

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	04.03.2015	<p align="center"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Service Appeal No. 887/2012 Rahimullah Versus Director (E&SE) Khyber Pakhtunkhwa, Peshawar.</p> <p align="center"><u>PIR BAKHSH SHAH.</u>- Appellant with counsel and Mr. Ziaullah, Government Pleader with Muhammad Irfan, ADO for the respondents present.</p> <p>2. Feeling aggrieved from the impugned order bearing Endst. No. 6405-15, dated 19.4.2012 issued from the office of Executive District Officer, Elementary & Secondary Education, Nowshera (respondent No.2) whereby services of the appellant were terminated, he filed departmental appeal on 14.5.2012, which was not responded within the statutory period. The appellant filed the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. During the course of arguments, it came to know that the appellant and two others were appointed on the post of Drawing Master, allegedly in violation of merit list. Their appointment letters were questioned by the affected candidates before the Hon'ble Peshawar High Court, Peshawar in Writ Petition No. 1562/2010. The Writ</p>

Petition was allowed on 21.3.2012 as a result thereof the appellant was directed to be substituted by the petitioners before the Hon'ble Peshawar High Court. The relevant para-8 of the said judgment is reproduced below:-

“In view of the aforementioned facts and reasons, we are left with no alternative but to allow this writ petition, hence the same is admitted and allowed. The impugned selection order passed by the official respondents with regard to the private respondents No. 4 to 6 is declared illegal, without lawful authority and ab-initio void, therefore, the same is set aside and instead the petitioners being the highest scorers on merits, be appointed on the posts to be vacated by the private respondents, however, the entire process must be completed within twenty (20) days.

On the basis of this judgment of the Hon'ble Peshawar High Court, Peshawar, the impugned order was passed. According to Rule 23 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974, the appellant shall be precluded to come before the Service Tribunal on a point already decided by a competent court, On touchstone of which rule, this Tribunal is of the considered view that this appeal is not maintainable; hence is dismissed. Parties are left to bear their own costs. File be consigned to the record.

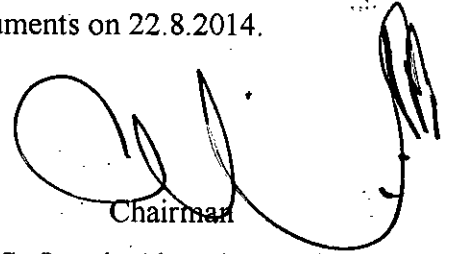
ANNOUNCED
04.03.2015.


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

31.3.2014

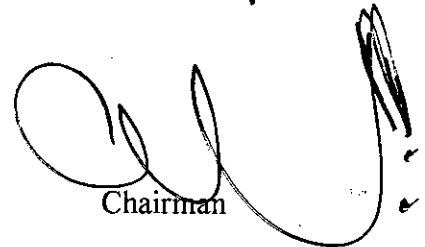
Appellant in person, M/S Muhammad Uzair Ali, DEO, E&SE, Nowshera (respondent No. 2) in person alongwith Inayatullah, ADO, Sajjad Rashid, AD for respondent No. 1 and Kurshid Khan, SO for respondent No. 3 with AAG present. Respondent No. 2 stated that test of the candidates has been conducted by the National Testing Services ^{(NTS), but} and merit list has not been received in his office so far. He further stated that only relaxation in age will be granted to those candidates who have qualified the test and have already rendered service in the department. To come up for arguments on 22.8.2014.



Chairman

22.8.2014

Appellant with counsel, M/S Javed Ahmad, Supdt. for respondent No. 1, Muhammad Irfan, ADO for respondent No. 2 and Khurshid Khan, SO for respondent No. 3 with Mr. Kabir Khan Khattak, Assistant Advocate General present. Representative of respondent No. 2 informed that result of NTS test has been received and appointments made accordingly; but he has not brought the result of NTS test and appointment order. He is directed to positively bring the same for further proceedings/arguments on 11.2.2015.



Chairman

11.2.2015

Appellant with counsel and Mr. Ziaullah, GP with Muhammad Irfan, ADO for the respondents present. Arguments heard. To come up for order on 4.3.2015.



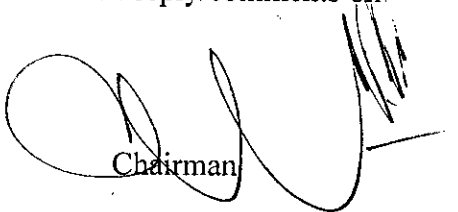
MEMBER



MEMBER

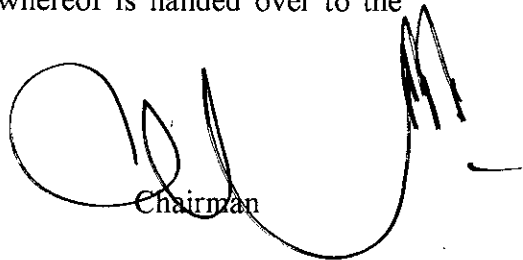
16.8.2013

Appellant in person, M/S Tariq Hussain, Supdt. for respondent No.1 and Khurshid Khan,S.O for respondent No.3 with. Mr.Usman Ghani, Sr.G.P for the respondents present. Written reply has not been received. On the request of representatives of the respondents and learned Sr.GP, another chance is given for written reply/comments on 26.12.2013.


Chairman

26.12.2013

Appellant in person and Mr. Inayatullah, ADO on behalf of respondents with Mr. Usman Ghani, Sr. GP present. Written reply on behalf of respondents received, copy whereof is handed over to the appellant for rejoinder on 14.3.2014.


Chairman

14.3.2014

Appellant with counsel, M/S Khurshid Khan, SO for respondents No. 1 and 3 and Muhammad Irfan, ADO for respondent No. 2 with AAG present. The learned counsel for the appellant pointed out that he has already submitted rejoinder alongwith his application for early hearing. A copy of the rejoinder is handed over to the learned AAG for arguments. The learned counsel for the appellant stated that the respondent-department has already advertised the post and in the test held for appointment against the post the appellant has qualified for appointment. The learned counsel, therefore, requested for a direction to the respondent-department to give preference to the appellant on the basis of his earlier two years service in the respondent-department against the same post. In view of request of learned counsel for the appellant, the DEO, E&SE, Nowshera be summoned in person alongwith the relevant record for further proceedings on 31.3.2014.


CHAIRMAN

Appeal No. 887/2012
Mr. Rubina Akhbar

8. 11.3.2013

Appellant deposited
Security & process fees Rs 180/-
Bank receipt is attached
with file

[Handwritten signature]

Counsel for the appellant present and heard.

Contended that the appellant has not been treated in accordance with the law. He was validly appointed as D.M vide order dated 9.4.2010 but the same has been cancelled vide the impugned order dated 19.4.2012, without fulfilling the legal formalities. The appellant preferred a departmental appeal on 13.5.2012 but with no response. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 15.5.2013 for submission of written reply.

[Handwritten signature]
Member.

9. 11.3.2013

This case be put before the Final Bench T for further proceedings.

[Handwritten signature]
Chairman.

15.5.2013


Appellant in person and Mr. Khurshid Khan, SO for respondents with Mr. Muhammad Jan, GP present. To come up for written reply/comments on 16.8.2013..

[Handwritten signature]
Chairman

10.12.2012

Appellant present and requested for adjournment.

Case adjourned to 18.1.2013 for preliminary hearing.


Member.

18.1.2013

Appellant present in person and requested for adjournment. Case adjourned to 13.2.2013 for preliminary hearing.


Member.

13.2.2013

Appellant present in person and requested for adjournment. To come up for preliminary hearing on 11.3.2013.


MEMBER

Before the Service Tribunal KPK Peshawar

Appeal No. 887 /2012

Raimullah S/o Rahman Gul, (Appellant)

VERSUS

Director (E&SE), Khyber Pakhtunkhwa,
Peshawar and two others. (Respondents)

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Appellant

Raimullah

Dated: 15/8 /2012

Through Counsel: *Yaqoob Khan*
Yaqoob Khan Advocate
High Court Office at
District Courts Mardan

(1)

Before the Service Tribunal KPK Peshawar

Appeal No. 887 /2012

^h
Raimullah S/o Rahman Gul,
Ex-D.M. Teacher, GMS Akbarpura, Nowshera,
R/o Village Akbarpura, Tehsil and District Nowshera.

