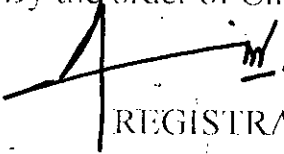


FORM OF ORDER SHEET

Court of _____

Appeal No. 167/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1.	22/01/2024	<p>The appeal of Mr. Fida Khan presented today by Mr. Muhammad Ilyas Orakzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha-Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA,
PESHAWAR

Service Appeal 167 /2024.

Mr. Fida KhanAppellant

Versus

Chief Secretary, Government of Khyber Pakhtunkhawa civil
Secretariat, Peshawar and OthersRespondents

I N D E X


S.No.	Description of Documents	Annex.	Pages
1.	Service Appeal	*	1-4
2.	Affidavit	*	5
3.	Addresses of Parties	*	6
4.	Copy of posting notification dated 31-03-2023	A	7
5.	Copy of the impugned transfer notification dated 05-10-2023	B	8
6.	Copy of the memo of appeal petition	C	9
7.	Copies of writ petition and other relevant documents	D	10-49
8.	WakalatNama	*	50


Appellant

Through


M. Ilyas Orkzai

Advocate, Supreme Court of
Pakistan


Shabeer Khalil Advocate, High
Court


Bismillah Jan Wazir Advocate
High Court

1

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

Service Appeal 167 /2024.

Mr. Fida Khan S/O Eid Ahmad Khan R/O Tehsil Shewa, District North Waziristan. Ex-SDEO-Male Razmak.Appellant

Versus

1. Chief Secretary, Government of Khyber Pakhtunkhawa civil Secretariat, Peshawar.
2. Secretary, Elementary and Secondary Education Department Block-A, opposite MPAs Hostel, Civil Secretariat.
3. Director, elementary and secondary department, near GHSS No.1, G.T.Road, Peshawar.
4. District education officer (Male) North Waziristan.
5. Habib ullah jan, SDEO (Male), Razmak..... Respondants

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUNGED TRANSFER ORDER DATED 05-10-
2023 OF RESPONDANT NO.2 BY WHICH THE
APPELLANT HAS BEEN TRANSFERRED
FROM SDEO (Male)RAZMAK NORTH
WAZIRISATAN AS HEAD MASTER GHS
MANDEY KHEL NORTH WAZIRISTAN.**

Prayer in appeal

On acceptance of the instant service appeal of the appellant the impugned transferred order passed by the respondent no. 2 dated 5-10-023 may kindly be set aside and the order dated 31-3-2023, to the extent of appellant may kindly be restored in large interest of justice.

Respectfully Sheweth:

Brief facts giving rise to the instant appeal are as under;

1. That appellant is a law abiding citizen of the country hailing from District North Waziristan.
2. That the appellant was posted as Head Master GHS Mandey khel North Waziristan.
3. That vide Notification No SO MC E&SED/4-16-2022/posting transfer/MC dated 31-03-2023 the appellant was transferred to Razmak.
(Copy of posting notification dated 31-03-2023 is Annexure A.
4. That the appellant served as SDEO (Male) Razmak for a period of near about 08 months to the entire satisfaction of his immediate superior without any iota complaint.
5. That almost within a period of eight months the appellant was transferred and other person get posted at his place namely Habib ullah jan vide impugned transfer Notification No So (MC) E&SED/4-16-2023/Posting/Transfer/MC dated 05-10-2023 from SDEO (Male) Razmak North Waziristan to his previous post i.e Head Master GHS Mandey Khel, North Waziristan. **(Copy of the impugned transfer notification dated 05-10-2023 is Annexure "B").**
6. That the transfer order is against the law, rules, mala fide and made for the extraneous consideration to accommodate some blue-eyed chip thus the present case fall within the jurisdictional domain of this Honorable Tribunal.
7. That the appellant being aggrieved and dissatisfied with the impugned premature transfer order within eight months preferred Departmental appeal to the competent authority, but it is not responded. Hence, the instant appeal. **(Copy of the memo of appeal petition is Annexure ("C").**
8. That being dissatisfied with the impugned transferred order/ notification dated 05-10-2023, is mala fide, made for the extraneous consideration to accommodate some blue eyed chip, thus the matter falls within jurisdictional domain of the Service Tribunal, appellant is constraint to approach this Hon'able Tribunal for redressal of his grievance on the following grounds among others.

GROUND:

- A. That the impugned transfer notification dated 05-10-2023 is violation of the mandatory clauses of Posting &

Transfer Policy of the Provincial Government and various reported judgments of the Supreme Court of Pakistan.

B. That the appellant's premature transfer suggests that he has been transferred on the political pressure to secure the desire posting for ulterior motives which is a serious misconduct under relevant rules, which can't be ignored at all.

"The entire concerned are requested to ensure that tenure of the concerned officers/officials is invariable mentioned in the summaries submitted to the competent authorities for posting/transfer"

Despite clear cut posting and transfer policy of the government, the appellant was transferred in sheer violation of the above policy which is the cause of bad administration in educational institutions create despondency amongst the employees while adversely affect the education of the students as well.

C. That the mere reason for the illegal transfer of the appellant was that the respondents compelled to prepare the service record/ book and the salary being DDO, but appellant refused to do so, because in appointed order a reference of WP No. 839-B/2020 & WP No.516-B/2020 was given, but none of petitioner of both writ petitions were include in appointment order dated 01-01-2023 Endst; No. 3819-6. **(Copies of writ petition and other relevant documents are attached as Annexure "D")**

D. That the impugned transfer/posting order is mala fide against law and rules and made for extraneous consideration on political basis, just to accommodates the near and dears.

E. That the impugned transfer order is against the provision of section 230 of the Election Act, 2017 and Rules framed there under as no sanction has been obtained from the Election Commission of Pakistan. The interim government has no mandate to transfer the appellant.

F. That section 10 of Civil Servant Act, 1974 did not state that a Civil Servant could be posted or transferred moreover it does not empower the Government to cut short the normal tenure of a posted/transferred civil servant, and particularly without assigning any reason.

G. That the additional grounds will be raised at the time of arguments with the kind permission of this Hon'ble Tribunal at the time of hearing.

4

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned Transfer Notification No. SO(MC) E&SED/ 4-16/2023 Posting/Transfer/ SDEO/ NW dated 05-10-2023 may kindly be set-aside on the ground that the petitioner has not completed his normal tenure in terms of Posting/Transfer Policy of the Provincial Government and he be allowed to perform his duties as SDEO (M) Razmak North Waziristan.

It is, further requested that the official respondents may kindly be restrained from taking any adverse action against the appellant till final disposal of this appeal.

Any other relief, whom the appellant found entitled, may also be granted.

Appellant

Through

M. Ilyas Orkzai

Advocate, Supreme Court of Pakistan

Shabeer Khalil Advocate, High Court

Bismillah Jan Wazir Advocate High Court

Certificate

it is certified that, as per instruction of my client/ appellant no such appeal has been earlier been filed by the appellant in this Honorable Service Tribunal Peshawar.

Advocate.

ATTESTED

5

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHAWA,
PESHAWAR

Service Appeal _____ /2024.

Mr. Fida KhanAppellant

Versus

Chief Secretary, Government of Khyber Pakhtunkhawa civil
Secretariat, Peshawar and OthersRespondents

AFFIDAVIT

I, Mr. Fida Khan S/O Eid Ahmad Khan R/O Tehsil Shewa,
District North Waziristan. Ex-SDEO-Male Razmak, do hereby
solemnly affirm and declare on oath that the contents of
accompanying **Application** are true and correct to the best of
my knowledge and belief and nothing has been concealed from
this Honorable court.

Fida Khan

DEPONENT



④

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

Service Appeal _____ /2024.

Mr. Fida KhanAppellant

Versus

Chief Secretary, Government of Khyber Pakhtunkhawa civil
Secretariat, Peshawar and Others Respondents

ADDRESSES OF PARTIES

APPELLANT

Mr. Fida Khan S/O Eid Ahmad Khan R/O Tehsil Shewa, District
North Waziristan.Ex-SDEO-Male Razmak.

