

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1490/2019

Date of Institution ... 05.11.2019

Date of Decision ... 16.01.2020

Mst. Neelofar Kamran W/o Kamran Khan, resident of Garerah Shahjehan, Bannu. Presently, services placed at the disposal of the Director E&SE Department, Peshawar. ... (Appellant)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Peshawar and three others. ... (Respondents)

MR. KAMRAN KHAN,
Special Attorney

--- For appellant.

MR. ZIAULLAH,
Deputy District Attorney

--- For respondents

MR. AHMAD HASSAN
MR. MUHAMMAD AMIN KHAN KUNDI

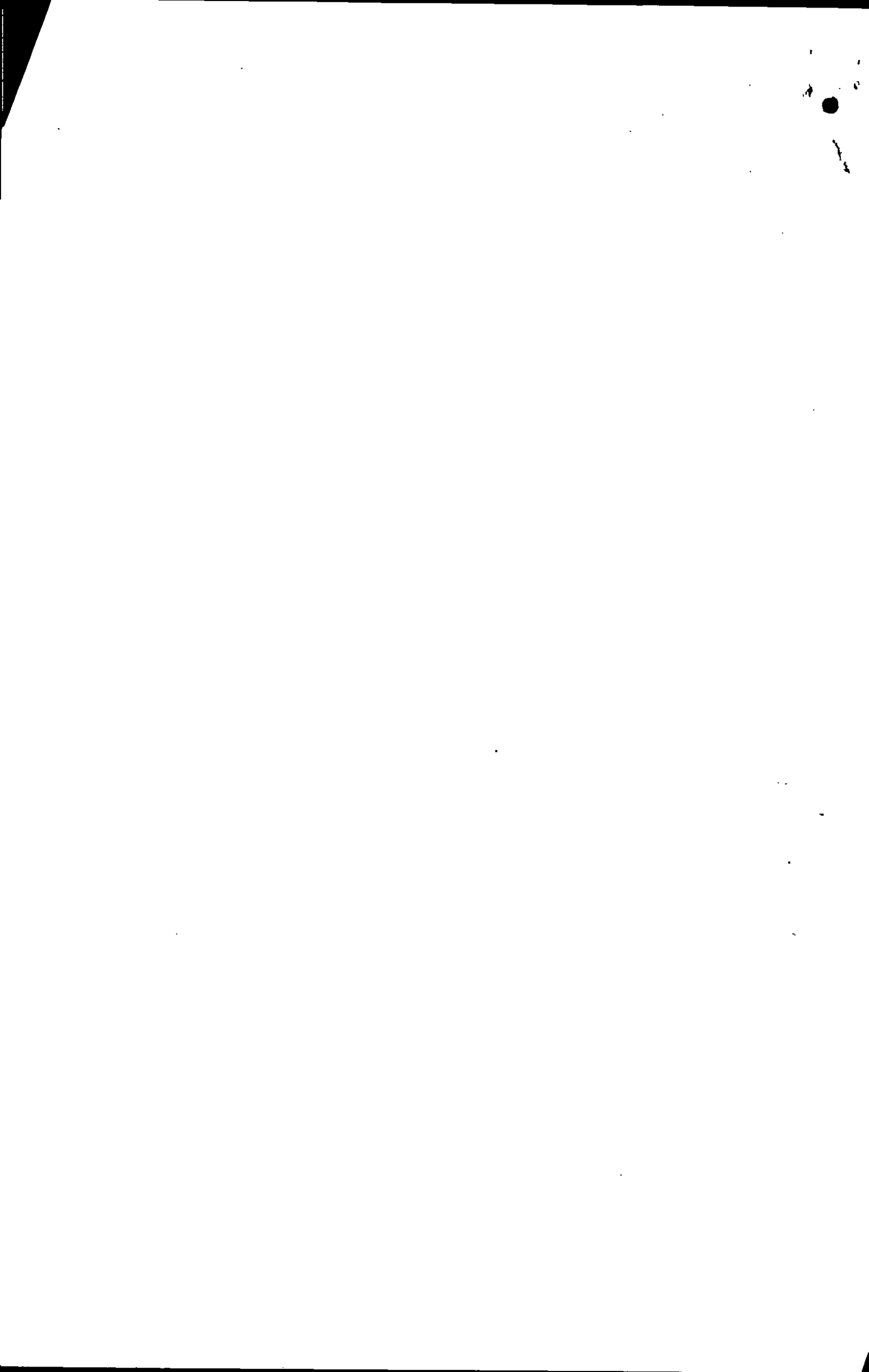
--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT:

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS:

02. Special Attorney for the appellant argued that through notification dated 08.03.2019, she was posted from the post of Principal (BPS-19 T.C) GGHSS, Qamar Zaman, Mandew, Bannu as DEO(F) Bannu. However, vide impugned notification dated 03.05.2019, she was prematurely transferred in blatant violation of Posting /Transfer Policy of the provincial government and her services were placed at the disposal of Directorate of Elementary and Secondary Education Department for further posting. Her salary was also stopped without assigning any reason. A separate C.M/application for



release of salary was also moved but to no avail. Subsequently, as a result of notification dated 16.08.2019, she was allowed to draw salary against the vacant post of Principal of GGHSS, Qamar Zaman, Mandew, Bannu w.e.f. 03.05.2019 to 31.07.2019. Again her salary was stopped and till today she has neither been adjusted nor paid salary. Her refusal to notify appointments having been declared illegal by the superior courts was instrumental in her premature transfer. She tried her level best to resolve this issue and sought advice from the respondents but without any positive outcome.

03. The Special Attorney also contended that approval of the Chief Minister, Khyber Pakhtunkhwa was required for transfer of employees of BPS-19, whereas impugned transfer order was issued by the Secretary E&SE Department, who was not the competent authority in the instant case, as such the said order was *corum-non-judice* and not tenable in the eyes of law. The locals of the area also ganged against the appellant, as was evident from the press clipping annexed with the service appeal. Though, she was removed on the ground of being from the Teaching Cadre but candidates whose names were appearing at serial no. 16,17,18,19,20,21,22,23,24,25,26 and 27 of order dated 08.03.2019 were also from the same cadre. This act of respondents smacked of discrimination, malafide and personal grudge against the appellant.

04. Learned Deputy District Attorney argued that the present appeal was not maintainable being hit by Section-4 Khyber Pakhtunkhwa Service Act 1974. Impugned order was passed on 03.05.2019 against which departmental appeal was filed on 28.05.2019 which remained un-answered and finally service appeal was filed on 04.11.2019. Therefore, the present service appeal was barred by time thus not maintainable. He further stated that the appellant belonged to Teaching Cadre and was not eligible to be posted as DEO being a Management cadre post. Under Section-10 of

the Khyber Pakhtunkhwa Civil Servants Act 1973, a civil servant is required to serve anywhere in the province. Action on the part of the respondents was fully backed by law and rules no malafide could be attributed to them.

CONCLUSION:

05. - The appellant in the present service appeal is a BPS-19 employee of Teaching Cadre. Through notification dated 08.03.2019, she was transferred from the post of Principal, GGHSS, Qamar Zaman Mandew, Bannu and posted as DEO(F), Bannu against a vacant post. In addition to the appellant officers mentioned at serial no.16 to 27 of Teaching Cadre were also given postings against the post earmarked for Management Cadre. These postings were notified in utter violation of policy notified by the respondents, where-under there was bar on posting of officers of Teaching Cadre against Management Cadre posts. We have not been able to comprehend as to what prompted/compelled the respondents to trample their own instructions under their feet and that too without any plausible explanation/justification? Perhaps those at helm of the affairs though were custodian of law/rules, but had scant regard for same. They preferred to flout rules for extraneous considerations and enjoyed protection of the concerned.

06. Impugned order dated 03.05.2019, where-under services of the appellant were placed at the disposal of Director E&SE was passed by the Secretary E&SE Department, whereas authority for passing such order was vested in the Chief Minister, Khyber Pakhtunkhwa. As such this order being passed without lawful authority was *corum-non-judice* in the eyes of law. This fact was also confirmed by Section Officer (Litigation) E&SE Department present during the hearing. It is a worst case of abuse of authority and against the established procedure/norms for disposal of official business. The officer who passed these orders owes an explanation for his action being not covered under the

law/rules. In addition to this the appellant was prematurely transferred in sheer violation of posting/transferred policy notified by the provincial government .

07. We have noted with great concern that ever since the issuance of impugned order, her salary was stopped for reasons best known to the respondents. However, it could be easily inferred that as she failed to tow the line of respondents and budge under their undue pressure, so easiest way was to victimize her and send a loud message to others not to challenge the illegal acts of the respondents. Subsequently, through order dated 16.08.2019, she was paid salary against the vacant post of Principal (BPS-19) GGHSS, Qamar Zaman Mandew, Bannu w.e.f 31.05.2019 to 31.07.2019. Thereafter, again her salary stopped and till today neither she has been given any posting nor paid salary. We condemn this inhuman act of the respondents. To instill fear of God in insensitive, merciless and hard hearted officers, the only available remedy is to bring ^{them} to book by giving exemplary punishment in order to ensure safe administration of justice.

08. It is understood that the appellant rightly resisted all sorts of pressures by not notifying the illegal appointment orders duly endorsed by the superior courts. The beneficiaries lodged not only written complaint against the appellant, but also started smear vilification campaign against her through newspapers, as was evident from press clipping published in Daily AJJ on 27.03.2019 and placed on case file.

09. We are fully in agreement with the respondents that employees of Teaching Cadre should not be posted against the posts meant for the officers of Management Cadre but when respondents started bypassing their own policy then net result was order dated 08.03.2019. Another funny thing that would expose high handedness, favoritism and misuse of authority by the respondents is notification dated 03.05.2019 and 17.07.2019.

Previously additional charge of post of DEO (F) was assigned to DEO(F) Karak and subsequently, the responsibilities were handed over to Mr. Ikram Ullah Khan (BPS-18 T:C) Deputy District Education Officer (M), Bannu in addition to his own duties. Why additional charge was assigned to an officer of Teaching Cadre? These inherent contradictions in the stance of the respondents are sufficient to prove their discriminatory acts having no sanction of law/rules. As the impugned order is *corum-non-judice*, hence, cannot be sustained under any law/rules so it is liable to be struck down. Suffice is to say that impugned order being *corum-non-judice* is void ab-initio and no limitation runs against a void order.

10. Foregoing in view, the impugned order dated 03.05.2019 is set aside and the respondents are directed to issue fresh posting order against the post of DEO (F) Bannu after getting approval from the competent authority. The appellant may be given proper posting in her own cadre immediately and outstanding salaries should be paid within one month positively. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
Member


(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
16.01.2020

ORDER

16.01.2020


Appellant alongwith her Special Attorney present. Mr. Ziaullah, DDA alongwith Mr. Fazal Subhan, SO (Litigation) for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the impugned order dated 03.05.2019 is set aside and the respondents are directed to issue fresh posting order against the post of DEO (F) Bannu after getting approval from the competent authority. The appellant may be given proper posting in her own cadre immediately ^E outstanding salaries should be paid within one month positively. Parties are left to bear their own cost. File be consigned to the record room.

Announced:

16.01.2020


(Muhammad Amin Khan Kundi)
Member


(Ahmad Hassan)
Member

01.01.2020

Counsel for the appellant and District Attorney alongwith Zafrullah, Assistant for the respondents present.

Messrs Noor Muhammad Khattak and Shahzullah Yousafzai, Advocates have submitted Wakalatnama in their favour on behalf of the appellant. The representative of respondents has also submitted joint parawise comments on behalf of all the respondents. Placed on record. To come up for arguments before D.B on 06.01.2020. The appellant may furnish rejoinder on next date of hearing, if so advised.



Chairman

06.01.2020

Junior to counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel was busy before the Peshawar High Court, Peshawar. Adjourn. To come up for arguments on 16.01.2020 before D.B.



Member



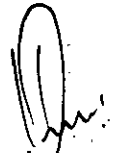
Member

Service Appeal No. 1490/2019

05.12.2019 Counsel for the appellant present. Nemo for respondents.

Despite issuance of notices to respondents no one is in attendance today.

An application for suspension of orders dated 03.05.2019 & 09.08.2019 has been submitted on behalf of the appellant. Learned Additional AG, present before the Tribunal in connection with other cases, is given notice of the application who undertakes to ensure to presence of respondents on next date of hearing. The office shall also issue notices of the application to the respondents. To come up for reply and arguments on application on 19.12.2019 before S.B.



Chairman

19.12.2019 Mr. Kamran Khan, Special Attorney for the appellant present. Addl. AG present.

The record shows that notices issued to respondents bear 19.12.2020 instead of 19.12.2019 as next date of hearing. Apparently, due to the said mistake the respondents are not represented today through authorized representative. Notices, therefore, shall be repeated to them for 01.01.2020 on which date the reply on application for interim relief shall positively be submitted. Parties should also address their respective arguments on application on the date fixed.



Chairman

21.11.2019

Counsel for the appellant present.

Contends that through notification dated 03.05.2019 the services of appellant were placed at the disposal of Directorate of Elementary & Secondary Education, however, she has not been accorded any posting. That, from the date of notification salary of appellant was stopped and upon her application an order was issued on 16.08.2019 whereby the appellant was allowed salary from 03.05.2019 to 31.07.2019. Subsequent to that no salary has been paid to the appellant nor she has been posted against a post.

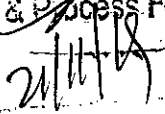
In view of available record and submissions of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 05.12.2019 before S.B.

The appeal is accompanied by an application for interim relief by way of immediate release of salary and allowances of the appellant. Notice of the application be also given to the respondents for the date fixed.

Chairman



Appellant Deposited
Security & Process Fee

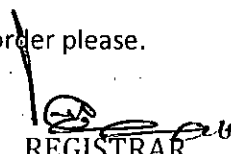



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1490/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/11/2019	<p>The appeal of Mst. Neelofer Kamran presented today by Mr. Sher Muhammad Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/11/19</p>
2-	11/11/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/11/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

THE HON'BLE KP SERVICE TRIBUNAL, PESHAWAR

S.A. No. 1490 of 2019

Mst. Neelofer Kamran-----Appellant

VERSUS

The Chief Secretary KP & Others-----Respondents

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Peshawar
Dated:- 04-11-2019

APPELLANT



(SHER MUHAMMAD KHAN)
Advocate High Court at Bannu
1st Floor, Asif & Famous Bakers,
Inside Mandan Gate, Bannu City
Cell #: 0334-3099134

①

THE HON'BLE KP SERVICE TRIBUNAL, PESHAWAR

S.A. No. 1490 of 2019

Mst. Neelofer Kamran-----Appellant

VERSUS

The Chief Secretary KP & Others-----Respondents

APPLICATION U/S; 5 OF THE LIMITATION ACT-1908 R/W
SECTION; 9 OF THE KP SERVICE TRIBUNAL ACT-1974,
FOR CONDONATION OF DELAY IN FILING APPEAL

IT IS RESPECTFULLY SUBMITTED :-

1. That the period of limitation of 120 days since submission of representation dated 28-5-2019 against the impugned order was going to expire on 24-9-2019, therefore, the Appellant approached her lawyer for legal assistance well in time, who firstly advised to challenge the impugned notification dated 03-5-2019 in this Hon'ble Tribunal but later on counsel for the Appellant advised that since Section; 4 of the KP Service Tribunal Act-1974 allows filing of service appeal in the KP Service Tribunal only against "ANY FINAL ORDER", while the impugned order dated 03-5-2019 is "INTERIM ONE", therefore, counsel for the Appellant advised to approach the Hon'ble PHC Bannu Bench for the required relief. Hence, the Petitioner had to file WP No. 851-B/2019 in the Hon'ble PHC Bannu Bench.

2. That WP No. 851-B/2019 was heard on 24-9-2019 by the Hon'ble Division Bench, who were of the views that the impugned order dated 03-5-2019 was final in nature but were pleased to treat WP No. 851-B/2019 as representation and remitted to the Respondent No. 1 for decision in accordance with law within 10 days but when no decision of the Respondent No. 1 was received, then the Appellant had to file COC No. 170-B/2019 for implementation of the order dated 24-9-2019. However, the Hon'ble

Contd — P/2 Ad
Adv for Appnt

COURT

(2)

High Court regretted to take any proceedings for implementation of its ibid order dated 24-9-2019 and dismissed the COC Petition vide judgement dated 22-10-2019.

3. That the time period of 46 days (from 07-9-2019 to 22-10-2019) spent by the Appellant in prosecuting WP No. 815-B/2019 in the Hon'ble PHC Bannu Bench with due diligence in good faith in view of the ambiguity in the status of the impugned order dated 03-5-2019, therefore, the said period of 46 days are excluded from computing the period of limitation u/s; 14 of the Limitation Act-1908. Even otherwise, in view of the strong merits of the case the delay in filing of the instant appeal may be condoned under Section; 5 of the Limitation Act-1908 read with Section; 9 of the KP Service Tribunal Act-1974.

PRAYER

4. In view of the above humble submissions, it is earnestly prayed that this Hon'ble Tribunal may graciously be pleased to exclude the period of 46 days (from 07-9-2019 to 22-10-2019) from computing the period of limitation in the instant case and allow to hear this appeal on its own merits.

Prayed accordingly in the interest of justice.

[Signature]
APPELLANT

Peshawar

Dated:- 04-11-2019

[Signature]
Advocate for Appellant

VERIFICATION

I, Mrs. Neelofar Kamran w/o Kamran Khan and the Appellant above named, do hereby solemnly affirm and declare on oath that the contents of the above Application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

[Signature]
DEPONENT

The Deponent is identified by me.

[Signature]
Advocate

ATTESTED



(1)

IN THE KP SERVICE TRIBUNAL, AT PESHAWAR

Appeal No. 1490 of 2019 **Khyber Pakhtunkhwa Service Tribunal**

Diary No. 1563

Mst. Neelofar Kamran w/o Kamran Khan
Resident of Garerah Shahjehan, Bannu

Dated 05/11/2019

PRESENTLY SERVICES PLACED AT THE DISPOSAL OF:
The Director E&SED, Peshawar-----**APPELLANT**

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Secretary (E&SED), Govt of KP, Peshawar
3. The Director E&SED Govt of KP, Peshawar
4. The Section Officer (Litigation-I), E&ESD Govt of KP Peshawar
-----**RESPONDENTS**

SERVICE APPEAL UNDER SECTION: 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT - 1974

Being aggrieved by and dissatisfied with the practical suspension of the Petitioner from her duty without any charge sheet/ show cause notice and placement of her services at the disposal of the Respondent No. 3 by the Respondent No. 2, vide Notification dated 03-5-2019 otherwise than in accordance with law but with a view to victimize her for having implemented the judgement of the Hon'ble Peshawar High Court Bannu Bench dated 09-5-2017 passed in W.P. No. 16-B/2011 in its letter and spirit but against the dictates of the Respondent No. 4, and non-disposal of the Appellant's representation dated 28-5-2019 by the Respondent No. 1 even after expiry of a period of more than three months, the Appellant above named prefers this appeal for the

Filed to-day

Registrar

05/11/2019

Contd ----- P/2 *Ad*
Adv for Appellant

(2)

enforcement of the terms and condition of her service; inter alia; on the following facts and grounds:-

Copies of the impugned Notification dated 03-5-2019 and Appellant's Representation there-against dated 28-5-2019 are filed as Annex "A/1&2".

FACTS

1. That the Appellant was posted by the Respondent No.2 to serve as District Education Officer (Female) Bannu vide S.No. 26 of the general Notification dated 08-3-2019.

Copy of the Appellant's Posting Order dated 08-3-2019 is filed as Annex "B".

2. That soon after taking over charge of her duties as DEO(F) Bannu, the office staff placed before the Appellant 2 x Sets of the Minutes of meetings of Departmental Selection Committee (1) dated 16-11-2018 and (2) dated 11-2-2019 on the subject of "Fresh Process of Appointment to the Posts of AT/TT, advertised on 24-4-2010 under the Judgments of the Hon'ble PHC Bannu Bench dated 09-5-2017 and that of the August Supreme Court of Pakistan dated 07-3-2018", for finalization of the fresh process of appointments to the captioned posts. Since both the Minutes of Meetings were full of legal flaws with respect to legal opinion of the office of Advocate General KPK dated 27-7-2018 respecting implementation of the judgement of the August Supreme Court of Pakistan on the subject dated 07-3-2018. Therefore, with a view to avoid any legal complications at her part, the Appellant had to sought advice from the office of the Respondent No. 3; vide her letter dated 22-3-2019; as to "whether the candidates; whose appointments were nullified by the Hon'ble PHC Bannu Bench due to fake and bogus credentials and who have later on acquired the requisite qualifications; can be considered by this office for appointment or otherwise?".

Copies of the Judgements of (1) PHC Bannu Bench dated 09-5-2017, (2) August Supreme Court of Pakistan dated 07-3-2018, (3) Advocate General KPK's Opinion dated 27-7-2019, Minutes of DSC's Meetings (4) dated 16-11-2018, (5) dated 11-2-2019 and (6) the Appellant's letter dated 22-3-2019 are filed herewith as Annex "C/1-6".

Contd. — P/3
Adv. for Appt

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3. That since the Appellant had pointed out some wanton illegalities committed by the Respondent No. 4 in her advice seeking reference dated 22-3-2019 (addressed to the Respondent No. 3, with endorsement of a copy of the same to the Respondent No.2), therefore, the Respondent No.4 became annoyed with the Appellant, who forthwith pressed hard the Section Officer(S/F) E&SED Peshawar for issue of her letter dated 16-4-2019 on the strength of which the Respondent No.4 issued his own letter dated 17-4-2019, wherein the Appellant was warned to finalize the appointment of 33x(AT) and 38x(TT) within three days positively, failing which disciplinary action for "inefficiency" under the E&D Rules, 2011 will be initiated against the Appellant.

Copies of the S.O.(S/F) E&SED Peshawar letter dated 16-4-2019 and Respondent No.4's letter dated 17-4-2019 are filed as Annex "D/1&2".

4. That it is pertinent to mention that the Appellant had sought advice from her immediate senior i.e. the Respondent No.3, therefore, it was obligatory for the Respondent No. 4 to have taken up the matter with the Respondent No. 3 for rendition of the required advice instead of pressing hard the Appellant directly to act on the minutes of meeting dated 11-2-2019 without waiting for the advice sought from the Respondent No. 3. Therefore, the Appellant had to approach directly the Respondent No. 2 for advice; through her Demi Official letter dated 19-4-2019; and requested for personal hearing. Hence the Appellant was heard on 23-4-2019 and advised orally to appoint only those candidates who had acquired the required qualification before the cut-off date for receipt of applications on 03-5-2010. As such the Appellant had to issue office order dated 27-4-2019 and required the concerned candidates to submit their credentials for verification. Accordingly, on completion of verification through special messenger on 03-5-2019, the Appellant issued appointment letters on 04-5-2019 to 20xATs and 18xTTs candidates. Hence, the candidates; having previously acquired appointments through bogus documents in the year 2010,


Contd — P/4 D
Adv for Appnt

(4)

whose appointment had been nullified by this Hon'ble Peshawar High Court; had to be ignored, with whom the Respondent No. 4 had reportedly made commitment and was trying his best to get appointed the wrong-doers notwithstanding the fact that the Hon'ble PHC Bannu Bench had vide Para; 14 of its judgement dated 09-5-2017 desired the Respondent No. 2&3 to take into task all those responsible in the fraudulent process of appointment, which were nullified by the Hon'ble PHC Bannu Bench.

Copies of the Appellant's D.O. Letter dated 19-4-2019 and Office Order dated 27-4-2019 are filed as Annex "E/1&2".

5. That when the Respondent No. 4 became sure to the effect that the Appellant shall never bow before his illegal demands and shall not appoint the candidates; with whom the Respondent No. 4 had made commitment either with or without consideration; and whose appointment had been nullified by the Hon'ble PHC Bannu Bench due to fake and bogus documents; then the Respondent No. 4 procured a baseless complaint dated 29-4-2019 signed by one Muhammad Saddiq (the father of one of the dismissed Theology Teachers for having forged, fake and bogus credentials and the leading protesters for saving the forger/fake & bogus credential holders, as reported in the Daily "AAJ" Peshawar dated 27-3-2019) and convinced the Respondent No. 2 for kicking out the Appellant from the office of the DEO(F) Bannu by placing the services of the Appellant at the disposal of the Respondent No. 3 under the impugned Notification dated 03-5-2019. It is pertinent to mention that even after kicking out the Appellant from the office of DEO(F) Bannu, the Respondent No. 4 could not succeed to fulfill his ill-designs of getting appointment to the posts of ATs/TTs for the candidates of his choice/commitment through the reliever of the Appellant. Therefore, the Respondent No. 4 arranged to get assigned Additional Charge of the office of DEO(F) Bannu to one Ikramullah Khan, DDEO(M) Bannu; vide Notification dated 17-7-2019, who fulfilled the illegal desires of the Respondent No. 4

Contd — P/S 
Appellant

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and re-instated in service 4xATs and 12xTTs, vide 2xorders of re-instatement in service dated 19-7-2019 notwithstanding the fact that they were dismissed from their service as Arabic or Theology Teachers under the judgement of the Hon'ble PHC Bannu Bench dated 09-5-2017 on the ground that their ASNAD were found to be fake, forged and bogus by the judicial inquiry.

Copies of Mohammad Siddique's Complaint dated 29-4-2019, Press Clipping in Daily AAJ dated 27-3-2019, Notification dated 17-7-2019 and 2x Orders of Re-instatement in Service dated 19-7-2019 are filed as Annex "F/1-5".

6. That with a view to satisfy his urge of vengeance and victimize the Appellant to its worst, on one hand the Respondent No. 4 arranged to kick out the Appellant from the office of the DEO(F) Bannu through placement of her services at the disposal of the Respondents No. 3 by way of the impugned notification dated 03-5-2019 and on the other hand pressed hard the successor-in-office of the Appellant to level baseless allegations against the Appellant vide her letter dated 14-5-2019 and on the third step, persuaded the Respondent No. 3 to constitute a facts finding inquiry against the Appellant; vide Notification dated 16-5-2019; through one Muhammad Salim Khan, Principal GCMHS No. 1 Tank, who though exonerated the Appellant from commission of any illegality in the process of appointment of 1xPST, 20xATs and 18xTTs as yet being under pressure of the Respondent No. 4 recommended to inflict upon the Appellant the minor Punishment of CENSURE for neglecting to keep the dispatch register and designated vehicle with her till 16-5-2019 notwithstanding the fact that the Inquiry Officer was elaborately briefed about holding the despatch register and official vehicle for proper handing over of the same to her successor-in-office, in good faith, as previously the dispatch register had been misused by some gangsters on posting out of Mr. Bakhtullah Shah, Ex-EDO(E&SED) Bannu.

Copy of the A/DEO(F) Bannu's Letter dated 14-5-2019, Respondent No. 3's Notification dated 16-5-2019 and Inquiry Report is filed as Annex "G/1-3".

Contd — P/6 D
Adv for Appnt

(6)

7. That besides the above stated victimization of the Appellant by her high-ups at the behest of the Respondent No. 4, the pay of the Appellant for the months of June & July 2019 was stopped on the pretext that she was/is without port-folio. Therefore, the Appellant had to prefer her application dated 25-7-2019 to the Respondent No. 3 for the release of her pay till her formal posting order, whereby the Respondent No. 2 had been pleased to adjust the Appellant against the vacant post of Principal (B-19) GGHSS Qamar Zaman Mandew Bannu wef 03-5-2019 to 31-7-2019; vide Notification dated 16-8-2019. As such the pay of the Appellant for the months of June to August 2019 was released but has again been stopped since the month of September 2019 without any fault at her part.

Copies of the Appellant's Application dated 25-7-2019 and the Respondent No. 2's Notification dated 16-8-2019 are filed as Annex "H/1&2".

8. That in view of the above stated atrocities at the part of the Respondents No. 2 to 4 in victimizing the Appellant to the worst ends otherwise than in accordance with law, the Appellant was advised; which advice the Appellant believed it to be true; that since the order of placement of the Appellant's services at the disposal of the Respondent No. 3 was INTERIM IN NATURE and not appealable to the Service Tribunal. Hence, the Appellant was advised to approach the Hon'ble PHC Bannu Bench, for remedy against the atrocities of the Respondents, through writ petition No. 851-B/2018, which was dismissed in limine, vide judgement/order dated 24-9-2019, by holding that the impugned order dated 03-5-2019 was final and appealable to the this Hon'ble Tribunal. However, the writ petition was treated as representation and remitted to the Respondent No. 1 for disposal within 10 (Ten) days.

Copies of (1) the Memo of Petition in WP No. 851-B/2019 and (2) judgement/order of its dismissal dated 24-9-2019 are filed herewith and marked as Annex "J/1&2".

Contd — P/7 A
Adv for Appnt

7

9. That in the above circumstance, the Appellant had to wait for the decision of the Respondent No. 1 for 10 days but all in vain. Therefore, the Appellant had to file a COC Petition No. 170-B/2019 for getting enforcement of the judgement of the Hon'ble PHC Bannu Bench, which to has been dismissed in limine vide judgement/order dated 22-10-2019, by holding that "the matter falls within the terms and conditions of service and any order not so far made in representation then, he can avail remedy of appeal before the Service Tribunal".