~~AWJ~~
~~936~~
~~15/8/12~~ ✓

..... (Appellant)

VERSUS

1. Director (E&SE), Khyber Pakhtunkhwa, Peshawar.
2. E.D.O. (E&SE) Khyber Pakhtunkhwa, Nowshera.
3. Secretary (E&SE), Khyber Pakhtunkhwa, Peshawar.

..... (Respondents)

**APPEAL AGAINST ORDER OF RESPONDENT NO.2
DATED 19/04/2012, WHEREBY APPELLANT IS
TERMINATED FROM SERVICE WITHOUT ANY
REASON, WHICH IS ILLEGAL, AGAINST LAW AND
FACTS.**

~~15/8/12~~
15/8/12

PRAYER:

**ON ACCEPTANCE OF THIS APPEAL, ORDER OF
RESPONDENT NO.2 DATED 19/04/2012 MAY
PLEASE BE SET ASIDE AND APPELLANT MAY
PLEASE BE REINSTATED IN SERVICE WITH ALL
BACK BENEFITS.**

|| *Accepted.*

Sir,

Appellant humbly submits as under: -

- 1. That appellant is bonafide resident of village Akbàrpura Nowshera and has equipped with requisite qualification for the post of D.M. Teacher.

(Copy of certificates of appellant is attached as annex: "A")

- 2. That respondent department advertised the posts of D.M. Teacher through Daily Newspaper, for which appellant was properly applied.
- 3. That after completion of all codal formalities i.e. qualified test/ interview, merit list was prepared and appellant was appointed as D.M. Teacher vide appointment order dated 09/04/2010.

(Copy of Order dated 09/04/2010 is attached as Annex "B")

- 4. That appellant took over charge of the post and performed his duty with entire satisfaction of his superiors.

(Copy of charge report is attached as Annexure "C")

- 5. That no complaint whatsoever received against the appellant.
- 6. That the services of the appellant were terminated without any reason, vide order dated 19/04/2012, which is illegal, against law and facts.

(Copy of impugned order is attached as annexure "D").

7. That appellant preferred an appeal dated 14/05/2012 before respondent No.1 but in vain.

(Copy of departmental appeal is attached as annexure "E").

8. That order of respondent No.2 dated ~~14/05~~^{19/05}/2012 is illegal, against law and facts and appellant is entitled for re-instatement on the following grounds: -

GROUND:

A. Because there is no provision in service law for cancellation of appointment of appellant dated 09/04/2010 therefore, impugned withdrawal order of respondent No.2 dated ~~14/05~~^{19/05}/2012 is illegal, against law and facts and non tenable in the eyes of law.

B. Because when the posts of appellant has properly been advertised and selection committee was constituted for selection of appellant and appellant was selected and after completion of all codal formalities, appellant was appointed as Teacher vide order dated 09/04/2010, thereafter withdrawal of appointment order of appellant is illegal, against law and facts.

C. That maxim of locus potential is applicable to the instant case, because once appointment order of appellant was issued and that order is acted upon the same, so, impugned withdrawal is illegal, against law and facts. Preferred SCMR 1996 Page 413. Respondent could not recede back.

- D. That as per reported judgment of Apex Supreme Court of Pakistan 1996 SCMR 413 once an order issued by respondent after completion of all codal formalities, then respondent could not recede back from their lapse.
- E. Because appellant has served for more than two years on the basis of appointment order of appellant and after two years the respondents have no power to withdraw the same. *(Copy service certificate is attached).*
- F. That neither show cause notice has bene served upon appellant nor any charge sheet alongwith statement of allegation has been given to the appellant nor any opportunity of personal hearing is given, thus only on this score order of respondent is nullity in the eyes of law.
- G. That appellant has got unblemished record of service and no any complaint has been received from any person against appellant.
- H. That appellant is entitled for reinstatement solely on the ground that neither any regular inquiry has been conducted nor any witness was cross examined in his presence. For ready reference 1999 SCMR 2321 (b) 1993 SCMR 603, 2000 SCMR 1321 and 2001 SCMR 15666.
- I. That appellant is condemned unheard.
- J. That appellant is jobless from the date of termination till today.
- K. That due to the cancellation of appointment order of appellant, appellant has over aged and deprived from Govt. service.

It is therefore, humbly prayed that on acceptance of this appeal, order of respondent No.2 dated 19/05/2012 may please be set aside and appellant may please be reinstated in service with all back benefits.

Any other relief deemed fit may also graciously be awarded.

Rahumallah

Appellant

Dated: 15 / 8 / 2012

Yaqoob Khan

Through Counsel: Yaqoob Khan Advocate
High Court Office at
District Courts Mardan

AFFIDAVIT

I, undersigned declare on Oath that contents of the appeal are true and correct to the best of my knowledge and belief.

Dated: 15 / 8 / 2012.

Deponent Rahumallah

Attested



S. No. 1466

Departmental Examinations Education Department

Ann A
B



NWFP

Detailed Marks Certificate

Training Classes Examination (Drawing Master)

Name Rahimullah

Session 2001

Father's name Rehman Gul

Roll No. 59

Subject	Maximum Marks	Marks obtained		
		Internal	External	Total
1. Scale, Technical and Geometrical Drawing: Free hand Sketching	100			64
2. Model Drawing	50			37
3. Nature Study	50			33
4. Black-Board Sketching	50			33
5. Craft	200			138
6. Islamiyat	100			72
7. History of Art	100			70
8. Expressional Drawing	50			36
9. Physical Education	50			37
10. Design	50			24
11. Teaching Practice	50			97
Total	1000			641

Attested
Amir Qureshi
A. Accounts
M.A.T.I CMA (PC)
Peshawar

Note: Errors/omissions excepted.

Passed/Failed Passed Division: IST

Prepared by [Signature]
Checked by [Signature]

Date of Declaration of Result 31-3-2002

Registrar
Departmental Examinations Education Department
NWFP, Peshawar.

SCHOOL

Amir Qureshi
Accounts Officer
M.A.T.I CMA (PC)
Peshawar



DESIGNED BY ARSHI



**EXECUTIVE DISTRICT OFFICER
ELEMENTARY & SECONDARY EDUCATION
NOWSHERA**

Dated Nowshera the Friday, April 09, 2010

Aux B
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NOTIFICATION

Consequent upon recommendations of Departmental Selection Committee (DSC), the competent authority is pleased to appoint the following candidates as CT/DM/PET (Male and Female) in the BPS-09 plus usual allowances as admissible under the rules on regular basis (but without pension and gratuity) in the schools noted against each in the interest of public service with immediate effect.

C.T (Male) Open Merit (25%)

S.No	Name / Qualification / Address	Father's Name	Score	Name of School
1	Abdus Saeed MA/CT in-service, (Gulbahar Colony Risalpur)	Sarwar Khan	66.95	GHS, Mughulki
2	Zahid Islam MA/CT in-service, village Tarkha Nowshera	Muhammad Islam	66.05	GHS, Khawrai
3	Muhammad Khalid MA/CT In-Service, Balakzai Khesghi Bala	Saraf Khan	65.60	GHS, Pahari Kali Khel
4	Muhammad Ailab MA/CT In-Service, Zakhi Kona Akbar Pura	Masal Khan	65.13	GHS, Jaroba
5	Asif Iqbal MA/CT in-Service Tarkha Nowshera	Husan Ul Maab	64.53	GMS, Gharib Pura

C.T (Male) Batch wise(75%)