RESPONDENTS

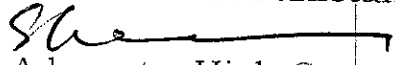
1. Chief Secretary, Government of Khyber Pakhtunkhawa civil
Secretariat, Peshawar.
2. Secretary, Elementary and Secondary Education Department
Block-A, opposite MPAs Hostel, Civil Secretariat.
3. Director, elementary and secondary department, near GHSS
No.1, G.T.Road, Peshawar.
4. District education officer (Male) North Waziristan.
5. Habib ullah jan, SDEO(Male), Razmak

APPELLANT

THROUGH



M. Ilyas Orkzai
Advocate, Supreme Court of Pakistan



Shabeer Khalil Advocate, High Court



Bismillah Jan Wazir Advocate High Court



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated: 31st March, 2023

7

NOTIFICATION

NO.SO/IMC/E&SED/4-16/2022/Posting/Transfer/MC/: The following posting/ transfer are hereby ordered with immediate effect, in the best public interest:-

Sr. No	Name & Designation	Present place of Posting	Proposed Posting	Remarks
1.	Muhammad Ishtiaq MC BS-17	SDEO (Male) Hassan Khel FR Peshawar	SDEO (Male) Town-I Peshawar	V.S.No.2
2.	Syed Ihsan Ullah Shah MC BS-17	SDEO (Male) Town-I Peshawar	SDEO (Male) Hassan Khel FR Peshawar	V.S.No.1
3.	Mst. Maria Ayaz TC BS-16	SST (G) GGMS Ghani Kala Lol Shalman	SDEO (Female) Bara Khyber in OPS	V.S.No.4
4.	Mst. Zahida MC BS-17	SDEO (Female) Bara Khyber	SDEO (Female) Landi Kotal Khyber	AVP
5.	Mr. Sher Zaman TC BS-17	Head Master GHS Shinkal Bara Khyber	SDEO (Male) Bara Khyber	V.S.No.6
6.	Muhammad Hayat MC BS-17	SDEO (Male) Bara Khyber	Assistant Director (Trainings/NGOs) Directorate of E&SE	V.S.No.7
7.	Muhammad Ayaz TC BS-17	Assistant Director (Trainings/NGOs) Directorate of E&SE	Report to Directorate of E&SE for further posting.	
8.	Fida Khan TC BS-17	Head Master GHS Gara Shehbaz Tank	SDEO (Male) Razmak	AVP
9.	Mst. Bilal Sanam MC BS-17	SDEO (Female) Warai Dir.Upper	SDEO (Female) Ghazi	AVP
10.	Atiq Ur Rehman TC BS-17	SS (Pashto) GHSS Hayatabad Peshawar	SDEO (Male) FR Kohat	AVP
11.	Mst. Shehnaz Ihsan MC BS-17	Awaiting Posting	SDEO (Female) Mardan	V.S.No.12
12.	Mst. Sooma Salim MC BS-17	SDEO (Female) Mardan	Report to Directorate of E&SE Peshawar	
13.	Wali Ur Rehman MC BS-17	SDEO (Male) Alial Battagram	SDEO (Male) Battagram	V.S.No.14
14.	Mir Samad Khan MC BS-17	SDEO (Male) Battagram	SDEO (Male) Alial Battagram	V.S.No.13

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officers (Male), Concerned.
5. District Accounts Officers Concerned.
6. Additional Director General (Election-1) Election Commission of Pakistan, Islamabad
7. PS to Advisor to Chief Minister for E&SE Khyber Pakhtunkhwa.
8. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.

(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone No: 091-9210626

Dated: 5th October 2023

NOTIFICATION

Amex (B)
NO.SO(MC)E&SED/4-16/2023/Posting/Transfer/SDEO/NW. The following posting/transfer are hereby ordered as mentioned against each, with immediate effect, in the best public interest.

Sr#	Name & Designation	From	To	Remarks
1	Mr. Fida Khan TC-BS-17	SDEO (Male) Razmak North Waziristan	Head Master GHS Mandey Khel North Waziristan	V.S.No:2
2	Mr. Habib Ullah Jan TC-BS-17	Head Master GHS Mandey Khel North Waziristan	SDEO (Male) Razmak North Waziristan	V.S.No:1

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst. of even No. & date:

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Director, E&SE, Khyber Pakhtunkhwa, Peshawar
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Office's (Male) North Waziristan.
5. District Accounts Officers North Waziristan.
6. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
7. Master file.

11/10/2023
(IMRAN ZAMAN)

SECTION OFFICER (Management Cadre)



10

Annex (D)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone No. 091-9210626

Dated; 10th November, 2023

NOTIFICATION

NO.SO(MC)E&SED/4-16/2023/Mohib Ur Rehman/DEO: In view of the Progress Review meeting held on 08.11.2023 and the poor performance as evident from the report presented by Mr. Mohib Ur Rehman DEO (Male) North Waziristan with regard to the functionalization of Non-functional schools and total ignorance about facts and figures, regarding the reported schools and allied complaints, the Competent Authority has been pleased to suspend, relieve and direct Mr. Mohib Ur Rehman, DEO (Male) North Waziristan to report to Directorate of E&SE in order to ensure the larger interest of students and schools.

2. Consequent upon the above, Mr. Dilawar Khan DDEO North Waziristan is hereby authorized to hold Additional charge of the post of DEO (Male) North Waziristan, with immediate effect till further order.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT**

Copy forwarded for information to the: -

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director EMIS, E&SE Department with the request to upload the same on the official website of the department.
4. District Education Officer (M) District North Waziristan.
5. District Accounts Officer Waziristan
6. PS to Minister for E&SE Department, Khyber Pakhtunkhwa.
7. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
8. Master file.

11/11/2023
10-11-2023
(IMRAN ZAMAN)
SECTION OFFICER (Management Cadre)

التراث

WWW.ABILITYMAGAZINE.COM

WWW.ABILITYMAGAZINE.COM

(11)

WWW.ABILITYMAGAZINE.COM

محکمہ تعلیم شمالی وزیرستان میں سنگین بے قاعدگیوں کی شکایات

ڈی ای او نے اپنے ایک بھائی کو چوکیدار اور دوسرے بھائیوں کو شہداء کے گورنہ میں پی ایس ٹی بھرتی کر لیا

لگا سروس، جن سے خلاف تادیب متعدد افراد بھرتی ہوئے، جنے بھرتی افراد حاضری نہیں دیتے لیکن خزاہ ہرا دلے ہیں

آئی ایم یونے کئی بند سکولوں کی نشاندہی کی، اے ایس ڈی او نے سروس بکوں پر دستخط سے انکار کیا تو بٹا دیا گیا

گزشتہ ایک سال میں 40 غیر قانونی بھرتیاں ہوئیں اور بٹا ہرا لگا ہون کے خزاہ اور جن پاسی بھوں سے کم بھرتی ہوئے

پشاور (نئے رپورٹر) شمالی وزیرستان میں محکمہ تعلیم	پہان میں کیلئے سب ڈویژن رزنگ کے عوام نے	کیلئے خطوط ارسال کروئے ہیں۔ جن کے مذکور
میں عالی آسامیوں پر بھرتیوں میں بے قاعدگی کی	گورنر، وزیر اعلیٰ اور چیف سیکرٹری کو ایکشن لینے	گزشتہ ایک سال کے دوران (بیتہ 22 صفحہ 8)

51

40 سے زائد غیر قانونی بھرتیاں کی گئی ہیں جن میں سیدیکل بورڈ ریٹائرمنٹ کے تھری ڈی ڈی میں سب سے بھرتی کئے گئے ہیں۔ ان بھرتی ہونے والوں میں کم از کم افراد بھی شامل ہیں۔ خط کے مطابق ڈسٹرکٹ ایجوکیشن آفیسر (ڈی ای او) نے اپنے بھائی کو خلاف قاعدہ چوکیدار بھرتی کیا ہے جبکہ شہداء کے لواحقین کو یہ میں خلاف قاعدہ دو بھائیوں کو پی ایس ٹی لگا دیا گیا ہے۔ متعدد افراد کو دوسرے اضلاع سے خلاف قاعدہ جعلی استاذینات پر بھرتی کیا گیا ہے۔ ڈی ای او نے اختیارات کا ناجائز استعمال کرتے ہوئے بھرتیوں میں تعلیمی کوائف بعد میں مکمل کرنے والے بھی شامل ہیں۔ لگی، بنوں سے خلاف قاعدہ متعدد افراد بھرتی کئے گئے شہار کے بغیر خلاف قاعدہ بھرتی ہونے والے افراد تعلیمی اداروں میں حاضری بھی نہیں دیتے جبکہ انہیں ہر ماہ لے رہے ہیں۔ مخطوط کے مطابق غیر قانونی بھرتی ساڈھ کی سرورس ایک پروڈکٹ سے انکار پر ایس ڈی ای ورڈنگ کے عہدے سے ہٹایا گیا۔ جس کے بعد ڈی ای او کے پورن اور غیر قانونی بھرتیوں پر یونین کونسلوں کے چیئر پرسنز کو مخطوط لکھے ہیں۔ ادھر ڈی ای او محبت الرحمان کا موقف بھی سامنے آیا ہے جس میں انہوں نے قرار دیا ہے کہ انہوں نے اپنے بھائی کو قانونی لوازمات

(13)

**DISTRICT EDUCATION OFFICER
(MALE) NORTH WAZIRISTAN TRIBAL DISTRICT**

Ph: 0928-313045,

Email: demalenwtd@gmail.com

OFFICE ORDER APPOINTMENT ORDER:

Consequent upon the recommendation of departmental selection committee held under the chairmanship of District Education Officer, North Waziristan, in light of findings of the DSC in WP No 953-B/2020 and departmental appeal on 18/03/2023, on the basis of judgment rendered in W.P No 839-B/2020 and WP No 516-B/2020, and The following candidates of PST, NTS 2017 are hereby appointed against vacant PST Posts in BPS-12 @ RS: (19770-1430-62670) per month plus usual allowances as admissible under the rules on adhoc/Contract basis through NTS-Test Recruitment, on the terms and conditions given below with effect from the date of taking over charge in the best interest of public service.