Copies of (1) the Memo of COC No. 170-B/2019 and its dismissal order dated 22-10-2019 are filed herewith and marked as Annex "K/1&2"

10. That in the above circumstances, the Appellant has to prefer this Service Appeal in this Hon'ble Tribunal; inter alia; on the following grounds:-

GROUNDS

(A) . That the Appellant had in good faith proceeded to the Hon'ble PHC Bannu Bench under a legal advice as is evident from ground-"B" of the Memo of Petition in WP No. 851-B/2019 (Annex "J/1") but the Hon'ble PHC Bannu Bench regretted to entertain the writ petition for want of jurisdiction after holding that the impugned order was final and appealable to the Service Tribunal. Therefore, the time period from 07-9-2019 to 25-10-2019 (spent in good faith in prosecution of WP No. 851-B/2019 and COC No. 170-B/2019 before the Hon'ble PHC Bannu Bench) is to be excluded; U/S;14 of the Limitation Act-1908; from the period of limitation of; 120 days countable form the date of representation dated 28-5-2019 preferred to the Respondent No.1 and as such the instant appeal is well within the period of 120 days from the date of challenging the impugned order before the Respondent No.1. Even otherwise, the delay is condonable in view of the strong merits of the case, wherefor, a separate application is being filed for condonation of the

Contd — P/8 A
Adv for Applt

8

delay in filing the instant appeal in this Hon'ble Tribunal under Section; 5 of the Limitation Act-1908.

(B). That on merit of the case, the Petitioner is being victimized and treated otherwise than in accordance with law **FIRSTLY** because after placing services of the Petitioner at the disposal of the Respondent No. 3, pay of the Petitioner had been stopped for want of port-folio without any fault at the part of the Petitioner notwithstanding the fact that the Civil Servants Act-1973 and Rules made thereunder do not provide for stoppage of the payment of pay to a Govt servant (even in case of suspension from duty due to involvement in the commission of a heinous crime or immoral offence of corruption or subversion), as yet the pay of the Petitioner for the month of June 2019 and onward had been stopped for want of posting, payment of which was allowed by the Respondent No. 2 only on submission of application by the Petitioner to the Respondent No. 3 on 25-7-2019 and that too only upto and for 31-7-2019, which has again been stopped. **SECONDLY** because Para; 1 of the Provincial Govt's policy on posting/transfer dictates that posting/transfer shall not be abused/misused to victimize a Govt servant as yet the Petitioner is being victimized through premature transfer without any reason, placing her services at the disposal of the Respondent No. 3 by way of the impugned order dated 03-5-2019 for indefinite period thus keeping the Petitioner in a state of uncertainty and without any post, which resulted not only in stoppage of pay of the Petitioner but may also result in irreparable loss to the Petitioner in her service career. **THIRDLY** there is no provision in the Civil Servants Act or Rules made thereunder authorizing the keeping of a Govt Servants without post even for a single movement or placement of the services of a Govt servant at the disposal of an office where there is no post to be held by the so placed Govt servants either with or without the designation of OSD rather this is in violation of the directions passed by the August

Contd ——— P/9 W
Adv for Applicant

9

Supreme Court of Pakistan in cases reported as PLD 2013 SC 195, 2013 SCMR 01 and 2013 SCMR 1150 and as such this act at the part of the Respondent No. 2 may be treated to be contempt of the Supreme Court of Pakistan. FOURTHLY because the Petitioner is still being kept in uncertainty as to whether she would be allowed to resume her duties as DEO(F) Bannu or would be posted some-where-else. FIFTHLY because the Petitioner is being victimized for having implemented in letters and spirit the directions of the Hon'ble PHC Bannu Bench contained in its judgement date 09-5-2017 passed in W.P. No. 16-B/2011 etc against the expressed bad wishes and ill-designs of the Respondent No.4 in the fresh process of appointment of Arabic & Theology Teachers.

(D). That Counsel for the Petitioner carves leave of this Hon'ble Court to urge more grounds at the time of hearing of this petition.

PRAYER

11. That in view of the above humble submissions, it is earnestly prayed that this Hon'ble Tribunal may graciously be pleased to declare that the impugned order dated 03-5-2019 is illegal, baseless, null and void ab-initio and as such ineffective upon the service rights of the Appellant. Hence the same is set aside.

Prayed accordingly in the interest of justice.


APPELLANT

Peshawar
Dated:- 04/11-2019


Advocate for Appellant

VERIFICATION

I, Mrs. Neelofar Kamran w/o Kamran Khan and the Appellant above named, do hereby solemnly affirm and

Contd ——— 9/10/19
Sd/- for Appellant

10

declare on oath that the contents of the above Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


[Handwritten signature]
DEPONENT

The Deponent is identified by me.

[Handwritten signature]
Advocate

Solemnly affirmed before me by the deponent above named, here at ~~Rest~~ on this 5th day of November 2019, who is identified to me by **Mr. Sher Muhammad Khan, Advocate** who is known to me personally.

COMMISSIONER FOR TAKING OATHS

ATTACHED

11/9



Annex A/1

(11)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the May 3rd, 2019

NOTIFICATION

No. SO(S/F)E&SED/4-16/2019/DEO(F)/Bannu: Consequent upon approval of the Competent Authority; the services of Mst. Neelofar Kamran (BS-19-TC) District Education Officer (Female) Bannu are hereby placed at the disposal of Directorate of E&SE with immediate effect.

2. Consequent upon the above, District Education Officer (Female) Karak is hereby authorized to hold the additional charge of the post of District Education Officer (Female) Bannu with addition to her own duties with immediate effect till further orders.

SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) Bannu & Karak.
4. District Accounts Officer Bannu.
5. PS to Secretary E&SE Department.
6. Officers concerned.
7. Office order file.

(GUL RUKH)

SECTION OFFICER (SCHOOLS FEMALE)

District Education Officer(F)
Bannu

To

The Worthy Chief Secretary
Govt: of Khyber Pakhtunkhwa Peshawar.

12

Subject: **DEPARTMENTAL REPRESENTATION**

Annex 'A/2'

R/Sir,

Reference to the above subject, the applicant submits as under:

1. That the applicant joined Government service on 12-07-1999 in Education Department as SET (BPS-16), after qualifying PSC Exam and joined the SS (English) post on 01-01-2000. The Applicant has got promotion in BPS-19 on 04-07-2017 and posted as DEO (F) Bannu on 08-03-2019.

(Copy of Notification Dated 08-3-2019 consist of 3 pages, is hereby annexed as "Annexure A").

2. That the applicant served present post for less than two months as DEO (F) Bannu. In the meanwhile through letter Notification No SO (S/F) E& SED/ 4-16/2019/DEO (F)/Bannu Dated 03-05-2019, the applicant has been transferred as OSD and placed at the disposal of Directorate of E&SE with immediate effect without any cogent reason through local political involvement by unfair means which is against prevailing departmental rules and regulations

(Copy of transfer Notification dated 03-5-2019 is hereby annexed as "Annexure B")

3. That the main reason of this illegal transfer of the applicant is that the applicant made appointments of ATs. & TTs according to Judgment of Apex Court alongwith legal opinion of the Worthy Advocate General of Khyber Pakhtunkhwa while refusing to appoint blue eyed candidates on the basis of fake and bogus certificates. The applicant suffered

[Signature]
District Education Officer (F)
Bannu

political and departmental pressure during appointment process but refused to appoint all the candidates in total as directed by the Education Secretariat through letter No SO(S/F) E & SED/4-17/2019/DEO (F)/Bannu Dated 16-04-2019.

(Copies of Judgment consist of 03 pages, opinion of Advocate General & letter dated 16-04-2019 are hereby annexed as "Annex: C", "Annex: D" & "Annex: E").

4. That transfer order of the applicant is based on concoctions, political involvement and illegal against prevailing Transfer Posting Policy of Government which is maximum 03 years as per Business rules.
5. That the applicant requested for cancellation of illegal transfer order of competent authority through letter No 3368-69 dated 04-05-2019 but in vain. Being aggrieved from illegal order of the Secretary Education, the applicant submits request through this letter before your Honor to redress the applicant according to departmental rules and regulations being competent authority in the matter.

(Copy of letter No 3368-69 consist of two pages is hereby annexed as "Annexure F").

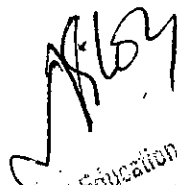
It is, therefore, humbly solicited that on acceptance of this representation, the illegal transfer order of the applicant above captioned may graciously be withdrawn in the interest of Justice and public interest.

Yours Obediently,



Mst. Neelofar Kamran
Ex: DEO (F) Bannu presently
(OSD) E & SED Peshawar

Dated: 28/05/2019



District Education Officer (F)
Bannu



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Annex B

(14)

Dated Peshawar the March 08, 2019

NOTIFICATION

NO.SO(SM)E&SED/7-1/2019/Posting/Transfer/MC: The Government of Khyber Pakhtunkhwa is pleased to order posting/transfer/adjustment of the following officers of E&SE Department on the posts/stations as mentioned against each, in the interest of public service, with immediate effect.

S#	Name & designation	From	Posted as	Remarks
1.	Mr. Zulfiqar Ul Mulk, DDEO (BS-18)	Working as Deputy Director, Directorate of E&SE	DEO (Male) Mardan OPS	A.V.P
2.	Mr. Abdus Salam, DEO (BS-19)	Awaiting posting.	DEO (Male) Tank	-do-
3.	Mr. Attaullah Minakhel, DEO (BS-19)	-do-	DEO (Male) Nowshera	V.S#30
4.	Mr. Jaffar Mansoor Abbasi, DEO (BS-19)	-do-	DEO (Male) Mansehra	V.S#29
5.	Mr. Bakht Zada, Principal (BS-19)	Working as DEO (Male) Buner	DEO (Male) Battagram	V.S#6
6.	Mr. Shauket Khan, DEO (BS-19)	DEO (Male) Battagram	DEO (Male) Bannu	V.S#28
7.	Mr. Hafiz Muhammad Nawaz, DDEO (BS-18)	Working as Instructor DCTE Abbottabad	DEO (Male) Lower Kohistan	A.V.P
8.	Mr. Nawab Ali, Principal (BS-19)	Working as DEO (Male) Swat	DEO (Male) BS-19 Kolai Palas Kohistan	-do-
9.	Mr. Muhammad Amin, DDEO (BS-18)	DDEO (BS-18) (Male) Swat	DEO (Male) Swat OPS	V.S#8
10.	Mr. Lal Baz, Principal (BS-19)	GHSS Tall Hangu	DEO (Male) Hangu	V.S#27
11.	Mr. Jehan Muhammad, DEO (BS-19)	Awaiting posting.	DEO (Male) Charsadda	V.S#12
12.	Mr. Siraj Muhammad, DEO (BS-19)	DEO (Male) Charsadda	DEO (Male) Malakand	V.S#13
13.	Mr. Muhammad Uzair, DEO (BS-19)	DEO (Male) Malakand	Additional Director, Directorate of E&SE	V.S#37
14.	Mr. Ghulam Nabi, Principal, (BS-19)	GHSS Manyal Dir Lower	DEO (Male) Dir Lower	A.V.P Relieving DDEO (Male) Dir Lower of the additional charge of DEO (Male) Dir Lower
15.	Mr. Iftikhar ul Ghani, DDEO (BS-18)	DDEO (Male) Buner	DEO (Male) Buner OPS	V.S#5

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(15)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

16.	Mr. Muhammad Tahir, Principal (BS-19)	GHSS Gandegar Dir Upper	DEO (Male) Dir Upper	V.S#31
17.	Mr. Nisar Muhammad, Principal (BS-19)	Awaiting posting	DEO (Male) Swabi	V.S#18
18.	Mr. Jehangir, Principal (BS-19)	Working as DEO (Male) Swabi	DEO (Male) Chitral	V.S#32
19.	Mr. Muhammad Nazir Ahmad, Principal (BS-19)	GHSS Jabu Khel Lakki Marwat	DEO (Male) Lakki Marwat	A.V.P Relieving DEO (Male) Tenk of the additional charge of DEO (Male) Lskki Marwat
20.	Mr. Idrees Azam, Principal (BS-19)	Awaiting posting	DEO (Male) Peshawar	A.V.P Relieving DDEO (Male) Peshawar of the additional charge of DEO (Male) Peshawar
21.	Mr. Zahid Ullah Shah, Principal (BS-19)	GHSS Nari Panos Karak	DEO (Male) Tribal District Orakzai	V.S#34
22.	Mr. Saif Ullah, Principal (BS-19)	GHSS Alai Zai, Lower Kurram	DEO (Male) Tribal District North Waziristan	V.S#23
23.	Mr. Zaitullah Khan, Principal (BS-19)	Working as DEO (Male) North Waziristan	DEO (Male). Tribal District South Waziristan	A.V.P
24.	Mr. Jaddi Khan, Principal (BS-19)	Awaiting posting	DEO (Male) Tribal District Mohmand	V.S#35
25.	Mr. Khaista Rehman, Principal (BS-19)	GHS Khar Bajaur	DEO (Male) Tribal District Bajaur	V.S#36
26.	Mst. Neelofar Kamran, Principal (BS-19)	GGHSS Qamar Zaman Mandew Bannu	DEO (Female) Bannu	A.V.P
27.	Muhammad Iqbal, Principal (BS-19)	Working as DEO (Male) Hangu	DEO (Male) Tribal District Kurram	V.S#33
CONSEQUENTIAL TRANSFERS				
28.	Mr. Sher Daraz, Principal (BS-19)	Working as DEO (Male) Bannu	Services placed at the disposal of Directorate of E&SE for further posting	-
29.	Mr. Zafar Arbab Abbasi, Principal (BS-19)	Working as DEO (Male) Mansehra	-do-	-
30.	Mr. Fayaz Hussain, Principal (BS-19)	Working DEO (Male) Nowshera	-do-	-

[Signature]
District Education Officer(E)
Bannu



(16)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**

31.	Mr. Abdul Haq, Principal (BS-19)	working as DEO (Male) Dir Upper	-do-	-
32.	Mr. Ihsan ul Haq, Principal (BS-19)	working as DEO (Male) Chitral	-do-	-
33.	Mr. Said Hussain, BS-19	DEO (Male) Tribal District Kurram	-do-	-
34.	Mr. Fazal Muhammad, BS-19	DEO (Male) Tribal District Orakzai	-do-	-
35.	Mr. Farid Ullah, BS-19	DEO (Male) Tribal District Mohmand	-do-	-
36.	Mr. Sultan Muhammad, BS-19	DEO (Male) Tribal District Bajaur	-do-	-
37.	Muhammad Arif, Principal, BS-19	working as Additional Director, Directorate of E&SE	-do-	-
38.	Mr. Sher Muhammad, Principal (BS-18)	GHS Qambar Swat	DDEO (BS-18) Male Swat	V.S#9

2. No TA/DA is allowed.

**SECRETARY to
Govt. of Khyber Pakhtunkhwa
E&SE Department**

Endst: of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Male & Female), Concerned.
4. District Accounts Officers, Concerned.
5. PSO to Chief Minister, Khyber Pakhtunkhwa.
6. PSO to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Advisor to CM for E&SE Department.
8. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
9. PA to Additional Secretary (Estab), E&SE Department.
10. PA to Deputy Secretary (Admn), E&SE Department.
11. Director, EMIS E&SE Department.
12. Officers Concerned.
13. Master File.

[Signature]
District Education Officer(F)
Bannu

[Signature] 03-03-19
for SECTION OFFICER (SCHOOLS MALE)

Judgment sheet
IN THE PESHAWAR HIGH COURT, BANNU
BENCH
(Judicial Department)

WP No.16-B of 2011

Rehmeen Begum
Vs

Executive District Officer E & S.E Bannu etc



Amex C/1

JUDGMENT

Date of hearing/decision 27.03.2017

Date of announcement 09.05.2017

Petitioner by:

Muhammad Shah Nawaz Khan

Sikandri Adv.

Respondent by:

Shahid Hameed Qureshi Addl. A.G. A/w. Awdar
Ranf. Secy. officer and District A.G. ADEP Bannu.
Opp. By Amratal Haq Adv. Baloch w/ Rehman Barak Adv.
and Hafiz Muhammad Hanif Adv.

MUHAMMAD YUNIS THAHEEM, J.: This

and connected W.P.No.18-B/2011, 78-B/2011, 408-

B/2011, 96-B/2012, 97-B/2012, 580-B/2015, 51-

B/2016, 203-B/2016, 404-B/2016, 449-B/2016 & 454-

B/2016, having common questions of law and facts,

are proposed to be decided through this common

judgment.

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

District Education Officer
Bannu

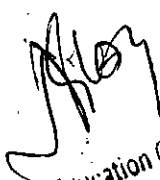
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2. The aforesaid petitions pertain to two groups of petitioners, i.e. Arabic Teachers and Theology Teachers. So petitioners in W.P.Nos. 16-B/2011, 51-B/2016, 449-B/2016 & 454-B/2016 have prayed for issuance of a writ declaring the appointment of respondents as Arabic Teachers by respondent No.1 as illegal, without lawful authority with further prayer to direct the official respondents to appoint the petitioners against the posts of Arabic Teachers with further prayer to verify the degrees/"Asnaads" of the respondents appointed against the said posts. Similarly, petitioners in W.P.No. 18-B/2011, 78-B/2011, 96-B/2012, 97-B/2012, 580-B/2015, 203-B/2016 & 404-B/2016 have challenged the appointments of respondents as Theology Teachers and through their petitions, they prayed for issuance of a writ directing the respondents to appoint the petitioners against the said posts and also verification

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 District Education Officer(F)
 Bannu

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 Bannu Bench

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of "Asnaad" of the respondents appointed against the said posts of Theology Teachers.

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3. Facts leading to the filing of all these petitions are that respondents advertised certain posts of Arabic Teachers (A.T) and Theology Teachers (T.T) in the national Daily "Ausaaq" dated 24.04.2010 and in response to that petitioners, respondents and so many other considering themselves eligible for the posts of A.T & T.T applied for their appointments. As per the advertisement, all the candidates were directed to appear for interview on certain dates. However, the official respondents violated the terms and conditions given in the advertisement and introduced written test and accordingly, all the candidates were put to written test including the petitioners. All the petitioners, as alleged by them in their petitions, were sanguine of their success but to their surprise, they were declared fail in the written test or were given below passing

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District Education Officer(F)
Bannu

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Peshawar High Court
Bannu Branch

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marks while other candidates who are holders of the fake degrees and "Asnaad" were declared pass in the written test resultantly were appointed against the said vacant posts.

4. Since the allegations levelled by the petitioners were very serious in nature, therefore, comments of respondents were called which were furnished wherein they totally denied the allegations levelled in the petitions and contended that their "Asnaad" were genuine, valid and all the appointments were made in accordance with rules and the policy in vogue.

5. During several hearings of these petitions, it came to lime light that in view of the serious nature of the allegations levelled by the petitioners qua favouritism and corrupt practices meted out by the official respondents in ignoring the petitioners and


District Education Officer(F)
Bannu

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Bannu Bench

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adjusting the respondents against the vacant slot, and to this effect though several queries were made but of no avail, therefore, to meet the situation and resolve the controversy, a Division Bench of this court on 10.9.2015, with the concurrence of learned counsel for the parties, constituted a four members committee headed by the Additional Registrar, Bannu Bench Mr. Nasrullah Khan Gandapur, while Assistant Advocate General, Peshawar High Court, Peshawar Bannu Bench, Mr. Qudratullah Khan Gandapur President High Court Bar Association Bannu Bench, Mr. Zafar Iqbal Khan Advocate and Mr. Ghulam Farid, Inspector Circle Office Anti-Corruption Bannu were its members.

24

6. The mandate of the committee was to probe into the matter, scrutinize all the degrees/"Asnaad" of the respondents to the effect as to whether the testimonials/documents on the basis of which

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 Peshawar High Court
 Bannu Bench

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 District Education Officer(F)
 Bannu

appointments were made, were in fact fake or otherwise were genuine and valid and also report as to whether merit position of the candidates in the light of advertisement, policy and rules was correctly assessed.

(21)

7. The Committee so constituted for the purpose has submitted its two detail reports one about A.T and other for T.T, wherein it has been stated that to dig out the factum of genuineness or otherwise of the degrees/"Asnaad" allegedly issued by various Islamic religious institutions i.e. Madrisas/Darul-Alooms of the country, the committee took pain by visiting far away station, like Lahore and recorded statements of the responsible incumbents of the said institutions. The committee in its report concluded that all the "Asnaad" of the respondents were got verified from the Tanzim-ul-Madaris, Ahle-Sunnat Pakistan at Ravi Road, Lahore and according to latter, all the "Asnaad" were found fake.

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District Education Officer (F)
Bannu

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EXAMINER
Peshawar High Court
Bannu Bench

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8. We have heard the arguments of the learned counsel for the parties at considerable length and have also gone through the available material appended with the petitions and also the reports of fact finding enquiry committee constituted by this Court.

9. After going through the available record as well as the findings of the enquiry Committee, we have come to the conclusion that all the selection process was defective, especially in the light of reports filed by the Committee constituted with the consent of the parties that all the selectees/appointees, are equipped with bogus "Asnaad" certificates and were lower in merit despite the fact that opportunity was given to the official respondents but they failed to produce the written papers either before this Court or before the inquiry committee inspite of clear cut direction of the Additional Registrar (who happens to be Chairman of the Committee) to furnish such result

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[Signature]
District Education Officer(F)
Bannu

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EXAMINER
Peshawar High Court
Bannu Bench

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sheets/answer sheets/merit lists, the same could not be provided which act on their part smacks of malafide on the part of official respondents, and as such all the appointments based on said bogus and fake "Asnaad" are nothing but a sheer nullity in the eye of law. The respondents at the helm of affairs have made the entire process of selection mockery which is unbecoming of holder of official position as government servants.

10. It is worthwhile to mention that according to the findings of the enquiry committee, testimonials of the some 09 candidates were found genuine and on merit they deserved to be appointed but were not appointed and the departmental authorities, in a haste, issued their appointment orders without bringing into the notice of this court, therefore their appointment cannot be legitimized when entire process of selection, as discussed above, was found defective against rules & law and has been declared null and void with effect

[Signature]
 District Education Officer(F)
 Bannu

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 EXAMINER
 Peshawar High Court
 Bannu Bench

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from the date of announcement of this judgment besides they are allowed to participate in the selection process as described by this Court.

(24)

11. As discussed above whole process of selection has been found a classic example of favouritism, corruption and of corrupt practices by benefiting some blue eyed who did not possess even required qualifications, as fake "Asnsad" does not mean that they were qualified.

12. It is surprising and requires solid and authentic proof that ladies belonging to this jurisdiction got admissions in "Deni Madaris" situated at Punjab, having no any entry or admission record, no record of issuance of Roll Numbers and no record of examination was found by the committee so "Asanaad" was found fake. The concerned Islamic

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District Education Officer(F)
Bannu

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Peshawar High Court
Bannu Bench

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Madrisas were contacted they refused to admit such
"Asnads" to be of their Madrisas.

25

13. In view of above all the connected writ
petitions are allowed in terms of:

- (i) Declaring all the appointments of the respondents as illegal, void and ineffective upon the rights of the petitioners from the date of their appointment order.
- (ii) Directing the respondents to initiate selection process by constituting selection committee consists of honest officers for all the posts of A.T & T.T on some earlier advertisement in daily "Ausaaf" dated 24.04.2010 which now have become vacant, thus by giving protection to all those candidates who applied in accordance with the said advertisement dated 24.04.2010 and gone through the selection process of interview and due to above anomaly selection process has been

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District Education Officer(F)
Bannu

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Peshawar High Court
Bannu Bench


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declared null and void and during this period spent for getting justice and now if they have become overage with the passage of time in that event some overage persons is relaxed for upper age limit to participate in the process of selection for the posts in question, as directed earlier. Any appointment made by the departmental authorities based upon the suggestion of the inquiry committee, are also held unlawful as whole selection process has been declared null and void as such with effect from the date of announcement so salaries be not recovered from these 09 appointees as discussed in earlier paras of this judgment for the period they rendered services. With further direction to the official respondents to finalize the process of selection within a period of two months positively by informing all the candidates including 09 candidates who were appointed during proceeding of this

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District Education Officer(F)
Bannu

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

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petition but their documents were found genuine according to set procedure, who applied in response to the advertisement dated 24.04.2010 except those who violated the condition No.8 given in the advertisement and inquiry committee found their documents fake.

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14. Before parting with the judgment, as a passing reference, this court may observe that the respondents are relating to an institution which is preparing further generation and that also from the grass root level, they are inducting the School Teachers whose own credentials has been found fake, outcome of fraud and with such low morality and moral degradation, how they will equip the coming generations, especially present children who are the future of Pakistan, with high social values to become good citizens. Therefore, in order to nip the evil in the bud, all the official respondents including other


District Education Officer(F)
Bannu

ATTESTED
EXAMINER
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responsible persons who have participated in the same
 illegal process of selection be taken to task in
 accordance with law so that in future no officer/official
 of education department would dare to cajole and
 hoodwink with the process of selection according to
 their whims, wishes and ill designs. A copy of this
 judgment be delivered to the Secretary Education
 (E&SE), KPK and Director Education KPK to take
 notice of above anomaly.

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Sd Justice Muhammad Younis Thaheem, J
 Sd Justice Muhammad Ayub Khan, J

Announced on:
 09.05.2017.
 Ihsan

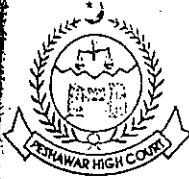
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Ex. number
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 Authorised under Article 87
 of the Constitution of Pakistan Order 192

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 No. 9/5/2017

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THE

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All the Communications should be addressed to the Additional Registrar of this Bench

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Inquiry Report in respect of the appointments of Female Arabic Teachers (A.Ts) in District Bannu.

The Hon'ble Divisional Bench in writ petition (W.P) No. 16-B of 2011 titled "Rahmeen Begum vs E.D.O. etc" through order dated 10.9.2015, constituted committee of the following to probe into the matter of appointments of various categories of teachers in District Bannu in the year 2010-11:-

1. Additional Registrar P.H.C Bannu Bench, Bannu. (Chairman),
2. Mr. Qudratullah Khan Gandapur, Assistant Advocate General (A.A.G) Bannu. (Member),
3. Zafar Iqbal Khan, President High Court Bar Association Bannu Bench, Bannu. (Member),
4. Mr. Ghulam Farid, Inspector, Circle Officer (C.O) Anti-corruption Establishment (A.C.E) Bannu. (Member).

The Hon'ble Divisional Bench directed the committee to probe into the matter in the following mode:-

"To probe into the matter, scrutinize all the documents as well as the merit list and thereafter report be submitted before this Court that whether the appointments are against law, and on fake documents and against the merit policy of the

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also made part of the report. The learned Additional Registrar is directed to club all the cases of the same nature, issue notices to all concern and all the parties as well as those who are either respondents or those who were appointed on various years on such fake or genuine documents."

The members of the committee first met in the office of Additional Registrar on 21.9.2015 and District Education Officer (D.E.O) and Sub Divisional Education officer (S.D.E.O), Bannu also attended the meeting on the said date who under took to produce all the requisite records through concerned reliable officials of offices of D.E.O (Male) and D.E.O (Female) as at the time of making subject appointments both the offices were under the command of erstwhile Executive District Officer (E.D.O), Elementary & Secondary Education (E&S.E) Bannu. The committee decided that separate files be maintained for the statements and record of each category of teachers i.e. Theology Teachers (T.Ts), Arabic Teachers (A.T.s) and Primary School Teachers (P.S.Ts).

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This report is with regard to the appointment of A.Ts. The names of the appointees of 19 A.T.s through impugned appointment order bearing endorsement No. 13878-13907/AE-1/DO(F/S) Appt./A.T dated 07.10.2010 (Ex.Cw-1/12) are:-

R.No	NAME OF CANDIDATE	FATHER NAME	Over all Score
53	Sadia Nawaz	Shah Nawaz	69.14
54	Salma	Rasool Khan	63.81
31	Shenaz Begum	Misal khan	59.86
30	Shazia Bibi	Asel Jan	59.10
52	Shazia Naheed	Muhammad Subhan Shah	57.11

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57	Riffat Banaras	Muhammad Banaras khan	50.96
56	Norin Naz	Sher Bahader	49.90
11	Sana Ambreen	Shah Daraz khan	48.31
09	Amina Shazmin	Badshah khan	48.20
41	Bushra Shaheen	Sultan khan	45.83
33	Ambreen Bibi	Habibullah shah	45.78
43	Saila Murad	Dinar Ali Shah	44.72
10	Bas Naheed	Sher Mehmood khan	43.08
38	Salma Bibi	Niaz Ali khan	42.09
55	Tashfeen Nawaz	Shah Nawaz	41.77
46	Riffat Begum	Afser khan	37.38

Note: Samina Begum d/o Amir Qadir Khan (Roll No. 20) was appointed on disable quota vide separate appointment order.

The following writ petitions have been filed in respect of the appointments of A.Ts.:-

1. W.P 16-B/2011 (Rehmeen Begum...Vs...E.D.O etc.)

Rehmeen Begum, through the above said writ petition, asked for issuance of directions to the official respondents for her appointment as Arabic Teacher (A.T) in BPS-15 in District Bannu on the posts grabbed on the strength of fake documents by private respondents Nos. 4 to 22 who were then appointed through letter bearing Endst. No 13878-13907 dated 07/10/2010. The petitioner also contended that she had passed the requisite written test and was placed in the tentative merit list (Annex. E) but even then was ignored by giving preference to respondents 4 to 22 having less qualification and fake degrees / Asnad over her. The official respondent No. 1, however in his comments controverted the contentions of the petitioner.

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2. W.P No. 97-B/2012 (Mst. Jamila Begum & another... Vs... D. E. O (Female) & others)

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respondents for their appointments as A.Ts against posts to be vacated by private respondents Nos. 3 to 5 allegedly appointed through letter No 13878-13907 dated 07/10/2010 on the basis of forged documents against the rights of the petitioners. The petitioners added that they had filed civil suit No. 145/1 of 2010 but the Learned ADJ-III, Bannu rejected their plaint by allowing application filed by contesting respondents under Order-VII, Rule 11 of the C.P.C and petitioners finding no other remedy brought this petition.

