

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR

Service Tribunal Appeal No. 2502 of 2023

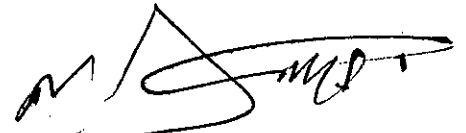
Muhammad Ibrahim Khan

Versus

The Director, (E&S) Education, KP and others

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Muhammad Ilyas
District Education Officer (M)
Lakki Marwat

04-03-2024
Peshawar

BEFORE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL,
PESHAWAR

Service Tribunal Appeal No. 2502 of 2023

Muhammad Ibrahim Khan

Versus

The Director, (E&S) Education, KP and others

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11886

Dated 27-02-2024

Written Reply on behalf of Respondent No. 1,2 &3.

Respectfully Sheweth:

Preliminary Objections:

- A. The appeal is wholly incompetent and untenable.
- B. The appellant has not come to the Hon'ble tribunal with clean hands.
- C. The appeal is filed by the petitioner with malafide intent.
- D. The appeal is suffer from exaggeration and mis-statement.
- E. The appellant has no locus standi and cause of action.
- F. The appellant has not come to the Hon'ble Tribunal with clean hands. The appeal also suffers from mis-statement and concealment of facts and as such the appellant is not entitled to any relief.
- G. That appellant concealed actual facts from this Honourable Tribunal. The appellant submitted fake M.Ed degree at the submission of application, which was found fake and bogus after verification from the concerned university. **(Copies of fake degree and verification letter are Annexure-A & B).**
- H. That the appellant is guilty of committing fraud by submitting fake and bogus document, hence he is not entitled to any relief.

REPLY ON FACTS:

1. That Para No.1 is concerned with the appellant hence need no reply. It is pertinent to mention here that the appellant presently annexed degree of M.Ed, which result was declared on 27-04-2022, while last date for submission of application was 07-12-2020. **(Copy of Advertisement and M.Ed Degree of Appellant are annexed as C & D).**
2. That Para No. 2 is correct to the extent that the appellant applied for the post but with degree of M.Ed, which was declared bogus and fake after verification from concerned university. **(Already Annexed).**
3. That Para No.3. That the appellant submitted fake degree of M.Ed and obtained 129.730 score in the final merit list but as per present record submitted by the appellant the result of M.Ed was not declared till date of interview, hence it is proved that the appellant submitted fake degree and now is producing a different degree before this Hon'ble Tribunal to gain sympathy. The appellant is guilty of committing fraud with department and did not deserve to be involved with the respectable profession of teaching.
4. That Para No.4. It is submitted that as it is evident from the appointment order that the appellant was given 129.730 marks including marks of M.Ed degree and appointed on that score. But later on, after verification of documents appellant's M.Ed degree found fake.
5. That Para No.5. The appellant was regularized as per rules but the verification process was not yet completed.
6. That Para No.6. The documents of all the appointees were verified through due process and the appellant's M.Ed degree was found fake on verification from the concerned university, hence show cause was issued to appellant, which was replied by the appellant, wherein the appellant alleged that he filed original M.Ed degree with the

documents. But here the fraud is evident, as the appellant has submitted M.Ed degree with this appeal, which result was declared on 27-04-2022, while the last date for submitting application was 07-12-2020, therefore, when the appellant was not in possession of degree of M.Ed till 27-04-2022, so what degree he submitted with the application and at the time of interview. **(Copy of Show-Cause Notice, Letter for personal hearing dated. 12-07-2023 and Notification dated. 24-08-2023 Annexed as E, F & G).**

7. That Para NO.7. The appellant was correctly dismissed from service due to his fraud committed with the department and departmental appeal was correctly decided by the competent authority. **(latter dated. 14-11-2023 annexed as H).**
8. That Para No.8. The instant appeal is illegal and filed to pressurize department, therefore is liable to be dismissed.

REPLY ON GROUNDS:

- a) That Para A is incorrect. The appellant is treated in accordance with law and policy. Here it is pertinent to mention that the appellant has committed fraud with the department and obtained marks on fake degree, hence he is not entitled to be re-instated into service, as the teaching is most respectable profession and need honest people to be appointed but the appellant is fraud and such like persons effect the profession and department.
- b) That in Para No. B is incorrect. The appellant so far admitted the fact that he was given score of 129.730. Actual facts are that at the time of applying the appellant submitted fake degree of M.Ed of University of Peshawar and on that degree the appellant obtained 129.730 marks. But later-on when the appellant M.Ed degree was founded fake, the appellant is now producing different degree of M.Ed from UST Bannu. The appellant admitted the fact in his reply

to show cause that he has submitted M.Ed degree but the important fact of the case is, that at the time of applying for post or at the time of interview, the appellant was not in possession of M.Ed degree issued after 27-04-2022, so it is proved that at the time of apply, even at the time of interview appellant has submitted and produced a fake degree.