S.No.	Name	Father's Name	CNIC No	Tehsil	Place of posting
1	Alyas Anwar	Sher Aslam	21502-9806431-5	Dosalli	GPS Maza Noor Kot Asad Khel
2	Nazir Ullah Shah	Mubarak Shah	21502-2248828-5	Dosalli	GPS Ihsan Ullah Kot Dosalli
3	Akram ud Din	Sheroz Khan	21502-0454987-5	Dosalli	GPS Sarwar Kot Dosalli

TERMS & CONDITIONS:

1. He is directed to take over charge of his duty within thirty days after issuance of this order. Charge report should be submitted in all condemn to all concern in duplicate.
2. Appointment is purely on contract basis initially for one year.
3. Appointment is subject to the condition that certificate/Degrees must be verified from the concern authorities by District Education Officer, North Waziristan. If found bogus CNIC, Domicile Documents/Testimonials will be proceeded as per prevailing rules.
4. His Service is liable to termination on one-month prior notice from either side, in case of resignation without notice, his one month pay/allowances shall be forfeited to the government.
5. Pay will not be drawn until and unless a certificate to this effect by District Education officer, North Waziristan is issued that their certificate/Degrees are verified.
6. In case of failure to join his post within thirty days, his appointment will expire automatically and no subsequent appeal etc shall be entertained.
7. Health and age certificate should be produced from the medical superintendent DHQ Miransha North Waziristan.
8. He will be governed by such rules and regulations as may be issued from time to time by the Government E&SE Department Khyber Pakhtunkhwa.
9. His service shall be terminated at any time, in case his performance is found unsatisfactory during his contract period. In case of misconduct, he will be proceeded under the rules framed from time to time.
10. He could not be handed over charge if his age exceeds thirty-five years or not within the age limit framed by the government.
11. If any technical, legal law is pointed out, the appointment will stand as cancelled.
12. Drawing and disbursing officer should personally verify this order from the office of the district education officer, North Waziristan before handing over charge to the official.
13. TA/DA is not allowed.

Sd/-
MOHIB-UR-RERMAN
District Education Officer
(M) North Waziristan

Endst: No. 38191-96/Dated Miranshah The 01.04.2023

Copy forwarded for information and necessary action to the:

- 1) Director E&SE Khyber Pakhtunkhwa, Peshawar, w/r with his No. quoted above, please.
- 2) District Account Officer, District North Waziristan.
- 3) Dy.DEO JADEOs/ASDEOs (Male) Concerned.
- 4) Candidate Concerned,
- 5) Office copy,

Sd/-
District Education Officer
(M) North Waziristan

ATTESTED

to be true copy
Advocate

IN THE PESHAWAR HIGH COURT BANNU BENCH

Writ Petition No. 953 / 2020

Alyas Anwar son of Sher Aslam resident of village Dossali Tehsil
Dossali Subdivision Razmak District North Waziristan

Petitioner

VERSUS

1. Government of K.P.K through Secretary (E & S) Education, Peshawar
2. Director (E & S) Education Peshawar
3. Ex - Director (E & S) Education FATA K.P. Peshawar
4. District Education Officer (Male) District North Waziristan

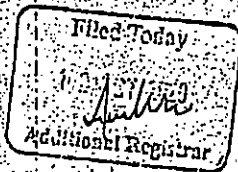
Respondents

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

Respectfully Shie

The petitioner submits as under:

1. That the addresses of the parties given in the heading of the petition are sufficient for the purpose of service
2. That the petitioner is a permanent resident of village Dossali Tehsil Dossali Subdivision Razmak District North Waziristan. The petitioner is qualified and educated person. (Attested copies of the testimonials of the petitioner are hereby enclosed as annexure "A")
3. That the respondent No.3 advertised vacancies of various post in daily newspaper "Mashriq" (Attested copy of the advertisement is hereby enclosed as annexure "B")
4. That numerous candidates applied for the above mentioned posts. The petitioner also applied for the vacant posts PST. The petitioner appeared

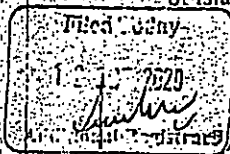


RECEIVED
PESHAWAR HIGH COURT
BANNU BENCH

- 16
- in test and interview. The petitioner secured 101.67. (Attested copies of the NTS result is hereby enclosed as annexure "C")
5. That the respondent No.3 issued the provisional merit list wherein the petitioner was placed at serial No. 160. (Attested copy of the provisional merit list is hereby enclosed as annexure "D")
6. That some of the candidates filed Writ Petition No.516 - B / 2020 and Writ Petition No. 713 - B / 2020 before this Honourable Court which were disposed of. (Attested copies of the Writ Petition No.516 - B / 2020 and Writ Petition No. 713 - B / 2020 along with orders are hereby enclosed as annexure "E")
7. That pursuant to the above mentioned writ petition, the respondents issued the appointment letter of some of the candidates. (Attested copy of the appointment letter is hereby enclosed as annexure "F")
8. That the respondents are not treating the petitioner in accordance with law. The petitioner is entitled to be treated in accordance with law and rules but the respondents failed to do so. The respondents are not exercising the power vested in them. The petitioner seeks the indulgence of this Honourable Court into the matter, inter alia, on the following grounds:

GROUND:

- I. That it is the policy / rules of the department of the respondent No. 3 that whenever tentative merit list is prepared then the respondents are bound to issue final merit list and to issue the appointment orders of the successful candidates but in the case in hands the matter is altogether different. More over the inaction of the respondents is violative of the fundamental rights of the petitioner.
- II. That the petitioner is entitled to be treated in accordance with law and to have the benefits of the policy. The respondents have violated the provision of Article 4 and Article 25 of the Constitution of Islamic Republic of Pakistan 1973. The fundamental rights of the petitioner are involved in the matter therefore this Honourable Court has the jurisdiction to entertain the petition under Article 199 of the constitution of Islamic Republic of Pakistan 1973.



ATTESTED

16

16

16

(4) (17)

(26)

III. That in the present case the attitude and conduct of the respondents is devoid of any logic. The inaction of the respondents is based on colourful exercise of powers vested in the functionaries of the Government through constitution of Pakistan which is against the basic principle of the equality of citizens before the state.

IV. That the counsel for the petitioner may kindly be allowed to raise additional grounds at the time of hearing of the instant writ petition.

PRAYER:

It is, therefore, most humbly prayed that the instant writ petition may please be allowed by directing the respondents to treat the petitioner in accordance with law.

(I). By appointing him on one of the vacant post PST

(II). Any other relief deems fit in the circumstances of the case may also be granted if not specifically asked for.

Dated: 8 / 10 / 2020

Petitioner

Alyas Anwar

Through Counsel

Muhammad Raziq
Advocate High Court

[Handwritten signature]

ATTESTED
[Handwritten signature]
Advocate High Court

(7)

(18)

(27)

IN THE PESHAWAR HIGH COURT BANNU BENCH.

Writ Petition No. 953 B / 2020

Alyas Anwar Petitioner

VERSUS

Govt. of K.P. & others Respondents

BOOKS REFERRED

- 1. The Constitution of Islamic Republic of Pakistan, 1973.