S.No	Name / Qualification / Address	Father's Name	D.O.Dec: CT Result.	Name of School
1	Sheryar MA/CT In-Service, Khesghi Bala Nowshera	Mir Jaffar Khan	18/04/1990	GMS, Bahadar Khel
2	Farhad Ali BA/CT In-Service Garhi Zardad Akbar Pura	Fazl I Izdan	14/03/1991	GHS, Mali Khel Bala
3	Muhammad Iqbal MA/CT In-Service Tarkha Nowshera	Taza Gul	22/10/1991	GMS Bahadar Khel
4	Farman Ali BA/CT In-Service Bakhli Saleh Khana	Tawas Khan	02/04/1992	GMS Zao Banda
5	Said Bashir BA/CT In-Service Aman Garh Nowshera	Zarin Khan	02/04/1992	GHS Khawari
6	Zahid Muhammad BA/CT In-Service Nawan Killi NSR Kalan	Dost Muhammad	02/04/1992	GHS Pahari Kali Khel
7	Jan Alam MA/CT In-Service Pabbi Nowshera	Gul Shir	07/04/1993	GHS Khawrai
8	Naseer Khan BA/CT In-Service Mali Khel Bala Akora	Israr Ud Din	29/05/1994	GHS Kahi
9	Fazal Mahood MA/CT In-Service Aba Khel NSR Kalan	Fazal Rahim	09/01/1995	GHSS Khan Abad
10	Raz Muhammad FA/CT Lali Khel Khesghi Nowshera	Nazir Muhammad	26/11/1995	GMS Jungri
11	Mahboob Alam Khan BA/CT In-Service Moh, Behram Khan NSR Kalan	Mir Alam Khan	20/12/1995	GMS Saidu Khel
12	Muhammad Nasim MA/CT Kandar Akbar Pura	Muhammad Saleem	20/12/1995	GHS Rashakai
13	Sartaj Khan MA/CT Jalozai NSR	Taj Umar Ali Khan	20/12/1995	GMS Shawangi
14	Hizar Hayat MA/CT, Aza Khel Payab NSR	Ghulam Muhammad	20/12/1995	GMS Garu
15	Raheel Islam MA/CT, Mandori Nizampur NSR	Islam ud Din	20/12/1995	GHS Jabbi

C.T (Male) Agro Tech.Batch wise(75%)

S.No	Name / Qualification / Address	Father's Name	D.O.Dec: CT Result.	Name of School
1	Wakil Ur Rasheed MA/CT In-Service Spin Kani Kalan	Islam Gul	16/11/1995	GHS Pir Sabaq
2	Muhammad Javed MA/CT, Jabbi Nizampur Nowshera	Killar Din	27/02/1998	GHS No. 1 Nowshera Cantt
3	Ziarat Gul BA/CT, Taru Jabba	Haji Hazrat Gul	07/06/2004	GHS Taru Jabba
4	Jawad Ali Khan BA/CT, Akbar Pura Nowshera	Zafar Ali Khan	28/12/2004	GHSS Akbar Pura
5	Shafi Ullah BA/CT, Tarkha Nowshera	Muhammad Hassan	30/12/2005	GHS Tarkha

C.T (Male) Deceased Son

S.No	Name / Qualification / Address	Father's Name	Score	Name of School
1	Johar Khan BA/CT Shagai Nizampur Nowshera	Nawab Zada	46.13	GHS Marooba

C.T (Male) Disable person(2%)

S.No	Name	Father's Name	Score	Name of School
1	Siraj Muhammad MA/CT In-Service, Spin Khak, NSR	Gul Muhammad	57.69	GHS Jaroba

C.T (Male) Earthquake Quota (5%)

S.No	Name / Qualification / Address	Father's Name	Domicile	Score	Name of School
1	Muhammad Riaz MA/CT, Vill: Sandori, Pcoran Shangla	Abdul Qudoos	Shangla	64.26	GMS Jungri

Friday, April 09, 2010

C.T (Female) Open Merit (25%)

S.No	Name / Qualification / Address	Father's Name	Score	Name of School
1	Rashida Samad, MA/CT In-Service, Moh: Sultan Garhi Risalpur	Abdul Samad	65.57	GGMS Khawra
2	Basmeen MA/CT, New Lali Khel, Khesghi Bala	Hazrat Ullah	65.37	GGMS Saadat Abad
3	Aisha Raza MA/CT In-Service, Dagi Qadeem Nowshera	Raza Ul Haq	65.15	GGHS Jallozai
4	Fatiha Gul MA/CT, Hakim Abad Nowshera	Azim Khan	64.52	GGMS Hisar Tang
5	Amreena MA/CT, Pabbi Nowshera	Mir Ahmad Shah	64.21	GGHS Jallozai
6	Farida Begum MA/CT In-Service, Meta Khel Khesghi Bala	Said Muhammad	62.30	GGMS Meta Khel
7	Shakeela Naz MA/CT, Khesghi NSR	Kachkol Khan	62.15	GGMS Saadat Abad

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C.T (Female) Batch wise (75%)

S.No	Name / Qualification / Address	Father's Name	D.O.Dec: CT Result	Name of School
1	Ghulam Sughra BA/CT, Nowshera Cantt.	Abdul Rashid	01/03/1995	GGMS Mandori
2	Farkhanda Omar BA/CT In-Service, Kandi Taza Din Nowshera	Zafar Ahmad	20/12/1995	JICA Jallozai
3	Shamim Akhtar FA/CT In-Service Nowshera Cantt.	Faqir Ahmad	30/08/1996	GGMS Nandarak
4	Nasrat Ismail MA/CT, Nowshera Cantt	Muhammad Ismail	31/12/1996	GGMS Nandarak
5	Shakila Bano MA/CT, Police Line Nowshera	Samin Khan	27/02/1998	GGMS Sheikhai
6	Saima Mukhtar MA/CT, Nowshera Cantt.	Mukhtar Ahmad	27/02/1998	GGHS Khesghi Payan
7	Nazia Ilahi MA/CT, Risalpur Cantt.	Karam Ilahi	27/02/1998	GGMS Meta Khel
8	Nusrat Begum MA/CT, Babi Jadeed Taru Jabba	Sayed Anwar Khan	27/02/1998	GGMS Taru Jabba
9	Shahida Perveen BA/CT In-Service Akbar Pura	Mian Gul	11/05/1999	GGMS Zakhi Qabristan
10	Farhat Samreen MA/CT, Shiekhan Akora Khattak	Aman Ullah	11/05/1999	GGMS Khawarai
11	Sadia Ahmad MA/CT, Nowshera Cantt.	Ghulam Ahmad Paracha	30/11/1999	GGHS Inzari
12	Nazia Nosheen BA/CT In-Service, Armor Colony Nowshera Cantt.	Nasr Ullah Khan	30/09/1999	GGMS Zara Miana
13	Saira Waheed MA/CT, Nowshera Cantt.	Abdul wahid Khan	30/09/1999	GGMS Kahi
14	Saima Arif BA/CT, Mandori Khair Abad	Arif Gul	30/09/1999	GGMS Mandori
15	Azra Naz BA/CT In-Service, Ashoor Abad Aman Garh	Abdul Shakoor	30/11/1999	GGMS Jabbi Payan
16	Taj Sanawar BA/CT In-Service, Par Holi Mardan	Abdul Shakoor	30/11/1999	GGHS Inzari
17	Zakia Begum BA/CT In-Service, Armor Colony Nowshera Cantt.	Iqbal Ahmad Jan	30/11/1999	GGMS Kahi
18	Zaba FA/CT, Noor Abad, Shah Kot, Nowshera	Usman Gul	30/11/1999	JICA Jallozai
19	Gulshan BA/CT, Noor Abad Shah Kot Nowshera	Haji Kachkol Khan	30/11/1999	GGMS Shah Kot
20	Najia Gul BA/CT, Wali Ziarat Kaka Sahib Nowshera	Gharib Ullah	30/11/1999	GGMS Jabba Tar
21	Raheela Begum FA/CT Mohib Banda Nowshera	Bashir Ur Rehman	03/03/2000	JICA Jallozai

C.T Home Economics (Female) Batch wise (75%)

S.No	Name	Father's Name	D.O.Dec: CT Result	Name of School
1	Farzana Zaib MA/CT In-Service, Aza Khel Payan NSR	Aurang Zaib	11/05/1999	GGHS Khesghi Payan

C.T Disabled (Female) (2%)

S.No	Name	Father's Name	Score	Name of School
1	Fazila Begum BA/CT, Spin Kani Khurd NSR	Shah said Bad Shah	47.65	GGMS Sheikhai

PET (Male) Open Merit (25%)

S.No	Name / Qualification / Address	Father's Name	Score	Name of School
1	Ajab Khan BA/JDPE, Pabbi NSR	Rahat Ullah	61.07	GHS Dak Ismail Khel
2	Azam Khan BA/JDPE, Pahari Kali Khel NSR	Aqal Khan	60.99	GHS Manahi
3	Sayed Inayat Shah MA/JDPE, Akbar Pura	Sayed Khitab Shah	59.75	GHS Spin Khak

PET (Male) Batch wise (75%)