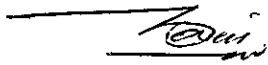
- c) That Para No. C is incorrect. The appellant submitted fake degree at the time of applying even at the time of interview but now when the degree is found fake, he is trying to mislead this Hon'ble Court by producing a M.Ed degree which was issued after long period of apply or interview.
- d) That Para No. D is incorrect. The appellant was appointed but it is principle policy of department that a person guilty of fraud should not be appointed or retained to the most respectable profession of teaching. Hence the appellant was correctly dismissed / removed from service.
- e) That Para No. E. It is submitted that the appellant obtained marks due to his fake degree and appointed, hence the appellant is not entitled to avail benefit from his fault.
- f) That Para No. F. It is submitted that as per rules if the competent authority is satisfied that any civil servant is guilty of misconduct, he could proceed with matter without holding an inquiry. In the present case the appellant has committed fraud with the department for his appointment and the fraud has been proved on verification, hence the inquiry was not needed in present matter.
- g) That Para No. G is incorrect. As mentioned above the fraud of appellant was proved hence inquiry was not needed in present matter.
- h) That Para No. H. It is submitted that proper show cause was issued to appellant but he failed to satisfy the competent authority.

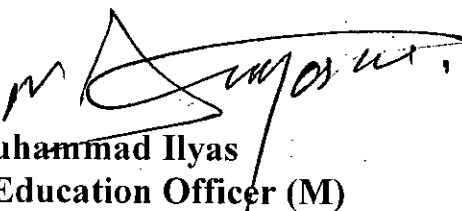
- i) That Para I. It is already submitted that in the instant case no inquiry was needed.
- j) That Para J. The appellant was found guilty of fraud hence treated in accordance with law.
- k) That Para K. The appellant succeeded to obtain appointment on fake document.
- l) That Para No. L. The counsel of the respondents may please be allowed to raise further points at the time of the arguments.

It is, therefore, most respectfully prayed that the appeal of the appellant may kindly be dismissed with special compensatory costs coupled with expenses of litigation.


Samina Altaf
Director

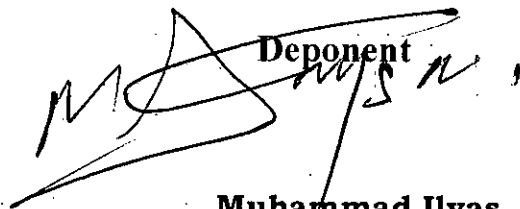
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.
Respondent No.1


Bakhtiar Khan
Sub Divisional Officer (M)
Bettani, Lakki Marwat
Respondent No.2


Muhammad Ilyas
District Education Officer (M)
Lakki Marwat
Respondent No.3

AFFIDAVIT

I, Muhammad Ilyas District Education Officer Male Lakki Marwat, do hereby solemnly affirm and declare upon oath that the contents of the accompanied written reply are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Hon'ble Tribunal. It is further added on oath that in this appeal the answering respondent have neither been placed ex-parte nor their defense have been struck off.

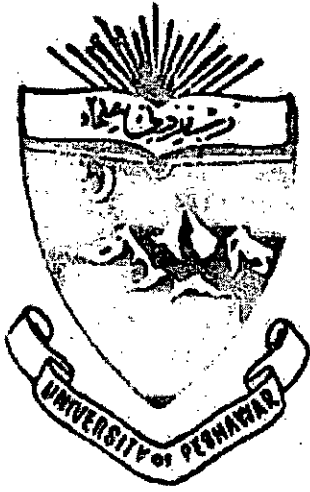

Deponent

Muhammad Ilyas
District Education Officer (M)
Lakki Marwat



(A) 7

(2)



UNIVERSITY OF PESHAWAR
(Pakistan)

Detailed Marks Certificate.

Master Of Education
M.Ed
University of Peshawar
Annual Examination 2020



Division: Ist.