CASE LAW

Dated: 8/10/2020

Petitioner

[Signature]

Alyas Anwar

Through Counsel:
Muhammad Raziq
Advocate High Court

M Raziq
[Signature]

[Signature]

REGISTERED

[Signature]
Peshawar High Court
Bannu Bench

19

PESHAWAR HIGH COURT, BANNU BENCH

FORM OF ORDER SHEET

Date of Order of proceedings (1)	Order or other proceedings with signature of Judge(s) (2)
19.10.2022	<p><u>WP No. 953-B/2020</u></p> <p>Present: Nemo for the petitioner</p> <p>Sardar Muhammad Asif, Asstt. A.G. for official respondents</p> <p>***</p> <p>Learned counsel for the petitioner has submitted an application for adjournment. The reason advanced seems genuine. Adjourned for a date to be fixed by the office.</p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;"> <i>(Signature)</i> Peshawar Bench, Bannu Bench Authorized Under Article 67 of The Cantonment Shahadat Ordinance 1984 </p> <p style="text-align: right;">21/10/2023</p>

22 OCT 2022
(Signature)

Ghaffar Zaman/Siena

(D.B) Hon'ble Mr. Justice Sahibzada Asadullah
Hon'ble Mr. Justice Shahid Khan

20



BEFORE THE HONOURABLE PESHAWAR HIGH COURT, BANNU BANCH BANNU

W.P. No. 326-B/2023

1. Nazir Ullah Shah S/O Mubarak Shah R/O Village Dosalli P/O & Tehsil Dosalli, District North Waziristan.
 2. Akram Ud Din S/O Sheroz Khan R/O Village Dosalli P/O & Tehsil Dosalli, District North Waziristan.
- petitioners

VERSUS

1. Government of KP through Secretary Education K.P, Peshawar
 2. Director Elementary and Secondary Education KP Peshawar
 3. District Education officer, District North Waziristan Miranshah.
- Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 3 IS AS UNDER

Respectfully Sheweth:

Preliminary Objections:

- A. That the petitioners have got no cause of action, locus standi to file the instant petition.
- B. That the petitioners have not come to this Honorable court with clean hands.
- C. That the petitioners have estopped by his own conduct to bring the instant petition.
- D. That the petition is not maintainable in the present form.
- E. That petitioners have concealed material facts from this Hon, ble court, on this score along this petition is devoid of merits.
- F. That the petition is badly time barred.
- G. That the case of the petitioners is hit by principle of laches.
- H. That in the year 2016 the total number of community school teachers were 60.
- I. That the respondent regularized community teachers time to time since 2016 till date.
- J. That 37 numbers of community school teachers were regularized in the year 2016, the rest were regularized in the coming years after verification.
- K. That at present not even a single PST post is vacant at Tehsil Dosalli

Verdict
Ullah Shah
Ullah Shah
 The Bench Clerk
 Peshawar High Court

PARA WISE REPLY ON FACTS:

1. Para No. 1 of the Writ Petition is subject to petitioner's record, hence needs no comments.
2. Para No. 2 of the Writ Petition is correct to the extent that respondent No. 3 advertise many vacancies including PSTs for different Tehsil of District North Waziristan including Tehsil Dosalli in the year 2016 and corrigendum was issued in the year 2017. (Advertisement and corrigendum is Annexure A)
3. Para No. 3 of the Writ Petition is correct to the extent that respondent No. 3 advertise 50 vacant positions in the year 2016 and corrigendum was issued in the year 2017.
4. Para No. 4 of the Writ Petition is subject to record. Hence needs no comments.
5. Para No. 5 of the Writ Petition is subject to record. Hence needs no comments.
6. Para No. 6 of the Writ Petition is correct to the extent that there were Secretary Directives that to compensate/Adjust community school teachers as regular PSTs and then appoint new PSTs as per the availability of vacancies.

Filed today
 14 JUL 2023
 Additional Registrar

ATTESTED

 District Clerk

(81) (21)

(73)

It is pertinent to mention here that Tests were held for the said vacancies but interview for PSTs for the advertisement stated above were postponed due to the above mentioned directives, and the respondent time to time regularized/Adjust community school teachers on regular PST post as per availability of vacancies. (Copy of the letter/Notification is Annexure C)

- 7. Para No.7 of the Writ Petition is correct to the extent that W.P-839-B/2020 was disposed off on 2/12/2020 petitioners of the said W.P have already been appointed as per availability of vacancy.
- 8. Para No.8 of the Writ Petition is incorrect. There is no application on part of respondent department. Moreover, there is no vacant post of PST available at Tehsil Dosalli.
- 9. Para No.8 of the Writ Petition is incorrect. There is no vacant post of PST available at Tehsil Dosalli.

Thus, it is requested to dismiss the instant petition on the following grounds.

REPLY ON GROUNDS

*Verified
Muhammad Ali*

- A. Para no, A of the petition on grounds is incorrect, hence denied. There is no vacant post of PST available at Tehsil Dosalli.
- B. Para no, B of the petition on grounds is incorrect, hence denied. Petitioners have leveled baseless allegations. Candidates appoint in the said merit list were according to merit and as per availability of vacancy. At present no PST post is vacant in the said tehsil.
- C. Para no, C of the petition on grounds is incorrect, hence denied. Already discussed in the above paras on facts.
- D. Para no, D of the petition on grounds is incorrect, hence denied. Respondents are abided by law and rules and has acted accordingly and has never violate any Article of the constitution of Islamic republic of Pakistan 1973.

It is, therefore, most humbly prayed that on acceptance of the instant Comments, the instant Writ Petition of the petitioners being not maintainable in the eye of law, may kindly be dismissed with heavy cost accordingly any other remedy which the Hon,ble Court deemed proper in the matter may also be granted in favor of answering respondents.

Filed Today
10 JUL 2023
Muhammad Ali (Respondent No.3)

[Signature]
District Education Officer
North Waziristan

ATTESTED
[Signature]
District Education Officer
North Waziristan

C 22

K

BEFORE THE PESHAWAR HIGH COURT BANNU BENCH

Writ Petition No. 324-B/2023

1. Nazir Ullah Shah S/O Mubarik Shah R/O Village Dossali P.O & Tehsil Dossali District North Waziristan.
2. Akram Ud Din S/O Sheroz Khan R/O Village Dossali P.O & Tehsil Dossali District North Waziristan.

Petitioners

Versus

1. Government of K.P through Secretary of Elementary & Secondary Education K.P, Peshawar
2. Director Elementary & Secondary Education K.P, Peshawar.
3. District Education Officer (male), District North Waziristan

Respondents

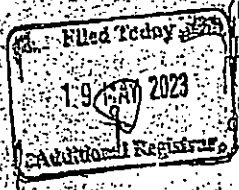
**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973 AGAINST THE PST POSTS
APPOINTMENT.**

◀=>◀=>◀=>◀=>◀=>

Respectfully Sheweth:

This Writ Petition rising up from the following facts:

1. That the petitioners are permanent resident of District North Waziristan. (Copy of the domicile /CNIC certificates are annexed as "A").
2. That the respondent No.4 (District Education Officer (Male), North Waziristan has advertised 06 posts of PST Teacher (BPS-12) in Tehsil Dossali in Education cadre, details mentioned in the daily news Paper in the year



ATTESTED

[Signature]
Additional Registrar
Peshawar

23

16

2016 and that after corrigendum was issued on 08.01.2017. (Copy of the advertisement is annexed as "B").

3. That the respondent No.3 has issued 50 vacant schools list for which the candidates can apply within the due date mentioned in the corrigendum.

4. That the petitioner being qualified for the above said posts applied according to the procedure as prescribed in the advertisement and submitted his relevant documents within the date as mentioned there in the advertisement. (Copy of the documents are annexed as "C").

5. That the petitioners appeared in NTS test wherein the petitioner No.1 took 50 score total 101.9, petitioner No.2 NTS-40 total 104.66, in merit list prepared by the NTS. (Copy of the NTS and provisional merit list is annexed as "D").

6. That respondent No.4 (District Education Officer, (male) District North Waziristan wrote a letter in the response of the secretary directive that first compensate the community schools teachers then fill the vacant posts (Copy of the letter is annexed as "E").

Rasool

Filed Today
13/01/2023
7

That other colleagues of the petitioners have filed a W.P NO.839-B/2020 Titled Rasool Bayan etc VS Govt, of K.P. ETC which has been disposed on 02.12.2020 by this

ATTESTED

[Signature]

24

DX

Hon'ble Court. (Copy of the judgment is annexed as "E").

- 8. That the petitioners have moved an application regarding the PST post for Tehsil Dossali but the respondents are mum over against the impugned post. (Copy of the applications are annexed as "G").
- 9. That that being aggrieved, having not appointing the petitioners being next meritorious in the merit list and still there vacant posts of the same advertisement, the petitioner have no other remedy and dissatisfied by the actions and inactions, misuse of power, illegality, irregularity and excess of power of the respondents on the basis of Arbitrary and discriminatory attitude, seek the indulgence of this Hon'ble Court inter alia, on the following grounds:

GROUND:

A. That the impugned inaction of the vacant posts of PST cadre of the respondent No.3 (District Education Officer male) North Waziristan is void-ab-initio, illegal and is discriminatory in contravention of the provisions of the constitution of Pakistan, thus liable to be set aside because the same has been filled by the respondent No.4 on the direction of the respondent No.1 that first adjusted the community school teacher then remaining posts be fill in next meritorious candidates but now the

now

Filed Today 1/11/2009
 1/11/2009
 District Registrar

ATTESTED

[Signature]
 District Registrar

28

20

respondents are mum over on vacant posts which is legitimate right of the petitioners over the vacant posts.