3. W.P No. 408-B/2011 (Abida Bibi etc.... Vs.... Govt of K(P.K. etc.)

Abida Bibi and Farzana Bibi, the petitioners, in the above said petition, asked for issuance of directions to official respondents for their appointments as Arabic Teachers (A.Ts) against the posts occupied by private respondents No.5 to 23 through the appointment letter bearing Endst:No 13878-13907 dated 07.10.2010 on the basis of fake documents. The respondent No. 1 in his comments denied the allegations and asserted that appointments of private respondents were on merit while the petitioners could not be appointed as they were failed in the requisite written test.

The officials/officers of the Education department and of the A.C.E. Bannu were examined on different dates.

Mr. Farzand Ali, Superintendent, D.E.O (Male) Bannu produced list of failed candidates (Ex.Cw-1/1), tentative merit/ interview list (Ex.Cw-1/2), list of approved candidates. of A.T (Ex.Cw-1/3), D.C.O's approval for advertisement (Ex.Cw-1/4), advertisement (Ex.Cw-1/5), policy for recruitment (Ex.Cw-1/6) recruitment

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1/9), approval for merit list (Ex.Cw-1/10), minutes of Departmental Selection Committee (D.S.C) dated 24.9.2010 (Ex.Cw-1/11), appointment order of 19 female A.Ts (Ex.Cw-1/12), verification report in respect of *Shahadat Alamia* equivalent to M.A (Arabic & Islamiyat) from *Wafaq-ul-Madaris* Multan over certificates/*Asnad* of 06 candidates (Ex.Cw-1/13), verification report in respect of *Shahadat Alamia* equivalent to M.A (Arabic & Islamiyat) from *Tanzim-ul-Madaris*, Lahore over certificates/*Asnad* of 08 candidates (Ex.Cw-1/14), verification of M.A (Arabic) of Shazia Naheed (Ex.Cw-1/15), verification of M.A (Arabic) of Naila Jan (Ex.Cw-1/16), verification of M.A (Arabic) of Bas Naheed (Wx.Cw-1/17), verification of M.A (Arabic) of Bushra Shaheen (Ex.Cw-1/18), verification of M.A (Arabic) of Amna Shazmin (Ex.Cw-1/19), approval for appointment (Ex.Cw-1/20), minutes for appointment for disable quota (Ex.Cw-1/21), letter of appointment order of Samina Begum d/o Amir Qadir Khan as A.T on disable quota (Ex.Cw-1/22), merit list for disable quota (Ex.Cw-1/23), attendance sheet of candidates of A.T in written test (Ex.Cw-1/24), Question paper for screening test of A.T (Ex.Cw-1/25), marks award list of A.Ts (Ex.Cw-1/26), Notification of constituting committee for of A.Ts & T.Ts (Ex.Cw-1/27), officer order for constituting sub departmental recruitment committee for A.Ts & T.Ts (Ex.Cw-1/28), letter of appointment of Supervisory staff (Ex.Cw-1/29). This witness however on 09.12.2015 at the belated stage of the inquiry after strict directions produced (38) answer sheets of the candidates of A.Ts and stated that he collected the said answer sheets from Mr.Ajmal Khan, Ex-Superintendent, D.E.O (Female) Bannu, from his shop in Lakki gate Bannu city on the same date i.e. on

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dated 02.6.2011, letter (Ex.Cw-1/31) of Deputy Commissioner Bannu dated 27.02.2013 for taking legal action against 24 numbers of appointees of T.Ts & A.Ts for getting appointment due to fake *Asnad*, Receiving certificate (Ex.Cw-1/32) of show cause notice having signatures of 22 appointees of T.Ts & A.Ts while one Sabiha Begum was shown in it to have left the service while the other namely Ambreen Bibi was shown to have not taken over the charge.

Bibi Razia, D.E.O (F) Bannu produced the remaining (20) papers/answer sheets of the candidates of A.Ts on the date when the 38 papers were produced by Farzand Ali. She stated that only 20 papers/answer sheets were present in the office given to her by Mr. Sherzali Khan, Assistant D.E.O (F), Bannu while the remaining papers were not present in D.E.O (F) office. She further informed that Mr.Farzand Ali, Superintendent, D.E.O Male Bannu brought papers of remaining 38 candidates from Mr.Ajmal Khan, Ex-Superintendent, D.E.O (F) Bannu. The remaining 38 papers were produced by Farzand Ali, office Supdt.

The result of the answer sheets of the 38 candidates of A.Ts provided by Farzand Ali, the office supdt. of D.E.O (F), Bannu was as under:-

R.No	NAME	FATHER NAME	Marks
01	Shahida Naz	Safdar Ali Khan	50/100
02	Abida Bibi	Muhammad Hakim Shah	36/100
03	Bushra Norin	Zarban Shah	52/100
04	Naheeda Bashir	Bashir Ahmad	50/100
05	Gul Naz	Shaista Khan	50/100
	Rehmeen	Gul Shahzada	

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12	Jamila Bergum	Gul Sahib Khan	28/100
13	Farzana Bibi	Mir Fazal Khan	15/100
14	Shamshad Saeed	Muhammad Usman Ali Shah	41/100
15	Seep	Roohullah	50/100
16	Shakeela	Noor Ayaz Khan	39/100
17	Sonia	Roohullah	39/100
18	Nusrat Nawaz	Muhammad Nawaz	33/100
19	Hera Mehgul	Hayatullah	52/100
21	Ruqia Niazi	Niaz Muhammad	21/100
22	Nazilat Bibi	Ayub Khan	43/100
23	Uzma Gul	Roohullah	39/100
24	Shams un Naher	Bashir Ahmad	27/100
25	Bina Khanum	Ajmal Khel	52/100
26	Rehana	Muhammad Ramzan	21/100
27	Shamrana Bibi	Qabal Khan	50/100
28	Gulshan Khan	Ghulam Ghani	30/100
29	Fehmeeda Akhter	Muhammad Iqbal	41/100
34	Waqarun Nisa	Muhammad Israil	38/100
36	Usmania Begum	Mehrab ud Din	27/100
37	Sadia Parveen	Gul Qadeem Jan	69/100
39	Heena Sherin	Shereen Zaman	31/100
40	Amna Rehman	Abdur Rehman	50/100
42	Faryaz Bibi	Nabi Gul	37/100
44	Bibi Haleema Sadia	Muhammad Naseem	Absent
45	Safia Begum	Sher Alam Jan	51/100
47	Rohin Taj	Qamer Ali Shah	31/100
48	Jamila	M. Nazif	17/100
49	Sadia Bano	Mir Saeed Khan	38/100

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59	Hassina Gul	Mir Madad Khan	24/100
60	Saima Akhter	Akhter Hussain	41/100

(Roll No. 44 was marked absent while Roll No. 51 was under matric).

The result of the papers of the 20 candidates of A.Ts provided by Bibi Razia, D.E.O. (F) Bannu, herself is listed below:-

R.No	NAME	FATHER NAME	Marks
09	Amina Shazmin	Bad Shah Khan	50/100
10	Bas Naheed	Sher Mehmood Khan	52/100
11	Sana Ambreen	Shah Daraz Khan	50/100
20	Samina begum	Amir Qader Khan	51/100 (Disable Quota)
30	Shazia Bibi	Asal Jan	56/100
31	Shahnaz Begum	Misal Khan	71/100
32	Zainab Bibi	Umer Ali Shah	69/100
33	Ambreen Bibi	Habibullah Shah	52/100
35	Naila Jan	Shafqatullah Jan	50/100
38	Salma Bibi	Niaz Ali Khan	62/100
41	Bushra Shaheen	Sultan Khan	50/100
43	Saila Murad	Dinar Ali Shah	51/100
46	Riffat Begum	Afsar Khan	50/100
52	Shazia Naheed	Muhammad Subhan Shah	50/100
53	Sadia Nawaz	Shah Nawaz	51/100
54	Salma	Rasool Khan	52/100
55	Tashfeen Nawaz	Shah Nawaz	52/100
56	Norin Naz	Sher Bahadar	54/100
57	Riffat Banarus	Muhammad Banarus Khan	62/100
58	Sabiha Begum	Nawaz Khan	58/100

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The D.E.O stated that Shahnaz Begum (Roll No. 31

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answer sheet. Similarly Samina Begum (Roll No. 20) was first given 34/100 and then her marks were improved by rechecking the unmarked question No.7 & question No.8 making total of 51/100. She added that passing marks were 50/100.

(The answer sheets were returned to Mr.Farzand Ali for safe custody with directions to produce the same whenever ordered by the Hon'ble Court).

Shagufta Majabeen, Ex-Principal G.G.H.S.S. No.2, Bannu City who was Superintendent for the examination of A.Ts & T.Ts also got recorded her statement to that effect.

Ghulam Farid. C.O of A.C.E Bannu who was entrusted with letter No.1657 dated 03.12.2015 for the re-verification of documents/Asnads of 08 candidates of A.T.s from *Tanzeem-ul-Madaris Ahle Sunat* Lahore and got her statement recorded.

The provisional merit list with over all merit scores of all the candidates provided by the official of the Education department in descending order with the remarks is Annex. "B".

The committee decided that certificates/*Asnad* of the appointees be dispatched to the concerned institutions including religious institutions for verification which was done and documents received fake after verification along with the report through post was marked as Annex. B/1 to B/15. The documents received as correct are palced on separate file of the inquiry for perusal of the Hon'ble Court).

It is apparent from the letter K899/2015 dated 29.10.2015 (Ex.B/1) of *Tanzim-ul-Madaris Ahl-e-Sunnat* Pakistan at Ravi road Lahore that basic certificates/*Asnad*

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The result card/*Asnad* of the following 08 appointees were found incorrect/bogus:-

R.NO.	NAME OF CANDIDATE	FATHER NAME
31	Shahnaz Begum	Misal khan
30	Shazia Bibi	Asal jan
56	Norin Naz	Sher Bahader Khan
57	Riffat Banaras	Muhammad Banaras khan
32	Zainab Bib	Umer Ali Shah
58	Sabiha Begum	Nawaz Khan
33	Ambreen Bibi	Habibullah shah
38	Salma Bibi	Naz Ali khan

S.No; 11 of A/Ltr

S.No; 3 of A/Ltr

S.No; 10 of A/Ltr

S.No; 16 of A/Ltr

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Mr. Ghulam Farid, C.O of A.C.E Bannu was directed through office letter No.1657 dated 03.12.2015 to re-verify the *Asnad* of A.T's candidates *Tanzim-ul-Madaris Ahl-e-Sunnat* Pakistan Lahore who stated that he got re-verified the *Asnads* of the candidates from the above said institution and documents/*Asnads* of the above said 08 candidates were reported as fake and got the said *Asnad* of i. Zainab Bibi d/o Umer Ali shah (Ex.Cw-3/1 & Ex.Cw-3/2), ii. Riffat Banaras d/o Muhammad Banaras (Ex.Cw-3/3 & Ex.Cw-3/4), iii. Shazia Bibi d/o Asal Jan (Ex.Cw-3/5 & Ex.Cw-3/6), iv. Salma Bibi d/o Niaz Ali Khan (Ex.Cw-3/7 & Ex.Cw-3/8), v. Shehnaz Begum d/o Misal Khan (Ex.Cw-3/9 & Ex.Cw-3/10), vi. Sabiha Begum d/o Nawaz Khan (Ex.Cw-3/11 & Ex.Cw-3/12), vii. Noreen Naz d/o Sher Bahader Khan (Ex.Cw-3/13 & Ex.Cw-3/14) & viii. Ambreen Bibi d/o Habibullah Shah (Ex.Cw-3/15) placed on file. He added that as per report of In charge of *Tanzim-ul-Madaris*, Lahore vide letter No.K961/2015 dated

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on disable quota were declared as forged. The result card/*Asnad* of the following 06 appointees of A.Ts from *Wafaq-ul-Madars Al-Arabia* Multan were, however, found correct:-

R.No	Name of Appointee	Father Name
53	Sadia Nawaz	Shah Nawaz Khan
55	Tashfeen Nawaz	Shah Nawaz Khan
43	Saila	Dinar Ali Shah
46	Riffat Begum	Afser Khan
11	Sana Ambreen	Shah Daraz
54	Salma Rasool	Rasool Khan

Mr. Ghulam Farid, C.O of A.C.E, Bannu who was also entrusted with letter No.1658 dated 03.12.2015 along with documents/*Asnads* of the above said 06 candidates for the purpose of re-verification from *Wafaq-ul-Madaris Al-Arabia* Multan stated that their *Asnad* were found correct. He returned the documents of the above said candidates which were found correct and got the said *Asnad* of i. Sana Ambreen d/o Shah Daraz Khan (Ex.Cw-3/17 & Ex.Cw-3/18), ii. Salma Rasool d/o Rasool Khan (Ex.Cw-3/19 & Ex.Cw-3/20), iii. Sadia Nawaz d/o Shah Nawaz Khan (Ex.Cw-3/21 & Ex.Cw-3/22), iv. Tashfeen Nawaz d/o Shah Nawaz Khan (Ex.Cw-3/23 & Ex.Cw-3/24), v. Saila d/o Dinar Ali Shah (Ex.Cw-3/25 & Ex.Cw-3/26), vi. Riffat d/o Afsar Khan (Ex.Cw-3/27 & Ex.Cw-3/28) placed on file. He stated that as per report of In charge of *Wafaq-ul-Madaris, Al-Arabia* Pakistan, Multan vide letter No. MAA 00062/1437 dated 07.12.2015 (Ex.Cw-3/29) wherein the *Asnad* of the above said 06 candidates were declared as correct.

Thus re-verification of the fake documents which was also

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verification already received to the committee through post from the concerned religious institutions.

It is also important to mention that remaining 06 appointees including the A.T appointee on disable quota had presented the M.A (Arabic) degrees at the time of appointments which were also got verified from the concerned universities.

After thorough inquiry the committee came to the conclusion as thus:-

There were 20 seats of A.Ts in Bannu District in the year 2010 including that of a disable which were advertised in daily "Ausaf" dated 24.4.2010. Total 60 candidates applied for the said posts including Samina Begum, who applied for disable quota. All the 60 candidates were shown to have been subjected to the screening test and initially 29 candidates were declared as failed through letter dated 21.5.2010 (Ex.Cw-1/1) while remaining 31 candidates were declared as passed. Mst. Samina Begum was initially declared as failed but subsequently declared as passed and appointed on disable quota. Eventually 19 candidates on open merit and 01 on disable quota were appointed as A.Ts.

It is found from the record that last merit score for the 20 seats of A.T by excluding the candidates with fake documents and over age candidate, was 46.68%. Thus following 07 candidates including disable candidate, as appeared in Annex. "B," were appointed on merit in the impugned order. They are:-

R.No	Name of candidate	Father name	Address	Over all score.
53	Sadia Nawaz	Shah Nawaz	T.T GGMS Kot Beli	69.14%
54	Salam	Rasool Khan	T.T.GGHS Dhari Saidan	63.81%
52	Shazia Naheed	Muhammad Subhan Shah	PTC GGPS Sabokhel	57.11%

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09	Amna Shazmin	Badshah Khan	Sokari Hassan khel, Bannu.	48.20%
20	Samina Begum	Amir Qader Khan	T.T, GGMS, Dehri Gandhi	47.77%

The following 08 candidates were appointed on the basis of fake Asnad:-

R.No	Name of candidate	Father name	Address
31	Shahnaz Begum	Misal khan	Gorka Dialshah, Bannu.
30	Shazia Bibi	Asel Jan	Zarkhani kalay patookhel, Bannu.
58	Sabiha Begum	Nawaz khan	Bannu city
32	Zainab Bibi	Um,er Ali Shah	Gorkha Dilasa shah, Bannu
57	Riffat Banaras	Muhammad Banaras Khan	Bannu city
56	Norin Naz	Sher Bahader	Bannu city
33	Ambreen Bibi	Habibullah Shah	Gorkha Dilasa Shah
38	Salma Bibi	Niaz Ali khan	Azim kalay.

The following 05 candidates were on low merit but appointed:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	Overall score
41	Bushra Shaheen	Sultan khan	GGPS No. 4 Bannu city	44.83%
43	Saila Murad	Dinar Ali shah	Gul Ahmed Shah, Bannu	44.72%
10	Bas Naheed	Sher Mehmood khan	Emro Mandan, Bannu	43.08%
55	Tashfeen Nawaz	Shah Nawaz	Shahjchan shah, Bannu	41.77%
46	Riffat Begum	Afser khan	Sarmast merakhel, Bannu	37.38%

The following 21 candidates were not appointed being low in merit score:-

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R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	OVER ALL SCORE
16	Shakeela	Noor Ayaz khan	Sokari Hassenkhel, Bannu	46.58%
27	Shamrana Bibi	Qabal khan	Patolkhel, Bannu	46.32% (She was appointee of T.T but her Sanad for T.T was also found fake.)
23	Uzma Gul	Roohullah	Bazida Toghelkhel, Bannu	45.93%
18	Nusrat Nawaz	Muhammad Nawaz	Kakki Khas	45.87%
06	Rahmeen Begum (petitioner in writ petition No. 16-B/2011)	Gul Shehzada Khan	Madmir Kaki	45.77%
01	Shahida Naz	Safder Ali khan	Qamerkhel Kakki	43.90%
13	Farzana Bibi	Mir Fazal khan	Shadew, Bannu	43.05%
42	Faryaz Bib	Nabi Gul	-----	42.66%
22	Nazilat Bibi	Ayub Khan	Ghoriwala	42.58%
60	Saima Akhter	AAhter Hussain	Bannu city	41.73%
02	Abida Bibi	M.Hakim Shah	Bannu city	41.61%
34	Waqar-u-Nisa	M.Israel	G.G.C.M.S Ahmandi Umer khan	40.92%
07	Sadia Bib	Fazal Subhan	Ghoriwala	36.59%
37	Sadia Parveen	Gul Qadeem jan	Taji kalashan at Hujra	36.16%
40	Amna Rehma	Abdur Rehman	Sadiq Abad Ghoriwala	35.58%
		Mr. Saad		

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08	Sobia	Roohullah	Bazida Toghelkhel, Bannu	28.83%
19	Heera Mah Gul	Hayatullah	Ghoriwala	28.41%
14	Shamshad Saeed	M. Usman Ali Shah	Ghoriwala	27.36%
51	Shakeela	Noor khaliq shah	Ghoriwala	Under Matric

The following candidates were over age at the time of appointments:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	OVER ALL SCORE
28	Gulshan khan	Ghulam Ghani	Sabokhel	55.01%
29	Fehmeeda Akhter	M. Iqbal	Bannu city	49.06%
44	Bibi Halima Sadia	M. Naseem	Mandan	48.95% (was also absent in the test)
59	Hasina Gul	Mir Dad khan	Sokari Zabta khan	40.57%
36	Usmania Begum	Mehrab-u- din	Hinjal Amir kahn	40.48%

The following 03 candidates were on merit and passed their written test but not appointed:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	Overall score
03	Bushra Norin	Zarban Shrh	Zanana Hospital Road Bannu	56.01%
05	Gul Naz	Shaista khan	Tanchi Bazar Bannu	49.96%
25	Bina Khanum	Ajmal khan	Rasool khan Chak Daden, Bannu	47.81% (Her Sanad of Shahadat- ul-Aali was fake in T.Ts inquiry)

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basic Sanad of Shahadat-u-Aalia, is found to be fake in the inquiry proceeding conducted by this committee with regard to the appointment of T.Ts, so she cannot be expected to have a valid Sanad for A.T as sanad of Shahadat-u-Aalia was sine qua none for the qualifying Shahadat-ul-Aalamia.

The following 28 candidates were finally shown as failed:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	Over All Score
02	Abida Bibi	M.Hakim Shah	Bannu city	41.61%
07	Sadia Bibi	Fazal Subhan	Ghoriwala	36.59%
08	Sobia	Roohullah khan	Bazid Toghalkhel	28.83%
P-1 12	Jamila Begum	Gul Sahin khan	Bannu city	51.133%
13	Farzana Bibi	Mir Fazal khan	Shah Dew	43.05%
14	Shamshad Saeed	M.Usman Ali shah	Ghoriwala	27.36%
16	Shakila	Noor Ayaz khan	Sokari Hassenkhel	46.58%
17	Sonia	Roohullah	Bazida Toghalkhel	50.82%
18	Nusrat Nawaz	M.Nawaz	Kakki khas	45.87%
21	Rogia Niazi	Niaz Muhammad	Kakki	59.88%
22	Nazilat Bibi	Ayub khan	Ghoriwala	42.58%
23	Uzma Gul	Roohullah khan	Bazida Toghalkhel	45.93%
24	Shams-u-Naher	Bashir Ahmed Jan	Bannu city	53.42%
26	Rehana	M.Ramzan	Bannu city	56.76%
P-2 28	Gulshan khan	Ghulam Ghani	Sabokhel	55.01% (over age)
29	Fehmeeda Akhter	M.Iqbal	Bannu city	49.06% (over age)
	Waqar-u-		GGCMS Ahmanid Umer	40.00%

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39	Heena Sherin	Sherin Zaman	Jaman Road Bannu	50.94%
42	Faryaz Bibi	Nabi Gul	-----	42.66%
44	Bibi Halima Sadia	M.Naseem	Mandan	48.95% (Also absent and over age)
47	Rohin Taj	Qamer Ali Shah	Piran Togalkhel	58.97%
48	Jamila	M.Nazeef	Mandan	52.26%
49	Sadia Bano	Mir Saeed khan	Ghoriwala	33.21%
50	Musarat Shaheen	Amir Taj Ali khan	Saeed Toghalkhel	48.92%
51	Shakila	Noor Khaliq shah	Ghoriwala	0 (Under Matric)
59	Hasina Gul	Mir Dad khan	Sokari Zabta khan	40.57% (over age by almost 03 months)
60	Saima Akhter	Akhter Hussain	Bannu city	41.73%

Though above said candidates were declared as failed in the written screening test but initially the department despite repeated demands could not produce the written papers rather Barkat Ali, litigation officer, got his statement recorded that there was no written papers available in the office. The D.E.O (Female) Bannu, was summoned and strictly directed to produce the answer sheets of the candidates and she got her statement recorded on 09.12.2015 that despite her search she could find answer sheets of only 20 candidates of A.Ts (appointees) in her office. She however informed that office supdt. Farzand Ali will produce the answer sheets of remaining 38 candidates which were handed over to Farzand Ali by Mr. Ajmal Khan, the Ex.Supt. D.E.O (male) Bannu.

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Bannu in presence of Mr. Lutfullah, Ex-Junior Clerk, D.E.O Female Bannu provided the said answer sheets to him today i.e. 09.12.2015 at his shop situated in Lakki gate Bannu.

Shagufta Majabeen, Ex-Principal Givt, Girls Higher Secondary School (G.G.H.S.S) No.2 Bannu City who was appointed as Superintendent for the conduct of the written screening test vide letter (Ex-Cw-1/30) got her statement recorded that she was Superintendant for the examination of A.Ts & T.Ts while Miss Naghmana Niamat, Ex-D.E.O (Female), Bannu and Tujza Abbasi, A.D.E.O (Female) Bannu were also present in the Examination Hall when Bakhtullah Shah, the erstwhile Executive District Officer (E.D.O), E&S.E, Bannu, brought the question papers, distributed the Question papers and Answer sheets. She stated that she might have signed the answer sheets but was unaware that who marked the papers as the marking was not done in her presence. She added that erstwhile E.D.O, E&S.E, Bannu did not make signature on any answer sheets in the examination Hall in her presence but when confronted with the answer sheets admitted that the answer sheets are bearing signatures of Bakhtullah Shah, Ex-E.D.O, E&S.E, Bannu who had taken the answer sheets with him.

Though the written screening test was the requirement but it is always conducted to short list the candidates and not to knock out the high merit scores/high qualified candidates in order to accommodate the low merit and the candidates holding fake documents. There were only 60 candidates and the marks obtained in the written test were not required to be counted towards the total score of the candidates in the merit list which was prepared by accumulating the marks according to the following formula:-

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Sanad in Darsi Nizam with Honor in Arabic or Shahadat-ul- Aalamia	S.S.C	F.A/F.S.C	B.A/B.S.C	M.A/M.S.C	Experience.
30 Marks	25 Marks	20 Marks	10 Marks	10 Marks	3years=5marks 2years=3marks 1year=2marks.

There was no weight-age to the marks obtained in the written test in the formula while the way the written test in this case was conducted does not seem to be conducted fairly. The Annex. "B" also shows that candidates with high merit-scores were ignored and less scored in the merit list and the candidates with fake documents were appointed. The last merit score as stated earlier for the 20th candidate in the merit list, by excluding the merit score of the candidate having fake *Asnad*, was 46.68%. The following candidates were thus deprived of their rights of appointment in the impugned appointment order:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	over all score.
21	Ruqia Niazi	Niaz Muhammad	Kakki	59.88%
47	Rohin Taj	Qamer Ali shah	Piran Toghelkhel	58.97%
26	Rehana	M.Ramzan	Bannu City	56.76%
03	Bushra Norin	Zarban shah	Zanana Hospital Road Bannu	56.01%
24	Shams-u-Naher	Bashir Ahmed	Bannu city	53.42%
48	Jamila	Muhammad Nazeef	Mandan	52.26%
12	Jamila Begum (Petitioner in writ petition No. 97-B/2012)	Gul Sahib Khan	Bannu city	51.13%
39	Heena Sherin	Sherin Zaman	Jaman Road	50.94%

[Signature]
District Education Officer(F)
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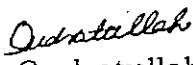
05	Gul Naz	Shaista khan	Tanchi Bazar Bannu	49.96%
50	Musarat Shaheen	Amir Taj Ali khan	Saeed Toghel khel	48.92%
04	Nahida Bashir	Bashir Ahmed	Inside Phori Gate.	47.07%
45	Safia Begum	Sher Alam Jan	T.T, GGMS, Sero Samiullah	46.68%

The above said candidates were to be appointed on the date when the candidates with low merit and fake documents were appointed. If any of the above said deprived candidates is not ready to join service in this category for any reason then the candidate falling next in the merit list has a right to be appointed and so on and so forth. The candidates may be subjected to fresh written test if it is considered essential for their selection as A.Ts. The documents of the new appointee must also be subjected to strict verification before release of salary. The documents of any appointee be yet left open to verification on the application of every person so that no one could sneak into the Education department with fake documents.

Report is submitted for perusal of the Hon'ble Divisional Bench please.

Dated: 21.12.2015


1. Nasirullah Khan Gandapur,
Additional Registrar, Peshawar
High Court, Bannu Bench.
(Chairman).


2. Mr. Quadratullah Khan
Gandapur,
A.A.G, Bannu Bench, **EXAMINER**
Bannu. (Member), **TESTER**
Peshawar High Court
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Bannu



THE
PESHAWAR HIGH COURT
BANNU BENCH

All the Communications should be addressed to the Additional Registrar of this Bench

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Fax: +92-928-9270394
Email: phcbannubench@gmail.com

Inquiry Report in respect of the appointments of Female Theology (Dinyat) Teachers (T.Ts) in District Bannu.

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The Hon'ble Divisional Bench of the Peshawar High Court, Bannu Bench in writ petition (W.P) No. 16-B of 2011 titled "Rehmeen Begum Vs E.D.O etc" through order dated 10.9.2015, constituted committee of the following to probe into the matter of appointments of various categories of teachers in District Bannu in the year 2010-11:-

1. Additional Registrar P.H.C Bannu Bench, Bannu. (Chairman),
2. Mr. Qudratullah Khan Gandapur, Assistant Advocate General (A.A.G) Bannu. (Member),
3. Zafar Iqbal Khan, President High Court Bar Association Bannu Bench, Bannu. (Member),
4. Mr. Ghulam Farid, Inspector, Circle Officer, (C.O) Anti-corruption Establishment (A.C.E) Bannu. (Member).

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The Hon'ble Divisional Bench directed the committee to probe into the matter in the following mode:-

"To probe into the matter, scrutinize all the documents as well as the merit list and thereafter report be submitted before this Court that whether the appointments are against law, and on fake documents and against the merit policy of the Provincial Government. The Anti-Corruption Department has already concluded the investigation, the report of investigation officer be also made part of the report. The learned Additional Registrar is directed to club all the cases of the same nature, issue notices to all concerned and all the parties as well as those who are either respondents or those who were appointed on various years on such fake or genuine documents."

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The members of the committee first met in the office of Additional Registrar on 21.9.2015 and District Education Officer (D.E.O) and Sub Divisional Education officer (S.D.E.O), Bannu also attended the meeting on the said date who under took to produce all the requisite records through concerned reliable officials of offices of D.E.O (Male) and D.E.O (Female) as at the time of making subject appointments both the offices were under the command of erstwhile Executive District Officer (E.D.O), Elementary & Secondary Education (E&S.E) Bannu. The committee decided that separate files be maintained for the statements and record of each category of teachers i.e. Theology Teachers (T.Ts), Arabic Teachers (A.T.s) and Primary School Teachers (P.S.Ts).