S.No	Name / Qualification / Address	Father's Name	D.O.Dec: PET Result	Name of School
1	Muhammad Shuaib BA/JDPE, In-Service, Akora	Gul Nabi	15/11/2003	GHS Adam Zai
2	Rahim Nawaz MA/JDPE, Meta Khel Khesghi Bala	Raz Muhammad	07/06/2004	GMS Darwaz Gai
3	Ibad Ullah BA/JDPE In-Service, Akbar Pura Nowshera	Sher Muhammad	20/10/2004	GHS Jabba Khushk
4	Noor Hayat BA/JDPE, Khesghi Payan, Nowshera	Pervaiz Habib	20/10/2004	GMS Cheshmai
5	Jehan Zeb Shah BA/JDPE, Ziarat Kaka Sahib Nowshera	Muhammad Rafiq Shah	28/12/2004	GHS Mali Khel
6	Farid Ullah MA/JDPE, Meta Khel Khesghi Bala	Muhammad Bashir	28/12/2004	GHS Shaidu
7	Gul Khan BA/JDPE Mera Khesghi Payan	Jumma Khan	28/12/2004	GMS Shaidu
8	Farhan Ahmad BA/JDPE Khesghi Payan	Mushlaq Ahmad	28/12/2004	GHS Waitar
9	Saeed Khan BA/JDPE In-Service Dagi Khel Nowshera Kalan	Shah Nazar	27/09/2005	GMS Aziz Abad

D.M. (Male) Open Merit (25%)

S.No	Name / Qualification / Address	Father's Name	Score	Name of School
1	Muhsin Ahmad MA/DM, Kotli Khurd Saleh Khan	Banaras Khan	55.75	GHS Mian Essa
2	Rab Nawaz Khan MA/DM, Khush Muqam Taru Jaba	Zabar Das Khan	55.41	GMS Sadiq Abad
3	Arif Ullah MA/DM Spin Kana Kalan	Madat Khan	55.18	GMS Palosi Payan
4	Waheed Ullah MA/DM Shaidu NSR	Ihsan Ullah	54.73	GMS Shawangi

D.M (Male) Batch wise (75%)

S.No	Name / Qualification / Address	Father's Name	D.O.Dec: DM Result	Name of School
1	Tahseen Ullah FA/DM, Tarkha NSR	Niamat Ullah	11.05.1999	GMS Bahadur Khel
2	Muhammad Ishaq FA/DM, Dag Behsud Nowshera	Khan Zameer	11.05.1999	GMS Cheshmai
3	Alamgir Khan MA/DM, Khudrizai Pabbi	Ayub Khan	25.04.2000	GMS Walai
4	Masood Khan BA/DM In-Service, Tarkha Nowshera	Nasir Khan	25.04.2000	GMS Sadu Khel
5	Shahid Iqbal FA/DM, Akbar Pura	Fazli Karim	25.04.2000	GMS Darwazgi
6	Naveed Ul Haq MA/DM In-Service, Khesghi Bala	Muhammad Bashir	25.04.2000	GMS Makeen Abad
7	Niaz Ullah Khan MA/DM, Dag Behsud Pabbi	Zard Ullah Khan	25/04/2000	GHS Manahi
8	Fazal Hayat MA/DM In-Service, Meta Khel Khesghi Bala	Ameer Muhammad	31.03.2001	GHS Behram Killi
9	Nasim Khan BA/DM, Dag Behsud Pabbi	Wazir Khan	31.03.2001	GHSS Ziarat Kaka Sahib
10	Tanveer Ul Haq BA/DM, Mohib Banda Nowshera	Siraj Ul Haq	31.03.2002	GMS Afrido Killi
11	Mir Afsar Khan BA/DM, Mali Khel Bala Nowshera	Israr Ud Din	31.03.2002	GMS Garu
12	Sajjad Ali MA/DM, Baghbanan Akbar Pura	Zaffar Ali Khan	31.03.2002	GHS Mughalki
13	Rahim Ullah BA/DM, Akbar Pura	Rehman Gul	31.03.2002	GHS Mula Killi

D.M (Male) Earthquake (5%)

S.No	Name / Qualification / Address	Father's Name	Domicile	Score	Name of School
1	Amjad Ali BA/DM, Gujaru Killi Tehsil Alpuri	Haji Nawab	Shangla	50.86	GMS Jungri

D.M (Female) Open Merit (25%)

S.No	Name / Qualification / Address	Father's Name	Score	Name of School
1	Nargas BA/DM, Taru Jabba Nowshera	Said Rahman	56.01	GGMS Jabba Tar
2	Azra Bi Bi BA/DM, Taru Jabba Nowshera	Sayed Ibrar Hussain Shah	53.48	GGHS Rashaka
3	Salma Khatoon BA/DM, Taru Jabba	Sayed Iqbal Hussain Shah	53.29	GGMS Kana Khel
4	Najma Khatoon BA/DM, Taru Jabba	Sayed Iqbal Hussain Shah	53.03	GGMS Palosi Payan
5	Maryam Majeed BA/DM, Aza Khel Payan	Majeed Ullah	52.39	GGMS Misri Banda

D.M (Female) Batch wise (75%)

S.No	Name / Qualification / Address	Father's Name	D.O.Dec: DM Result	Name of School
1.	Bushra Bano BA/DM, Pashtoon Garhi	Muhammad Arif	25/04/2000	GGMS Sheikhhi
2	Hasina Jabbeen BA/DM Akbar Pura	Mian Muhammad Shuaib	25/04/2000	GGMS Zakhi Qabristan
3	Aisha Bi Bi BA/DM, Issori Payan Nowshera	Pir Ghulam	05/05/2003	GGMS Gul Dehri
4	Sofia Anwar BA/DM, Dag Ismail Khel	Mian Anwar Shah	05/05/2003	GGMS Gul Din Koroona
5	Uzma Nisar MA/DM, Akbar Pura	Nisar Muhammad	08/05/2003	GGMS Pir Sabag
6	Saima Roshan BA/DM, Kandi Taiza Din Nowshera	Roshan Khan	28/12/2006	GGHS Shaidu
7	Nargas Majeed BA/DM, Aza Khel Payan	Majeed Ullah	28/12/2006	GGMS Islam Abad
8	Chazala Tabassum BA/DM, Khush Muqam, Chowki Mamraiz, Nowshera	Muzaffar Khan	28/12/2006	GGHS Mohib Banda
9	Zahida FA/DM Dag Behsud Nowshera	Jehan Zeh	28/12/2006	GGMS Nodeh
10	Naveeda FA/DM, Holi Khel Nowshera Kalan	Umar Din	28/12/2006	GGMS Makeen Abad
11	Samia Begum FA/DM, Palosi Payan	Sabar Gul	15/12/2007	GGMS Kolar Pan
12	Rugia BA/DM, Aza Khel Bala NSR	Mudalil Shah	15/12/2007	GGMS Hisar Tang
13	Shabeena Naz BA/DM, Aza Khel Bala	Gul Nazir Shah	15/12/2007	GGHS Inzari
14	Sayeda Inum Hassan BA/DM, Muhib Banda	Sayed Mahmud ul Hassan	15/12/2007	GGMS Khawarai
15	Asia FA/DM, Dag Behsud Nowshera	Haji Muhammad Shah	15/12/2007	GGMS Zara Miana

TERMS & CONDITIONS

- The appointee will get initial scale including usual allowances as admissible under the rules. They are entitled for annual increment after completion of one year service; however they are not eligible for pension and gratuity as per current policy of the Govt. of NWFP.
- The District Officer E&S Education (M/F) concerned must obtain surety bond as well as agreement bond executed by each candidate to obey policy of the Govt. of NWFP Act-2005 and will have no right to challenge the policy in any court of law.
- Their Services will be considered as per current rules and regulation of the NWFP.
- Their services are liable to be terminated on one month's prior notice from either side. In case of resignation without prior notice one month pay and allowances, if any shall be forfeited in favors of Govt. through treasury challan.