B. That the inaction of the respondent No.3 is based on colourful exercise of powers, vested in the functionaries of the Government through Constitution of Pakistan, which is against the basic principles of the equality of citizens before the state because low in merit list has been appointed just to compensate his blue eyed and after clear direction from the court the respondents are creating hurdle in the way of appointment of the petitioners.

C. That the order of the respondent No.3 is illegal, void-ab-initio and not sustainable in the eye of law. The petitioner has high pedestal in their qualification and NTS merit list score but the respondent has ignored the position of the petitioner and using pick in choose mind which clearly shows favoritism while in other hand, the respondent has been appointed to bilge according to his own sweet will against the principle of equity and also violated the norms of justice.

Amir

D. That in present case the attitude and conduct of the respondents is devoid of any logic and against the guarantee and security and violation of the Article 04 and 25 of the constitution of Pakistan 1973.

Handwritten
1/11/2020
Notary Public
PAUCHEER REGISTRAR

ATTESTE

[Signature]
Notary Public

26

26

It is, therefore, humbly prayed that on acceptance of this Writ Petition, the Inaction (Not filling the vacant posts) of the respondent No.3 declared to be illegal, void-ab-initio and unsustainable and the respondents may further be directed to appoint the petitioners in Tehsil Dossal being next meritorious in the merit list on their merit position and still there vacant posts of the same advertisement.

Any other efficacious remedy may also be granted in favour of the petitioner.

INTERIM RELIEF:

By way of interim relief, the operation of the advertisement may kindly be suspended or the post impugned 02 posts may not be fill till final disposal of this Writ Petition.

Petitioners
Through *[Signature]*

Masood Iqbal Khattak
Advocate Supreme Court of
Pakistan at Bannu

Dated: 15/05/2023

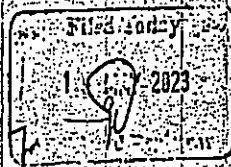
CERTIFICATE:

As per instructions of my client, certified that no such like Writ Petition has earlier been filed by the petitioner before this Honourable Court.

LIST OF BOOKS:

- 1. Constitution of Islamic Republic of Pakistan, 1973
- 2. Case Law According to Need

Advocate



[Signature]

RECEIVED
[Signature]
15/05/2023

27

78

3

BEFORE THE HONOURABLE PESHAWAR HIGH COURT BANNU BANCH BANNU
W.P. No. 326-B/2023

- 1. Nazir Ullah Shah S/O Mubarak Shah R/O Village Dosalli P/O & Tehsile Dosalli, District North Waziristan.
 - 2. Ikram Ud Din S/O Sheraz Khan R/O Village Dosalli P/O & Tehsile Dosalli, District North Waziristan.
- petitioners

VERSUS

- 1. Government of KP through Secretary Education K.P. Peshawar.
 - 2. Director Elementary and Secondary Education KP Peshawar.
 - 3. District Education officer, District North Waziristan Miranshah.
- Respondents.

AFFIDAVIT

Nasim Khan ADEO/SDEO/DDEC North Waziristan do solemnly affirm and declare that the Comments of Respondent No.3 in the W.P. No. 326-B/2023 is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

ADEO/SDEO/DDEC
North Waziristan
Miranshah District

Identified by

24784
I certify that the above was verified on solemnly affirmation before me in office this 28 day of Jul 20 23 by Nasim Khan ADEO North Waziristan who was identified by AA/G who is personally known to me

[Signature]

Ass'tant Advocate General
P.H.C. Bannu

[Signature]
Peshawar High Court
Bannu Bench

ATTESTED

Filed 10
10 JUL 2023

[Signature]
Peshawar High Court
Bannu Bench

28

79

**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)
31.05.2023	<p><u>WP No.326 -B of 2023</u></p> <p><u>Present:</u> Mr. Masood Iqbal Khattak advocate for petitioner.</p> <p>***</p> <p>Comments be called from the respondent No.3, so as to reach this court within a fortnight.</p> <p>Adjourned to a date in office.</p> <p>(D.B) Hon'ble Mr. Justice Fazal Subhan and Hon'ble Mr. Justice Dr. Khurshid Iqbal</p> <p>CERTIFIED TO BE TRUE COPY</p> <p><i>[Signature]</i> Peshawar High Court Bannu Bench Established under Section 14 of Punjab Act No. 10 of 1956 Punjab Act No. 10 of 1956</p> <p>01 JUN 2023 <i>[Signature]</i></p>

Shaw
1/16

21/10/2023

S.No. 9750

Date of Order 21-10-2023

No. of 10-8

City /

Urger /

Total 407

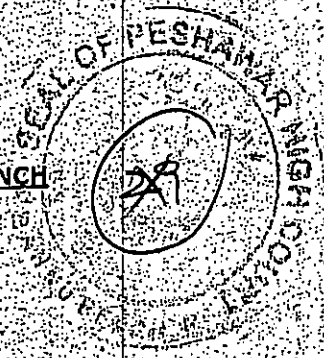
Date of Pre 21-10-2023

Date Given 21-10-2023

Date of Delivery 21-10-2023

Received By Pida Khan

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH



Writ Petition No. 829-B /2020

1. Rasool Bayan S/O Ghanl Sardar R/O Village Paryat Razanl Tehsil Dossali District North Waziristan (Agency) *mark*
2. Sameed Ullah S/O Khalil R/O Tehsil *Dossali* District North Waziristan (Agency)
3. Arshad Menhas S/O Hayat Khan R/O Miran Shah District North Waziristan Agency
4. Akhtar Ali Khan S/O Shereen Khan R/O Tehsil Razmak District North Waziristan Agency
5. Mst. Umbreena Nawaz D/O Hajj Nawaz Khan R/O Tehsil Miran Shah District North Waziristan Agency *mark*
6. Muhammad Ishfaq S/O Muhammad Daraz R/O Tehsil *thob* Miran Shah District North Waziristan Agency
7. Muhammad Rehman S/O Mir Jan R/O Miran Shah District North Waziristan (Agency) Petitioners

Versus

1. Government of K.P through Secretary of Elementary & Secondary Education K.P, Peshawar
2. Director Elementary & Secondary Education K.P, Peshawar
3. Ex-Director (Elementary & Secondary Education) FATA K.P, Peshawar
4. District Education Officer (male), District North Waziristan/ Agency Education Officer North Waziristan Agency Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF

Filed Today
04 SEP 2020
Additional Registrar
PAKISTAN, 1973

Rasool

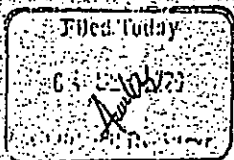
ATTESTED

[Signature]
Peshawar High Court
Bannu Bench

Respectfully Sheweth:

This Writ Petition rising up from the following facts:

1. That the petitioners are permanent resident of District North Waziristan Agency (Copy of the domicile /CNIC certificates are annexed as "A").
2. That the responder t. No.3 (District Education Officer (Male), North Waziristan has advertised various posts of PST Teacher BPS-12) in Education cadre, details mentioned in the daily news Paper in the year 2016 and that after corrigendum was issued on 08.01.2016. (Copy of the advertisement is annexed as "B")
3. That the respondent No.3 has issued 50 Vacant schools list for which the candidates can apply within the due date mentioned in the corrigendum.
4. That the petitioner being qualified for the above said posts applied according to the procedure as prescribed in the advertisement and submitted his relevant documents within the date as mentioned there in the advertisement. (Copy of the documents are annexed as "C")
5. That the petitioners appeared in NTS test wherein the petitioner No.1 took 43 score total 110.18, petitioner No.2 NTS-60 total-116.57, Petitioner No.3 NTS-55 total-



30
30
Tawar

10/12/20
District Education Officer
North Waziristan Agency

(X) (31) (X)

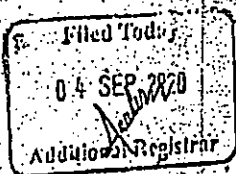
119.19; Petitioner No.4 NTS-46 total 113.36, Petitioner No.5 NTS-43 total 97.23 and petitioner No.6 NTS-54 total 126.67 and petitioner No.7 NTS-51 total 112.67 in merit list prepared by the NTS. (Copy of the NTS and provisional merit list is annexed as "D").

6. That respondent No.4 (District Education Officer (male), District North Waziristan/ Agency Education Officer North Waziristan Agency) wrote a letter in the response of the secretary directive that first compensate the community schools teachers then fill the vacant posts. (Copy of the letter is annexed as "E").

7. That the petitioner No.03 to 07 have filed W.P No.713-B/2017 which has been disposed off on 10.12.2018. (Copy of the judgment is annexed as "F").

8. That other colleagues of the petitioners have filed a W.P NO.516-B/2020 which has been disposed on 10.06.2020 by this Hon'ble Court. (Copy of the judgment is annexed as "G").