Name: **MUTIAMMAD IBRAHIM KHAN**
Father's Name: **GUL SHARIF**

Gender: *Male*
Registration No

Roll No **2580**
5470-Unv-319/PR

Papers/ Subject	Maximum Marks	Marks Obtained	
		In Figures	In Words
Philosophy of Education	100	74	Seventy Four
Educational Psychology	100	68	Sixty Eight
Educational Planning & Management	100	82	Eighty Two
Curriculum Development	100	65	Sixty Five
Research Methods	100	68	Sixty Eight
Measurement & Evaluation	100	86	Eighty Six
Secondary Education in Pakistan	100	71	Seventy One
Teacher Education in Pakistan	100	77	Seventy Seven
Total:	800	591	Five Hundred and Ninety One

FAKE

Verif. Asstt: *[Signature]*

[Signature]
D.C.E

Controller of Examinations
University of Peshawar

Errors and omissions are subject to subsequent rectification

The Examination was taken in Parts

Result Declared on 06-07, 2020

Issue Date 29/07/20 at 10:44:33

[Signature]
Controller of Examinations
University of Peshawar

Nº 015874

[Signature]
S. Jangra
ian (FR)

Attested
[Signature]



(B) 8

**CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR
Khyber Pakhtunkhwa, Pakistan.**

Phone: 091-9216721
Exchange: 091-9216701-20
Ext: 3013. 3017
Fax No: 091-9216423
E-mail: controller@upesh.edu.pk
Website: www.upesh.edu.pk

No.7355/M/Secrecy

Dated: June 13, 2023

To

The District Education Officer (M)
Lakki Marwat

Subject:

Verification of Academic Credentials

Accepted
procc
19/6/23

Dear Sir,

I am to refer to your letter No,4889, June,10,2023 to enclose herewith the respective document(s) sent for verification. The same are duly checked with record and returned with their status delineated hereunder:

1	2580	Muhammad Ibrahim Khan S/O Gul Sharif	Master of Education(M.Ed) Annual Examination-2020	FAKE
---	------	---	--	------

Encl: 01 verified DMCs'

Deputy Controller of Examinations
Secrecy
University of Peshawar

Attested
Jun

Roll No. 55091

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Registration No.
2010-UB-GCL-29835

University of Science & Technology Bannu



Khyber Pakhtunkhwa
P. W. F. P - Pakistan
Session 2019-2020

Muhammad Ibrahim Khan

son of

Gul Sharif Khan

a student of Hasnain College Of Education & Management Sciences Bannu

having passed the prescribed examination held in November, 2021 is this day admitted by the


University of Science & Technology Bannu
to the Degree of

Master of Education

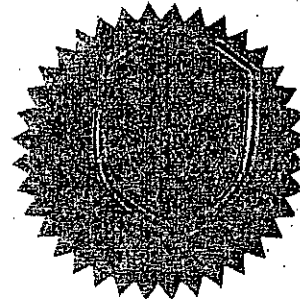
in 1st Division/Grade/G.P.A.

The examination was taken as a whole/in parts.

Result Declared on 27-04-2022


Controller of Examinations


Registrar




Vice Chancellor



2
A

8



(E) 11

**OFFICE OF THE DISTRICT EDUCATION OFFICER MALE
LAKKI MARWAT**

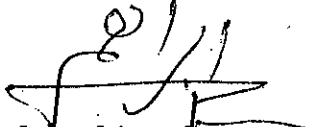
Phone & Fax: (0969) 538291, Email: emislakki@yahoo.com,
Facebook: www.facebook.com/deomalelakki, Twitter: www.twitter.com/deo_m_lakki

SHOW CAUSE NOTICE

I, **Muhammad Ilyas Khan District Education Officer (Male) Lakki Marwat**, as Competent Authority, under Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules, 2011, do hereby serve you, **Muhammad Ibrahim Khan PST GPS Ushani Shadi Khel Sub Division Bettani**.

I am satisfied that you have committed the following acts/omissions specified in rules-3 of the specified rules:-

1. You have submitted fake degree of M.Ed as verified by University of Peshawar vide No. 7355/M/Secrecy dated: 13-06-2023.
 2. You have concealed material fact from the high ups.
 3. You were inefficient.
 4. You were guilty of misconduct
2. In terms of Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, I, as Competent Authority, dispense with the inquiry and serve you with a show cause notice under Rule-7 of the ibid Rules.
 3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the Minor/Major penalty under Rule-4 (a) & (b) of the Khyber Pakhtunkhwa government Servants (Efficiency & Discipline) Rules, 2011:-
 4. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 5. If no reply to this notice is received within seven days or not more than of fifteen days of its delivery, it shall be presumed that you have no defense to put in, and in that case and ex-parte action shall be taken against you.