This report is with regard to the appointment of T.Ts. The names of the appointees of the T.T.s through impugned appointment order bearing endorsement No. 990-1034/AE-1/DO(F/S) Appt./T.T dated 04.01.2011 (Ex.Cw-1/7) are:-

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R.No	NAME OF CANDIDATE	FATHER NAME	Over all Score
20	Nagina	Sherzali Khan	64.03%
10	Naima Gul	Shah Alam Khan	62.34%
46	Shahida Bibi	Muhammad Bashir Khan	58.07%
44	Zainab Noorin	Jan Khan	56.14%
34	Fozia Barki	Balqiaz Barki	54.02%
33	Rizwana Barki	Balqiaz Barki	53.59%
42	Hajra Gul	Muhammad Fayaz Khan	52.89%
4	Shamim Akhter	Sherin Jan	51.32%
39	Shabina	Noor Nawaz Shah	51.00%
49	Razmina	Marajud Din	50.70%
26	Bina Khunam	Ajmal Khan	50.51%
5	Saima Khan	Bad Shah	49.49%
40	Saima Sadiq	Muhammad Sadiq Khan	48.60%
67	Hajra Khalil	Muhammad Khalil	48.36%
45	Amna Gul	Noor Nawaz Khan	47.38%
30	Shamrana Bibi	Qabal Khan	46.91%
60	Naheed Amin	Muhammad Ameen	46.55%
28	Zahida Mehboob	Mehboob Ali Shah	45.12%
38	Fozia Aslam	Muhammad Aslam	44.64%
43	Fakhrun Nisa	Muhammad Israil	43.95%
61	Asma Gulfam	Shahqiaz	43.80%

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23	66	Gul Shan Ara	Mir Faraz	43.77%
24	68	Saima Akhtar	Akhtar Hussain	43.083422%
25	63	Bas Taj	Shams ud Din	42.71
26	31	Khatem un Nisa	Ab dur Rehman	42.67246%
27	14	Shabnaz	Fazal Manan	42.233957%
28	3	Sadia Bibi	Fazal Subhan	40.441711%
29	19	Samreen Ali	Noor Ali Khan	38.63%
30	18	Madiha Nasir	Mir Dad Khan	38.49%
31	16	Farhad Bibi	aftab Ali Shah	37.14%
32	9	Seep	Roohullah	35.03%
33	71	Sabiha	Qad Ayaz	35.01%
34	37	Amna Rehman	Abdur Rehman	34.08%
35	11	Hera Mah Gul	Hayatullah	29.461765%
	8	Shamshad Saeed	Muhammad Ussman Ali Shah	28.705882%

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Note: Asma Gulfam (Roll No. 61) was appointed on disable quota.

The following writ petitions have been filed in respect of the appointments of T.Ts.:-

W.P No. 78-B/2011 (Safina Jehan...Vs...E.D.O etc.)

The petitioner, through the above said writ petition, challenged the appointment order bearing Endst: No. 990-1034 dated 04/01/2011 (impugned order) of T.T in B.P.S-14 in District Bannu by mainly contending therein that candidates with fake *Asanad* (certificates) of *Deeni Madrassa* (Religious Institutions) of *Tanzeem-ul-Madrassa Ahle-Sunnat* were declared successful in the written test while she was ignored despite the fact that she was holding original documents/certificates of *shahadat-ul-Aaliya* of *Wafaq-ul-Madaris Arabia*, Multan. The respondent No.1 in his comments refuted the contentions of the petitioner on the ground that the petitioner could not get through the requisite written test.

W.P No. 18-B/2011 Sobia...Vs...EDO etc

Sobia, through the above cited Petition, sought directions against official respondents for her appointment as T.T in BPS-14 as against the appointments of private respondents Nos. 4 to 7 vide order impugned order. The petitioner contended that she had passed the requisite written test for the said posts and was placed in the tentative merit list by showing to have secured 28.83% marks and she was not amongst the list of failed candidates but even then was

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ignored. She added that candidates having less qualification/fake degrees and *Asnads* were appointed instead. The official respondents No.1 & 2 in their joint comments controverted the contentions of the petitioner that petitioner was low in merit as compare to private respondents Nos. 4 to 7.

W.P No. 96-B/2012 (Mst. Fazilat & another. Vs.... D.E.O (Female) & others

Mst. Fazilat and Mst. Sarwat Yasmin, through instant petition, asked for issuance of directions to official respondents for their appointments as T.Ts on the posts to be vacated by private respondents Nos.3 to 11 allegedly appointed on the basis of fake documents. The petitioners along with another had filed a civil suit No. 144/1 of 2010 but learned ADJ-III, Bannu, the Revisional Court, rejected their plaint by allowing application filed under Order-VII, Rule 11 of the C.P.C by the contesting respondents and petitioners filed this writ petition.

W.P No. 580-B/2015 (Mst. Bas Nisar. Vs.... D.E.O (Female) & others.

Mst. Bas Nisar, through above said belated petition, also asked for issuance of directions to official respondents for her appointment as T.T on the posts to be vacated by private respondents Nos.3 to 11 allegedly appointed on the basis of fake documents.

The officers/officials of the Education department and of the A.C.E. Bannu were examined.

Mr. Farzand Ali, Supdt. D.E.O (Female), Bannu on different dates produced result of the failed candidates (Ex.Xw-1/1), merit list (Ex.Cw-1/2), tentative merit list (Ex.Cw-1/3), list of the approved candidates (Ex.Cw-1/4), approved merit list by D.C.O Bannu (Ex.Cw-1/5) and minutes of meeting (Ex.Cw-1/6) of Departmental Selection Committee, consolidated appointment order of 34 females T.Ts (Ex.Cw-1/7), verification report (Ex.Cw-1/8) over certificates of *Shahadat Aalia* equivalent to B.A (Arabic & Islamiyat) from *Wafaq-ul-Madaris* Multan with regard to 13 candidates, verification report (Ex.Cw-1/9) over certificates of *Shahadat-ul-Aalia* equivalent to B.A (Arabic & Islamiyat) from *Tanzim-ul-Madaris*, Lahore of 22 candidates, letter of verification by D.C.O Bannu along with letter of concerned Board/Institution (Ex.Cw-1/10), letter of approval for appointment of T.T & A.T teachers (Ex.Cw-1/11), minutes of the

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meeting (Ex.Cw-1/12), appointment letter of Asma Gulfam (Ex.Cw-1/13) & merit list (Ex.Cw-1/14) in respect of disable candidate, attendance/interview list (Ex.Cw-1/15), question paper (Ex.Cw-1/16), marks allocation sheet (Ex.Cw-1/17), withdrawal of appointment of Shabina, Bina khanum & Zahida Mehboob vide letter bearing endorsement No. 12612 dated 10.6.2011 (Ex.Cw-1/18), Notification constituting committee for interviewing the written test qualified candidates of A.T & T.T (Ex.Cw-1/19), office order constituting sub-departmental recruitment committee for A.T & T.T (Female) in District Bannu (Ex.Cw-1/20) & letter of appointment of supervisory staff for conduct of screening test (Ex.Cw-1/21).

Barkat Ali, Litigation officer, D.E.O (Male) Bannu stated that there is no record of T.Ts written papers available in the office.

Mr. Ghulam Farid, C.O of A.C.E Bannu get his statement recorded that there were general complaints about appointments of teachers in District Bannu on fake documents, so in order to get the documents verified of T.Ts appointed vide order No. 990-1034 dated 04-01-2011, Allah Nawaz, Constable, was sent to Tanzim-ul-Madaris Ahl-e-Sunnat Pakistan at Ravi road Lahore, and Muhammad Kabir Naeemi, the In charge of aforesaid Madrissa, after verification, submitted his report of the 21 appointees by declaring documents of the following 09 appointees to be correct:-

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S.No	Name of Appointee	Father Name
1	Nagina	Sherzali Khan
2	Shahida Bibi	Muhammad Bashir Khan
3	Zainab Noorin	Jan Khan
4	Fozia Barki	Balqiaz Barki
5	Rizwana Barki	Balqiaz Barki
6	Shamim Akhter	Sherin Jan
7	Razmina	Marajud Din
8	Shabnaz	Fazal Manan
9	Madiha Nasir	Mir Dad Khan

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The result card/Asnad for the year 2010 of the following 12 appointees from Tanzim-ul-Madaris Ahl-e-Sunnat Pakistan at Ravi road Lahore were found incorrect bogus:-

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S.No.	Name of Candidate	Father name
1	<u>Farhad Bibi</u>	Aftab Ali Shah
2	<u>Shamrana Bibi</u>	Qabal Khan
3	<u>Fozia Aslam</u>	Muhammad Aslam
4	<u>Saima Sadiq</u>	Muhammad Sadiq Khan
5	<u>Haira Gul</u>	Muhammad Fayaz Khan
6	<u>Fakhrun Nisa</u>	Muhammad Israil
7	<u>Amna Gul</u>	Noor Nawaz Khan
8	<u>Naheed Amin</u>	Muhammad Ameen
9	<u>Bas Taj</u>	Shams ud Din
10	<u>Gul Shan Ara</u>	Mir Faraz
11	<u>Hajra Khalil</u>	Muhammad Khalil
12	<u>Sabiha</u>	Qad Ayaz

The C.O produced the original report of In charge of said *Madrissa* for perusal and its photo copy was placed on file as (Ex.Cw-2/1) with photo copy of covering letter (Ex.Cw-2/2) duly signed by In charge of the said *Madrissa*.

He added that documents of rests of the 13 appointees were got verified through Rizwanullah Shah, the official of A.C.E, Bannu from *Wifaq-ul-Madaris Arabia Multan*, wherein certificate of the following appointees were found correct.

S.No.	Name of Candidate	Father Name
1	Naima Gul	Shah Alam Khan
2	Saima Khan	Bad Shah
3	Saima Akhtar	Akhtar Hussain
4	Khatem un Nisa	Ab dur Rehman
5	Sadia Bibi	Fazal Subhan
6	Samreen Ali	Noor Ali Khan
7	Seep	Roohullah
8	Amna Rehman	Abdur Rehman
9	Hera Mah Gul	Hayatullah
10	Shamshad Saeed	Muhammad Ussman Ali Shah

The *Asnad* of the following candidates from *Wifaq-ul-Madaris Arabia Multan* were found bogus:-

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R.No	Name of Candidate	Father Name
1	<u>Bina Khunam</u>	<u>Aimal Khan</u>
2	<u>Zahida Mehboob</u>	<u>Mehboob Ali Shah</u>
3	<u>Shabina</u>	<u>Noor Nawaz Shah</u>

He produced original report of Maulana Abdul Majeed, Nazim *Wifaqul Madaris* Multan, for perusal and got its photo copy exhibited as (Ex.Cw-2/3) with covering letter (Ex.Cw-2/4).

He went on to add that matter in A.C.E is still under enquiry and report is yet to be prepared for seeking permission from Chief Secretary as Officers up to the rank of BPS-19 are found involved in making appointments on the fake documents.

He also produced photocopy of certificates/*Asnad* given by Hajra Gul d/o Muhammad Fayaz, Saima Saddiqu d/o Muhammad Saddiqu, Nahida Amin d/o Muhammad Amin, Farhad Bibi d/o Aftab Ali Shah from the concerned *Madrassa* but made it clear that the aforesaid candidates passed the requisite examination from *Tanzimul Madaris* Lahore after their appointments vide letter No. 9901-034 dated 04/01/2011.

He also stated that he in compliance with this office letter No. 1659 dated 03.12.2015 got verified the documents /*Asnads* of Asma Gulfam d/o Shah Qiaz Khan but In charge of *Tanzim-ul-Madaris*, Lahore vide letter No. K961/2015 dated 07.12.2015 (Ex. ^{A/25} ~~Cw-3/42~~) also declared the *sanad* of Asma Gulfam as forged after consulting record.

Allah Nawaz, an official of A.C.E Bannu was examined who stated that he had gone to *Tanzim-ul-Madaris Ahl-e-Sunat*, Lahore for the purpose of verification of the documents of the appointed T.T.s where Mr. Kabir Nacemi, In charge of the said *Madrassa* submitted his report the photo copy of the same was already exhibited as (Ex.Cw-2/1) with the covering letter as (Ex.Cw-2/2).

Similarly Rizwanullah, another official of A.C.E, Bannu was also examined who stated that he had visited *Wafaq-ul-Madaris Arabai* Multan for verification where Maulana Abdul Majeed, Nazim *Wafaq-ul-Madaris* Multan produced the original record photo copies were already exhibited whereof were (Ex.Cw-2/3) with covering letter already exhibited as (Ex.Cw-2/4).

The committee decided that the certificates/*Asnad* of the appointees be dispatched to the concerned institutions including

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religious institutions at Lahore & Multan for verification which was done and the reports of *Wafaq-ul-Madaris* Multan and Lahore have been found to be in consonance with the report obtained by the A.C.E, Bannu.

The officials of the Education departments in their statements alleged that documents/*Asnad* of all the appointees were verified twice by the department itself and by the D.C.O Bannu but in verification by this committee the certificates/*Asnad* of 16 candidates were found fake.

The certificate/*sanad* of Asma Gulfam was also got verified and unfortunately the report (Ex. Cw-3/55-56) also referred her *sanad* to be fake.

Fazilat & Sarwat Yasmeen also got their statements recorded that some candidates of T.Ts were appointed on fake documents.

The provisional merit list with scores of all the candidates provided by the officials of the Education department in descending order with the remarks is Annex. "A"

The documents received to committee after verification through post was marked as Annex. A/1 to A/27.

After thorough inquiry the committee came to the conclusion as thus:-

There were 34 seats of T.Ts in Bannu District in the year 2010 which were advertised in daily "*Ausaf*" dated 24.4.2010. Total 69 candidates applied for the said posts including Asma Gulfam, who applied for merit as well as for disable quota as she was allotted two Roll Nos. 61 & 62, apparently one for open merit and another for disable quota. All the 69 candidates were shown to have been subjected to the screening test and initially 25 candidates were declared as failed through letter dated 21.5.2010 (Ex.Cw-1/1) while remaining 44 candidates were declared as passed. Mst. Gul Naz Gul and Kalsoom kamal who were initially declared as passed were subsequently declared failed. Mst. Razmina, the failed candidate, after re-checking of her paper, was also shown to be subsequently declared as passed and appointed. Eventually 34 candidates on open merit and 01 on disable quota were appointed vide impugned order of appointment.

It is found from the record on file that following 14 candidates were, however, appointed on merit in the impugned order:-

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District Education Officer(F)
Bannu

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IN WITNESS
Peshawar High Court
Bannu Bench

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R.No	Name of candidate	Father name	Address	Over all score.
20	Nagina	Sherzali Khan	PTC GGPS Misal Khan Mandan	64.03%
10	Naima Gul	Shah Alam Khan	1/Side Railway Gate	62.34%
46	Shahida Bibi	Muhammad Bashir Khan	Sadar Bazar Bannu Cantt	58.07%
44	Zainab Noorin	Jan Khan	Ghoriwala	56.14%
34	Fozia Barki	Balqiaz Barki	Ghoriwala	54.02%
33	Rizwana Barki	Balqiaz Barki	Ghoriwala	53.59%
04	Shamim Akhter	Shetin Jan	Pir Khel Kakki	51.32%
49	Razmina	Marajud Din	Pak Ismail Khel	50.70%
5	Saima Khan	Bad Shah	Nawaz Abad	49.49%
68	Saima Akhtar	Akhtar Hussain	Bannu City	43.083422%
31	Khatem un Nisa	Ab dur Rehman	Hathi Khel Banochi	42.67246%
	Shabnaz	Fazal Manan	Shukrullah Bari Khel	42.233957%
3	Sadia Bibi	Fazal Subhan	Ghoriwala	40.441711%
19	Samreen Ali	Noor Aii Khan	Ghoriwala	38.63%

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The following 16 candidates including a candidate for disable quota were appointed on the basis of fake Asnad:-

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FAZAL KHAN
 Peshawar High Court
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R.No	Name of candidate	Father name	Address	Overall score
16	Farhad Bibi	astab Ali Shah	Saidan Dardariz	37.14
26	Bina Khunam	Ajmal Khan	Rasool Khan Chack Dadan	50.51
28	Zahida Mehboob	Mehboob Ali Shah	Ghousa Mir Killa Surrani	45.12
30	Shamrana Bibi	Qabal Khan	Zar Khani Killa Patal Khel	46.91

S.No: 76 A/Lt
 S.No: 19 A/Lt

District Education Officer(F)
 Bannu

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38	<u>Fozia Aslam</u>	Muhammad Aslam	Hinjal Amir Khan	44.64	SNo: 25 A/Lt
39	<u>Shabina</u>	Noor Nawaz Shah	Kot Adil	51.00	SNo: 24 " "
40	<u>Saima Sadiq</u>	Muhammad Sadiq Khan	Dhari Gandhi BA Khan	48.60	SNo: 6 " "
42	<u>Hajra Gul</u>	Muhammad Fayaz Khan	Dhari Gandhi BA Khan	52.89	SNo: 1 " "
43	<u>Fakhrun Nisa</u>	Muhammad Israil	Gharib Abad Mandan	43.95	
45	<u>Amna Gul</u>	Noor Nawaz Khan	Shahbaz Azmat Khel	47.38	SNo: 13 " "
60	<u>Naheed Amin</u>	Muhammad Ameen	Zakar Khel	46.55	SNo: 8 " "
62	<u>Asma Gulfam</u>	Shahqiaz	Mamash Khel	43.80	SNo: 21 " "
63	<u>Bas Taj</u>	Shams ud Din	Talab Shah BA Khan	42.71	SNo: 17 " "
66	<u>Gul Shan Ara</u>	Mir Faraz	B.A. Khan	43.77	SNo: 18 " "
67	<u>Hajra Khalil</u>	Muhammad Khalil	B.A. Khan	48.36	SNo: 23 " "
71	<u>Sabiha</u>	Qad Ayaz	Mandan	35.01	

The following 05 candidates who were on low merit but appointed:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	Overall score
	Madiha Nasir	Mir Dad Khan	Kot Qalander Taji Killa	38.49%
09	Seep	Roohullah	Bazid Tughal Khel	35.03%
37	Amna Rehman	Abdur Rehman	Sadiq Abad Ghoriwala	34.08%
11	Hera Mah Gul	Hayatullah	Ghoriwala	29.461765%
08	Shamshad Saeed	M. Usman Ali Shah	Pir Wali Shah Ghoriwala	28.705882%

The following 14 candidates were not appointed being low in merit score:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	Overall Score
54	Ambreen Bibi	Habibullah Shah	Gourka Nar Dilasa Shah	37.94%
48	Riffat Begum	Alsar Khan	Sur Mast Mira Khel	36.98%
13	Marya Nawaz	Amir Nawaz	C/O Abdur Razaq Shop Domel	36.42%
70	Kaloom Kamal	Syed Kamal	Landi Jalander	35.54%

Additional Registrar,
Peshawar High Court
Bannu Bench

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District Education Officer (C)
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50	Sadia Bano	Mir Saeed Khan	Ghoriwala	35.31%
02	Gul Naz Gul	M. Aslam Khan	Mumbathi Barakzai	33.60%
36	Safia Inam	Inam ul Haq	Boza Khel	30.866667%
17	Mahad	Nazad Ali Shah	Gul Ahmad Shah	30.672222%
24	Safina Jehan (petitioner in writ petition No. 78-B/2012)	Jahan Dad Khan	Azim Killa	30.588095%
12	Sobia (petitioner in writ petition No. 18-B/2012)	Roohullah	Bazid Tughal Khel	28.627778%
15	Samreen Aslam	Nabi Islam	Ghoriwala	27.833333%
65	Zahida Bibi	M. Hakim Shah	Baland Baist Khel	27.782353%
64	Rukhsana Begum	Amir Habibullah	Bannu City	26.212299%
68	Shakeela	Noor Haliq Shah	Amin Mughal Khel	Under matric

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The following 05 candidates were on merit and passed their written test but not appointed:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	Overall score
29	Shazia Bibi	Asal Jan	Zar Khani Killa Patal Khel	59.11%
52	Shahnaz Begum	Misal Khan	Gourka Nar Dilasa Shah	51.59%
06	Sana Ambreen	Shah Daraz Khan	Wapda Colony Bannu	50.51%
53	Zainab Bibi	Umer Ali Shah	Gourka Nar Dilasa Shah	48.00%
51	Salma Bibi	Niaz Ali Khan	Azim Killa	39.91%

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It would not be out of place in any way to mention that above said i. Shazia Bibi d/o Asal Jan & ii. Shehnaz Begum d/o Misal Khan might have not opted to be appointed as T.Ts as they were already appointed as A.Ts but their Asnad for

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(60)

A.Ts are also found to be fake in the inquiry proceeding conducted by this committee with regard to the appointment of A.Ts., iii. Sana Ambreen d/o Shah Daraz khan who is appointed as A.T and her sanad for A.T is however found correct, while iv. Zainab Bibi d/o Umer Ali Shah and v. Salma Bibi d/o Niaz Ali khan who are appointed as A.Ts but their Asanad for A.Ts are also found fake.)

The following 26 candidates were finally declared failed:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	Overall Score
21	Farida Bano	Mir Wali Shah	Bannu City	61.79%
22	Shabana Gul	Imdad Ali Kihan	Bannu City	60.56%
23	Sarwat Yasmin	Muhammad Gul	Bannu City	60.56%
59	Noorun Nisa	Bas Nawaz Khan	Kachkot Asad Khan	52.50%
56	Asia Gul	Gul Malik Shah	Mandoori Matiullah Shah	52.15%
57	Gul Naz Habib	Kamal Habibi	Khyber Colony Bannu Cantt	51.81%
35	Mushaida	M. Sohail Khan	Bannu Town Ship	50.47%
41	Rozaina	Ghulam Daud Khan	Daraz Khel Mandan	50.45%
32	Mehnaz	Badiuz Zaman	Ghoriwala	49.27%
07	Gul Naz Begum	Sher Daraz Khan	Mazanga Landidak	46.93%
58	Rina Gul	Mir Zali Khan	Ismail Khel	45.68%
01	Fazilat	Gul Dar Ali	Faiz Talab Mandan	45.61%
47	Bus Nisar	Sher Bahadar	Hinjal Noor Baz	44.13%
27	Shahnaz Gul	Gul Akbar Khan	Sadar Bazar Bannu Cantt	43.52%
25	Romana Bashir	Bashir Ahmad Jan	Bannu City	41.386364%
13	Marya Nawaz	Amir Nawaz	C/O Abdur-Razaq Shop Domel	36.42%
70	Kalsoom Kamal (initially declared passed but later on failed).	Syed Kamal	Landi Jalander	35.54%

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A-12-345
Additional Registrar
Peshawar High Court
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M/S
District Education Officer(F)
Bannu

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Bannu High School
Bannu

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50	Sacha Banno	MJ Saeed Khan	Ghoriwala	35.31%
102	Gul Nuz Gul (initially declared passed but later on failed)	M Aslam Khan	Mumbathi Barakzai	33.60%
36	Safia Inam	Inam ul Haq	Boza Khel	30.866667%
17	Mahad	Nazad Ali Shah	Gul Ahmad Shah	30.672222%
24	Safina Jahan (petitioner in writ petition No. 78-B/2012)	Jahan Dad Khan	Azim Killa	30.588095%
15	Samreen Aslani	Nabi Islam	Ghoriwala	27.833333%
65	Zahida Bibi	M Hakim Shah	Baland Baist Khel	27.782353%
64	Rukhsana Begum	Amir Habibullah	Bannu City	26.212299%
55	Shakila	Noor Khalig Shah	Amin Mughal Khel	Under Matric

Though above said candidates were declared as failed in the written screening test but initially the department despite repeated demands could not produce the written papers rather Barkat Ali, litigation officer, got his statement recorded that there was no written papers available in the office. The D.E.O (Female) Bannu, was summoned and strictly directed to produce the answer sheets of the candidates and ultimately she got her statement recorded on 09.12.2015 that despite her search she could not find the traces of the record of T.Ts papers in her office. She however informed that office supdt. Farzand Ali will produce requisite answer sheets who brought the same from Mr. Ajmal Khan, the Ex. Supdt. D.E.O. (male) Bannu. Mr. Farzand Ali produced the answer sheets and added that Mr. Ajmal Khan, Ex-Superintendent, D.E.O Male Bannu in presence of Mr. Lutfullah, Ex-Junior Clerk, D.E.O Female Bannu provided the answer sheets to him today i.e. 09.12.2015 at his shop situated in Lakki gate Bannu.

Shagufta Majabceen, Ex-Principal Givt, Girls Higher Secondary School (G.G.H.S.S) No.2 Bannu City who was appointed as Superintendent for the conduct of the written screening test vide letter (Ex.Cw-1/30) got her statement recorded that at

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Litigation Officer
High Court
Bannu, Bannu

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D.E.O (Female), Bannu and Tujza Abbasi, A.D.E.O (Female) Bannu were also present in the Examination Hall when Bakhtullah Shah, the erstwhile E.D.O, E&S.E, Bannu, brought question papers, distributed the Question papers and answer sheets. She stated that she might have signed the answer sheets but was unaware that who marked the papers as the marking was not done in her presence. She added that erstwhile E.D.O, E&S.E, Bannu did not make signature on any of the answer sheets in the examination Hall in her presence but when confronted with the answer sheets admitted that the answer sheets were bearing signatures of Ex-E.D.O, E&S.E, Bannu who had also taken the answer sheets with him.

Though the written screening test was the requirement but it is always conducted to short list the candidates and not to knock out the high merit scores/ high qualified candidates in order to accommodate the low merit and the candidates holding fake documents. There were only 69 candidates and the marks obtained in the written test were not required to be counted towards the total score of the candidates in the merit list which was prepared by accumulating the marks according to the following formula:-

Sanad Faragh	SSC	F.A/F.S.C	B.A/B.S.C	M.A/M.S.C	Experience.
30 Marks	25 Marks	20 Marks	10 Marks	10 Marks	03yrs=05 marks 02yrs=03 marks 01yr=02 marks

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Bannu Bench

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Peshawar High Court
Bannu Bench

There was no weight-age to the marks obtained in the written test in the formula while the way the written test in this case was conducted does not seem to be conducted fairly. The Annex. "A" also shows that candidates with high merit scores were ignored and less scored in the merit list and the candidates with fake documents were appointed. The last merit score for the 34th candidate in the merit list, by excluding the merit score of the candidate having fake *Asnad*, was 38.63%.

The following 20 candidates who were having higher score than 38.63% were thus deprived of their rights of appointment in the impugned appointment order:-

R.No	NAME OF CANDIDATE	FATHER NAME	ADDRESS	over all score.
21	Farida Bano	Mir Wali Shah	Bannu City	61.79%

District Education Officer(F)
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22	Shabana Gul	Imdad Ali Kihan	Bannu City	60.56%
23	Sarwat Yasmin (petitioner in writ petition No. 96- B/2012	Muhammad Gul	Bannu City	60.56%
29	Shazia Bibi	Asal Jan	Zar Khani Killa Patal Khel	59.11%
59	Noorun Nisa	Bas Nawaz Khan	Kachkot Asad Khan	52.50%
56	Asia Gul	Gul Malik Shah	Mandoori Matiullah Shah	52.15%
57	Gul Naz Habib	Kamal Habibi	Khyber Colony Bannu Cantt	51.81%
52	Shahnaz Begum	Misal Khan	Gourka Nar Dilasa Shah	51.59%
6	Sana Ambreen	Shah Daraz Khan	Wapda Colony Bannu	50.51%
35	Mushaida	Muhammad Sohail Khan	Bannu Town Ship	50.47%
41	Rozaina	Ghulam Daud Khan	Daraz Khel Mandan	50.45%
32	Mehnaz	Badiuz Zaman	Ghoriwala	49.27%
53	Zainab Bibi	Umer Ali Shah	Gourka Nar Dilasa Shah	48.00%
7	Gul Naz Begum	Sher Daraz Khan	Mazanga Landidak	46.93%
58	Rina Gul	Mir Zali Khan	Ismail Khel	45.68%
1	Fazilat (petitioner in writ petition No. 96-B/2012	Gul Dar Ali	Faiz Talab Mandan	45.61%
47	Bus Nisar (petitioner in writ petition No. 580- B/2015)	Sher Bahadar	Hinjal Noor Baz	44.13%
27	Shahnaz Gul	Gul Akbar Khan	Sadar Bazar Bannu Cantt	43.52%
25	Romana Bashir	Bashir Ahmad Jan	Bannu City	41.386364%
51	Salma Bibi	Niaz Ali Khan	Azim Killa	39.91%

LA
4-12-2015
Additional Registrar
Peshawar High Courts
Bannu Bench

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Registrar
Peshawar High Court
Bannu Bench

[Signature]
District Education Officer (F)
Bannu

The above said candidates were to be appointed on the date when the candidates with low merit and fake documents were

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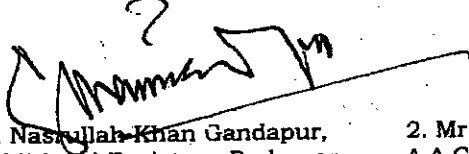
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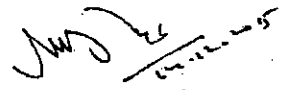
appointed. If any of the above said deprived candidates is not ready to join service in this category for any reason then the candidate falling next in the merit list has a right to be appointed and so on and so forth. The candidates may be subjected to fresh written test if it is considered essential by the Hon'ble Court for their selection as T.Ts. The documents of the new appointees must also be subjected to strict verification before release of salary. The documents of any appointee be left open to verification on the application of every person so that no one could sneak into the education department with fake documents. The post for disable candidate also requires to be re-advertised.

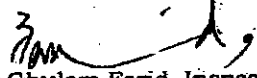
Report is submitted before the Hon'ble Divisional Bench for perusal please.