Friday, April 09, 2010

3 of 4

EDO E&S Nowshera

9-4-10
19-4-12


11

5. Their Services will be on probation for two years and they will not be transferred to other station before completion of probation period.
6. Contribution of CP Fund will be made as per rules and regulations of Govt. of NWFP
7. The appointees should re-verify their names from the undersigned and join their posts within 15 days of the issuance of this order positively otherwise the appointment shall stand as cancelled.
8. Their services can be terminated at any time, in case their performance is found unsatisfactory and they will be removed from service under the rules framed from time to time.
9. They are directed to furnish copies of all sort of certificates/degrees etc. along with their original receipts and photo copies of all testimonial pertaining to the verification fee of concerned examination bodies (Board/University) to the District Officer E&SE (M/F) Nowshera. If any certificate/degree etc. of any candidate found fake in verification process, he/she will be removed from service under the existing rules.
10. The appointing authority shall arrange verification of all the certificates and degrees (academic and professional) etc. of the appointee and will issue clearance certificate of each appointee to the DAO for the release of his/her pay.
11. The Pay Source-1 should not be submitted to DAO Nowshera prior verification of the certificates/degrees from the concerned institutions
12. The Principals/Head Masters/Head Mistress concerned should personally check their original certificates, degrees, domiciles and CNIC before handing over charge.
13. The Overage Candidates appointed in Year wise/batch wise quota has already been granted one time age relaxation vide Notification No. SO (PE) 7-1/Age relaxation policy/09 Dated 23.12.2009.
14. Overage candidates should not be handed over charge, appointed in Open Merit, Deceased children, Disabled and Earthquake quotas unless the age relaxation awarded to them. The age limit in respect of CT/DM/PET is 18-33.
15. The appointment of the deceased quota are made subject to the provision of the certificate issued by the concerned authority i.e. death certificate during service, pension book and affidavit reflecting non-availing of benefits in the appointment.
16. The disable candidates should produce fresh certificate from the Standing Medical Board (SMB) to the effect that their disability will not obstruct in their job.
17. Health and age certificate should be provided from the Medical Superintendent before taking over charge.
18. The candidate qualified/graduated from Sarhad University, Gomal University D.I.Khan and the affiliated institutes will take three months refresher course after their appointments. Such candidates will be considered for appointment (if otherwise eligible) subjected to the condition that they will complete the specific refresher course for which reasonable tuition fee shall be deposited to the concerned RITE/College of Physical Education by the concerned University/Institute. All such candidates will furnish an undertaking/surety bond on stamp paper to the effect that in case of non-payment of the fee/dues by the concerned University/Institute the said fee will be deposited by the candidate concerned to the RITE/CPE.
19. Charge report should be submitted to all concerned.
20. No TA/DA etc. shall be allowed to the appointees for joining their duties.

(Haji Hasanat Gul Khattak)
Executive District Officer
 Elementary & Secondary Education
 Nowshera

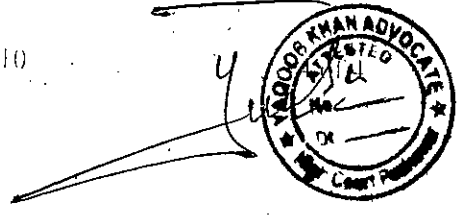
Endst. No. 765-884/EDOE&SE NSR/CT/DM(M&F)/PET(M) Estabt. branch Dated 09/04/2010.
 Copy forwarded for information and necessary action to the:-

1. PS to Minister for E&S Education NWFP Peshawar
2. PS to Secretary E&S Education NWFP Peshawar
3. Director, E&S Education NWFP Peshawar.
4. Section Officer (PE) Govt. of NWFP E&S Education Peshawar.
5. District Coordination Officer Nowshera.
6. District Accounts Officer Nowshera.
7. Human Resource Development Officer DCO Office Nowshera.
8. Principals/Head Masters/Head Mistress concerned.
9. District Officer/Deputy District Officer (M/F) E&S Education Nowshera.
10. Candidates Concerned.


 Executive District Officer
 Elementary & Secondary Education
 Nowshera

9/4/10

Attested



Friday, April 09, 2010

EDO E&SE Nowshera

①

Before the Director of (E&SE) KPK Peshawar

(16)

Rahimullah s/o Rahman Gul EX-DM Teacher
GMS Akbar Pura Nowshera P/o vill: Akbar Pura
Teh: & Distt: Nowshera Appellant

vs

E.D.O (E&SE) Nowshera Respondent.

Appeal against order of Respondent dated 19th 2012,
whereby, Appellant is terminated from service
without any reason, is illegal, against law and fact.

Respectfully sheweth:-

1. That appellant is bonafide resident of village Akbar Pura Nowshera and has equipped requisite qualification for the post of D.M. teacher.
(Copy of certificates of appellant is attached as Annex A).
2. That Respondent Department has advertised the posts of DM teacher through Daily newspaper, for which appellant was properly applied.
3. That after completion of all codal formalities i.e. Qualifide test/interview, merit list was prepared and appellant was appointed as DM teacher.

vide appointment order dated 9/4/2010.

(copy of order is attached as Aux B)

4. That appellant has taken over charge of the post and performed his duty with entire satisfaction of his superior.

(copy of charge report is attached as Aux C)

5. That no any complaint has been received against appellant.

6. That without any reason, appellant is terminated from service vide order dated 19/4/2012, which is illegal, against law and fact. (copy of impugned order is attached as Aux D)

It is therefore, humbly requested that on acceptance of this appeal, appellant may please be re-instated in service with all back benefit and order of respondent dated 19/4/2012 may please be set aside. Any other relief deemed fit may also be graciously awarded.

Through Counsel: M. E. Appellant

Rafiqullah

Dated 13/5/2012

[Signature]



13

Nic no. 17201-2232341-1

MEDICAL CERTIFICATE

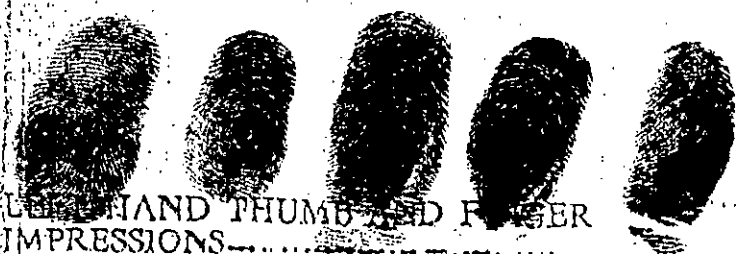
Name of Official Rahimullah
 Caste or race Afghan
 Father's name Rehman Gul
 Residence Albar Park
Peshawar Dist. Nowshera
 Date of birth 03-01-1979
 Exact height by measurement 5 feet 6 in
 Personal mark of identification None
 Signature of the Official Rahimullah
 Signature of head of office [Signature]

Seal of Office

I do hereby certify that I have examined Mr. Rahimullah a candidate for
 employment in the Office of the Education Dept.
 and can not discover that he had any disease communicable or other constitutional
 affection or bodily infirmity except fat

I do not consider this as disqualification for employment in the office of the
E/Dept His age according to his own statement 31 year and by
 appearance about 31 year

Attested
Admin Ullah
 (A. Accounts Officer
 M.A.T.I CMA (PC)
 Peshawar)



Nauro
 Medical Superintendent,
 Civil Hospital,

12-4-2000
 D.H.O. Hospital, Nowshera

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELE: & SECY: EDU: NOWSHERA.

OFFICE ORDER

Annex D
19

In compliance with the order/Judgment of Honourable Peshawar High Court Peshawar on 21/03/2012 in W.P No. 1562/2010 titled as Ramzan Ali and other VS Govt. of Khyber Pakhtunkhwa and others and by the approval from Worthy D.C.O Nowshera No. 10/DCO/EA/NSR/1441-42 dated 14-04-2012, the appointments of the following candidates/DMs (BPS-09) are hereby declared as null and void and terminated with immediate effect.

S. No.	Name	Father Name	Name of School
01	Tanveer ul Haq	Siraj ul Haq	GMS, Afrido Killi
02	Mir Afsar Khan	Israr ud Din	GMS, Garru
03	Raheem Ullah	Rahman Gul	GHS, Mulla Killi

Consequently the following candidates/petitioners are hereby appointed as DM BPS-09 plus usual allowances as admissible under the rules on regular basis (but without pension and gratuity) in the schools noted against each with immediate effect.