Muhammad Ibrahim Khan PST
GPS Ushani Shadi Khel


COMPETENT AUTHORITY
District Education Officer
(M)Lakki Marwat

Attested



(F) 12 Amir-9 (21)
13
**OFFICE OF THE DISTRICT EDUCATION OFFICER MALE
LAKKI MARWAT**

Phone & Fax: (0969) 538291, Email: emislakki@yahoo.com,
Facebook: www.facebook.com/deomalelakki, Twitter: www.twitter.com/deo_m.lakki

No. 5429 Dated: 12/07/2023

To,

Mr. Muhammad Ibrahim Khan
PST GPS Ushani Shadi Khel
Sub Division Bettani.

Subject:- **PERSONAL HEARING UNDER KHYBER PAKHTUNKHWA GOVT.
SERVANTS (EFFICIENCY & DISCIPLINE) E&D RULES-2011.**

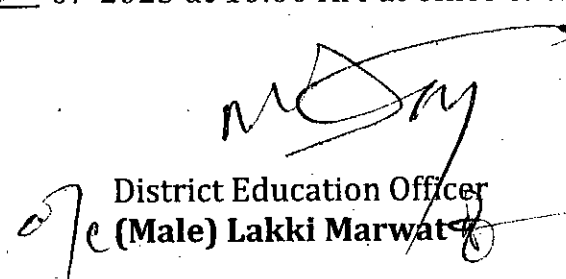
Memo:-

The undersigned has determined that the following charges stand against you.

1. You have submitted fake degree of M.Ed as verified by University of Peshawar vide No. 7355/M/Secrecy dated: 13-06-2023.
2. You have concealed material fact from the high ups.
3. You were inefficient.
4. You were guilty of misconduct.

It is proposed to impose upon you the penalty as mentioned in rules-4 of Khyber Pakhtunkhwa Govt. servants (Efficiency & Discipline) E&D Rules.2011.

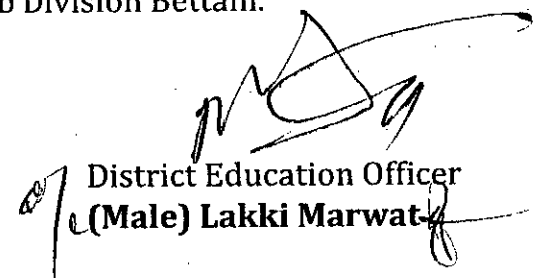
You are all hereby offered the opportunity of personal hearing/cross examination before the undersigned, on 17-07-2023 at 10:00 AM at office of the undersigned.

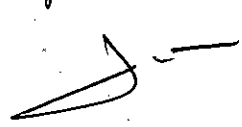

District Education Officer
(Male) Lakki Marwat

Even No. & Date:-

Copy to the:-

1. Sub Divisional Education Officer (M) Sub Division Bettani.
2. Master File.


District Education Officer
(Male) Lakki Marwat

Attested




Annex G 13

**OFFICE OF THE
DISTRICT EDUCATION OFFICER MALE LAKKI MARWAT**

Phone & Fax: (0969) 538291, Email: emislakki@yahoo.com,
Facebook: www.facebook.com/deomalelakki, Twitter: www.twitter.com/deo_m_lakki

NOTIFICATION:

1. **WHEREAS**, Mr. Muhammad Ibrahim Khan (PST BPS-12) S/O Gul Sharif, GPS Ushani Shadi Khel Sub Division Bitanni District Lakki Marwat was appointed against the post of PST at GPS Ushani Shadi Khel Sub Division Bitanni District Lakki Marwat vide DEO (M) Lakki Marwat Appointment Order No.1965-71/Apptt;PST/2022/ETEA dated: 05-08-2022 on contract/adhoc basis and then his services against the post of PST was regularized vide DEO (M) Lakki Marwat Notification No. 8309-15/Regularization/PST/2022 dated: 13-12-2022.
2. **WHEREAS**, after appointment his documents were sent to concerned boards/universities for verification purposes. During scrutiny of record and educational documents after verification, it emerged that M.Ed degrees submitted by the quoted teacher at the time of applying for PST post and for verification for grant of pay release were from two different varsities, one from University of Peshawar and the other from University of Science and Technology Bannu. The M.Ed degree issued by University of Peshawar, on which his appointment as per final merit list was made, was declared as fake/bogus by Deputy Controller of Examination Secrecy University of Peshawar vide his letter No. 7355/M/Secrecy dated 13-06-2023.
3. **WHEREAS**, at the time of apply for the post of PST, Mr. Muhammad Ibrahim PST had submitted the M.Ed degree issued by University of Peshawar (now declared fake by the concerned university) and the marks allocated to M.Ed degree were added to his total score thus making him eligible for appointment as PST.
4. **WHEREAS**, he was proceeded under E&D Rules 2011 for the charges of concealment of facts, submitting a fake M.Ed degree, inefficiency and misconduct.
5. **WHEREAS**, In view of the above facts, the undersigned, being competent authority, (DEO Male Lakki Marwat), is of firm belief that there is no need to conduct formal inquiry into the matter under Rule-7 of the Khyber Pakhtunkhwa Government Servants E&D Rules-2011., hence under Rules -5 of Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules-2011 the District Education Officer Male Lakki Marwat, being competent authority, served a Show Cause Notice upon him vide covering memo No. 5028 dated:19-06-2023 under Rule-5(1)(a), with directions to submit his reply to the charges as mentioned above.
6. **WHEREAS**, the accused ex-teacher submitted his reply to the Show Cause Notice on 26-06-2023 which was found as un-satisfactory and he was given an opportunity of personal hearing on dated: 17-07-2023 whereby he failed to defend himself against the charges leveled against him.
7. **AND NOW THEREFORE**, in the light of above record and in exercise of powers conferred under Rule-14 (5)(ii) Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules-2011, read with Rule-4 (1)(b)(iv), amended vide dated 31-12-2021, the competent authority (District Education Officer Male Lakki Marwat) is satisfied and is pleased to impose Major Penalty of "Dismissal from Service" upon **Mr. Muhammad Ibrahim Ex-PST BPS-12 GPS Ushani Shadi Khel Sub Division Bitanni District Lakki Marwat** from the date of his initial appointment dated: 05-08-2022.

Note:- Necessary entry to the above effect in his Service Book may be made by the Drawing and Disbursing Officer concerned.

Muhammad Ilyas Khan
District Education Officer
(Male) Lakki Marwat.

Endst; No 6506-14

Dated: 24 /08/2023.

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Lakki Marwat with the request to direct proper forum to initiate further proceedings against the above Ex-Official for submitting fake documents.
3. Deputy District Education Officer (Male) Local Office.
4. District Monitoring Officer, Lakki Marwat.
5. District Accounts Officer, Lakki Marwat.
6. SDEO (Male) Sub Division Bittani with the directions for necessary entry in his service book and recovery any amount paid to him.
7. Head Teacher GPS Ushani Shadi Khel Sub Division Bettani.
8. Muhammad Ibrahim Khan S/O Gul Sharif Ex-PST Guli Khel Harama Tala P/O Naurooz Bettani Lakki Marwat.
9. Master File.

Attested

District Education Officer
(Male) Lakki Marwat

Annex-A 14



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar
PH No. 091-9330242 Fax 091-9210936



No 27466-68 /EM/II M/ SD Bettani Vol: I Dated 14/11/2023

NOTIFICATION.

SS

Consequent upon approval of the appellate authority, in respect of Muhammad Ibrahim S/O Gul Sharif BPS-12 GPS Ushani Shadi Khel Sub Division Bettani District Lakki Marwat, has been converted "dismissal from Service" vide DEO (M) Lakki Marwat Endost: No.6506-14 dated 24/08/2023 into "Removal from Service" under the Rule (17) of E&D Rules, 2011 please.

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

Endost. of even No. & Date:
Copy forwarded for information to the;

1. District Education officer (M) Lakki Marwat.
2. Additional Director (Estab :) NMDs E&SE Local Directorate
3. Muhammad Ibrahim S/O Gul Sharif BPS-12 GPS Ushani Shadi Khel Sub Division Bettani District Lakki Marwat.

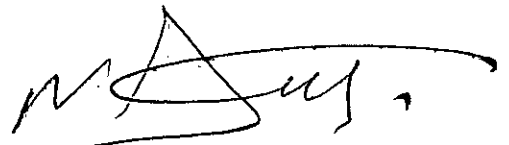
14/11/23
Assistant Director (Estab :)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Attested

[Signature]

AUTHORITY

Mr. Kashif Munir Litigation Officer O/O the District Education Officer (Male) Lakki Marwat is hereby authorized to Submit Reply in Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in S.A 2502/2023 Titled M. Ibrahim Khan Versus Government of Khyber Pakhtunkhwa on behalf of the undersigned.



District Education Officer (M)
Lakki Marwat