Dated: 14.12.2015


1. Nasrullah Khan Gandapur,
Additional Registrar, Peshawar
High Court, Bannu Bench.
(Chairman).


2. Mr. Qudratullah Khan Gandapur
A.A.G, Bannu Bench, Bannu.
(Member),


3. Zafar Iqbal Khan Advocate,
President High Court Bar Association
Bannu Bench. (Member),


4. Mr. Ghulam Farid, Inspector,
Circle Officer, A.C.E, Bannu.
(Member)

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EXAMINER
Peshawar High Court
Bannu Bench


District Education Officer (F)
Bannu

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Sl. No.	Name	Address	Age	Sex	Religion	Marital Status	Education	Occupation	Income	Assets	Liabilities	Net Worth	Remarks
1	Mr. Khan
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[Signature]
 District Education Officer(F)
 Bannu

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58	61	Gul Naz Gul	M Aslam Khan	Mumtazhi Barakati	5	10	77	2	7	52	850	381	11.50	1100	0.00	550	0	1100	0	600	442	22.10	33.40	Not appointed and was also not in merit list as per declaration in form	
59	36	Safia Inam	Inam ul Haq	Saba Khel	28	3	92				900	429	11.91667	1100	0	550	0	1100	0	600	379	18.95	30.8541	Dec failed and also was not in merit	
60	37	Mahar	Najad Ali Shah	Gul Ahmed Shah	12	11	80	13	5	18	900	530	14.72222	1100	0	550	0	1100	0	600	319	18.55	30.4722	Dec failed and also was not in merit	
61	24	Safina Zahar	Jalsh Dad Khan	Ajlin Kila	1	1	80	3	4	10	1050	640	15.2381	1100	0	550	0	1100	0	600	507	15.31	10.5041	Not appointed and was also not in merit list as per declaration in W.P. No. 78-4/2021	
62	21	Hera M. S.	Hayatullah	Ghorwala	6	2	85	27	1	20	850	357	9.91765	1100	0	550	0	1100	0	600	391	18.55	26.8576	Appointed with less score in merit	
63	8	Shamshad Farid	Muhammad Usman Ali	Pir Wali Shah Ghorwala	5	7	85	2	10	21	850	347	10.30388	1100	0	550	0	1100	0	600	370	18.5	25.7038	Appointed with less score in merit	
64	22	Saba	Rodullah	Said Tughlak Khan	1	1	51	1	9	11	900	503	14.02727	1100	0	550	0	1100	0	600	352	14.6	11.4272	Not appointed and was also not in merit list as per declaration in W.P. No. 78-4/2021	
65	15	Sarfaraz Aslam	Maboolam	Ghorwala	4	1	90				1050	860	18.92593	1100	0	550	0	1100	0	600	260	12.5	27.8259	Dec failed and also was not in merit	
66	65	Zahida E.B.	Muhammad Hakim Sadiq	Baluch Baki Khel	1	1	71	1	4	11	850	570	10.82353	1100	0	550	0	1100	0	600	507	18.9	27.7235	Dec failed and also was not in merit	
67	64	Purnima Begum	Amir Mahomedan	Sandu Kay	15	9	77				850	325	12.28413	1100	475	1.7000	550	250	1793	1100	0	600	0	0	Dec failed and also was not in merit
68	55	Shahzad	Muhammad Shah	Amir Mughal Khel	1	1	87				850	0	0	1100	0	550	0	1100	0	600	0	0	0	Not appointed being under vacant	
69	69	Not Allotted	Not Allotted	Not Allotted	Not Allotted						850	0.00	1100	0.00	550	0	1100	0	600	0.00	0.00	0.00	0.00		
70	63	Bas Tari	Shams ul Din	Talab Shah Ba Khan	7	1	87	0	2	27	850	451	18.26	1100	571	10.18	550	0	1100	0	900	572	19.07	42.71	Appointed but scored less than also was not in merit list as per declaration in W.P. No. 78-4/2021

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 J. S. S. S. S.
 Peshawar High Court
 Bannu Bench

[Signature]
 District Education Officer (E)
 Bannu

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Annex "C/2"

PRESENT

MR. JUSTICE EJAZ AFZAL KHAN
MR. JUSTICE MAQBOOL BAQAR
MR. JUSTICE FAISAL ARAB

(68)

CIVIL PETITION NOS. 2022, 2023, 2024, 2383, 2384, 2491, 2844 &
2845 OF 2017 C.M.A. NOS. 4273, 4903, 4274, 4277, 4859, 4861 &
4652 OF 2017.

(On appeal against the judgment dated 09.05.2017 passed by the Peshawar High Court, Bannu Bench in W.P. No.16-B/2011, 18-B/2011, 78-B/2011, 408-B/2011, 96-B/2012, 97-B/2012, 580-B/2015, 51-B/2016, 203-B/2016, 404-B/2016 & 454-B/2016)

Shahnaz Begum and others (In CP.2022/2017 & 4273)
Sabiha and others (In CP.2023/2017 & 4903,4274/2017)
Parhad Bibi and others (In CP.2024/2017 & 4277/2017)
Bushra Saheen and others (In CP.2383/2017 & 4859/2017)
Amina Rehman and others (In CP.2384/2017 & 4861/2017)
Sadia Nawaz and others (In CP.2491/2017)
Seep and others (In CP.2844/2017 & 4652/2017)
Nagina and others (In CP.2845/2017)

... Petitioners

VERSUS

Executive District Officer, (In CP.2022-2024,2383-2384 & 2844/2017 &
Elementary & Secondary C.M.A. 4273,4903,4274,4277,4859,4861&2844/17
Education Bannu and others.
Rehmeen Begum and others (In CP.2491/2017)
Safina Jehan and others (In CP.2845/2017)

... Respondents

For the Petitioner: Mr. Muhammad Sohaib Shaheen, ASC
(in CP.No. 2022-2024/17)

Mr. Atiq-ur-Rehman, Kiyani, ASC
(in CP.No. 2383,2384,2844/17)

Ms. Neelam A. Khan, ASC
(in CP.No. 249, 2845/17)

For the Govt of KPK Barrister Qasim wadood, Addl.A.G./KPK

For the Respondents: Mr. Ghulam Nabi, ASC
(in CP.No. 2023/17)
for Rg

Date of Hearing: 07.03.2013.

ORDER

EJAZ AFZAL KHAN, J. These petitions for leave to appeal have arisen out of the judgment dated 9.5.2017 of a Division Bench of Peshawar

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District Education Officer (E)
Bannu

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High Court, Peshawar whereby it allowed the petition in the terms as under:-

(A)

- (i) "Declaring all the appointments of the respondents as illegal, void and ineffective upon the rights of the petitioners from the date of their appointment order.
- (ii) Directing the respondents to initiate selection process by constituting selection committee consists of honest officers for all the posts of A.T & T.T on some earlier advertisement in daily "Ausaal" dated 24.4.2010 which now have become vacant, thus by giving protection to all those candidates who applied in accordance with the said advertisement date 24.4.2010 and gone through the selection process of interview and due to above anomaly selection process has been declared null and void and during this period spent for getting justice and now if they have become overage with the passage of time in that event some overage persons is relaxed for upper age limit to participate in the process of selection for the posts in question, as directed earlier. Any appointment made by the departmental authority based upon the suggestion of the inquiry committee, are also held unlawful as whole selection process has been declared null and void as such with effect from the date of announcement so salaries be not recovered from these O9 appointees as discussed in earlier paras of this judgment for the period they rendered services. With further direction to the official respondents to finalize the process of selection within a period of two months positively by informing all the candidates including O9 candidates who were appointed during proceeding of this petition but their documents were found genuine according to set procedure, who applied in response to the advertisement dated 24.4.2010 except those who violated the condition No.8 given in the advertisement and inquiry committee found their documents fake".

2. Learned ASC for the petitioner contended that verification of certificates on the basis whereof appointments of the petitioner were made cannot be blessed with finality, when due process of verification was not adhered to. He next contended that pick and choose would also be uncalled for when ever the process of selection has been found to be dubious and doubtful. In the circumstances, learned ASC added

ASLOR
District Education Officer(F)
Bannu

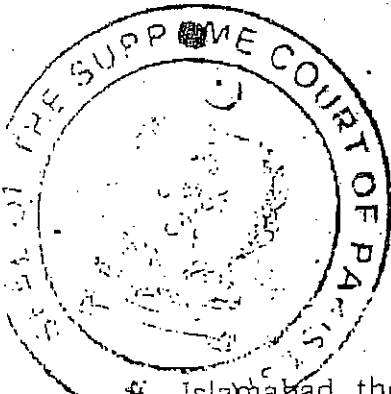
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the process should be started afresh, and those who qualify the test and whose certificates are found genuine, be appointed and the service they rendered in the past be counted.

3. Learned Additional Advocate General after considering pros & cons of the arguments thus addressed does not appear to have cavil thereat. When this being case we convert these petitions into appeal and dispose them of accordingly. Those who have become over age by the comedy of error or length of years would be given required relaxation so that they may become at par with the other competitors.



Sd/- Ejaz Afzal Khan, J
Sd/- Maqbool Baqar, J
Sd/- Faisal Arab, J

Certified to be True Copy

Islamabad, the
7th of March, 2018
Not Approved For Reporting
M. Khalid

Court Associate
Supreme Court of Pakistan
Islamabad

12/3/18

65810/18

GR No: _____ Civil/Criminal
Date of Presentation: 8.3.18
No of Words: _____
No of Folios: _____
Requisition Fee Rs: 500
Copy Fee in: 500
Court Fee Stamps: 1000
Date of Completion of Co. 14/3/18
Date of delivery of Co. 16-3-18
Compared by Proc. [Signature]

[Signature]
District Education Officer(F)
Bannu

OFFICE OF ADVOCATE-GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

71

No. 14663/AG

dated 27/7/2018

Address: High Court Building, Peshawar.
Tel. No.091-9210119

Exchange No 9213833
Fax No. 091-9210270

Annex C/3

Subject: RE-EXAMINATION OF OPINIONS OF MR. MUHAMMAD TAIF KHAN AND MR. IJAZ MUHAMMAD, LEARNED ADD: ADVOCATE GENERALS, KHYBER PAKHTUNKHWA IN MATTER "COMMENTS ON PROPOSITION"

Respected Sir,

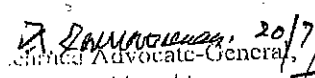
The above cited case was entrusted to the undersigned for re-examination of the opinions rendered by above learned Law Officers:

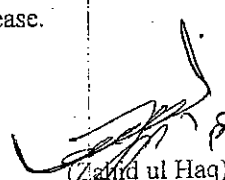
I have gone through record of the case and opinions of the learned Law Officers carefully. apart from agreement with opinions, my humble opinion as under:-

- i. That all the candidate for the post of Arabic Teacher and Theology Teacher, who applied in respect of advertisement dated 24/04/2010 be considered only.
- ✓ ii. That no fresh application/or improve qualification be considered for the selection/appointment.
- iii. That all the documents/academic testimonial be verified at earliest before appointment.
- iv. That candidates who at time of advertisement were eligible for the post be considering as it is, and if age relaxation is required, they may be granted upper age relaxation and their age may be considered eligible.
- v. That criminal proceeding be initiated against the appointees and those officials who are involved in this process of appointment on the strength bogus documents.

Submitted for your kind perusal please.


District Education Officer(F)
Bannu


Advocate-General,
Khyber Pakhtunkhwa,
Peshawar


(Zahid ul Haq)
Additional Advocate General
Khyber Pakhtunkhwa, Peshawar.

8/7/2018

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE MEETING
HELD ON 8-11-2018 FOR APPOINTMENT OF AT & TT

A meeting of the Departmental selection committee held on 8-11-2018 under the chairmanship of District Education officer (F) Bannu. The following attended:-

1. Syeda Anjum DEO(F) Bannu
2. Muhammad Anwar Qureshi Section officer(Lit-I) E&SED
3. Raham Riaz Supdt: DEO(F) office
4. Barkat Ali ADO (Litigation)
5. Lutfullah Dealing clerk DEO(F) office
6. Wahab Khan litigation assistant

Chairperson
Member
Member
Member
Member
Member

72

Annex C/4

The meeting started with the recitation of Holy Quran and the Chairperson welcomed the participants. The DEO (F) read the decision delivered by the August Supreme Court and opinion of the Govt. Of KPK Law Department in the said case judgment and then asked the committee for their views in light of their knowledge and experience. The members of the committee in random apprise the Chair with their valuable comments in light of the process done up till now and specifically on the Supreme Court verdict. The operative part of the Supreme Court decision dated 7-3-2018 is reproduced here:-

"The learned ASC for the petitioner contended that verification of certificates on the basis whereof appointments on the petitioner were made cannot be blessed with finality, when due process of verification was not adhered to. He next contended that pick and choose would also be uncalled for even the process of selection has been found to dubious and doubtful. In the circumstances, learned ASC added the process should be started afresh and those who qualify the test and whose certificates are found genuine be appointed and the service they rendered in the past be counted. Learned Addl: Advocate General after considering pros and cons of the arguments thus addressed does not appear to have cavil thereat. When this being case we convert these petitions into appeal and dispose them of accordingly. Those who have become overage by the comedy of error or length of years would be given required relaxation so that they may become at par with the other competitors."

The litigation assistant highlighted the points which are to be discussed and considered in light of the above judgment.

The superintendent apprised the participants regarding conducting of ability test based upon the fundamentals of religious education. A Paper of 100 marks was prepared and the TTs / ATs candidates were called to participate in this formal exam on 16/7/2018 & 17-7-2018. Total 71 TT candidates were called wherein 60 candidates appeared in the exam. Out of these 60 candidates, 38 candidates passed the ability test while the others stand failed. While in the AT test total 60 candidates were called for test, total 51 candidates appeared while out this appeared candidates 33 candidates passed the ability test.

The DEO (F) asked the Directorate and Secretariat to depute their representatives for examination and scrutinizing the future process of these appointments and specifically from the Litigation Wing so that future complications could be redressed properly. The Secretary E&SED deputed his litigation officer while the deputed officer of the Directorate did not attend the meeting.


District Education Officer(F)
Bannu

The passed candidates of ATs & TTs were called for Interview/scrutiny process, who make their presence convenient and appeared before the committee. All the candidates have the prescribed qualification for the subject post and most of them have served for a reasonable period and have drawn their salaries regularly till their termination from service. The participants indicated the possible reaction from those who have served as well as those who have been left over from appointment. However the Chair desired a peaceful solution of the matter because the office is facing a severe pressure from the victims of termination order.

After thorough and lengthy discussion it came to the notice that the intention of the representative nominated by Secretariat is; that all candidates who have passed the ability test and all of them having the prescribed qualification should be appointed against the existing posts of TT and AT laying vacant according to prevailing policy avoiding the letter of Law Department bearing No. SO (Lit-I)/E&SE/I-1/2012 dated 07/08/2018 but the other committee members including the chairperson disagreed with his suggestion. Then representative of secretariat raised objection on the authentication of the letter received from the Law Department and said that the letter seems suspicious which needs to be verified and substantiated.

So the Secretary (E & SE) Department Khyber Pakhtunkhwa is requested to verify the letter, so that the further process may be speeded up.

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Endst: No. 7137-42 / Dated Bannu the, 16/11 2018

Copy forwarded for information and necessary action to the:-

1. Registrar Hon'able Supreme Court of Pakistan
2. Registrar Peshawar High Court Bannu Bench.
3. Secretary (E&SE) Department Khyber Pakhtunkhwa with the request to verify the said letter and return to this office enabling to speed up the process being instant case.
4. Secretary to Government of Khyber pakhtunkhwa Law, Parliamentary affairs, and Human Right Department Peshawar.
5. Director (E&SE) Department Khyber Pakhtunkhwa Peshawar with the request to make assure the presence of his nominated representative whenever the further date is fixed for the meeting.
6. Office copy

[Signature]
District Education Officer(F)
Bannu

[Signature]
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE MEETING HELD ON 8-11-2018 FOR APPOINTMENT OF THEOLOGY TEACHERS

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1. A meeting of the Departmental selection committee held on 8-11-2018 under the Chairmanship of DEO (F) Bannu. The following attended:-

- i. Syeda Anjum DEO(F) Bannu Chairman
- ii. Muhammad Anwar Qureshi Member/Rep: of Secretary E&SED
- iii. Raham Riaz Supdt: DEO(F) office Member
- iv. Barkat Ali ADO(Litigation) Member
- v. Lutfullah dealing clerk DEO(F) office Member

Annex 'C/5'

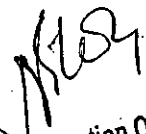
2. The meeting started with recitation of Holy Quran and the Chairman welcomed the participants. The DEO(F) read the decision delivered by the Hon'ble Supreme Court and asked the committee for their views in light of their knowledge and experience. The members of the committee in random apprise the Chair with their valuable comments in light of the process done upto now and specifically on the Supreme Court verdict. The operative part of the Supreme Court judgment dated 7-3-2018 is re-produced as under:-

"The learned ASC for the petitioner contended that verification of certificates on the basis whereof appointments on the petitioner were made cannot be blessed with finality, when due process of verification was not adhered to. Her next contended that pick and choose would also be uncalled for even the process of selection has been found dubious and doubtful. In the circumstances, learned ASC added the process should be started afresh and those who qualify the test, and whose certificates are found genuine, be appointed and the service they rendered in the past be counted. Learned Addl Advocate General after considering pros and cons of the arguments thus addressed does not appear to have cavil thereat. When this being case we convert these petitions into appeal and dispose them of accordingly. Those who have become overage by the comedy of error or length of years would be given required relaxation so that they may become at par with the other competitors."

3. The dealing litigation Assistant namely Wahab Khan highlighted the points which are to be discussed and considered in light of the above judgment.

4. He apprised the participants regarding conducting of ability test based upon the fundamentals of religious education. A paper of 100 marks was prepared and the TT/AT candidates were called to participate in this formal exam on 17-7-2018. Total 71 candidates were called wherein 60 candidates appeared in the exam. Out of these 60 candidates 38 candidates passed the ability test while the other stand failed. While in AT 33 candidates passed the ability test and 22 posts are laying vacant.

5. He further told the committee that the DEO (F) Bannu asked the Directorate and Secretariat to depute the representatives for examination and scrutinizing the future process of these appointments and that these representatives must be from the litigation Wing so that future complications/grievances could redressed properly. The Secretary


District Education Officer(F)
Bannu

E&SED deputed his litigation officer while the Directorate remained calm and not participated in the process now workout.

6. On the same day all the passed candidates of TT were called for interview/scrutiny process and all of them make their presence convenient and appeared before the committee. All the candidates have the prescribed qualification for the subject post and most of them have served for a considerable period and have drawn their salaries regularly till their termination from service. The participants indicated the possible reaction from those who have served as well as those who have been left over from appointment. However the Chair desired a peaceful solution of the matter because the office is facing a severe pressure from the victim of termination order.

7. On the next day dated 9-11-2018 all the passed A.T candidates were called for interview and the same process was done, their testimonials were checked by the committee. It has come to the notice that some of these teachers have joined jobs and are working on regular basis. The committee unanimously agreed that if such candidates accept offer of appointment as AT, they shall not be given pay protection. Even then if any of they desired to join as AT they shall give an undertaking in this regard.

8. After thorough and lengthy discussion, the committee unanimously agreed that, as 38 candidates have passed the ability test and all of them having the prescribed qualification, furthermore, 38 posts of TT are laying vacant, hence it will be appropriate that all passed candidates may be appointed against these vacant posts, for the reason that the issue has been discussed on various high level forum and shall further be complicated if a bold decision is not taken and it may also lead to a serious inconvenience which will be difficult to defend in the general public, media and high circle of Government. In AT 33 candidates passed the ability test and 22 posts are laying vacant. The passed candidates, having the prescribed qualification may be appointed against the available vacancies on merit basis. Nevertheless, in the appointment order a condition shall be added that those candidates/applicants whose documents are found fake and bogus their order will stand null and void ab-initio and shall be proceeded under the relevant rules.

9. The District Education officer placed a request for obtaining opinion of the Law Department and accordingly the Law Department was approached vide this office letter dated 5-12-2018 on the question as how to determine the merit of these candidates. The Law Department in response has sent an opinion vide No.SO(Op-I)/LD/5-1/2012-Vol-V/29227-28 dated 1-8-2018 re-produced below:-

"That as the candidates who in pursuance of advertisement dated 24-4-2010 applied for the posts of AT/TT. Their applications be re-processed including the 09 candidates and the applicants who improved their qualification after 2010, but as per rules and eligibility and not those candidates/applicants whose documents were found fake and bogus".

10. As per above opinion of the Law Department the improved qualification of the candidates has been opined to be considered and this is the real soul of the Supreme Court decision. Hence the committee unanimously agreed to the Decision/proposal

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District Education Officer(F)
Bannu

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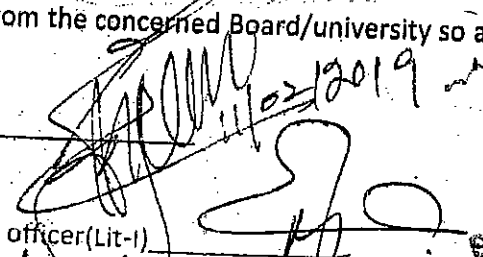
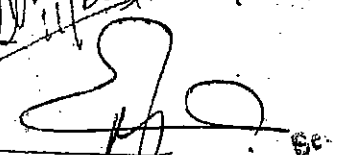
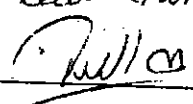
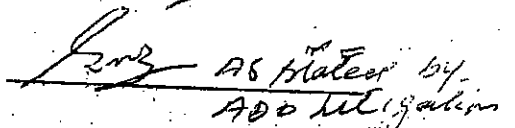
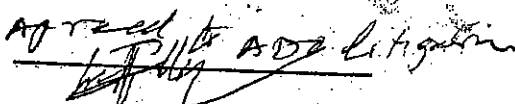
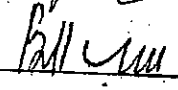
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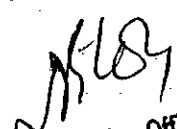
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contained in para-8 of the minutes above. However, before appointment, the academics of the candidates should be verified from the concerned Board/university so as to avoid future complications in the matter.

- 1. Syeda Anjum DEO(F) Bannu. 
- 2. Muhammad Anwar Qureshi Section officer(Lit-I)
 Agreed with Law Dept. Letter - opinion 
- 3. Wahab Khan Litigation Assistant DEO office Bannu 
- 4. Raham Riaz Supdt: DEO office Bannu
 Agreed AS Matter by ADD Litigation 
- 5. Lutfullah dealing clerk of TT o/o DEO Bannu
 Agreed to ADD Litigation 
- 6. Mr. Barkat Ali, Litigation officer DEO(M&F) Bannu 


District Education Officer(F)
Bannu

16-11-2018 - Charge released

(77)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU

Annex "C/B"

No. 2010-15 /Litigation

Dated, Bannu, 22 March 2019

Received 73 pages

Sec # 2977

dt # 25/3/19

To:-

The Director E&SED Peshawar

[Signature]
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Subject:- Fresh Process of Appointment to the Posts of AT/TT, Advertised on 24-4-2010 under the Judgments of the Hon'ble PHC Bannu Bench dated 09-5-2017 and that of the August Supreme Court of Pakistan dated 07-3-2018

RECEIVED
[Signature]
Respected Sir,
No. _____
Date _____
District Comm. _____

It is submitted that the undersigned has taken over the charge of DEO(F) Bannu on 08-3-2019. The office has placed before the undersigned two in number Minutes of meetings of DSC on the subject held on 08-11-2018, for finalization of the process of appointments to the captioned posts.

2. After thorough study of the minutes of DSC Meeting, it is observed that the Minutes of Meeting issued under the signatures of DEO(F) Bannu bearing Endst No. 7137-42 dated 16-11-2018 (copy enclosed as Annex "A"), verification of Law Department letter No. SO(Lit-I)/E&SE/1-1/2012 dated 07-8-2018 was sought from the worthy Secretary E&SED for finalization of the process of appointment to the captioned posts, but without verification of the said letter dated 07-8-2018 another Minutes of Meeting of the DCS has been signed on 11-2-2019 (copy enclosed as Annex "B") without placing on record, verification of the Law Department letter dated 07-8-2018 wherein Para; 10 of the Minutes the process of appointment has been finalized, despite the fact that Para-9 of the said Minutes of Meeting dated 11-2-2019 contains contradictory dates

[Signature]
District Education Officer(F)
Bannu

[Signature]
22-3-2019

respecting rendition of opinion by Law Department on 01-8-2018 in response to requisition of opinion from E&SED vide letter 05-12-2018 and both of these letters are absent from record of the case. Hence the quotation of the opinion reproduced in verbatim in Para; 9 of the Minutes of Meeting dated 11-2-2019 is strange one.

3. It is pertinent to mention that the Minutes of Meeting dated 11-2-2019 has been signed by Ms. Saeeda Anjum, who had left her charge as DEO(F) Bannu on 16-11-2018. Therefore, it is doubted as to whether the said Minutes of Meetings have been signed competently by the Members of DSC or otherwise?

4. It is further pertinent to submit that opinion of Law Department was sought on the subject, vide this office letter No. 2295-98/AE-I/Litigation dated 12-4-2018 (copy enclosed as Annex "C") in reply to which copy of the legal opinion of Mr. Zahid-ul-Haq, AAG issued by the Office of Advocate General (KPK), vide letter No. 14663/AG dated 27-7-2018 (addressed to Law Department KPK, under the signatures of Mr. Muhammad Arshad Khan, Administrative Officer of the O/O AG KPK) was provided to this office by the office of E&SED vide their letter No. SO(Lit-I)/E&SE/1-1/2012 dated 07-8-2018 under the signatures of Mr. Abdul Rauf Khattak. Copies of the ibid letters are enclosed as Annex "D/1-3". It is pertinent to mention that later on Mr. Muhammad Anwar Qureshi, SO(Lit-I) of E&SED has withdrawn the earlier letter of his predecessor-in-office dated 07-8-2018, vide his letter No. SO(Lit-I)/E&SE/1-1/2012 dated 15-11-2018 (copy enclosed as Annex "E"), which has created a lot of ambiguity in finalization of the subject appointments, as after withdrawal of the earlier letter dated 07-8-2018 by SO (Lit-I) of E&SED this office is left without any opinion as to whether the candidates whose appointments were nullified by the Hon'ble PHC Bannu Bench due to fake and bogus credentials and who have later on acquired the requisite qualifications can be considered by this office for appointment or otherwise?

5. Since the case has become very sensitive due to nullification of the previous appointments to the subject posts by the Hon'ble PHC Bannu Bench and has also been the subject matter of litigation in the August Supreme Court of Pakistan, therefore, the undersigned deem it proper to seek guidance as to whether the candidates whose documents have been

[Signature]
District Education Officer(F)
Bannu

[Signature]
22-3-2019

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declared as fake and bogus by the judiciary and have later on improved their qualifications can be considered for appointment to the subject posts or otherwise?

6. Since finalization of the fresh process has been delayed considerably, therefore, the Director E&SED is requested to advise this office as soon as possible, for, the candidates are suffering from anxiety with respect to the fate of their appointment or otherwise and are pressing hard the undersigned personally for final decision.

Handwritten signature
22-3-2019

District Education Officer

Endst No & Date Even

Female Bannu



Copy of the above is submitted (alongwith enclosures) for information and necessary action to:-

- 1. The Additional Registrar PHC Bannu Bench, Bannu
- 2. PS to Secretary E&SED Peshawar
- 3. PS to Secretary Law Department Peshawar
- 4. The Deputy Commissioner Bannu

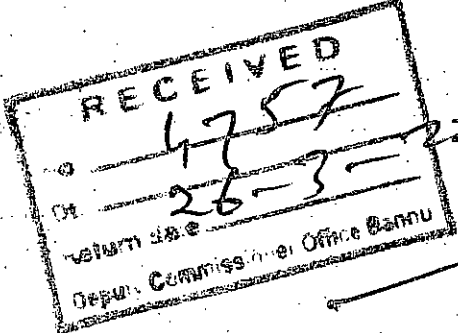
Handwritten note: 26/3/19 PHC BNU Bench

Handwritten number: 25/3

Handwritten signature
Law Parliamentary Affairs and Human Rights Department Govt. of Khyber Pakhtunkhwa

Handwritten signature
District Education Officer

Female Bannu



Handwritten signature
District Education Officer(F)
Bannu



ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO(S/F)E&SED/4-17/2019/DEO(F)/Bannu
Dated Peshawar the April 16th, 2019

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To

The District Education Officer (Female),
E&SE District Bannu.

Annex D/1

Subject: NON-ISSUANCE OF APPOINTMENT ORDERS

I am directed to refer to the subject noted and to intimate that afresh process of recruitment against various posts of AT/TT at District Bannu was carried out by the Ex-DEO (Female) Bannu (i.e. Mst. Syeda Anjum) in light of Supreme Court of Pakistan judgment dated 07/03/2018 (copy enclosed); whereby 33 (AT) & 38 (TT) qualified on 16th & 17th of July 2018. Following which, DSC meeting was held on November 8th, 9th & 10th, 2018, but their appointment orders at your end have not been issued till date.

You are, hereby warned to finalize the orders within three days positively, failing which disciplinary action for "inefficiency" under E&D Rules, 2011, will be initiated against you.

Encl: as above:

(GUL RUKH)
SECTION OFFICER (S/F)

Endst: of even No. & Date:

Copy forwarded to the:

1. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Lit-I) E&SE Department.
3. PS to Secretary, E&SE Department.
4. PA to Additional Secretary (Estab:) E&SE Department.

SECTION OFFICER (S/F)

District Education Officer(F)
Bannu

1153
24/4/19
To

GOVERNMENT OF KHYBER PAKHTUNKHWA

Elementary and Secondary Education Department

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

NO.S.O (LIT-I)/E&SE/1-1/2012/2006

Dated Peshawar the 17-4-2019

The District Education officer(F)
Bannu.

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Annex D/2

SUBJECT: - NON ISSUANCE OF APPOINTMENT ORDERS

I am directed to refer to your letter No.2010-15 dated 22-3-2019 addressed to Director E&SE Khyber Pakhtunkhwa and copy thereof endorsed to this office on the subject noted above and to enclose herewith a copy of this Department letter No.SO(S/F)E&SED/4-17/2019/DEO(F)/Bannu dated 16-4-2019(copy enclosed) addressed to you and copy thereof endorsed to this office and to state that the directions contained therein may be honoured/complied in letter and spirit so as to avoid any adverse in this regard.