S. No.	Name	Father Name	Name of School
01	Ramzan Ali R/O Mitha Khel Distt: Nowshera	Gul Malook	GHS, Mulla Killi
02	Naseer Muhammad R/O Badrashi Distt: Nowshera	Faqeer Muhammad	GMS, Garru
03	Rafiq Nawaz R/O Mitha Khel Distt: Nowshera	Raz Muhammad	GMS, Afrido Killi

TERMS & CONDITIONS

1. The appointee will get initial scale including usual allowances as admissible under the rules. They are entitled for annual increment after completion of one year service, however they will not be eligible for pension and gratuity as per current policy of the Govt. of Khyber Pakhtunkhwa.
2. The District Officer Elementary & Secondary Education Nowshera must obtain surety bond as well as agreement bond executed by each employee to obey policy of the govt. of Khyber Pakhtunkhwa Act 2005 and will not have the right to challenge the existing policy in any court of law.
3. Their service is liable to be terminated on one month's prior notice from either side. In case of resignation without prior notice one month pay and allowances, if any shall be forfeited in favour of govt. through challan.
4. Contribution of CP fund will be made as per rules and regulations of Govt. of Khyber Pakhtunkhwa.
5. The appointee should join their post within 15 days of the issuance of this order positively otherwise the appointment shall stand cancelled.
6. Their services can be terminated at any time in case their performance is found unsatisfactory and will be removed from service under E&D rules 2011 and the rules frame from time to time.
7. Health and age certificate should be provided from the Medical Superintendent before taking over charge.
8. Charge report should be submitted to all concerned.
9. No TA/DA shall be allowed to the appointee for joining duty.

(Haji Hassanat Gul)
Executive District Officer
Ele: & Secy: Education Nowshera

Endstt: No 6405-15 Dated: 19-04- 2012.

Copy forwarded for information to the:-

- 1:- Registrar Peshawar High Court Peshawar.
- 2:- PS to Secretary E&S Education Khyber Pakhtunkhwa Peshawar.
- 3:- Director E&S Education Khyber Pakhtunkhwa Peshawar.
- 4:- Section Officer (Lit) E&S Education Khyber Pakhtunkhwa Peshawar.
- 5:- District Co-ordination Officer, Nowshera.
- 6:- Senior District Account Officer, Nowshera.
- 7:- District Officer (Male) Local Office.
- 8:- Principal/Head Master Concerned.
- 9:- Officials Concerned.
- 10:- Ex-DM Concerned.
- 11:- Office copy.

Attested

Executive District Officer
Ele: & Secy: Education Nowshera



19/4/12

بعد الت کرو کز ٹریبونل

کوٹ فیس	
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مورخہ: 15 اگست 2012ء منجانب ریلوے

مقدمہ: رحمہ اللہ بنام: ایجوکیشن

دعویٰ: اپیل

جرم:

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کے لئے لکھو خان امیر کھنڈ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نکل کاروائی مکمل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمد ہوگی اور منسوخی دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تازخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم 15 ماہ اگست 2012ء

بد گواہ شدہ

کے لئے منظور ہے۔

Attested & Attested



بمقام:

15-8-2012



Writ Petition No. 567 / 2010

- 1. Iqbal Ali son of Gul Malook,
resident of Mithe Khel, District Nowshera.
- 2. Nazeer Muhammad son of Faqir Muhammad,
resident of Aman village Badrasahi
District Nowshera.
- 3. Rafiq Nawaz son of Raz Muhammad,
resident of Kheski Bala Mchallah Mithe
Khel District Nowshera Petitioners

Versus

- 1. Government of N.W.F.P. through
Secretary Education, Civil Secretariat,
Peshawar.
- 2. M.P.O. (E28) Education Department,
District Nowshera.
- 3. District Co-ordination Officer,
District Nowshera Respondents.

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

In the event of acceptance of this writ petition, the
respondents may very kindly be directed to
appoint the petitioners on the posts of
Drawing Master as per batch-wise final merit
list dated 22-02-2010.

3) The respondents may kindly be directed not
to appoint any other candidates on the posts
of petitioners being qualified more than fit
and eligible successful candidates for the said

ATTESTED
BY
District Court,
Peshawar

posts till the final disposal of the instant writ petition.

Respectfully sheweth:

1. That the petitioners by birth residents of District Nowshera having domicile of same District. (Copies of domiciles are attached as Annexures "A", "A/1" and "A/2").
2. That petitioner No.1 has done B.A., B.Ed, M.A. and also a certificate course of Drawing Master from School and Literacy Department, N.W.F.P. Peshawar (Copies of degrees and certificates are attached as Annexures "B", "B/1" to "B/7").
3. That the petitioner No.2 has done B.Sc in first Division and got a certificate course in Drawing Master from School and Literacy Department, NWFP Peshawar. (Copies of degrees and certificates are attached as Annexures "C", "C/1 to C/3").
4. That the petitioner No.3 has done B.A and M.A. and also a certificate course in Drawing Master from School and Literacy Department, NWFP, Peshawar. (Copies of degrees and certificates are attached as Annexures "D", "D/1" to D/4").
5. That the office of respondent No.2 advertised some posts of teachers of different B.P.S to be appointed by the residents of District Nowshera and the applications were requisitioned to the last date on 15-12-2008.
6. That the petitioners feeling them more than fit and eligible for the posts of Drawing Master (D.M) at

1/7

1/7

serial No.4 of the advertisement in which the prescribed qualification for the said posts in BPS-9 was fixed as F.A. F.Sc. with drawing Master course. (Copy of the advertisement is attached as Annexure "E").

7. That the petitioners were called for an interview on dated 18-01-2009 for the appointment on the said posts in which the petitioners were successfully qualified having secured higher marks in competition with most of the candidates.

8. That on dated 22-09-2010 final list of successful candidates of Drawing Master(Male) Batch-wise was issued in which the petitioner No.1 was placed at S.No.14 by securing 53,017 marks, while petitioner No.2 was placed at S.No.15 by securing 52,882 marks and petitioner No.3 was placed at serial No.15 of the said list securing 54,600 marks and were declared successful candidates. (Copies of the merit list is attached as Annexure "F").

9. That the petitioners were hopefully waiting for their appointment letters.

10. That while on dated 9-04-2010 from the office of respondent No.2 a Notification for the appointment on the prescribed posts was issued in which the names of the petitioners were missing. (Copy of the Notification is Annexure "G", G/1 to G/3").

11. That the petitioners immediately consulted respondent No.2 with a written complaint vide No. 207, 208 and 209 dated 12-04-2010. (Copies of applications/complaint are attached as Annexure "H", H/1 and H/2").

12. That on receiving the applications the respondent No.2 very harshly replied that whatever he did it was a advised

ATTESTED

of respondents No.1 and 3 and if they have any grievance they should go to the court of Justice.

13.

That having aggrieved by the acts and omissions of the respondents the petitioners approached this Hon'ble Court on the following amongst other grounds :-

G R O U N D S

- a) That the respondents have acted ultra vires, illegally, mala fide without any just reason by not appointing the petitioners on the posts of Drawing Master after qualifying the same.
- b) That the respondents have no authority to crush the fundamental rights of the petitioners without any just and proper cause.
- c) That the petitioners are more than fit and eligible for the posts on which they have been qualified and not appointing them on the said posts will mean to deprive not only the petitioners but also the new generations from their basic fundamental rights of better education.
- d) That if such like illegal practice of the Department is not condemned and stopped it will mean the negation of justice.

It is, therefore, respectfully prayed that on acceptance of this writ petition, the prayers as prayed for in the heading of this writ petition may kindly be awarded in favour of petitioners against the respondents with heavy costs.

ATTESTED

17

INTERIM RELIEF

The respondents may kindly be directed not to appoint any other candidates on the posts of petitioners being qualified more than fit and eligible successful candidates for the said posts till the final disposal of the instant writ petition.

Petitioners

through

(Khalid (Tasveer Rohaila)
Advocate,
Top Floor Sarhad Mansion,
G.T. Road Hashtnagri, Peshawar
Cell No. 0302-8809052

PESHAWAR

14-04-2010

CERTIFICATE

Certified that no such like W.P. has earlier been filed in this Hon'ble Court as per instructions of my clients.

Advocate

LIST OF BOOKS.

1. Constitution of Pakistan, 1973
2. Case law according to need.

Advocate

[Handwritten signature]

ATTESTED

EXAMINER
Peshawar High Court.

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IN THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 1802 2010

Ramzan Ali and others Petitioners

Versus

Government of NWFP and others Respondents.

A F F I D A V I T

I, Khalid Tanveer Rehela, Advocate, Peshawar as per instructions of my clients do hereby solemnly affirm and declare that the contents of the accompanying writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Deponent

(Khalid Tanveer Rehela)
Advocate, Peshawar.

No. 1802

Certified that the above was verified on solemnly affirmation before me in office, this 14th day of April 2010 by Khalid Tanveer Rehela who was identified by Call Who is personally known to me: Call

14/4/2010
Oath Commissioner
Peshawar High Court Peshawar.