9. That being aggrieved, having not appointing the petitioners being next meritorious in the merit list and still there vacant posts of the same advertisement, the petitioner have no other remedy and dissatisfied by the actions and inactions, misuse of power, illegality,



Rasool
ATTESTED
EX. No. 111
Peshawar High Court
Banda Branch

Irregularity and excess of power of the respondents on the basis of Arbitrary and discriminatory attitude, seek the indulgence of this Hon,ble Court Inter. alla, on the following grounds;

GROUND S

A. That the impugned inaction of the vacant posts of PST cadre of the respondent No.3 (District Education Officer male)/Agency Education officer North Waziristan Agency is void-ab-Initio, illegal and is discriminatory in contravention of the provisions of the constitution of Pakistan, thus liable to be set aside because the some has been filled by the respondent No.4 on the direction of the respondent No.1 that first adjusted the community school teacher then remaining posts be fill in next meritorious candidates but now the respondents are mum over on vacant posts which is legitimate right of the petitioners over the vacant posts.

B. That it is pertinent to mentioned here that petitioner No.2 to 07 COC is pending but they still avoiding the order of the court and has implemented the judgment of this Hon,ble court in another writ petition it,s means that has rightly approached to this Hon,ble being accrued rights.(Copy of the appointment order is annexed as "H).

Filed with
04/05/2020
Abul Hasan Registrar

Handwritten signature

ATTESTED
Handwritten signature
Abul Hasan Registrar

C. That the inaction of the respondent No.4 is based on colourful exercise of powers, vested in the functionaries of the Government through Constitution of Pakistan, which is against the basic principles of the equality of citizens before the state because low in merit list has been appointed just to compensate his blue eyed and after clear direction from the court the respondents are creating hurdle in the way of appointment of the petitioners.

D. That the order of the respondent No.4 is illegal, void-ab-initio and not sustainable in the eye of law. The petitioner has high pedestal in their qualification and NTS merit list score but the respondent has ignored the position of the petitioner and using pick-in-choose mind which clearly shows favoritism while in other hand, the respondent has been appointed to bilge according to his own sweet will against the principle of equity and also violated the norms of justice.

E. That in present case the attitude and conduct of the respondents is devoid of any logic and against the guarantee and security and violation of the Article 04 and 25 of the constitution of Pakistan 1973.

Filed Today
04 SEP 2020
Registrar

Handwritten signature

ATTESTED
Handwritten signature
BANDI KOTA

**IN THE PESHAWAR HIGH COURT
BANNU BENCH.**

(Judicial Department)

W.P.No. 839 -B of 2020

Rasool Biyan
Vs.
Govt. of Khyber Pakhtunkhwa

JUDGEMENT.

Date of hearing: 02.12.2020

For petitioner: Mr. Masood Iqbal Khattak advocate.
For respondent(s): Mr. Umar Farooq Umer Farooq Addl. A.G and
Sharif Ahmad SDEO (Male) and Mukhtiar Alam
Litigation Officer

SAHIBZADA ASADULLAH, J. -- The petitioner approached this court by invoking its jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, with the prayer, "It is, therefore, humbly prayed that on acceptance of this writ petition, the inaction (non filling the vacant posts), of the respondent No.4, be declared to be illegal, void-ab-initio and unsustainable and the respondents may further be directed to appoint the petitioners being next meritorious in the merit list on their merit position and to fill the vacant posts of the same advertisement. Any other efficacious remedy may also be granted in favour of the petitioner."

2. Brief facts of the case are that owing to an advertisement made by respondent No.3, (District Education Officer (Male) North Waziristan), in the year 2016 following by a corrigendum on 08.01.2016. The petitioner applied for the same and appeared in the NTS test and ultimately a provisional merit list was prepared where the petitioners were placed at their respective places owing to their merit

12/12/2020
A-123456789
12/12/2020

35

position. When the process was not yet finalized, when the need was felt to accommodate / adjust the teachers who were working in community schools, and in this respect correspondence took place between the respondent No.4 and the competent authorities.

3. The petitioners could not be appointed as the Community School Teachers were to be adjusted/ accommodated on priority basis. In this respect, several writ petitions were filed before different benches of the Peshawar High Court, where this court was pleased to direct the respondents to issue the process of appointment of the Community School Teachers on priority basis and soon thereafter to appoint rest of the candidates, who appeared in the NTS in pursuance to the advertisement made by the District Education Officer (Male) North Waziristan, in the year 2016. Initially this Court was pleased to dispose of W.P. No.713-B of 2017, on 10/12/2018, with the observations, "Representative of respondents states that those candidates who were redundant due to close of community schools would be appointed and after existence of vacancy, the petitioner would also be appointed on merit. Learned counsel for the petitioner states that the respondents shall consider the merit list prepared in the year 2012, so they are directed to consider the merit list prepared in the year 2012. In view of the above, the instant writ petition is disposed of accordingly." These observations were following by this court in W.P. No.516-B of 2020 titled Zahidullah Vs the Govt. etc, where the writ petition was disposed of on 10.06.2020, with the observations "the learned counsel for the petitioners stated at the bar that if this petition was disposed of, owing to the observations rendered in W.P.No. 713-B of 2017, the petitioners grievances could be redressed. We feel no

9

ATTESTED
R. U.

36

hesitation to direct the respondents to consider the case of the petitioner in light of the observation rendered in ibid writ petition, however, the respondents are at liberty to follow the rules, regulations and then adjust the petitioners strictly in accordance with law, if any vacancies were available. With these observations this writ petition is disposed of."

4. As the learned counsel for the petitioners requested that his writ petition should be decided in light of the observations rendered in the ibid writ petitions, and so the learned Addl. Advocate General along with Mr. Sharif Ahmad SDEO and Mukhtar Alam Litigation officer expressed their willingness, so we feel no hesitation to dispose of the instant writ petition in light of the above mentioned writ petitions. With this writ petition stands terminated.

Announced
02.12.2020
Ain/PS

(D-8)
Mr. Justice Anwarul Hqueel and
Mr. Justice Rahnema Aschullah

office
10/12/2020

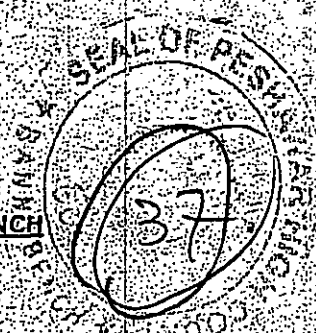
CERTIFIED TO BE TRUE COPY

SCANNED

10 DEC 2020
Khalid Khan

Peshawar Bench
Authorized Under
Section 10 of the
Punjab State Ordinance 1954

BEFORE THE PESHAWAR HIGH COURT, BANNU BENCH



Writ Petition No. 576 /2020

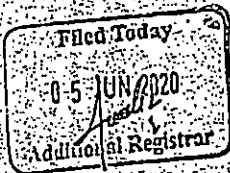
1. Zahid Ullah Khan S/O Laili Khan R/O Village & Tehsil Shewa District North Waziristan Agency
2. Farid Ullah S/O Asmat Ullah Jan R/O Malik Shahi Kabil Khel P.O. Shewa Tehsil Shewa District North Waziristan Agency
3. Dost Muhammad S/O Raees Khan R/O Maimi Kabil Khel P.O. Shewa Tehsil Shewa District North Waziristan Agency
4. Noor Rehman S/O Shah Mir Jan R/O Maimi Kabil Khel P.O. Shewa Tehsil Shewa District North Waziristan Agency
5. Noor Wali Khan S/O Mir Azam Khan R/O Maimi Kabil Khel P.O. Shewa Tehsil Shewa District North Waziristan Agency
6. Irfan Ullah S/O Mushk E Alam R/O Maimi Kabil Khel P.O. Shewa Tehsil Shewa District North Waziristan Agency

Petitioners

Versus

1. Government of K.P. through Secretary of Elementary & Secondary Education K.P. Peshawar
2. Director Elementary & Secondary Education K.P. Peshawar
3. Ex-Director (Elementary & Secondary Education) FATA K.P. Peshawar
4. District Education Officer (male), District North Waziristan/ Agency Education Officer North Waziristan Agency

Respondents



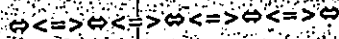
Handwritten signature

ATTESTED

Handwritten signature
Peshawar High Court
Bannu Bench

38

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



Respectfully Sheweth:

This Writ Petition arising up from the following facts:-

1. That the petitioners are permanent resident of District North Waziristan Agency (Copy of the domicile certificates are annexed as "A").
2. That the respondent No.3 (District Education Officer (Male), North Waziristan has advertised various posts of PST Teacher (BPS-12) in Education cadre, details mentioned in the daily news Paper in the year 2016 and that after corrigendum was issued on 08.01.2016. (Copy of the advertisement is annexed as "B").
3. That the respondent No.3 has issued 50 Vacant schools list for which the candidates can apply within the due date mentioned in the corrigendum.
4. That the petitioner being qualified for the above said posts applied according to the procedure as prescribed in the advertisement and submitted his relevant documents within the date as mentioned there in the

Filed Today
05 JUN 2020
Additional Registrar

Handwritten signature

ATTESTED
Handwritten signature
District Registrar

39

advertisement. (Copy of the documents are annexed as "C").