Section officer (Lit-I)

Endst.NO & date as above.

Copy to:-

- 1.Registrar Supreme Court of Pakistan Islamabad
- 2.Director E&SE Khyber Pakhtunkhwa Peshawar.
- 3.P.S to Secretary E&SED Khyber Pakhtunkhwa Peshawar.
- 4.P.A to DS (Legal) E&SED Khyber Pakhtunkhwa Peshawar.

Section officer'(Lit-I)

District Education Officer(F)
Bannu

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OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU

No. 2181-22/Litigation

Dated, Bannu, 19 April, 2019

To:-

His Excellency Arshad Khan,
The Hon'ble Secretary E&SED Peshawar

Annex E/1

Subject:- **NON-ISSUANCE OF APPOINTMENT ORDERS**

Your Excellency;

I am compelled to submit herewith as Annex "A" a copy of my office letter No. 2010-15/Litigation dated 22-3-2019 (addressed to the Director E&SED Peshawar and copy whereof endorsed to/received by Your PS under his Inward Diary No. 2977 dated 25-3-2019), in Para-5 thereof I had sought advice of the Director E&SED; inter alia, "as to whether the candidates whose documents have been declared as fake and bogus by the judiciary and have later on improved their qualifications can be considered for appointment to the subject posts or otherwise?".

2. In reply to the ibid letter I have received SO(S/F) E&SED letter No. SO(S/F)E&SED/4-17/2019/DEO(F)/Bannu dated 16-4-2019 and SO(Lit-I) E&SED letter No. SO(Lit-I)/E&SE/1-1/2012/2006 dated 17-4-2019 (copies enclosed as Annex "B/1&2"), whereby I have been required to issue the appointment letters of 33xAT and 38xTT posts without fail and warned me that any delay in this regard shall be treated as "INEFFICIENCY" under the E&D Rules-2011 at my part.

3. Since seeking advice of my higher authority is my legal right in this judicially declared case of forgery and fraud but Mr. Muhammad Anwar Qreshi, Section Officer (Lit-I) E&SED Peshawar is pressing me hard to proceed with this notorious case of appointment otherwise than in accordance with the legal opinion of Mr. Zahid ul Haq, Additional Advocate General KPK, rendered in this case vide office of Advocate General KPK


District Education Officer (F)
Bannu



19-4-2019

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Peshawar letter No. 14663/AG dated 27-7-2018. Hence the illegal pressure of Mr. Muhammad Anwar Qureshi, SO(Lit-I) seems to be the result of connivance with the candidates whose appointment had been nullified by the Hon'ble Peshawar High Court Bannu Bench for having been acquired on the basis of forged and fabricated documents.

4. In view of above I am compelled to approach Your Excellency and seek your personal advice as to whether the warning/threat issued to me by the SO(S/F) as well as SO(Lit-I) is with your approval or otherwise? And as to whether the candidates whose documents have been declared as fake and bogus by the judiciary and have later on improved their qualifications can be considered for appointment to the respective posts of AT & TT or otherwise?

5. I also request for personal hearing to clarify any ambiguity, which Your Excellency may desire to clarify.


NEELQAR KAMRAN
District Education Officer
Female Bannu

Enclst No & Date Even

— Copy of the above is submitted to The Director E&SED Peshawar with an earnest request for rendition of the required advice as requested vide my letter dated 22-3-2019.


District Education Officer
Female Bannu


District Education Officer(E)
Bannu

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) BANNU

OFFICER ORDER:

Annex "E/R"

It is notified for the TT /AT candidates mentioned in the below list that in the light of Apex Supreme Court Judgment dated:7/3/2018 and the final opinion of Advocate General Office dated 27/7/2018, all the passed candidates in the tests of both ATs & TTs are required to submit and produce their academic credentials **acquired up to the cutoff date** of the year 2010 advertisement i.e. 03/05/2010, within 03 days for verification from the concerned institutions.

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LIST OF TTs

Sr.No.	Name	Category
1.	ShamimAkhter	TT
2.	Saima Khan	TT
3.	Sana Ambreen	TT
4.	ShmashadSaeed	TT
5.	Seep	TT
6.	NaimaGul	TT
7.	Heera Mughal	TT
8.	Sobia	TT
9.	FarhadBibi	TT
10.	Nagina	TT
11.	FareedaBano	TT
12.	SarwatYasmeen	TT
13.	Romana Bashir	TT
14.	BeenaKhanam	TT
15.	ShehnazGul	TT
16.	Khatim Un Nisa	TT
17.	AmnaRehman	TT
18.	FoziaAslam	TT
19.	Shabina	TT
20.	SaimaSadiq	TT
21.	HajraGul	TT
22.	Zainab Noreen	TT
23.	AmnaGul	TT
24.	ShahidaBibi	TT
25.	Riffat Begum	TT
26.	Razmina	TT
27.	Shehnaz Begum	TT
28.	ZainabBibi	TT
29.	AasiaGul	TT
30.	GulNazHabib	TT
31.	Noor Un Nisa	TT
32.	Naheed Amin	TT
33.	AsmaGulfam	TT
34.	AsmaGulfam(Disable)	TT
35.	Bastaj	TT
36.	GulshanAra	TT
37.	Hajra Khalil	TT
38.	SaimaAkhter	TT

[Signature]
District Education Officer(F)
Bannu

[Signature]
27/4/2018

Sr.No.	Name	category
1)	ShahidaNaz	AT
2)	Bushra Noreen	AT
3)	Naheeda Bashir	AT
4)	AminaShazeen	AT
5)	Bas Naheed	AT
6)	Sana Abmreen	AT
7)	Jameela Begum	AT
8)	Seep	AT
9)	Shakeela	AT
10)	Nusrat Nawaz	AT
11)	Hira Mughal	AT
12)	Samina Begum	AT
13)	Shams un Nahar	AT
14)	BinaKhanam	AT
15)	Gulshan Khan	AT
16)	ShaziaBibi	AT
17)	Shehnaz Begum	AT
18)	ZainabBibi	AT
19)	Naila Jan	AT
20)	Usmania Begum	AT
21)	AmnaRehman	AT
22)	BushraShaheen	AT
23)	SailaMurad	AT
24)	Safia Begum	AT
25)	Riffat Begum	AT
26)	MusratShaheen	AT
27)	Sadia Nawaz	AT
28)	Salma	AT
29)	Tashfeen Nawaz	AT
30)	Noreen Naz	AT
31)	Riffat Banaras	AT
32)	HaseenaGul	AT
33)	SaimaAkhter	AT

Note: Those Candidates who have passed the test for TT & AT are directed to submit their option on stamp paper in shape of affidavit, that in which category they want to join.

District Education Officer
(Female) Bannu

Endst: No. 2967-72 / Dated Bannu the, 27/04 2019

Copy of the above is forwarded for information to the:-

1. Hon,ableRegistrer Supreme Court of Pakistan, Islam Abad.
2. Hon,able Additional Registrar Peshawar High Court Bannu Bench, Bannu.
3. Ps to Secretary (E&SE) Khyber PakhtunKhwa Peshawar.
4. Director (E&SE) Khyber PakhtunKhwa Peshawar.
5. Deputy Commissioner Bannu.
6. All the candidates mentioned in the above list and with the remarks that the list has also been displayed in the office of the under signed and they can observe the same.

District Education Officer
(Female) Bannu

District Education Officer(E)
Bannu

BETTER COPY

بخدمت جناب سیکرٹری ایلیمنٹری اینڈ سیکنڈری ایجوکیشن KPK پشاور

جناب عالی!

86
Annex "F/1"

عنوان: شکایت برخلاف DEO(F) بنوں نیلوفر کامران

مودبانہ گزارش ہے کہ مورخہ 07/03/2018 کو سپریم کورٹ آف پاکستان نے AT اور TT استائیاں ضلع بنوں کو ایک فیصلہ سنایا تھا۔ اس فیصلے کی روشنی میں جناب آپ کے زیر سایہ DSC میٹنگ کیلئے ایک میٹنگ مقرر کی گئی تھی۔ سیکرٹریٹ سے رسمی انورٹریٹی SO, LIT مقرر ہوا تھا۔ اور مورخہ 8,9,10/11/2018 کو DSC میٹنگ ہوا تھا اور مورخہ 14/2/2019 کو DSC میٹنگ کی منظوری دی گئی تھی۔ اس کے ساتھ جناب سیکرٹری ایجوکیشن کے دفتر سے بخوالہ لیٹر نمبر NO. So(S/F)E&SED/14-17/2019/DEO(F)Bannu مورخہ 16/4/2019 کو جاری ہوا جس میں DEO(F) بنوں کو 3 دن کے اندر AT اور TT کے تقرری کے آرڈر جاری کرانے کے احکامات جاری کئے گئے تھے جس کی آج تک DEO(F) بنوں خلاف ورزی کر رہی ہے۔ اب موجودہ DEO(F) بنوں نے مورخہ 24/4/2019 کو ایک آفس آرڈر جاری کیا ہے۔ جس میں 2010 کے کاغذات جمع کرانے کے احکامات جاری کئے ہیں۔ جو سپریم کورٹ کے فیصلے اور منٹس آف دی میٹنگ کے خلاف ہے لہذا آپ صاحبان مہربانی فرما کر DEO(F) بنوں کو مذکورہ پر غلط کارروائی کو بند کرانے اور اگلے خلاف تادیبی کارروائی کے احکامات جاری فرماوے۔

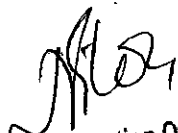
دستخط محمد صدیق خان

العارض

Dt: 29/04/2019

حاجی محمد صدیق خان ڈسٹرکٹ ممبر ضلع بنوں

موبائل نمبر: 0300-5760171


District Education Officer (F)
Bannu



★
★
★

87

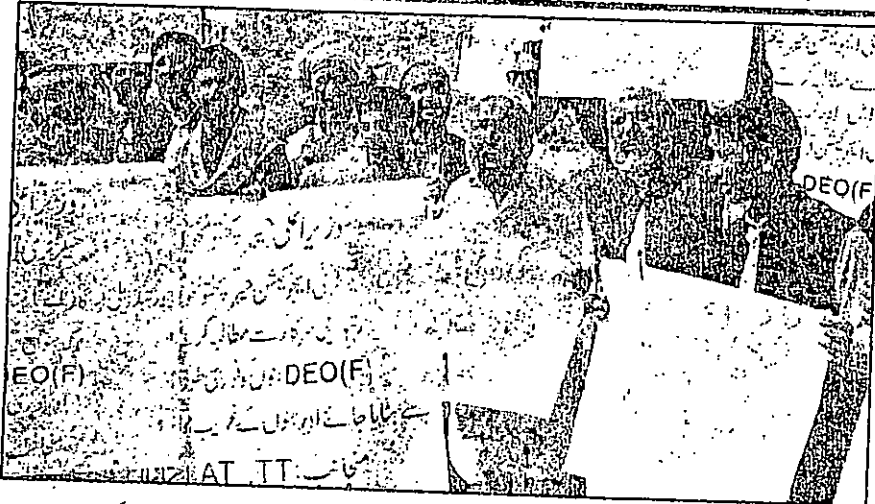
بنوں 60 خواتین اساتذہ کے بھرتی آرڈر اجراء کیلئے ڈیڈ لائن

17 مارچ کو جانے کے باوجود بھرتی نہیں کیا گیا کیوں کہ اساتذہ کے جانے کا مطالبہ

بنوں (نمائندہ خصوصی) 160 نے ٹی اور ٹی ٹی خواتین رشتہ داروں نے ڈسٹرکٹ ایجوکیشن دفتر بنوں کے اساتذہ کی بھرتی کے آرڈر 7 مہینے بعد بھی جاری نہ سامنے احتجاجی مظاہرہ کرتے ہوئے خاتون ڈی ای کرنے پر خواتین اساتذہ کے والدین، بھائیوں اور اوکے تارالے کیلئے (باقی صفحہ 9 بقیہ نمبر 30)

ڈیڈ لائن

24 مئی کی ڈیڈ لائن دیتے ہوئے بھرتی کے آرڈر جاری نہ ہونے اور ڈی ای او ایجوکیشن کا چارٹر ہونے کی صورت میں خاتون ڈی ای اساتذہ کو خود دفتر سے نکالنے اور دفتر کا گھیراؤ کرنے کی دھمکی دینی مطالبہ کریں۔ یہ مطالبہ کرتے ہوئے ہے ڈی ای کے ڈسٹرکٹ کونسل ممبر عالی محمد صدیق خان نے کہا کہ 2010 میں 160 ٹی اور ٹی ٹی خواتین اساتذہ کی بھرتی ہوئی اور 7 سال ملازمت بھی کی لیکن پشاور ہائی کورٹ بنوں سٹیج سے اس بھرتی کو ملایا قرار دیتے ہوئے اساتذہ کی بھرتی کیلئے حکم جاری کیا جس کے بعد ہم نے سپریم کورٹ سے ریلیف کیلئے رجسٹر کیا اور سپریم کورٹ نے دوبارہ ٹیسٹ اور انٹرویو کرنے اور کالغزات کی تصدیق کے احکامات جاری کیے جس کے بعد ڈسٹرکٹ ایجوکیشن کی طرف سے ٹیسٹ ان آفیسر کی قیادت میں ٹی ٹی نے ٹیسٹ پر انٹرویو اور ٹیسٹ کے بعد 180 اساتذہ کی کسٹ جاری کر دی لیکن موجودہ خاتون ڈی ای او ایجوکیشن ٹیڈر کا سران نے سپریم کورٹ کے احکامات کی وجہ سے انٹرویو دینے سے انکار کیا اساتذہ سے ٹی بھرتی سات لاکھ روپے کا مطالبہ کیا ہے جس کے تحت ہمارے پاس موجود ہیں 10 لاکھ روپے ڈی ای اہل خیر بہتر طور پر موجود خان بیکراری تعلیم خیر بہتر طور پر کھتر بنوں ڈی ای کھتر بنوں اور صوبائی آفس میں ایڈیشن لیڈر اکرم خان ڈی ای سمیت تمام اساتذہ کو کام سے پروردہ طلب کیا گیا کہ وہ خاتون ڈی ای او ایجوکیشن کے خلاف انکوائری مقرر کر کے 24 گھنٹوں میں بنوں سے توبہ ملی کر دیں یہ صورت دیکھ کر بنوں کے روزنامہ کی کمیٹی کے سامنے اقدامات سے گریز نہیں کریں گے۔



بنوں، خواتین اساتذہ کی بھرتیوں کے آرڈر جاری نہ کرنے کے خلاف احتجاج کیا جا رہا ہے

(Signature)
District Education Officer (F)
Bannu



Annex "F/3" (88)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Fax # 091-9211419

Dated Peshawar the July 17th, 2019

NOTIFICATION

No. SO(S/F)E&SED/4-16/2019/DEO(F)/Bannu: Consequent upon the approval of Competent Authority; additional charge of District Education Officer (Female) Bannu is hereby assigned to Mr. Ikram Ullah Khan (TC-BS-18) Deputy District Education Officer (Male) Bannu, in addition to his own duties, with immediate effect in the public interest, till further orders.

2. Consequent upon the above, DEO (Female) Karak is relieved of the additional charge of DEO (Female) Bannu with immediate effect.

SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Endst: of even No. & date:

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) Karak & Bannu.
4. District Education Officer (Male) Bannu.
5. District Accounts Officers Karak & Bannu.
6. In-charge EMIS, E&SE Department for uploading at official website.
7. PS to Secretary E&SE Department.
8. Officers concerned.
9. Office order file.

District Education Officer(F)
Bannu

(GULBUKH)
SECTION OFFICER (SCHOOLS FEMALE)



OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)

BANNU

Outside Miryan Gate Bannu, Khyber Pakhtunkhwa, Pakistan
Email: bannuedo@yahoo.com Phone: 0928-680019 Fax: 0928-660005



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Annex F/4

RE-INSTATMENT ORDER (ARABIC TEACHERS)

As per CP NO. 2022/2017 disposed of on 07-03-2018, framed minutes of the meeting held on 08-11-2018 under the chairmanship of Ex-DEO(F) Bannu in the presence of representative of the Secretary E&SED KPK & in continuation of the said meeting the undersigned again constituted another Departmental Selection committee on 19/07/2019 for the purpose to categorize the re-instatement/appointment cases & scrutinize the whole process done so far. Thus in compliance with the directions in the ibld judgment of the August Supreme court of Pakistan & consequent upon the recommendation of DSC meeting the following Arabic Teachers in B-15 are hereby re-instated in their pay scale from the date of termination with all back benefits subject to provision of Duty certificate from the Heads of concerned institutions and pay release order will be issued after verification by the committee constituted by the competent authority in the interest of public service

S.no	Name	Father's name	Obtained score	Merit Position	place of Posting	Remarks
1.	Sadia Nawaz	Shah Nawaz	69.14	01	GGMS Pak Ismail Khel	A.V.Post
2.	Salma	Rasool Khan	63.81	02	GGHSS Dheri Saidan Mamash Khel	A.V.Post
3.	Shazia Bibi	Asal Jan	58.35	04	GGHSS Kotka Bilawar Khan	A.V.Post
4.	Nalla Jan	Shafiqatullah Jan	58.32	05	GGMS Toor Kakki	A.V.Post
5.	Tashfeen Nawaz	Shah Nawaz	55.33	07	GGMS Khawaja Mad Mandan	A.V.Post
6.	Sana Ambreen	Shah Daraz Khan	54.91	08	GGMS Akhundpur Pirdil Khel	A.V.Post
7.	Safia Begum	Sher Alam Jan	54.69	09	GGMS Pir Sabir Shah	A.V.Post
8.	Riffat Begum	Afsar Khan	54.01	11	GGMS Hati Khel Banochi	A.V.Post
9.	Bushra Shaheen	Sultan Khan	53.63	12	GGMS No.1 Bannu City	A.V.Post
10.	Norin Naz	Sher Bahadar	52.29	14	GGMS Kachkot Asad Khan	A.V.Post
11.	Shahnaz Begum	Misal Khan	52.20	15	GGMS Aftabud Din Khujari	A.V.Post
12.	Samina Begum	Amir Qader Khan	50.77	18	GGMS Shahjehan Shah Sheikhan	A.V.Post as disable
13.	Saila Murad	Dinaf Ali Shah	49.60	21	GGMS Gulin Nurar	A.V.Post
14.	Amina Shazmin	Bad Shah Khan	48.20	23	GGMS PirDil Khel Mamash Khel	A.V.Post
15.	Bas Naheed	Sher Mehmood Khan	48.08	24	GGMS Piran Tughal Khel	A.V.Post
16.	Zainab Bibi	Umér Ali Shafr	47.53	25	GGMS Zar All Dowa Ghora	A.V.Post
17.	Naheeda Bashir	Bashir Ahmad	47.07	26	GGMS Koti Sadat (Farhad)	A.V.Post

R.No: 29/P-10

R.No: 56/P-10

R.No: 23/P-10

R.No: 32/P-10

MLO
District Education Officer(F)
Bannu

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TERMS & CONDITIONS

1. Their services will be liable to termination on one month's notice from either side, In case of resignation without notice her/their two month's pay & Allowances shall be forfeited to Govt.
2. Their/her services can be terminated at any time. In case Their/her performance is found unsatisfactory or committed misconduct, They/she will be proceeded under E&D Rules 2011 & the rules framed from time to time.
3. They will be governed by such rules and regulation as may be issued from time to time by the Govt.
4. In case of any fake document certificates, Domicile, NIC or any other mistake in the said appointment order detected later on, the undersigned reserves the right of amendment in the appointment order accordingly and necessary action will be initiated against the defaulter as per rules.
5. In case the appointee has provided fake/fabricated documents information then her order will be withdrawn from the date of issue, she will have to deposit all the salaries in favor of Govt and FIR will be lodged under section 419,420 of PPC.
6. Their degrees/certificates and testimonials will be verified "by this office", through a constituted committee by the competent authority however if verification charges are involved then the appointee concerned will bear herself.
7. If the above terms and conditions are accepted to them they should join the post and submit their charge report within 15 days positively.
8. The Drawing & Disbursing Officer concerned should check their original documents before taking over charge and also pay the monthly salary to original person/ concerned Govt: Servant at the school of each month otherwise she will be responsible for any wrong drawl.
9. The Candidates should join his post within 15 days of the issuance of this appointment order. The head of institution concerned should furnish a certificate to the effect that the appointee has joined the post otherwise, after lapse of 15 days of the issuances of the order failing which, his appointment will be treated as cancelled.
10. TA/DA is not admissible.

Ikrasullah Khan
(Law Gold Medalist)
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Endst: No. 1646-89

Dated Bannu the 19/07/2019

Copy for information to the:

1. Registrar Supreme Court of Pakistan with respect to implementation of CP NO. 2022/2017 disposed of on 07-03-2018.
2. Secretary E&SE Department Khyber Pakhtunkhwa.
3. Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner Bannu.
5. District Accounts Officer Bannu.
6. District Monitoring Officer (IMU) Bannu.
7. Principals/Headmistresses of concerned schools.
8. Official concerned.
9. Master file.


DISTRICT EDUCATION OFFICER
(FEMALE) BANNU


District Education Officer(F)
Bannu.

**OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE)****BANNU**

Outside Miryan Gate Bannu, Khyber Pakhtunkhwa, Pakistan



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Email: bannuedo@yahoo.com Phone: 0928-680019 Fax: 0928-660005**RE-INSTATMENT ORDER (THEOLOGY TEACHERS)****Annex F/5**

As per CP NO. 2022/2017 disposed of on 07-03-2018, framed minutes of the meeting held on 08-11-2018 under the chairmanship of Ex-DEO(F) Bannu in the presence of representative of the Secretary E&SED KPK & in continuation of the said meeting the undersigned again constituted another Departmental Selection committee on 19/07/2019 for the purpose to categorize the re-instatement/appointment cases & scrutinize the whole process done so far. Thus in compliance with the directions in the Ild judgment of the August Supreme court of Pakistan & consequent upon the recommendation of DSC meeting the following Theology Teacher (TT) in B-15 are hereby re-instated in their pay scale from the date of termination with all back benefits subject to provision of Duty certificate from the Heads of concerned institutions and pay release order will be issued after verification by the committee constituted by the competent authority in the interest of public service

S.no	Name of candidate	Father's Name	Obtained score	Merit Position	Proposed Place of Posting	Remarks
1.	Hajra Gul	Muhammadd Fyaz Khan	66.31	01	GGMS Sero Sami Ullah Khan	A.V.Post RNo: 42/P-10
2.	Shahida Bibi	Muhammadd Bashirt Khan	66.20	02	GGMS Misal Dad Wazir	A.V.Post
3.	Nagina	Sherzall Khan	64.03	03	GGHSS Qamer Zsman Mandew	A.V.Post
4.	Zainab Noreen	Jan Khan	62.41	04	GGHS Ismail Khel	A.V.Post
5.	Naeema Gul	Shah Alam Khan	62.34	05	GGHS Fazal Sadiq Mandew	A.V.Post
6.	Saima Sadiq	Muhammadd Sadiq Khan	60.59	07	GGHS Deri Gandi	A.V.Post RNo: 40/P-10
7.	Farhad Bibi	Aftab Ali Shah	60.30	09	GGHS Ahundan Mama Khel	A.V.Post RNo: 16/P-9
8.	Nahid Amin	Muhammadd Amin	57.39	10	GGMS Zaker Khel	A.V.Post RNo: 60/P-10
9.	Shamim Akhter	Sherin Jan	57.21	11	GGHS Maqsood Mandan	A.V.Post
10.	Saima Akhter	Akhter Hussain	55.92	13	GGMS No3 Bannu City	A.V.Post
11.	Razmina	MeraJuddih	55.72	14	GGMS Pask Ismail Khel	A.V.Post
12.	Saima Khan	Badshah Khan	55.15	15	GGMS Fazal Shah Mita Khel	A.V.Post
13.	Amna Gul	Noor Nawaz Khan	54.58	16	GGMS Arabudin Khujari	A.V.Post RNo: 45/P-10
14.	Seep	Roohullah	54.27	17	GGMS Piran Tughel Khel	A.V.Post
15.	Hira Mahgul	Hayat Ullah	53.83	19	GGMS Landi Killa Sher Wali	A.V.Post
16.	Amna Rehman	Abdur Rehman	53.40	21	GGMS Tor Kakki	A.V.Post
17.	Bastaj	Shamsud Din	50.54	24	GGMS No2 Bannu City	A.V.Post RNo: 63/P-10
18.	Gulshan Ara	Mir Faraz	50.54	25	GGMS Fatima Khel	A.V.Post RNo: 66/P-10
19.	Bina Khanam	Ajmal Khan	48.75	26	GGMSD Rasool Khan Chak Dadan	A.V.Post RNo: 26/P-9
20.	Shamshad Saeed	Muhasmmad Usman Ali Shah	48.58	27	GGMS Khwaja Mandan	A.V.Post
21.	Asma Gulfam	Shah Qias	48.31	29	GGMS Puran Shiekhan	A.V.Post as disable RNo: 62/P-10
22.	Khatim Un nisa	Abdur Rehman	47.49	31	GGHS Adami Sultan Ali	A.V.Post

AS
District Education Officer(F)
Bannu

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23.	Hajra Khalil	Muhammad Khalil	46.52	33	GGMS Kotl Sadat (Farhad)	A.V.Post RNo: 67/P-10
24.	Shabina	Noor Nawaz	46.43	34	GGMS Kot Adil	A.V.Post RNo: 39/P-10
25.	Fozia Aslam	Muhammad Aslam	45.73	35	GGHS Abdul Ghafar Muhammad Khel	A.V.Post RNo: 38/P-10

TERMS & CONDITIONS

1. Their services will be liable to termination on one month's notice from either side, in case of resignation without notice her/their two month's pay & Allowances shall be forfeited to Govt.
2. Their/her services can be terminated at any time. In case Their/her performance is found unsatisfactory or committed misconduct, They/she will be proceeded under E&D Rules 2011 & the rules framed from time to time.
3. They will be governed by such rules and regulation as may be issued from time to time by the Govt.
4. In case of any fake document certificates, Domicile, NIC or any other mistake in the said appointment order detected later on, the undersigned reserves the right of amendment in the appointment order accordingly and necessary action will be initiated against the defaulter as per rules.
5. In case the appointee has provided fake/fabricated documents Information then her order will be withdrawn from the date of issue, she will have to deposit all the salaries in favor of Govt and FIR will be lodged under section 419, 420 of PPC.
6. Their degrees/certificates and testimonials will be verified "by this office", through a constituted committee by the competent authority however if verification charges are involved then the appointee concerned will bear herself.
7. If the above terms and conditions are accepted to them they should join the post and submit their charge report within 15 days positively.
8. The Drawing & Disbursing Officer concerned should check their original documents before taking over charge and also pay the monthly salary to original person/ concerned Govt. Servant at the school of each month otherwise she will be responsible for any wrong drawl.
9. The Candidates should join his post within 15 days of the issuance of this appointment order. The head of Institution concerned should furnish a certificate to the effect that the appointee has joined the post otherwise, after lapse of 15 days of the issuances of the order failing which, his appointment will be treated as cancelled.
10. TA/DA is not admissible.

Ikramullah Khan
(Law Gold Medallist)
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Endst: No. 1716-75

Dated Bannu the 19/07/2019

Copy for information to the:

1. Registrar Supreme Court of Pakistan with respect to implementation of CP NO. 2022/2017 disposed of on 07-03-2018.
2. Secretary E&SE Department Khyber Pakhtunkhwa.
3. Director E&SE Khyber Pakhtunkhwa, Peshawar.
4. Deputy Commissioner Bannu.
5. District Accounts Officer Bannu.
6. District Monitoring Officer (IMU) Bannu.
7. Principals/Headmistresses of concerned schools.
8. Official concerned.
9. Master file.

DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

District Education Officer (F)
Bannu

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Annex 'G/A'

OFFICE OF DISTRICT EDUCATION OFFICER FEMALE BANNU.

Dated Bannu the 14/5/2019

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No 149-50

To

1: The Secretary to Govt of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department Peshawar.

2: The Director,
Elementary & Secondary Education Department Peshawar.

SUBJECT: REPORT REGARDING ISSUANCE OF APPOINTMENT ORDERS AFTER TRANSFER.

Respected Sir,

Reference, to govt of Khyber Pakhtunkhwa E&SED letter No.SO(S)/F/E&SED/4-16/2019/DEO (F)/Bannu dated 3-5-2019 and to submit the following lines for information and necessary action please:

1: That on 3-5-2019 vide letter referred to above the services of Mst: Neelofar Kamran Ex-DEO (F) Bannu were placed at the disposal of the Directorate with immediate effect for her In-efficiency and poor performance and subsequently on the same date vide another letter (copy attached) she was directed to stop the appointment process of AT/TT teachers.

2: That on 4-5-2019 the ex-DEO (f) came to the office and got the dispatch register from the dispatcher of the DEO (f) Bannu office by giving the responsibility certificate to the dispatcher that being Ex-DEO she will be responsible for the dispatch register from the Endst-No 3085 dated 4-5-2019 onwards (copy enclosed)

3. That the Ex-DEO started issuance of appointment orders of various coders. PSTs/AT/TT etc. without mentioning place of posting. It is amazing that no office record of their appointments is available in the office and the candidates are pressing hard for allocation of their place of posting and to start their salaries.

4. That in the Honorable Supreme Court of Pakistan judgment related to the AT/TT teachers whereas the PST teachers are now here mentioned but astonishingly she issued appointment orders of the PST teachers also.

5. That the remaining candidates of AT/TT are also using influences to adjust them like the other candidates being adjusted by the Ex DEO (f) Bannu.