ATTESTED

Peshawar High Court

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17/4

IN THE PESHAWAR HIGH COURT, PESHAWAR.

Writ Petition No. 5071 2010

Ramzan Ali and others Petitioners

Versus

Government of NWFP and others Respondents.

ADDRESSES OF THE PARTIES

Petitioners

1. Ramzan Ali son of Gul Malook,
resident of Mittha Khel, District Nowshera.
2. Haseer Muhammad son of Faqir Muhammad,
resident of Awan village Badrashi, District Nowshera
3. Rafiq Nayaz son of Raz Muhammad,
resident of Kheshki Bala Mohallah Mittha Khel
District Nowshera.

Respondents

1. Government of N.W.F.P. through Secretary
Education, Civil Secretariat, Peshawar.
2. E.D.O. (E&S) Education Department,
District Nowshera.
3. District Co-ordination Officer,
District Nowshera.

Petitioners

through

(Khalid Tanzeer Rohela)
Advocate, Peshawar.



PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

77

Court of

Case No. of

Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
6.5.2010.	<p><u>W.P.No.1562/2010.</u></p> <p>Present: Mr.Khalid Tanveer Rohela, Advocate, for the petitioners.</p> <p>Let comments be called for from respondent No.1 so as to reach this Court within a fortnight.</p> <p><i>sd/- Liaqat Ali Shah - J</i> <i>sd/- syed sajjad Hassan Shah - J</i></p> <p>CERTIFIED TO BE TRUE COPY <i>SP</i> Examiner Peshawar High Court Peshawar Authorised Under Article 87 of The Qanun-e-Shahadat Order 1934 12-5-12</p>

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	06.07.2010	<p><u>Writ Petition No.1562/2010</u></p> <p>Present: Mr. Khalid Tanveer Rohaila, Advocate, for the petitioners.</p> <p style="text-align: center;">*****</p> <p style="text-align: center;">Comments called for are still awaited.</p> <p>Reminder be issued to the respondent to do the needful well before the date fixed. Adjourn to a date in office.</p> <p style="font-size: 1.2em; font-family: cursive;"> Mr. Fayaz 06/07/10 Mr. Ejaz Ahsan Khan - CJ Mr. Liaqat Ali Shah - J </p>

CERTIFIED TO BE TRUE COPY

SP 12-5-12

Peshawar High Court Peshawar
 Authorised Officer
 The Registrar, Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
14.09.2010.	<p><u>W.P.No. 1562/2010 with Interim Relief.</u></p> <p>Present: Mr. Khalid Tanveer Rohaila, Advocate, for the petitioners.</p> <p>***</p> <p>Respondent No.1 has failed to file comments despite of reminder issued to him on 06.07.2010. This time reminder be issued with a warning note that in case he fails to file the required comments, it will amounts to defiance of the order of this Court and he shall then personally appear and in case any adverse order is passed against the interest of the Government then, he will be liable for the consequences. The office of Advocate General be also put on notice to procure the comments well before the next date.</p> <p>The learned counsel for the petitioners wants</p>

ATTESTED
EXAMINER
Peshawar High Court

to implead Sajid Ali, Afsar Khan and Tanveer-ul-Haq

shown in the merit list because they are necessary party.

(S)

Allowed. May do so within a week.

Sd/- Dost Muhammad Khan - J
Sd/- Sajid Ali - J

12/5/12

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SP

12-5-12

Examiner
Peshawar High Court Peshawar
Authorised Under Article 87 of
The Qaun-e-Shahadat Order 1984

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

51

S.No.	Date of order	Order or other proceedings with signature of the Judge
1	2	3
	3-11-2010	<p><u>W.P.No.1562/2010 with Interim Relief.</u></p> <p>Present: Mr.Khalid Tanveer Rohaila, Advocate for the petitioners.---</p> <p>Inspite of clear order dated 14.9.2010, respondent No.1 has till date not filed the comments, nor was present in court, as had been directed on the said date. We then directed Mr.lal Jan Khattak, AAG to procure the attendance of respondent No.1. Now when the case was called, Khurshid Khan, S.O. and Aurangzeb, Accounts Officer of EDO, Nowshera attended the court and stated that incumbent respondent No.1 has proceeded to Hajj and that before his proceeding to Hajj, comments have been signed by him, but certain documents require to be appended with the comments, were not available. As a last opportunity, comments be filed within three days. Counsel for the petitioner has also not complied with the order of impleading others as respondents. He shall also do the needful within three days.</p> <p><i>sd/- Abdul Aziz Yousfi</i> <i>sd/- Sardar Shaukat Hayat</i></p>

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17-11-10

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

S.No.	Date of order	Order or other proceedings with signature of the Judge
1	2	3

13-1-2011

W.P.No.1562/2010 with CM No.1292/2010.

Present: Nemo for the petitioner.

Mr.Lal Jan Khattak, AAG for the respondents.

Requests for time to furnish comments. May do so within a fortnight.

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2	3
	21.06.2011	<p><u>Writ Petition No.1562/2010</u></p> <p>Present: M/s Khalid Tanveer Rohaila and S. Hamad Ali Shah, Advocates, for the petitioners.</p> <p>Mr. Zahid Yousaf Qurehsi, Advocate, for the official respondents.</p> <p>Nemo for the private respondents.</p> <p>*****</p> <p>The learned Additional Advocate General wants time to see what was that intelligible differentia, which justified appointments of the respondents, notwithstanding, petitioners were having better merit as compared to them. Allowed. Adjourn to 28.07.2011. In the meantime, notice be also issued to the private respondents for the date fixed.</p> <p><u>C.M.No.506/2011</u></p> <p>Since the appointments are claimed against the vacancies, the respondents have been appointed against, this C.M. being misconceived is dismissed.</p> <p><i>M. H. Khan</i> <i>27/6</i> <i>sd/- Ejaz Afzal Khan - CJ</i> <i>sd/- Yahya Afzidi - J</i></p>

(Fayaz)

CHIEF

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12-5-12

SECRETARY OF PESHAWAR

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

Date of order 1 Order or other proceedings with signature of Judge. 2

28.7.2011

WP No.1562/2010.

Present: M/S. Khalid Tanveer Rohaila and Hamad Ali Shah, Advocates for the petitioners.

Mr. Obaid Razzaq, AAG for official respondents alongwith Aurangzeb Accounts Officer.

Tanveer-ul-Haq respondent No.6 in person. (impleaded vide order dated 14.9.2010)

The latter wants to engage a counsel and for that he seeks time while notices be repeated to the other respondents/ appointees namely, Mir Afsar and Sajjad Ali and their service be ensured for the next date. Adjourned to a short date.

SD/- Dost Muhammad Jehani
SD/- Mazhar Alam Khan

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Examiner
Peshawar High Court Peshawar
Authorised Under Article 87 of
The Qanun-e-Shanad Order 1984

12.5.12

File No 28/17

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order or proceedings	Order or other proceedings with Signature of Judge or that of parties or counsel where necessary
15-09-2011	<p><u>W.P. NO. 1562/2010 with I.R.</u></p> <p>Present: M/S Khalid Tanveer and Hamad Ali Shah, Advocates, for the petitioners.</p> <p>Mr. Zahid Yousaf Qureshi, A.A.G., for the respondents 1 to 3.</p> <p>Nemo for respondents 4 to 6 (newly added respondents).</p> <p>Notices issued against the newly added respondents 4 to 6 have not been received back, either served or un-served in spite of the clear cut directions of this Court, dated 28.7.2011. Notices be repeated through ordinary means as well as through DCO District Nowshera for a date in office.</p> <p><i>sd/- Mazhar Alam Khan</i></p> <p><i>sd/- Azmat Ullah Malik</i></p> <p>CERTIFIED TO BE TRUE COPY</p> <p><i>SP</i> 12.5.12</p> <p>Examiner Peshawar High Court Peshawar Authorised Under Article 87 of The Qanun-e-Shahadat Order 1984</p>

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary.
-------------------------------	---

17.01.2012

W.P NO-1562/2010 with Interim Relief.

Present: Mr. Hamad Ali Shah, Advocate, for petitioners.
Mr. Zahid Yousaf Qureshi, DAG, for respondents No.1 to 3.
Nemo for respondents No.4 to 6.