5. That the petitioners appeared in NTS test wherein the petitioner No.1 took 51 score total 112.01, petitioner No.2 NTS-55 total 120.31, Petitioner No.3 NTS-42 total 107.55, Petitioner No.4 NTS-67 total 114.49, Petitioner No.5 NTS-43 total 112.28 and petitioner No.6 NTS-46 total 108.39 in merit list prepared by the NTS. (Copy of the NTS and provisional merit list is annexed as "D").

6. That respondent No.4 (District Education Officer (male), District North Waziristan/ Agency Education Officer North Waziristan Agency) wrote a letter in the response of the secretary directive that first compensate the community schools teachers then fill the vacant posts. (Copy of the letter is annexed as "E").

7. That colleagues of the petitioners filed W.P. No.713-B/2017 which has been disposed off on 10.12.2018. (Copy of the judgment is annexed as "F").

8. That That being aggrieved, having not appointing the petitioners being next meritorious in the merit list and still there vacant posts of the same advertisement, the petitioner have no other remedy and dissatisfied by the actions and inactions, misuse of power, illegality,

Filed Today
05 JUN 2020
Additional Registrar

ATTESTED

[Signature]
Deputy High Court
Islamabad

[Handwritten Signature]

40

Irregularity and excess of power of the respondents, on the basis of Arbitrary and discriminatory attitude, seek the indulgence of this Hon'ble Court inter alia, on the following grounds;

G R O U N D S:

A. That the impugned inaction of the vacant posts of PST cadre of the respondent No.3 (District Education Officer male)/Agency Education officer North Waziristan Agency is void-ab-initio, illegal and is discriminatory in contravention of the provisions of the constitution of Pakistan, thus liable to be set aside because the same has been filled by the respondent No.4 on the direction of the respondent No.1 that first adjusted the community school teacher then remaining posts be fill in next meritorious candidates but now the respondents are mum over on vacant posts which is legitimate right of the petitioners over the vacant posts.

B. That the inaction of the respondent No.4 is based on colourful exercise of powers, vested in the functionaries of the Government through Constitution of Pakistan, which is against the basic principles of the equality of citizens before the state because low in merit list has been appointed just to compensate his blue eyed and after clear direction from the court the respondents are

Filed Today
05 JUN 2020
Additional Registrar

Manoof

ATTESTED

[Signature]
Public and High Court
Bazdu Bench

41

creating hurdle in the way of appointment of the petitioners.

C. That the order of the respondent No.4 is illegal, void-ab-initio and not sustainable in the eye of law. The petitioner has high pedestal in their qualification and NTS merit list score but the respondent has ignored the position of the petitioner and using pick in choose mind which clearly shows favoritism while in other hand, the respondent has been appointed to bilge according to his own sweet will against the principle of equity and also violated the norms of justice.

D. That in present case the attitude and conduct of the respondents is devoid of any logic and against the guarantee and security and violation of the Article 04 and 25 of the constitution of Pakistan 1973

It is, therefore, humbly prayed that on acceptance of this Writ Petition, the inaction (Not filling the vacant posts) of the respondent No.4 declared to be illegal, void-ab-initio and unsustainable and the respondents may further be directed to appoint the petitioners being next meritorious in the merit list on their merit position and still there vacant posts of the same advertisement

Filed Today
05 JUN 2020
Additional Registrar

ATTESTED

[Signature]
Deputy Registrar

[Handwritten Signature]

424

Any other efficacious remedy may also be granted
in favour of the petitioner.

INTERIM RELIEF:

By way of Interim relief, the post impugned may
not be advertised by the respondent No 4 or Six posts
may not be fill till final disposal of this Writ Petition.

Petitioner
Through *Masood*
Masood Iqbal Khattak
Advocate, Bannu

Dated: 04.06.2020

CERTIFICATE:

As per instructions of my client, certified that no such like
Writ Petition has earlier been filed by the petitioner before
this Honourable Court.

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Case Law According to Need.

Masood

Advocate

Masood

Filed Today
05 JUN 2020
Masood
Additional Registrar

ATTESTED

Masood
Additional Registrar
Bannu Bench

PESHAWAR HIGH COURT

BANNU BENCH
(Judicial Department)

W.P. No. 516-B of 2020

Zahidullah etc.

vs.

The State etc.

JUDGMENT

Date of hearing: **10.06.2020**

For Appellants: **Mr. Masood Iqbal Khattak advocate.**

For State: **Mr. Qudratullah Khan Asstt. A.G**

SAHIBZADA ASADULLAH, J. - The petitioners approached this

Court with the prayer: "It is, therefore, humbly prayed that on

acceptance of this writ petition the inaction (not filling the vacant

posts) of respondent No. 4, declared to be illegal, void-ab-initio

and unsustainable and the respondents may further be directed to

appoint the petitioners being next meritorious in the merit list on

their merit position against the vacant posts of the same

advertisement."


2. Brief facts giving rise to the instant writ petition are

that the respondent No. 3, (District Education Officer (Male),

North Waziristan advertised various posts of PST teachers, in

(BPS-12) in education cadre in the year 2016, with a subsequent

REGISTERED


Peshawar High Court
Bannu Bench

44

corrigendum of 08.01.2016. Through corrigendum the respondent No.3 issued a list of 50 vacant schools against which the desirous candidates were asked to apply to which the petitioners did. It is further alleged that the petitioners appeared in NTS test, wherein the petitioner No.1 took 51 score, total 112.01, petitioner No.2 NTS-55 total 120.31, petitioner No.3 NTS-42 total 107.55, petitioner No.4 NTS-67 total 114.49, petitioner No.5 NTS 43 total 112.28 and petitioner No.6 NTS-46 total 108.39 in the merit list.

9

3. It is further pointed out that respondent No.4 (District Education Officer (Male) North Waziristan/ Agency Education Officer North Waziristan) wrote a letter to the Secretary by requesting that while making appointments against the vacant posts, those who worked as Community School Teachers should be placed on priority. It is pertinent to mention that some of the colleagues of the petitions filed WP No.713-B of 2017 which was disposed of vide order dated 10.12.2018 where this Court made the following observations "representative of respondents states that those candidates who were redundant due to close of community schools would be appointed and after existence of vacancy the petitioner would also be appointed on merit. Learned

Signature

45

counsel for petitioner states that the respondent shall consider the merit list prepared in the year 2012, so they are directed to consider the merit list, prepared in the year 2012. In view of the above, the instant writ petition is disposed of accordingly."

4. The learned counsel for the petitioners stated at the bar that if this petition was disposed of owing to the observations rendered in WP No.713-B of 2017 the petitioners grievances could be redressed. We feel no hesitation to direct the respondents to consider the case of the petitioner in light of the observation rendered in ibid writ petition, however, the respondents are at liberty to follow the rules, regulations and then adjust the petitioners strictly in accordance with law, if any vacancies were available. With these observations this writ petition is disposed of.

Announced:
10.06.2020
Azam PS

Handwritten signature and date: 22/6/2020

(D. F. Mr. Justice Khawar Raza and Mr. Justice Baharuddin Abdullah)

Handwritten signature and date: 22-6-2020

CERTIFIED TO BE TRUE COPY

Handwritten signature
Peshawar High Court
Authorised Director of
the Ombudsman Ordinance 1981

پشاور ایبٹ آباد اور اسلام آباد سے بیک وقت شائع ہو بیوا الیتر الاستقامت نوی روز نامہ

روشنی کی شامت، آج کا سب آئین

گروپ چیف ایگزیکٹو
نگہت شاہین

روزنامہ

پشاور
پاکستان

بانی
عبدالواحد دیوبند

جلد 34 | جمعہ 25 ربیع الثانی 1445ھ 10 نومبر 2023ء کا نمبر 30 | شمارہ 302

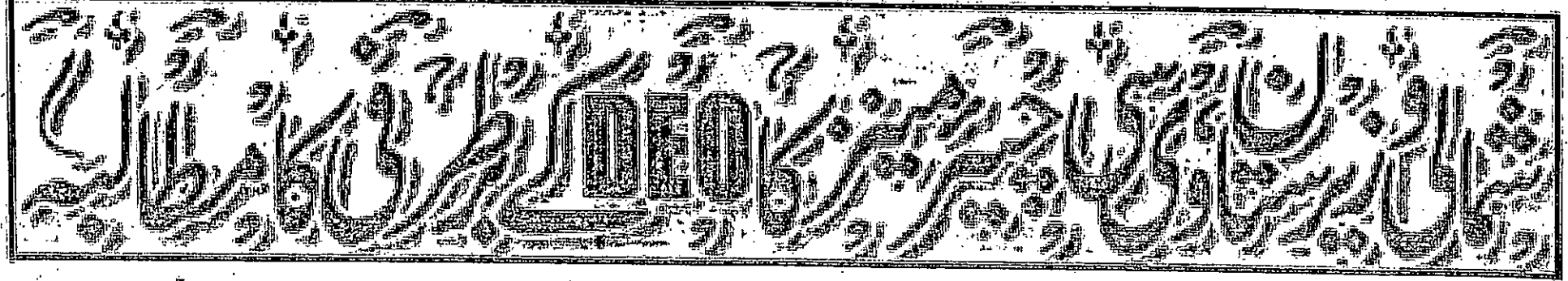
شمالی وزیرستان ڈی ای او کیخلاف احتجاجی دھرنے کی دھمکی