6. The Govt vehicle is still in the custody of Ex-DEO and un-authorized using is in practice. She has been several times requested to return the vehicle but in vain.

It is further added that the whole District as well as DEO (F) Bannu office environment has been disturbed and a very crucial situation created which is extremely difficult to defend and to carry out the official work.

It is therefore, requested that your goodself, guidance as well as stern action in the matter is required to settle the above, mentioned situation and to carry out the office work in peaceful environment.

**DISTRICT EDUCATION OFFICER
FEMALE BANNU**

EndstNo: 151-153 dated: 14/05/2019

Copy for information to the,

1. P.S to Secretary E&SED, KP, Peshawar
2. P.S to Deputy Commissioner Bannu.
3. Section Officer(S/F) E&SED Civil Secretariat KP Peshawar.

DISTRICT EDUCATION OFFICER

ADDE (F)

Inquiry through Mr. Salim Khan B-1 principal, Dist. Tal. Jinn

today

15/5/19

DD OF /
As per the
direction
16/5/19

6/14
16/5/19

**District Education Officer (F)
Bannu**

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUNKHWA, PESHAWAR.**

Annex G/2" (94)

NOTIFICATION

Mr. Saleem Khan Principal B-19 GCMHS No.1 Tank is hereby nominated as enquiry officer to conduct inquiry against Mst. Neelofar Kamran Ex-DEO (F) Bannu Now OSD as per report of the DEO (F) Bannu vide letter No.149-150 dated 14/5/2019 (Copy attached).

The inquiry officer should submit detail inquiry report alongwith clear findings and recommendations within 10 days positively to this Directorate for further necessary action please.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Dated:- 16/5/2019

Endst: No. 4593-95 F.No.A-12/ Complaint/ Vol-14

Copy forwarded for information to the:-

1. Mr. Saleem Khan Principal B-19 GCMHS No.1 Tank alongwith a copy of complaint.
2. District Education Officer (F) Bannu with the remarks to assist the inquiry officer and provide all the relevant record to the inquiry officer.
3. PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
4. M/File.

13/0
20/5/19
keep in record

Attended

Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar



District Education Officer
Peshawar
Director (E&SE)
KPK Peshawar

Copy for information to the,

1. P.S to Secretary E&SED, KP, Peshawar
2. P.S to Deputy Commissioner Bannu.
3. Section Officer(S/F) E&SED Civil Secretariat KP Peshawar.

**District Education Officer(F)
Bannu**

DISTRICT EDUCATION OFFICER
PESHAWAR

1

ENQUIRY REPORT

TITLE OF ENQUIRY:

Enquiry against Mst. Neelofar Kamran Ex-DEO (F) Bannu, now OSD, as per report of the DEO (F) Bannu vide letter No. 149-150 dated: 14-05-2019.

Annex G/3

95

ENQUIRY OFFICER:

Muhammad Salim Khan, Principal GSSNCMHS No.1, Tank.

BACKGROUND OF ENQUIRY:

Consequent upon the approval of the competent authority the services of Mst. Neelofar Kamran BPS-19 working as DEO (F), Bannu since 08-03-2019, were placed at the disposal of Directorate E&SE Peshawar vide secretary to Govt of Khyber Pakhtunkhwa E&SE D Endst: No. SO(S/F) E&SE D/4-16/2019/ DEO (F) Bannu Dated: 03-05-2019 and the DEO (F) Karak was authorized to hold the additional charge of the post of DEO (F), Bannu with addition to her own duties.

After taken over additional charge, the DEO (F) Bannu submitted a complaint report to the Director E&SE Peshawar against the Ex- DEO (F), Bannu. The Director E&SE Peshawar nominated the above named officer to conduct enquiry against Mst. Neelofar Kamran Ex-DEO (F) Bannu vide Endst: No. 4593-95 F.No. A-12/Complaint/ Vol-14 dated 16-05-2019. (Annex A P 1-2)

PROCEDURE OF ENQUIRY:

The enquiry officer visited office of the DEO (F) Bannu on 25-05-2019. All the available office record pertaining to the enquiry was obtained and thoroughly examined. The incumbent DEO (F), Bannu being complainant was also interviewed.

The accused Mst. Neelofar Kamran the Ex-DEO (F) Bannu was interrogated. She was given proper opportunity for personal hearing and defense. Questionnaire was served upon her and her written replies were obtained.

BRIEF FACTS RELEVANT TO THE ENQUIRY:

In pursuance of the August Supreme court of Pakistan Judgment announced on 07-03-2018, the then DEO (F), Bannu (Mst. Syeda Anjum) initiated the fresh recruitment process of AT and TT at District Bannu. However before starting proper process she found it necessary to obtain opinion of the solicitor law Department Khyber Pakhtunkhwa Peshawar for clarification of the following points regarding Judgment of the High Court/ Supreme Court.

1. Whether all the candidate applied for AT and TT in response to advertisement dated 24-04-2010 including fake certificate holder (as they are including in petitioners) are to be allowed for test-interview or otherwise.
2. After passing the test, those AT/TT candidates improved their qualifications after 2010, now this office may kindly be guided as to whether their merit list can be determined on the basis of 2010 qualification or present qualification.

M. Salim Khan
District Education Officer(F)
Bannu

M. J. Khan

The letter was submitted through proper channel under Endst: No. 2295-98/AE_1/ litigation dated: 12-04-2018. (Annex B) However any reply to the request could not be reached from the quarter concerned. Thus the said process was properly initiated by the then DEO (F), Bannu, on 29-06-2018 as the department was pressing hard for early finalization of the recruitments, due to various complaints received from different corners.

Candidates were called for written test through proper official letters as well as the daily newspapers. Written test for Arabic teachers was conducted on 16-07-2018 and for TT on 17-07-2018. 42 candidates appeared for AT and 60 candidates for TT post. Papers were marked and result was declared and displayed. 38 candidates qualified their test for AT post and 33 candidates for TT posts. (Annex C P 4-11) Mean while reply to the letter sent by the DEO (F), Bannu vide No. 2295-98/ AE-1/Litigation Dated: 12-04-2018, for guidance, to the solicitor law department, was received as enclosed through letter endorsed by the office of the Secretary to Govt Khyber Pakhtunkhwa Peshawar Endst: No. SO (LIT-1)/E&SE/1-1/2012 dated Peshawar the 07-08-2018 and also through the letter endorsed by the Director E&SE Peshawar No. 4342/AD(Litigation) dated 27-08-2018. (Annex D 12-19) A progress report regarding the appointments of AT/TT in the light of judgment of Supreme Court of Pakistan was furnished to the Additional Registrar Peshawar High Court Bannu Bench on 31-08-2018. (Annex E) A letter from the Secretary to Govt Khyber Pakhtunkhwa E&SE Peshawar was also received to the DEO (F), Bannu asking for factual comments on enclosed complaint received by the authority from all AT& TT teachers District Bannu regarding delaying the process. In response to this, a letter was submitted by the DEO regarding updates of the recruitment process. (Annex F P 21-23)

The DEO (F), Bannu than requested to the Secretary E&SE Peshawar and Director E&SE Peshawar for nomination of representatives for appointment of AT/TTs. (Annex G P 24-25) Finally the date was fixed for the interview of the candidates who had qualified the test and for the meeting of DSC.

The interviews were held on 08, 09 & 10/11/2018. (Annex H P 26-29) Meeting of DSC was held in the office of the DEO (F), Bannu on 10-11-2018. DEO (F), Bannu chaired the meeting. Others attended the meeting were.

1. Mr. Muhammad Anwar Shah Qureshi Section Officer (Lit) E&SE Department member representative of E&SE Department.
2. Mr. Raham Riaz Superintendent Office of the DEO (F), Bannu member.
3. Mr. Barkat Ali ADO (Litigation) member.
4. Mr. Lutfullah Dealing clerk Office of the DEO (F), Bannu member.
5. Mr. Wahab Khan Litigation Assistant member.

The matter of recruitment of AT/TT in the light of judgment of August Supreme Court of Pakistan was thoroughly discussed in the meeting. However in- spite of thorough and lengthy discussion, the committee could not arrive at a unanimous conclusion regarding the appointments in question. The nominee of secretariat stressed on appointment of all the candidates who had passed the ability test, avoiding the opinion of law department, but the other members including the chairperson disagreed to his suggestion. The nominee also raised objection even on the authenticity of the letter of law department.


District Education Officer(F)
Bannu

Hence it was decided that the letter of the law department will be verified through Secretary E&SE, so that further process may be speeded up. (Annex J P 30-32) Mean while the then DEO (F), Mst. Syeda Anjum was transferred and she left the charge of the office on 16-11-2018. Hence the recruitment process could not be completed till the Ex- DEO (F), Bannu Neelofar Kamran took over charge of the office on 08-03-2019.

OBSERVATION:

The office record reveals that Mst. Neelofar Kamran Ex- DEO (F), Bannu took over charge on 08-03-2019. She floated a letter for guidance regarding pending recruitment of AT/TT as per judgment of the August Supreme Court of Pakistan announced on 07-03-2019, to the secretary E&SE Peshawar and the Director E&SE Peshawar. (Annex K P 33-35) In response to the letter the Director E&SE Peshawar advised the DEO (F), Bannu to decide the case in question by her own level being a competent authority in the referred recruitment process in light of the directions of the August Supreme Court of Pakistan. (Annex L)

On the other hand repeated letters were also received from the worthy secretary E&SE department for early finalization of the recruitment process already delayed for more than one year. (Annex M P 37-39)

In order to finalize the recruitment process as per direction of the August Supreme Court of Pakistan and the opinion of the learned Additional Advocate General Khyber Pakhtunkhwa Peshawar, the Ex-DEO (F), Bannu directed the candidates to submit their 'Asnads' for necessary verification within three days up to 30-04-2019. 'Asnads' of the candidates were received and were sent to the concerned institutions for verification through a special messenger as stated by the Ex-DEO (F), Bannu.

The verification process was completed on 03-05-2019 and the Ex-DEO (F), Bannu issued appointment order of 21 AT and 18 TT on 04-05-2019. Later on order of one AT in respect of Mst. Bushra Noreen was withdrawn on the same date as her 'Asnads' were declared fake by the concerned institution. (Annex N P 40-43)

The recruitment process was thoroughly examined by the enquiry officer. 20 AT and 18 TT candidates were appointed. While the rest of 33 cases (those who were ineligible or whose 'Asnads' were declared as fake and forged by the judicial enquiry committees ordered by the Honorable Peshawar High Court Bannu Bench) were disregarded due to valid and genuine reasons. All the 38 orders were issued in piece meal on 04-05-2019. A PST named Zehira Perveen D/O Laiq Khan was also appointed as per Court directions. (Annex O P 44-48) On the other hand the delinquent officer was notified as OSD on 03-05-2019 and another letter issued by the Secretary E&SE D regarding stoppage of the recruitment process was also found on the record. (Annex P P 49-50)

The first and main allegation against the accused was that she had made the appointment order one day after she had been notified as OSD. In reply to the questionnaire and during personal hearing about the said allegation the accused stated that on 03-05-2019, she was present in the Directorate E&SE Peshawar to attend a meeting regarding litigation matters and was unaware of such notification. According to her she attended the office on the next day i.e 04-05-2019 to dispose of the pending work and also made appointment as per Court directions as the last activity of the recruitment process i.e verification of Asnads was completed on 03-05-2019. She further stated that she was also unaware of

[Signature]
District Education Officer(F)
Bannu

[Signature]

(98)

the letter issued by worthy Secretary E&SE D regarding stoppage of recruitment process issued on the same date. According to her, however the content of the letter revealed that the process might be stopped in case of any ambiguity but being clear and having no ambiguity she made appointment according to the recruitment policy, procedure and pursuance of the Apex Supreme Court of Pakistan Judgment dated 07-03-2018 and the final opinion of Additional Advocate General Khyber Pakhtunkhwa in the best interest of the public service.

Her statement was found reasonable and justifiable as an under transferred officer may attend the office at least one day after his/her notification to dispose of necessary pending work and to relinquish charge of the office. Moreover the appointment orders in questions were already delayed for more than one year and the E&SE D was pressing hard for early disposal of the case. Thus the stoppage of process could not be justified.

The other allegations against the accused were that she had kept the dispatch record and office designated vehicle in her custody even after her service were placed on the disposal of the Directorate E&SE Peshawar on 03-05-2019. In response to that the accused stated in writing that after her notification as OSD she was in Peshawar for one week making efforts to restore the posting and coming back to station. She was repeatedly making contacts with the incumbent DEO (F), Bannu to hand over the vehicle as well as dispatch record. According to her as these appointments were highly sensitive because two groups namely genuine and bogus certificates holders were involved in it and the group having fake Asnads and that had been rejected in the appointments was pressurizing the office for cancellation of the said order which may cause endless litigation on the part of E&SE Department. So she had locked the dispatch register in good faith for the interest of the department and the public service. She further stated that as soon as she received a letter from the incumbent DEO (F), Bannu regarding the above mentioned items, she immediately handed them over on 16-05-2019. (Annex Q P 51-58)

Though it is true that she had properly handed over the office designated vehicle in good and functional condition and the dispatch register without misuse or alteration in it on 16-05-2019 as reveals from the office record, but delay in handing over charge of both the items and to keep them in her custody without any genuine reason leads to indiscipline and negligence on the part of the delinquent officer. However the omission seems to be crept in inadvertently and not committed fraudulently based upon malafied intentions.

FINDINGS:

In view of the above narrated facts and from perusal of available office record the enquiry officer has come the conclusion that:

1. All the appointment orders of 20 ATs, 18 TTs and one PST issued on 04-05-2019 by the delinquent officer Ex- DEO (F), Bannu were found in accordance with the essence of the Judgment of August Supreme Court of Pakistan, Honorable Peshawar High Court Bannu Bench and the final opinion of the learned Additional Advocate General Khyber Pakhtunkhwa Peshawar.

These appointment orders were unavoidable as the subject case had already been delayed for more than one year and now the last activity of the recruitment process i.e verification of 'Asnads' was found completed on 03-05-2019.


District Education Officer(F)
Bannu

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Moreover minor procedural deficiencies (if any) may be condoned as it was not a routine process of recruitment but to compliance with the Court order and the practice was made in good faith in the interest of public service and also to avoid contempt proceeding.

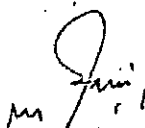
2. The delinquent officer had kept the dispatch register and office designated vehicle in her custody and handed them over in good and functional condition without any misuse or alteration in the dispatch register, on receiving proper letter endorsed by the incumbent DEO (F), Bannu on 16-05-2019. Such delay in relinquishment of charge of the office, the dispatch register and the vehicle on the part of the accused is tantamount to negligence and abuse of office discipline. However the mistake was inadvertent not fraudulent based on malafied intentions with any loss to public exchequer.
Hence the accused may be proceeded against for negligence and disregard of office discipline.


RECOMMENDATIONS:

It is hereby recommended that:

1. All the appointment order of AT, TT and PST made on 04-05-2019 by the Ex- DEO (F), Bannu may be remained intact and necessary rectification (if any) may be made through proper notification.
2. The Delinquent officer may be proceeded against under rule 4 (a) (censure) of Khyber Pakhtunkhwa Govt Servant E&D rule 2011.

Dated: 13/06/2019.


13/6/19
Muhammad Salim
Principal/ Enquiry Officer.


District Education Officer(F)
Bannu

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Annex H/L (100)

Subject:- **APPLICATION FOR ADJUSTMENT FOR THE PURPOSE OF DRAWL
OF PAY.**

Respected Sir,

It is submitted that my services ^{has} been placed at disposal of Directorate of E&SE vide notification No. SC(S/F)E&SED/4-16/2019/DEO(F)/Bannu dated 03/5/2019. Since I have reported to Directorate but my pay has been stopped from June, 2019 for want of proper posting.

Therefore, you are requested to adjust the undersigned for the purpose of drawl of pay against the post of Principal (BPS-19) at GGHS Qamar Zaman Mandev Bannu (vacant post) till my proper posting by the E&SE Department.

Thanks and regards.

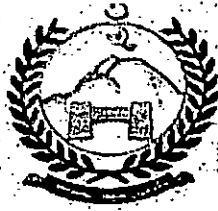
Sincerely

Neelofar

Dated 25/07/2019

(Mst. Neelofar Kamran)
Presently Services placed at the disposal of
Directorate E&SE Khyber Pakhtunkhwa.

Neelofar
District Education Officer(F)
Bannu



(101)
Annex H/2

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Fax # 091-9211419

Dated Peshawar the August 16th, 2019

NOTIFICATION

No. SO(S/F)E&SED/4-29/2019/Mst. Neelofar Kamran/TC-BS-19: Mst. Neelofar Kamran (TC-BS-19) at the disposal of Directorate of E&SE is hereby adjusted against the vacant post of Principal (BS-19) GGHSS Qamar Zaman Mandew Bannu w.e.f. 03/05/2019 to 31/07/2019, for the purpose of drawl of pay only.

SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Endst: of even No. & date:

Copy forwarded to the:

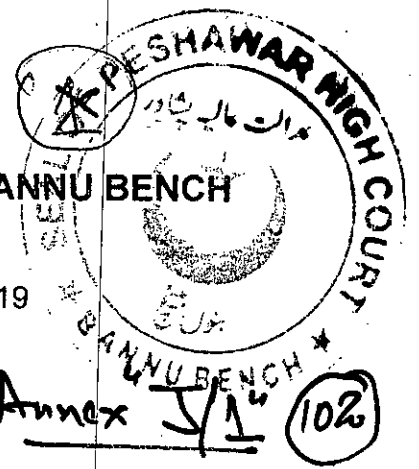
1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Bannu.
4. District Accounts Officer Bannu.
5. In charge EMIS, E&SE Department for uploading at official website.
6. PS to Secretary, E&SE Department.
7. Officer concerned.
8. Office order file.

(GUL-RUKH)
SECTION OFFICER (SCHOOLS FEMALE)

District Education Officer (E)
Bannu

IN THE PESHAWAR HIGH COURT, BANNU BENCH

W.P. No. 857-R of 2019



Mst. Neelofar Kamran w/o Kamran Khan
Resident of Garerah Shahjehan, Bannu

PRESENTLY SERVING AS;

DEO(F) Bannu but Services placed at the Disposal of
Director E&SED, Peshawar

PETITIONER

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar
2. The Secretary (E&SED), Govt of KPK, Peshawar
3. The Director E&SED, Govt of KPK, Peshawar

RESPONDENTS

4. Muhammad Anwar Qureshi, Section Officer (Litigation)
E&SED (Govt of KPK) Peshawar

PROFORMA RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF PAKISTAN-1973**

Being aggrieved by and dissatisfied with the practical suspension of the Petitioner from her duty without any charge sheet/ show cause notice and placement of her services at the disposal of the Respondent No. 3 by the Respondent No. 2, vide Notification dated 03-5-2019 otherwise than in accordance with law but with a view to victimize her for having implemented the judgement of this Hon'ble Court dated 09-5-2017 passed in W.P. No. 16-B/2011 in its letter and spirit but against the dictates of the Respondents No. 4, and non-disposal of the Petitioner's representation dated 28-5-2019 by the Respondent No. 1 even after expiry of a period of more than three months, the Petitioner above named prefers this writ petition for the enforcement of her inalienable constitutional and fundamental rights; inter alia; on the following facts and grounds:-

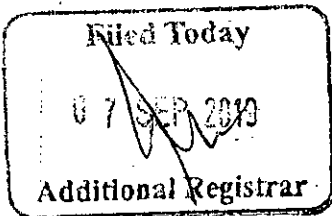
Copies of the impugned Notification dated 03-5-2019 and Petitioner's Representation there-against dated 28-5-2019 are filed herewith as Annex "A/1&2".

FACTS

1. That the Petitioner was posted by the Respondent No.2 to serve as DEO(F) Bannu vide S.No. 26 of Notification dated 08-3-2019.

Contd - P/R
Adv for

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench



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Copy of the Petitioner's Posting Order dated 08-3-2019 is filed as Annex "B".

2. That soon on taking over charge of her duties as DEO(F) Bannu, the office staff placed before the Petitioner 2 x Sets of the Minutes of meetings of DSC on the subject of "Fresh Process of Appointment to the Posts of AT/TT, Advertised on 24-4-2010 under the Judgments of the Hon'ble PHC Bannu Bench dated 09-5-2017 and that of the August Supreme Court of Pakistan dated 07-3-2018" dated 16-11-2018 and 11-2-2019, for finalization of the process of appointments to the captioned posts. Since both the Minutes of Meetings were full of legal flaws with respect to legal opinion of the office of Advocate General KPK dated 27-7-2018 respecting implementation of the judgement of the August Supreme Court of Pakistan on the subject dated 07-3-2018. Therefore, with a view to avoid any legal complications at her part, the Petitioner had to sought advice from the office of the Respondent No. 3; vide her letter dated 22-3-2019; as to "whether the candidates; whose appointments were nullified by the Hon'ble PHC Bannu Bench due to fake and bogus credentials and who have later on acquired the requisite qualifications; can be considered by this office for appointment or otherwise?".

Copies of the Judgements of (1) PHC Bannu Bench dated 09-5-2017, (2) August Supreme Court of Pakistan dated 07-3-2018, (3) Advocate General KPK's Opinion dated 27-7-2019, Minutes of DSC's Meetings (4) dated 16-11-2018, (5) dated 11-2-2019 and (6) the Petitioner's letter dated 22-3-2019 are filed herewith as Annex "C/1-6".

3. That since the Petitioner had pointed out some wanton illegalities of the Respondent No. 4 in her advice seeking reference (addressed to the Respondent No. 3), therefore, the Respondent No. 4 became annoyed with the Petitioner, who forthwith pressed hard the Section Officer(S/F) E&SED Peshawar for issue of her letter dated 16-4-2019 on the strength of which he; the S.O.(Lit-I); issued his own letter dated 17-4-2019, wherein the Petitioner had been warned to finalize the appointment of 33x(AT) and 38x(TT) within three days positively, failing which disciplinary action for **"inefficiency"** under the E&D Rules, 2011 will be initiated against the Petitioner.

Copies of the S.O.(S/F) E&SED Peshawar letter dated 16-4-2019 and Respondent No.4's letter dated 17-4-2019 are filed as Annex "D/1&2".

Contd — P/3 @
Adv for P/3

EXAMINER
Peshawar High Court
Bannu Bench

Filed Today
07 SEP 2019
Additional Registrar

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4. That it is pertinent to mention that the Petitioner had sought advice from her immediate senior i.e. the Respondent No.3, therefore, it was obligatory for the Respondent No. 4 to have taken up the matter with the Respondent No. 3 for rendition of the required advice instead of pressing hard the Petitioner directly to act on the minutes of meeting dated 16-11-2018 without waiting for the advice sought from the Respondent No. 3. Therefore, the Petitioner had to approach directly the Respondent No. 2 for advice; through her Demi Official letter dated 19-4-2019; and requested for personal hearing. Hence the Petitioner was heard on 23-4-2019 and advised orally to appoint only those candidates who had acquired the required qualification before the cut-off date for receipt of applications on 03-5-2010. As such the Petitioner had to issue office order dated 27-4-2019 and required the concerned candidates to submit their credentials for verification. Accordingly, on completion of verification through special messenger on 03-5-2019, the Petitioner issued appointment letters on 04-5-2019 to 20xATs and 18xTTs candidates. Hence, the candidates; having previously acquired appointments through bogus documents in the year 2010, whose appointment had been nullified by this Hon'ble High Court; had to be ignored, with whom the Respondent No. 4 had reportedly made commitment and was trying his best to get appointed the wrong-doers notwithstanding the fact that this Hon'ble Court had vide Para; 14 of its judgement dated 09-5-2017 desired the Respondent No. 2&3 by sending them a copy of the ibid judgement to take into task all those responsible in the fraudulent process of appointment, which had to be nullified by this Hon'ble Court.

Copies of the Petitioner's D.O.Letter dated 19-4-2019 and Office Order dated 27-4-2019 are filed as Annex "E/1&2".

5. That when the Respondent No. 4 became sure to the effect that the Petitioner shall never bow before his illegal demands and shall not appoint the candidates; with whom the Respondent No. 4 had made commitment either with or without consideration; and whose appointment had been nullified by this Hon'ble High Court due to fake and bogus documents; then the Respondent No. 4 procured a baseless complaint dated 29-4-2019 signed by one Muhammad

could — P/4 R
Adv for P/4

Filed Today
07 SEP 2019
Additional Registrar

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

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(105)

Saddiq (the father of one of the dismissed Theology Teachers for having forged, fake and bogus credentials and the leading protesters for saving the forger/fake & bogus credential holders, as reported in the Daily "AAJ" Peshawar dated 27-3-2019) and convinced the Respondent No. 2 for kicking out the Petitioner from the office of the DEO(F) Bannu by placing the services of the Petitioner at the disposal of the Respondent No. 3 under the impugned Notification dated 03-5-2019. It is pertinent to mention that even after kicking out the Petitioner from the office of DEO(F) Bannu, the Respondent No. 4 could not succeed to fulfill his ill-designs of getting appointment to the posts of ATs/TTs for the candidates of his choice/commitment through the reliever of the Petitioner. Therefore, the Respondent No. 4 arranged to get assigned Additional Charge of the office of DEO(F) Bannu to Ikramullah Khan, DDEO(M) Bannu; vide Notification dated 17-7-2019, who fulfilled the illegal desires of the Respondent No. 4 and re-instated in service 4xATs and 12xTTs, vide 2xorders of re-instatement in service dated 19-7-2019 notwithstanding the fact that they were dismissed from their service as Arabic or Theology Teachers under the judgement of this Hon'ble Court dated 09-5-2019 on the ground that their ASNAD were found to be fake, forged and bogus by the judicial inquiry.

Copies of Mohammad Saddiq's Complaint dated 29-4-2019, Press Clipping in Daily AAJ dated 27-3-2019, Notification dated 17-7-2019 and 2x Orders of Re-instatement in Service dated 19-7-2019 are filed as Annex "F/1-4".

6. That with a view to satisfy his urge of vengeance and victimize the Petitioner to its worst, on one hand the Respondent No. 4 arranged to kick out the Petitioner from the office of the DEO(F) Bannu through placement of her services at the disposal of the Respondents No. 3 by way of the impugned notification dated 03-5-2019, on the other hand pressed hard the successor-in-office of the Petitioner to level baseless allegations against the Petitioner vide her letter dated 14-5-2019 and on the third step, persuaded the Respondent No. 3 to constitute a facts finding inquiry against the Petitioner; vide Notification dated 16-5-2019; through Muhammad Salim Khan, Principal GCMHS No. 1 Tank, who though exonerated the Petitioner from commission of any illegality in the process of appointment of 1xPST, 20xATs and 18xTTs as yet being under

Filed Today
07 SEP 2019
Additional Registrar

Contd — P/5
Adv for Petitioner
ATTESTED
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pressure of the Respondent No. 4 recommended to inflict upon the Petitioner the minor Punishment of CENSURE for neglecting to keep the dispatch register and designated vehicle with her till 16-5-2019 notwithstanding the fact that the Inquiry Officer was elaborately briefed about holding the despatch register and official vehicle for proper handing over of the same to her successor-in-office, in good faith, as previously the dispatch register had been misused by some gangsters on posting out of Mr. Bakhtullah Shah, Ex-EDO(E&SED) Bannu.

Copy of the Respondent No. 3's Notification dated 16-5-2019 and Inquiry Report is filed as Annex "G/1-2".

7. That besides the above stated victimization of the Petitioner by her high-ups at the behest of the Respondent No. 4, the pay of the Petitioner for the months of June & July 2019 was stopped on the pretext that she was/is without port-folio. Therefore, the Petitioner had to prefer her application dated 25-7-2019 to the Respondent No. 3 for the release of her pay till her formal posting order, whereby the Respondent No. 2 had been pleased to adjust the Petitioner against the vacant post of Principal (B-19) GGHSS Qamar Zaman Mandew Bannu wef 03-5-2019 to 31-7-2019; vide Notification dated 16-8-2019.

Copies of the Petitioner's Application dated 25-7-2019 and the Respondent No. 2's Notification dated 16-8-2019 are filed as Annex "H/1&2".

8. That in view of the above stated atrocities at the part of the Respondents No. 2 to 4 in victimizing the Petitioner to the worst ends otherwise than in accordance with law, the Petitioner sees no way except to approach this Hon'ble Court, for remedy against the atrocities of the Respondents, through this writ petition; inter alia; on the following grounds:-

GROUND

(A) That the Petitioner has no alternate and efficacious remedy, therefore, the instant petition is lawfully maintainable under Article; 199 of the Constitution of Pakistan-1973.

(B). That Article: 10-A of the Constitution of Pakistan-1973 confer upon the Petitioner her fundamental right of fair trial with respect to determination of her civil rights and obligations but because Section; 4(a) of the KP Service Tribunal Act-1974 allows appeal to the tribunal

could — P/6 Ad

Adv for P'trs

ATTESTED

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Bannu Bench

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only against final order, while the impugned order is interim one, therefore, the KP Service Tribunal cannot entertain any appeal against the victimization of the Petitioner by her high-ups i.e. the Respondents No. 2 to 4. Hence the instant writ petition is lawfully maintainable and the bar of jurisdiction contained in Article; 212(2) of the Constitution of Pakistan-1973 cannot be attracted for depriving the Petitioner from seeking constitutional remedy from this Hon'ble Court.

