lawful authority and consequently requested please to direct the respondent # 4 and 5 that petitioners may please be appointed according to Merit lists.

b). Any other relief deemed just and appropriate in circumstances of the case may be allowed in favor of the petitioners against the respondents.

INTERIM RELIEF.

The pending final adjudication of the instance writ petition the operation of the impugned order of the respondent # 3 may be suspended till the decision of the present writ petition.

RESPECTFULLY SHEWEETH.

[Handwritten signature]
2014

The Petitioners very graciously submitted as follow:

1. That in response of Advertisement in Daily "AAJ" dated 28.04.2013, the petitioners applied accordingly being qualified for the post of (C.T, T.T, A.T, D.M & Lab Assistant) in various Tehsil of North Wazirstan Agency (Copy of the Advertisement Annexure-A).
2. That the Petitioners fulfilled all the codel formalities (Test & Interview) and the respondents displayed the merit list of various Tehsils of North Wazirstan Agency. According to which the Petitioners are qualified to be appointed *B*
3. That after preparation of Merit List the Petitioners were called for test and interview and they qualified distinct position in the test.
4. That the Departmental Selection Committee duly selected petitioners for the post and merit list was prepared.
5. That now the petitioners have got the knowledge that the respondents for unknown reasons are appointing other persons instead of the petitioners, so we have filled this constitutional petition before this honorable court.

Filed Today
[Signature]
Additional Registrar²
18-3-14

REGISTERED

[Handwritten signature]

[Handwritten signature] (33)

- 6. That the respondent # 3 on dated: 21.9.2013 cancelled the appointment orders of petitioners wrongly. Copy of the cancellation order is enclosed as Annexure "C".
- 7. That aggrieved from the order of respondent # 3 dated: 21.9.2013 the petitioners were left with no other appropriate remedy except to invoke the constitutional jurisdiction of this August Court Inter alia on the following grounds.

GROUNDS:

- 1. That the Order impugned here in, are against the law and with no lawful authority, hence not plausible in the eye of law.
- 2. That the petitioners were condemned unheard and no show cause notice were issued to them.
- 3. That the merit lists of the petitioners were perared according to their testimonials, Bio Data and interview, so the legal rights were accrued to the petitioners which cannot be taken away through illegal orders.
- 4. That the Petitioner # 7 was issued appointment order on 28.8.2013, Copy of the same is enclosed as Annexure " & D".
- 5. That the petitioners being citizen of Pakistan deserves to be dealt in accordance with law and the treatment meted out to them is in violation of Article 4 of the constitution of the Islamic Republic of Pakistan.
- 6. That the some other grounds may be raised at the time of arguments.

It is therefore most humbly prayed that this writ petition may please be allowed as prayed for above.

Dated: 18/03/2014

Petitioners
Through
[Signature]
Asghar Khan,
Advocate High Court.

Filed today
[Signature]
Additional Registrar
18-3-14

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P-4-

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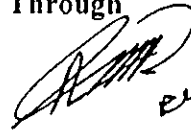
13

Advocate High Court.

CERTIFICATE:

It is certified that neither such prior petition has earlier been filed in this court nor is pending in any court of Law in Pakistan.

Petitioners
Through



Asghar Khan,
Advocate High Court.

BOOKS:

- Constitution of Islamic Republic of Pakistan 1973.
- Civil Servant Act 1973 KP.
- Notification # SO (PE) 2-7/FATA/Rec B-15 and below / 08 Government of NWFP now KPK Elementary and Secondary Education Department Peshawar dated 29th October, 2008.
- Case Law as per need.

Asghar Khan
Advocate
Peshawar




Advocate.

MEMO OF ADDRESSES

Note : Addresses given above shall suffice the object of service upon parties. All necessary and proper parties have been arrayed in the panel of respondents.

Filed Today
Additional Registrar
18-2-04

RECEIVED
18-2-04



35

5

PESHAWAR HIGH COURT
BANNU BENCH.



FORM 'A'
FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge (s).
(1)	(2)
10.12.2015	<p><u>W.P No.138-B of 2014.</u></p> <p>Present: Muhammad Ashgar Khan Ahmadzai, Advocate for petitioners.</p> <p>Said Noor Khan Asstt: Agency Education Officer along with Bahlol Khan Khattak, D.A.G.</p> <p>***</p> <p><u>IKRAMULLAH KHAN, J.</u>- The learned counsel for the petitioners as well as Assistant Agency Education Officer along with DAG present in court candidly stated that they will inquire about and will confirm the merit list as far as the merit of the petitioners are concerned and if they were found to be qualified on merit would be appointed, so it is directed that if the petitioners were on their merit and were eligible to be appointed, the respondents shall appoint them. So this writ petition is disposed of accordingly.</p> <p><u>Announced.</u> 10.12.2015.</p> <p><i>Sd/ Mr. Justice Ikramullah Khan, J</i> <i>Sd/ Mr. Justice Ishtiaq Ibrahim, J</i></p>

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DMHSAN.PHC.Bannu.

CERTIFIED TO BE TRUE COPY

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Peshawar High Court Bannu Bench
Authorised Under Article 87 of
The Qanun-e-Shahadat Ordinance 1984

12/10/2015

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