کرپشن کے ریکارڈ توڑ دیئے گئے، سینکڑوں غیر قانونی بھرتیوں کا حکومت فوری نوٹس لے

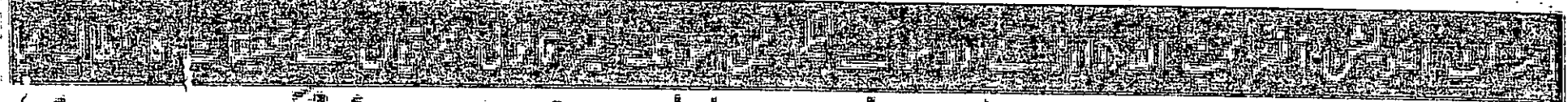
وزیرستان کے حق پر ڈاکہ ڈالنے نہیں دیئے گئے، چیئر مینوں کی پریس کانفرنس

بنوں (نمائندہ آج) شمالی وزیرستان کی تمام تحصیلوں کے وی سی چیئر مینوں اور ایوٹھ آف رزمک نے ڈسٹرکٹ ایجوکیشن آفیسر کی کرپشن اور غیر قانونی بھرتیوں پر ان کی فوری برطرفی اور انکوائری کا مطالبہ کرتے ہوئے پورے وزیرستان میں احتجاجی دھرنے کی دھمکی دیدی، بنوں پریس کلب میں درجنوں وی سی چیئر مینوں سول سوسائٹی اور ایوٹھ کے نمائندوں کے ہمراہ خطاب کرتے ہوئے چیئر مین شریف اللہ، چیئر مین میر سعود، چیئر مین بیت اللہ اور ایوٹھ صدر گلاب دین نے کہا کہ ڈسٹرکٹ ایجوکیشن آفیسر شمالی وزیرستان نے جب سے چارج سنبھالا ہے اس وقت سے اب تک انہوں نے کرپشن کے ریکارڈ توڑ دیئے ہیں اور سینکڑوں کی تعداد میں غیر قانونی بھرتیاں کی ہیں۔

لاہور کے قلم کاروں کی فہرست (1963ء) | پریس ایسوسی ایشن (پا) کی فہرست (1962ء) | انگریزی میں اخبار (پا) کی فہرست (1961ء) | پاکستان کا نواب



دی ای او کے کریٹیک، غیر قانونی ہجرتوں اور سماجی فیصلوں کا مذاق اڑانے پر ان کے فوری برطرف کیا جائے



ہیں (ان کے افسوس کی مثال، ہجرتوں کے نام	کرتی، لیکن وہ اپنی ہجرتوں اور سماجی فیصلوں کا مذاق	انسانی ہمت کی دشمنی سے بھرا ہے اور ان کے
فیصلوں کے خلاف ہجرتوں اور ہجرتوں کے	اذا ہے ہجرتوں کے فوری برطرف اور ان کے خلاف	انسانی ہمت کی دشمنی سے بھرا ہے اور ان کے
کے ہجرتوں نے ان کے ہجرتوں کے	انسانی ہمت کی دشمنی سے بھرا ہے اور ان کے	انسانی ہمت کی دشمنی سے بھرا ہے اور ان کے

69

ان کے ہجرتوں

بجائے بیٹے کے قصداً لائے جانے والے ظالمات
 تیس فوری طور پر ختم کرتے ہوئے چار قصداً لکس
 لاکھ کیا جائے تاکہ زمین کی خرید و فروخت کا عمل پھر
 سے شروع ہو سکے

سے حریف
 وزارتین کی



عزیز و سلطان
 فوری رابطہ
 ہے کہ رات
 اٹھتے بنا
 انہوں نے
 آفس کو
 بلایا جبکہ وہ
 مانی کے سر
 ہوئی۔ اور
 کر لے۔
 حیرت میں
 لو اٹھیں تو

کے تعلقات کا مطالبہ کیا انوں پر جس کلب میں
 اور جنوں کی اسی چیز میں، رسول سیراکی اور پوچھ
 کے نما گزروں کے ہمراہ انوں پر جس کلب میں
 پریس کانفرنس سے خطاب کرتے ہوئے چہرہ میں
 شریف اللہ، چہرہ میں میر سعید، چہرہ میں ہیبت اللہ
 اور پوچھ صوبہ کلب دین نے کہا کہ ڈسٹرکٹ
 ایجوکیشن آفیسر شمالی وزیرستان کلب اللہ داؤد نے
 جب سے ڈسٹرکٹ ایجوکیشن آفیسر کا چارج سنبھالا
 ہے اس وقت سے اب تک انہوں نے گزشتہ ان کے
 ریکارڈ توڑ دیئے ہیں اور منتظروں کی تعداد میں غیر
 قانونی بھرتیاں کئے ہیں اور جہاں بھی رہا ہے غیر
 قانونی بھرتیوں پر ان کے خلاف ایف ایف اے اور ایف
 اور انکو ترمیم ہو چکی ہیں موصوف نے میڈیکل
 بورڈ پر جانے والے استاد کے ایک بیٹے کی بجائے
 وہ بیٹے بھرتی کئے ڈسٹرکٹ ایجوکیشن کے ذریعے
 بھرتی اور اسٹریو کے ساتھ پورے لوگوں
 کو بھرتی کیا جن میں جنوں ڈی آئی خان، گل
 مرویت اور سیدنا انار لوگ شامل ہیں جو وزیرستان
 کے تسلیم یافتہ نوجوانوں کے حق پر کھلا ڈاکہ ہیں
 ساتھ باقی ایک اور سیکرٹری ایجوکیشن جہان کو لکھ چکے
 ہیں کہ شمالی وزیرستان میں کوئی کیو ایف سکول موجود
 نہیں اس کے باوجود موصوف نے ویرہ دہری سے
 کیو ایف سکول کے نام تیار اور جنوں اساتذہ کو بھی
 گرم کر کے مستقل کے اور ردے بھرتیوں کیلئے کوئی
 اشتہار نہیں دیا۔ اسٹیٹسٹوں کو بھیج کر کے ان پر
 غیر قانونی بھرتیاں کیں



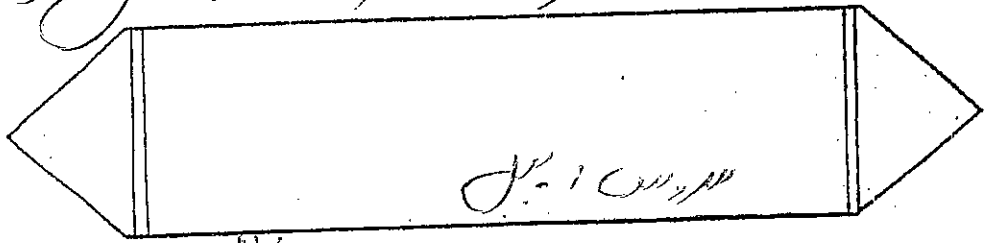
انہوں نے
 سکر نام
 بزرگ خیر
 ایک تو جہا
 چاہ سکتا ہے
 تو جہان ہ
 کرتے چ
 کا بیٹا ہے،
 ہے تو جہ
 جب کہ ہ
 بھرتی کر
 کہ بزرگ
 میں تشدد
 اور جسم بزرگ
 اور خواست



کے بعد آج (پنج) ادا بہہ باراد کے راستے زمین
 وا جس بھجوا جائے گا۔ رہائی پانے والے بھارتی

50

بعدالت فیہ تحقیق منہ و من شریبونہ رشادہ



2024ء منجانب

خدا خان بوند بنام چیف سیکرٹری کا
عبدالحق خان

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
آن مقام کیا ہے کے صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واضحہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جات التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ مندر ہے۔

المرقوم 22
ماہ جنوری 2024

مقام
کے لئے منظور ہے۔
Accepted
Miss

فائل عدلہ عبدالحق خان
عبدالحق خان شیواہ سنگھ نارکو وکیل مسان (ایڈوائس)