(C). That Article; 4 of the Constitution of Pakistan-1973 confers upon the Petitioner her inalienable constitutional right of treatment in accordance with the relevant law, while the Petitioner is being victimized and treated otherwise than in accordance with law **FIRSTLY** because after placing services of the Petitioner at the disposal of the Respondent No. 3, pay of the Petitioner had been stopped for want of port-folio without any fault at the part of the Petitioner notwithstanding the fact that the Civil Servants Act-1973 and Rules made thereunder do not provide for stoppage of the payment of pay to a Govt servant (even in case of suspension from duty due to involvement in the commission of a heinous crime or immoral offence of corruption or subversion), as yet the pay of the Petitioner for the month of June 2019 and onward had been stopped for want of posting, payment of which was allowed by the Respondent No. 2 only on submission of application by the Petitioner to the Respondent No. 3 on 25-7-2019 and that too only upto and for 31-7-2019. **SECONDLY** because Para; 1 of the Provincial Govt's policy on posting/transfer dictates that posting/transfer shall not be abused/misused to victimize a Govt servant as yet the Petitioner is being victimized through premature transfer without any reason/placement of her services at the disposal of the Respondent No. 3 by way of the impugned order dated 03-5-2019 for indefinite period thus keeping the Petitioner in a state of uncertainty and without any post, which resulted not only in stoppage of pay of the Petitioner but may also result in irreparable loss to the Petitioner in her service career. **THIRDLY** there is no provision in the Civil Servants Act or Rules made thereunder authorizing the keeping of a Govt Servants without post even for a single movement or placement of the services

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07 SEP 2019
Additional Registrar

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Adul P. P. T. S.
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Baniya Baniya

(X)

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of a Govt servant at the disposal of an office where there is no post to be held by the so placed Govt servants either with or without the designation of OSD rather this is in violation of the directions passed by the August Supreme Court of Pakistan in cases reported as PLD 2013 SC 195, 2013 SCMR 01 and 2013 SCMR 1150 and as such this act at the part of the Respondent No. 2 may be treated to be contempt of the Supreme Court of Pakistan. **FIFTHLY** because the Petitioner is still being kept in uncertainty as to whether she would be allowed to resume her duties as DEO(F) Bannu or would be posted some-where-else. **SIXTHLY** because the Petitioner is being victimized for having implemented in letters and spirit the directions of this Hon'ble Court given in its judgement date 09-5-2017 passed in W.P. No. 16-B/2011 etc against the expressed bad wishes and ill-designs of the Respondent No.4 in the fresh process of appointment of Arabic & Theology Teachers.

(D). That even otherwise, the instant writ petition is lawfully maintainable on the ground that this Hon'ble Court had desired the Respondents No.2&3; vide Para-14 of its judgement dated 09-5-2017 passed in W.P.No. 16-B/2011; to take into task all those responsible for the illegal appointments of Arabic & Theology Teachers in 2010 but instead of taking the wrong-doers into task, as desired by this Hon'ble Court, the Respondents No. 2&3 have encouraged the Respondent No. 4 not only to press hard the Petitioner and her successors-in-office to re-appoint those candidates who had acquired their appointment as Arabic or Theology Teacher during 2010 on the basis of forged, fake and bogus ASNAD and were dismissed as a result of the ibid judgement of this Hon'ble Court but also succeeded in re-instating the said wrong-doers to their respective posts from which they have been sacked. Therefore, the instant writ petition is maintainable for taking suo moto proceedings for contempt of this Hon'ble Court against the Respondents No. 2 to 4.

(E). That Counsel for the Petitioner carves leave of this Hon'ble Court to urge more grounds at the time of hearing of this petition.

PRAYER

Counsel — P/8 @
Adv. P/8 Ph. 8

Filed Today
6 SEP 2018
Additional Registrar

ATTESTED
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Bannu Bench

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9. That in view of the above humble submissions, it is earnestly prayed that this Hon'ble Court may graciously be pleased to:-

(a). Declare that the impugned order dated 03-5-2019 is illegal, baseless, null and void ab-initio and as such ineffective upon the service rights of the Petitioner. Hence the same is set aside.

(b). Initiate suo moto contempt of court proceedings against the Respondents No. 2 to 4 not only for having failed to comply with the directions given in Para; 14 of the Judgement dated 09-5-2017 passed in WP No. 16-B/2011 etc but also for having compelled the Acting DEO(F) Bannu to re-instate in service 4xATs and 12xTTs on 19-7-2019, who were sacked out of service by this Hon'ble Court vide Para; 12&13 of the ibid judgement dated 09-5-2017 on the ground of having acquired their respective appointment on the basis of fake and bogus credentials.

(c). As an INTERIM RELIEF this Hon'ble Court may graciously be pleased to direct the Respondent No.1 to suspend the Respondents No. 2 to 4 from their duties till disposal of the instant petition so that they may not interfere with and manipulate necessary documentary evidence in the instant case.

Prayed accordingly in the interest of justice.

[Signature]
PETITIONER

Through:-

Bannu
Dated:- 02-9-2019

[Signature]
SHER MUHAMMAD KHAN
Advocate for Petitioner

LIST OF BOOKS

1. The Constitution of Pakistan-1973.
2. *The Contempt of Court Ordinance - 2003*

CERTIFICATE

It is certified that no such like Writ Petition has earlier been filed in this Hon'ble Court as per information furnished to me by the Petitioner.

[Signature]
Advocate for Petitioner
ATTESTED
EXAMINER
Peshawar High Court
Banna Bench

Filed Today
07 SEP 2019
[Signature]
Additional Registrar

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PESHAWAR HIGH COURT,
BANNU BENCH.

FORM 'A'

Annex "J/2"

FORM OF ORDER SHEET

Date of order or proceedings (1)	Order or other proceedings with signature of Judge (s). (2)
24-09-2019	<p><u>W.P No.851-B of 2019.</u></p> <p>Present:</p> <p>Mr. Sher Muhammad Khan advocate for petitioner.</p> <p>Mr. Shahid Hameed Qureshi, AAG for official respondents.</p> <p>***</p> <p><u>MUHAMMAD NASIR MAHFOOZ J.---</u> Through the instant Writ petition, filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has sought the following relief:-</p> <p><i>“On acceptance of this Writ Petition, this Hon’ble Court may graciously be pleased to (a) declare that the impugned order dated 03-05-2019 is illegal, baseless, null and void ab-initio and as such ineffective upon the service rights of the Petitioner. Hence the same is set aside.</i></p> <p><i>(b) Initiate suo moto contempt of court proceedings against the Respondents No.2 to 4 not only for having failed to comply</i></p>

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ATTESTED
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Bannu Bench

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with the directions given in Para; 14 of the judgment dated 09-05-2017 passed in WP NO.16-B/2011 etc but also for having compelled the Acting DEO (F) Bannu to instate in service 4xATs and 12xTTs on 19-07-2019, who were sacked out of service by this Hon'ble Court vide Para; 12 & 13 of the ibid judgment dated 09-05-2017 on the ground of having acquired their respective appointment on the basis of fake and bogus credentials.

(c). As an Interim Relief, this Hon'ble Court may preciously be pleased to direct the respondent No.1 to suspend the Respondents No.2 to 4 from their duties till disposal of the instant petition so that they may not interfere with and manipulate necessary documentary evidence in the instant case.

2- After arguing the case at some length, learned counsel for the petitioner stated at the Bar that he would not press the instant petition, provided the same be treated as representation and sent to the competent authority for decision in accordance with law, as the petitioner is a civil servant in terms of Article 212 of the Constitution.

3- Learned Additional AG present in the court, in some other case, accepts the notice and

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

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stated that he got no objection, if request of the petitioner is acceded to accordingly.

4- In view of the above, the petition is treated as Representation and sent to the respondent No.1 for decision in accordance with law within a period of ten days from the date of receipt of this order.

Announced.
24-09-2019

Sd/Justice Muhammad Nasir Mahfooz, J
Sd/ Justice Sahibzada Asadullah, J

CERTIFIED TO BE TRUE COPY

Examiner

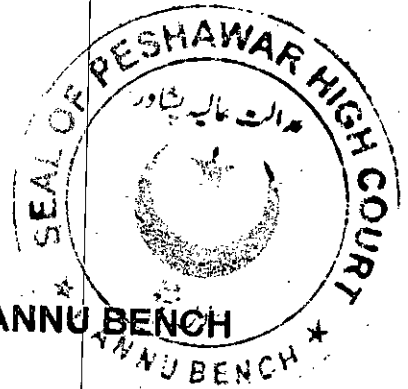
Peshawar High Court Bar Bench
Authorised Under Article 37 of
The Qanun-e-Shahadat Ordinance 1984

Office
25/9/19

Y200 RUP1 03/01 10/19/19

7134

Date of Preparation of Application 22-10-19
 No of Pages 10
 Copying Fee _____
 Urgent Fee _____
 Total 20/-
 Date of Preparation 23-10-19
 Date Given for Issue 25-10-19
 Date of Delivery of Copy 25-10-19
 Received By [Signature]



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IN THE PESHAWAR HIGH COURT, BANNU BENCH

W.P. No. 851-B of 2019

Annex "K/1"

Mst. Neelofar Kamran w/o Kamran Khan
Resident of Garerah Shahjehan, Bannu

PRESENTLY SERVING AS;

DEO(F) Bannu but Services placed at the Disposal of
Director E&SED, Peshawar -----

PETITIONER

VERSUS

Muhammad Saleem, Chief Secretary,
Govt of KPK, Peshawar-----

RESPONDENT

**PTITION UNDER ARTICLE: 204(2) OF THE CONSTITUTION
OF PAKISTAN-1973 READWITH SECTION: 3 OF THE
CONTEMPT OF COURT ORDINANCE-2003**

HUMBLY SHEWETH;

1. That this Hon'ble High Court has disposed off writ petition No. 851-B of 2019, vide judgement/order dated 24-9-2019 by treating the same as representation and sent the same to the Respondent for decision in accordance with law within a period of ten (10) days from the date of receipt of the order.

Copy of the judgement/order dated 24-9-2019 is filed herewith as Annex "A".

2. That it is evident from Section Officer (Litigation-II) Establishment Department (Judicial Wing) Govt of KPK's letter No. SO(Lit-II)E&AD/2-934/2019 dated 07-10-2019 (addressed to the Secretary E&SED, Govt of KPK) Peshawar that copy of the judgement of this Hon'ble Court dated 24-9-2019 has been received in the office of the Respondent on 30-9-2019 and as such even after the lapse of a period of about fourteen (14) days decision of the Respondent on the representation is still awaited.

Copy of the Section Officer (Litigation-II) Establishment Department (Judicial Wing) Govt of KPK's letter dated 07-10-2019 is filed herewith as Annex "B".

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1 OCT/2019
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(X)

(114)

3. That in the above circumstances, the Petitioner sees no remedy except to prefer this petition for initiation of contempt of court proceedings against the Respondent above named for implementation of the judgement/order of this Hon'ble High Court dated 24-9-2019, passed in W.P. No. 851-B/2019.

PRAYER

3. In view of the above humble submissions, it is earnestly prayed that this Hon'ble Court may graciously be pleased to initiate contempt of court proceedings against the Respondent/Contemnor for implementation of the writ and order of this Hon'ble Court dated 24-9-2019.

Prayed accordingly in the interest of justice.

[Signature]
PETITIONER

Through His Counsel:-

Bannu
Dated:- 14-10-2019

[Signature]
SHER MUHAMMAD KHAN
Advocate High Court
I. D. No. BC-09-2433

CERTIFICATE

Certified that no such like COC petition has earlier been filed for implementation of the judgement/order dated 14-11-2018.

[Signature]
Advocate for Petitioner

LIST OF BOOKS

1. Article; 204 of the Constitution of Pakistan-1973
2. The Contempt of Court Ordinance-2003

Filed Today
15 OCT/2019
Additional Registrar

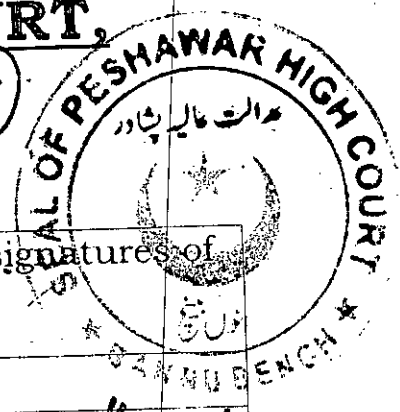
ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

PESHAWAR HIGH COURT,

BANNU BENCH

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FORM OF ORDER SHEET



Date of order or proceedings	Order or other proceedings with signatures of Judge (s).
(1)	(2)
22.10.2019	<p><u>COC No. 172-B of 2019</u> <u>Annex K/3</u></p> <p><u>Present:-</u> Sher Muhammad Khan advocate for petitioner. *****</p> <p><u>MUHAMMAD NASIR MAHFOOZ, J.-</u> The petitioner has filed instant petition under Article 204(2) of the Constitution of Islamic Republic of Pakistan, 1973 read with section 3 of the Contempt of court Ordinance, 2003, praying that:</p> <p><i>“This Hon’ble Court may graciously be pleased to initiate contempt of Court proceedings against the respondent /contemnor for implementation of the writ and order of this hon’ble Court dated 24.09.2019.”</i></p> <p>2. Brief facts of the case are that, petitioner being civil servant filed a writ petition No.851-B of 2019, which was decided on 24.09.2019, whereby treating the same as representation sent the same to the respondent for decision in accordance with law within a period of 10 days from the date of receipt of</p>

Azam Khan/P.S

(D.B) Mr. Justice Muhammad Nasir Mahfooz & Mr. Justice Sahibzada Asadullah

ATTESTED
EXAMINER
Peshawar High Court
Bannu Bench

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the order. But after lapse of 10-days, the representation has not been decided so far. Hence, the instant COC petition.

3. Arguments of learned counsel for petitioner heard in motion and available record perused.

4. The main writ petition No. 851-B/2019 was decided on 24.09.2019, wherein the direction was given to decide the representation within 10-days from the date of receipt of this order. As per provisions of the Khyber Pakhtunkhwa Civil Servants Act, the matter falls within the terms and conditions of service and any order not so far made in representation then, he can avail remedy of appeal before the Service Tribunal subject to the period of limitation. No case for proceedings under the Contempt of Court Ordinance is made out, thence, dismissed in limine.

Announced.
22.10.2019

Sd/Justice Muhammad Nasir Mahfooz, J
Sd/ Justice Sahibzada Asadullah, J

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

25/10/19

Azam Khan/P.S.

(D.B) Mr. Justice Muhammad Nasir Mahfooz & Mr. Justice Sahibzada Asadullah

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Date of Pr 22-10-19
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 Date of C 25-10-19
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THE HON'BLE KP SERVICE TRIBUNAL, PESHAWAR

S.A. No. _____ of 2019

Mst. Neelofer Kamran-----Appellant

VERSUS

The Chief Secretary KP & Others-----Respondents

I, **Mst. Neelofar Kamran** wife of **Kamran Khan** and the **Appellant** in the above matter, do hereby appoint and constitute **Mr. SHER MUHAMMAD KHAN, Advocate High Court at Bannu**, to appear, act and plead on my/our behalf as my/our Advocate in the above matter.

I/We hereby agree not to hold the said Advocate responsible for the result of the case, in consequence of his absence from the Court when the said case is called up for hearing as it is my/our own duty to attend and pursue my/our case diligently and punctually.

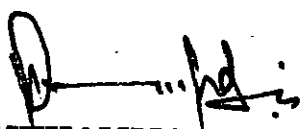
I also authorize the said Advocate to withdraw and compromise the above matter and receive on my behalf all moneys payables to me/us in the above matter.

I also undertake to pay his full professional fees before the conclusion of the case. In case his fees are not paid, the counsel can withdraw his vakalatnama from the above matter.

Dated:- 04-11-2019

(Signature of Neelofar Kamran, the Appellant)

Received from: The Appellant and accepted by me on 04-11-2019


SHER MUHAMMAD KHAN
Advocate High Court
I. D. No. BC-09-2433

SYS LAW CHAMBERS

1st Floor, Asif & Famous Bakers, Inside Mandan Gate, BANNU
Cell No. 0334-3099134

BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 1490/2019

Mst: Nelofare Kamran Ex- DEO (F) District Bannu.

....Appellant.

VERSUS

Secretary (E&SE) Department, Khyber Pakhtunkhwa & others.

.....Respondents

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Asstt: Director (Lit: II)
E&SE Department, Khyber
Pakhtunkhwa, Peshawar.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 1490/2019

Mst: Nelofare Kamran Ex- DEO (F) District BannuAppellant.

VERSUS

Secretary (E&SE)Department, Khyber Pakhtunkhwa & others.Respondents

JOINT PARAWISE COMMENTS ON & FOR BEHALF OF RESPONDENTS No:1-4.

Respectfully Sheweth:-

The Respondents submit as under:-

Preliminary Objections.

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal in the instant service appeal.
- 4 That the instant Service Appeal is based on mala-fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the Appellant is not entitled for the relief she has sought from this Honorable Tribunal.
- 7 That the instant Service Appeal is against the prevailing law & rules.
- 8 That the instant Appeal is based on mala fide intentions just to put extra pressure on the Respondents for gaining illegal service benefits.
- 9 That the instant Service Appeal is not maintainable in its present form.
- 10 That the instant Service Appeal is bad for mis-joinder & non-joinder of the necessary parties.
- 11 That the instant Service Appeal is barred by law, under Service Tribunal Act.

appellant is without any proof, hence, the plea of the appellant is illegal & liable to be dismissed. (Copies of the Notification dated 17/07/2019 & 19/07/2019 are Ann-~~with~~ Service appeal).

- 6 That Para-6 needs no comments as detail reply to this Para has been given in above mentioned Paras of the present reply as the appellant has been treated as per Law and rules by the Respondent Department.

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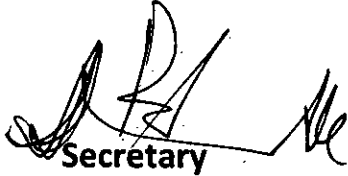
7. That Para-7 is also incorrect & denied. The appellant has been treated as per Law and rules by the Respondent Department and the claim of the appellant is illegal, baseless & liable to be rejected.
8. That Para-8 is also incorrect & denied. The statement of the appellant is baseless & without any cogent proof & justification & is liable to be rejected in favor of the Respondents as this Para is relates to the record of the Honorable Court.
9. That Para -9 is incorrect as the appellant cannot invoke the jurisdiction of the Honorable Peshawar High Court Peshawar due to legal bar under the provision of Article 212 of the constitution of 1973, however, the Respondents further submit on the following grounds inter alia:-

GROUND.

- A **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said Notification dated 3/5/2019 by the Respondent Department in the instance case, hence, the stand of the appellant is baseless & liable to be rejected.
- B **Incorrect & not admitted.** The appellant has been treated as per law, rules & policy vide the above said Notification dated 3/5/2019 by the Respondent Department in the instance case, hence, the stance of the appellant is baseless & liable to be rejected as the appellant has committed gross illegalities in the appointment of various teaching cadres posts during her posting as DEO (F) Bannu which has caused losses to the Govt; treasury & the cited judgments are not applicable upon the case of the appellant. Hence, the stand of the appellant is baseless & liable to be rejected.
- C **Incorrect & not admitted.** The statement of the appellant is without any cogent reason & justification on the grounds as agitated in the foregoing paras of the present reply by the Respondents.
- D **Incorrect & not admitted.** The stance of the appellant is without any cogent reason & legal justification & liable to be rejected with the submission that the respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

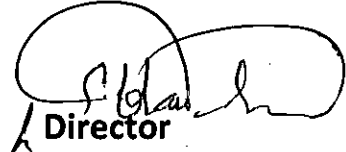
In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.

Dated ___ / ___ /2019



Secretary

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1,2 & 4)



Director

E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3)

AFFIDAVIT

I, **Fazle Subhan Section Officer (Litigation-II)** E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

Deponent

بعدالت صاحب حیدر بخشو نخواستہ سر ویسٹا ہیریڈیل



۲۰ء منجانب Appellant

موزہ ۰۱/۰۱/۲۰۲۰

نیلو منر کامنڈ نام گڈمنڈیا ان حیدر بخشو نخواستہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنک

مقدمہ مندرجہ بالا عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ ان مقام سے اور کے لئے نور محمد حسن اید شاہ از اللہ (دوسری) اور کئی مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو راضی نامہ و مقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہوگا تھانہ باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مقدمہ مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

۲۰۲۰ء

ماہ جنوری

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المرقوم

العبد

گواہ شد

العبد

Accepted

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Appellant

نیلو منر کامنڈ



**BEFORE THE HON'ABLE KHYBER PERAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

C.M No. ___/2019

In

S.A No.1490/2019

Mst. Neelofer Kamran

Versus

The Chief
Secretary KP & others

**APPLICATION FOR SUSPENTION OF
IMPUGNED ORDER, UNDER RULE 27
OF THE KP SERVICE TRIBUNAL
RULES 1974.**

RESPECTFULLY SHEWETH

1. That the appellant has filed the above titled appeal in this Hon'ble Tribunal, adjudication of which on merits may take considerable time.
2. That the impugned order dated 03-05-2019 as well as Subsequent entrustment of the Additional charge of the post of DEO female Bannu to Mst. Fanoos Jamal, DDEO Female Bannu vide notification dated 9-08-2019 (Copy is attached as annexure **A**) is ultra virus, void ab-intio, in view of the judgment of August Supreme Court of Pakistan reported as **PLD 2013 Supreme Court 195**.
3. That since adjudication of the appeal on its merits may take long time while the appellant's pay has been stopped since September 2019, therefore, the only remedy available to the appellant is to seek suspension of the impugned order dated 3-05-2019 as well as the subsequent order dated 09-08-2019

Contd — P/2
Adv for APP

(2)

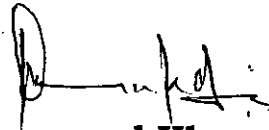
for enabling the appellant to perform the duties and draw her pay against the vacant post of the DEO female Bannu.

PRAYER

It is, therefore, requested that on acceptance of this application, the impugned order dated 03-05-2019 and the subsequent order of Additional Charge dated 09-08-2019 may kindly be suspended and the appellant may kindly be allowed to assume the duties of the post DEO Female Bannu.

Appellant/Applicant

Through



Sher Muhammad Khan
(ADVOCATE HIGH COURT).

Dated.05/12/2019

Annex A⁴



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar
Phone: 091-9210480, Fax # 091-9211419

Dated Peshawar the August 9th, 2019

NOTIFICATION

No. SO(S/E&SED)/I-3/2019/Promotion/BS-18 to BS-19/MC; Consequent upon their promotion/actualization vide this department notifications of even No. dated 27/05/2019 & 31/05/2019, respectively; the following Deputy District Education Officers (Female) BS-18, are hereby adjusted against the mentioned posts/stations, with immediate effect:

S#	Name & Designation	Domicile	Adjusted As
1	Rukhsana Rahim, DDEO (F) BS-18 Mardan	Mardan	DDEO (Female) Mardan
2	Hafsa Gul, DDEO (F) BS-18 Nowshera	Peshawar	DDEO (Female) Peshawar
3	Aniqa Humaira Tauqeer, DDEO (F) BS-18 Tank	D.I.Khan	DDEO (Female) Tank
4	Aisha Saeed, DDEO (F) BS-18 A/Abad	Mansehra	DDEO (Female) Battagram
5	Sadia Aziz, DDEO (F) BS-18 Haripur	Abbottabad	DDEO (Female) Abbottabad
6	Shazia Nawaz, DDEO (F) BS-18 Karak	Tank	DDEO (Female) Karak
7	Jamila Rana, DDEO (F) BS-18 Kohat	Tank	DDEO (Female) Kohat
8	Sumera Sheraz, DD (BS-18) Directorate of E&SE	Peshawar	Deputy Director, Directorate of E&SE
9	Safia Amin, DDEO (F) BS-18 Peshawar	Charsadda	Deputy Director (P&D) Directorate of E&SE
10	Abida Parveen, DDEO (F) BS-18 Swabi	Mardan	DDEO (Female) Swabi
11	Nadia Begum, DDEO (F) BS-18 Battagram	Peshawar	DDEO with additional charge of DDEO (Female) Torghar
12	Dur-e-Shawar, DDEO (F) BS-18 Charsadda	Peshawar	DDEO (Female) Charsadda
13	Ghulam Fatima, DDEO (F) BS-18 DIKhan	D.I.Khan	DDEO (Female) DIKhan
14	Hasrat Zahra, Deputy Directress (BS-18) Directorate of E&SE	Kohat	Deputy Director, Directorate of E&SE
15	Rehana Yasmin, DDEO (F) BS-18 Mansehra	Abbottabad	DDEO (Female) Haripur
16	Shaheen Begum, DDEO (F) BS-18 Lower Dir	Dir	DDEO (Female) Lower Dir
17	Ghazala Anjum, DDEO (F) BS-18 Chitral	Chitral	DDEO (Female) with additional charge of DDEO (F) Upper Chitral

1	Sargis Bano, DDEO (F) BS-18 Kohistan	Mansehra	DDEO (Female) Mansehra
2	Sargis Jabeen, DDEO (F) BS-18 Lakki	Bannu	DDEO (Female) Lakki
3	Laila Ali, DDEO (F) BS-18 Malakand	Charsadda	DDEO (Female) Nowshera
4	Meher-un-Nisa, DDEO (F) BS-18 Shangha	Chitral	DDEO (Female) Lower Chitral
5	Fareeha Jamal, DDEO (F) BS-18 Bannu	D.I.Khan	DDEO (Female) Bannu with additional charge of DEO (F) Bannu
6	Hussain Ara, DDEO (F) BS-18 Dir Upper	Dir	DDEO (Female) Upper Dir
7	Zahida Hanif (MC-BS-18) at the disposal of Directorate of E&SE		DDEO (Female) with additional charge of DEO (F) Shangla

CONSEQUENTIAL TRANSFERS

8	Mrs. Tasneer Shafiq (TC-BS-17) HM working as DDEO (F) Torghar		Services to be placed at the disposal of Directorate of E&SE
9	Mrs. Meher-un-Nisa (TC-BS-17) HM working as DDEO (F) Lower Chitral		-do-

2. No TA/DA is allowed.

SECRETARY
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

List of copy No. & date:

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. Director E&SE, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officers (Female) concerned.
4. District Accounts Officers concerned.
5. PS to Secretary E&SE Department.
6. In-charge EM/SE, E&SE Department for uploading at official website at the earliest.
7. Officers concerned.
8. Office order file.


(GUL RUKH)

SECTION OFFICER (SCHOOLS FEMALE)

IN THE KP SERVICE TRIBUNAL, AT PESHAWAR.

Appeal No. 1490 of 2019

Mst. Neelofar Kamran (Appellant)

VERSUS

The Chief Secretary Khyber Pakhtunkhwa & others
..... (Respondents)

AUTHORITY LETTER.

Respectfully Sheweth:-

It is most humbly submitted that my counsel Mr. Sher Muhammad Khan Advocate has been died due to brain hemorrhage. My husband namely Kamran Khan is a law graduate and is well conversant to the instant case, and is also serving as Senior Public Prosecutor, may kindly be allowed to pursue/argue my case.

APPELLANT



Neelofar Kamran
Ex. DEO (F), Bannu.

To

The District Public Prosecutor,
Bannu.

SUBJECT: APPLICATION FOR ONE DAY CASUAL LEAVE.

Respected Sir,

It is submitted that I am proceeding to Peshawar in connection of my spouse case in Service Tribunal Peshawar, due to which I would be unable to perform my duties for tomorrow.

Therefore it is requested that one day casual leave for 19th December, 2019 may be sanctioned with permission to leave the station and obliged.

Thank you.

Dated: 18/12/2019

Allowed
[Signature]

18/12/19
Dist: Public Prosecutor
Bannu



KAMRAN KHAN WAZIR
Senior PP, ACE Court,
BANNU

THE HON'BLE KP SERVICE TRIBUNAL, PESHAWAR

C. M. No. _____ of 2019

Khyber Pakhtunkhwa
Service Tribunal

In S.A. No. 1490 of 2019

Diary No. 1202

Date 20/11/2019

Mst. Neelofer Kamran -----Appellant

VERSUS

The Chief Secretary KP & Others -----Respondents

APPLICATION UNDER RULE; 27 OF THE KP SERVICE
TRIBUNAL RULES-1974

HUMBLY SHEWETH;

1. That the Appellant has filed the above titled appeal in this Hon'ble Tribunal, adjudication of which may take considerable time.
2. That the Appellant has neither been suspended from duty nor sent on forced leave nor removed/dismissed from service, under the relevant E&D Rules, as yet the payment of her pay and allowances for the month of September 2019 (payable on 01-10-2019 and onward) has been stopped by the Respondents in flagrant violation of the provisions of F.R; 53(b) read with F.R;17, which allows even a suspended Government Servant to draw full pay & allowances during the period of his/her suspension from duty or forced leave till the date of his/her dismissal/removal from service under the E&D Rules, which is the most worst kind of victimization of the Appellant at the hands of the Respondents.
3. That in the above circumstances, the only remedy available to the Appellant is to invoke the additional powers of this Hon'ble Tribunal; under Rule; 27 of the KP Service Tribunal Rules-1974; for issue of ad-interim directions to the Respondents for the release of payment of pay & allowances to the Appellant for the months of

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Adv for Appellant

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20/11/19

Recd

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September 2019 and onward for obviating abuse of the process of this Hon'ble Tribunal by the Respondents in adjudicating the above appeal on its merits.

PRAYER

4. In view of the above humble submissions, this Hon'ble Tribunal may graciously be pleased to direct the Respondents above named to release the payment of pay and allowances of the Appellant since the month of September 2019 and onward till disposal of the instant appeal.

Prayed accordingly in the interest of justice.

[Signature]
APPELLANT

Peshawar
Dated:- 18-11-2019

[Signature]
Advocate for Appellant

VERIFICATION

I, Mrs. Neelofar Kamran w/o Kamran Khan and the Appellant above named, do hereby solemnly affirm and declare on oath that the contents of the above Application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

[Signature]
DEPONENT

The Deponent is identified by me.

[Signature]
Advocate



[Signature]
20-11-2019