Once again notices issued against respondents No.4 to 6 have not been received back either served or unserved. Fresh notices be issued against respondents No.4 to 6 through ordinary means and also through respondent No.2 i.e E.D.O (E & S) with a note that the notices be served positively before the date fixed. Adjourned to 14.2.2012.

Handwritten notes:
17/1/12
17/1/12

sd/- Mian Faridul Malik - J
sd/- Azmatullah Malik - J

TRUE COPY
SP
12.5.12
Peshawar High Court Peshawar
Section 87 of
Order 1934

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

49

Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary.
1	2
14.02.2012	<p><u>W.P NO-1562/2010 with Interim Relief.</u></p> <p><u>Present:</u> M/s. Hamad Ali Shah and Khalid Tanveer, Advocates, for petitioners.</p> <p>Mr. Obaid Razaq, AAG, for respondents No.1 to 3. Newly added respondents No:4, 5 and 6 in person.</p> <p style="text-align: center;">* * *</p> <p>The latter want some time to engage a counsel. May do so within a fortnight. Adjourned to 21.3.2012.</p> <p><i>sd/- Mian Fazil Mulla - J</i></p> <p><i>sd/- Wazir Ahmad Sethi - J</i></p> <p style="text-align: right;">CERTIFIED TO BE TRUE COPY</p> <p style="text-align: center;"><i>SP</i></p> <p style="text-align: right;">EXEMPTED 12-5-12</p> <p style="text-align: right;">Peshawar High Court Peshawar Authorised under Article 23 of The Courts Act 1973 of Order 1984</p>

Official Copy

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
21.3.2012	<u>WP No.1562/2010.</u> <i>Present: Syed Hamad Ali Shah, Advocate for the petitioners.</i> <i>Mr. Obaid Razaq, AAG for official respondents.</i> <i>Mr. Bilaluddin, Advocate for private respondents 4 to 6.</i> ***** <u>DOST MUHAMMAD KHAN, CJ.</u> The office of respondent No.2 advertised the posts of teachers in different grades for appointment within the District of Nowshera and for that purpose a public notice was issued in the press, prescribing the qualification for each category of post including eligibility criteria. 2. The petitioners, being eligible and having the prescribed qualification, applied for the posts and during the test and interview, as is evident from the two merit lists, one annexed by the petitioners with the writ petition and the other by the respondents with their comments. All the petitioners scored the highest marks viz a viz the private respondents No.4 to 6, however, without showing

ATTESTED

EXAMINED
Peshawar High Court

any justification or giving any reason, instead of the petitioners, the private respondents No.4 to 6 were appointed on the posts of Drawing Master BPS-9) by the so-called Selection Committee.

3. Being aggrieved from the selection of private respondents, apparently in disregard of merits, the petitioners have filed this writ petition where they have prayed for reversal of the appointment order of private respondents No.4 to 6 with a further prayer that instead they being entitled on merits, be directed to be appointed on the said posts.

Arguments heard and record perused.

4. After long deliberation and arguments it was conceded by the learned Additional Advocate General and learned counsel representing the private respondents No.4 to 6 that the private respondents indeed scored low merit as compared to the petitioners thus, the plea of the petitioners is squarely admitted, however, the plea of the learned counsel for private respondents was that because the said respondents were just close to touch the upper age

him, therefore, on that ground they were given preference over the petitioners.

5. We asked the learned counsel for the private respondents as well as the learned Additional Advocate General to justify the impugned action taken by the official respondents on the strength of any law, rules, notification or any policy of the Government duly notified but they could lay hands on none and laid emphasis on moral justification that because the private respondents were going to overage by the next time when tests and interviews for such posts are to be held, therefore, on compassionate ground their appointment may not be disturbed.

6. Every action of a public functionary, particularly charged with duty of selection of candidates for public offices must be justified in law or by rules to be framed by the competent authority, however, in the matter of public service when the question of selection arises then, merit should stand supreme consideration because it is not a matter of giving a job to individual or individuals but to

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select the best brain particularly in teaching institutions so that they could deliver the best services in the field and to impart knowledge and education to the next generation in an excellent manner. In no manner such process should be made to provide jobs to the needy nor such employment should be made to dump people in an institution of this nature who could not succeed on merits to achieve the target.

7. In the case of "*Chief Secretary Punjab and others vs. Abdul Raouf Dasti*" (2006 SCMR 1876), a similar question arose before the Hon'ble Apex Court and the Apex Court held in the following terms:-

"Public service---choosing persons for public service is not just a matter of providing jobs. It is a sacred trust to be discharged by those charged with it, honestly and fairly. Choosing less qualified persons on political or other considerations would be unfair and unjust and against all fair play because these civil servants are paid from the public exchequer and not out of the private pocket of the employer/selection committee."

S. In view of the aforementioned facts and reasons, we are left with no alternative but to allow this writ petition

ATTESTED

BY: [Signature]

39

hence, the same is admitted and allowed. The impugned selection order passed by the official respondents with regard to the private respondents No.4 to 6 is declared illegal, without lawful authority and ab initio void, therefore, the same is set aside and instead the petitioners being the highest scorers on merits, be appointed on the posts to be vacated by the private respondents, however, the entire process must be completed within twenty (20) days.

9: Before concluding this judgment, it is suggested to the department that in case next time interview is held then, it may in its discretion, consider the age relaxation for private respondents No.4 to 6 because of the two years service they have rendered on the present posts which they have now to vacate.

Sd/- Dost Muhammad Khan - J
 Sd/- Mian Fazlul Mulk - J

15426

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SR 12/5/12
 Examiner

Peshawar High Court Peshawar
 Authorized Under Article 87 of
 The Qanun-e-Shahadat Order 1984

Date of Presentation of Application... 10/5/12
 No. of Pages... 22 P
 Copying Fee...
 Urgent Fee... "Quasem"
 Total... 44/-
 Date of Preparation of Copy... 12-5-12
 Date Given For Delivery... 12-5-12
 Date of Delivery of Copy... 14-5-12

Registered
 20/5/12

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

In Appeal No 887/2012

Rahim UllahAppellant

VERSUS

- 1- Director (E & Se) Education Khyber Pukhtoonkhwa, Peshawar & others.
..... Respondents

Respectively Sheweth

Written comments/reply on behalf of respondent No 1,2&3.

Preliminary Objections

1. That the Appellant has no cause of action/locus standi to file the instant appeal.
2. That this honorable service tribunal has got no jurisdiction to entertain the present appeal.
3. That the present Appeal is bad for non joinder and mis joinder of necessary parties.
4. That the instant appeal is badly time barred.
5. That the appellant has concealed material facts from this honorable service tribunal.
6. That the appellant is stopped by his own conduct, by deed and by law to sue.
7. That the instant appeal is barred by law.

Factual Objection

1. Subject to proof.
2. Pertains to record, hence denied.
3. Subject to proof.
4. Subject to proof.
5. Denied for want of proof.
6. This Para is incorrect. After appointment of the appellant, the appointment order vide No.765-884 dated 09-04-2010 was challenged to the extent of i-Tanveer ul Haq S/O Siraj ul Haq ii-Mir Afsar S/O Islamuddin iii- Rahim Ullah appellant S/O Rahman Gul by RamzanAli S/O Gul Malook etc vide W.P No.1562/2010.The appellant Rahim Ullah along with other two ex-D.M engaged council Mir, Bilal uddin Advocate and defended themselves in the said writ petition. But the writ petition was decided against the appellant and two others ex- D.Ms and it was ordered by the Honourable Peshawar High court vide order dated 21-03-2012 that the appointment of the appellant and two other D.Ms is illegal, without lawful authority and void abinitio. The department was directed to terminate the appellants and two other ex-D.Ms and to appoint the petitioner's on the posts vacated by the ex-D.Ms. The appellant was terminated in

compliance of the order dated 31-03-2012 of the High Court Peshawar. (Order is annexed A).

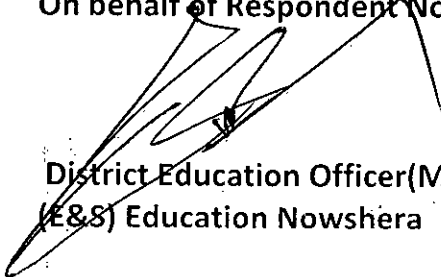
7. Correct but after clear decision of the honorable High court his appeal was not acceptable.
8. In correct. The order of respondent No.2 is legal and the appellant is not entitle for reinstatement on the following grounds.

Grounds:

- A. In correct.The impugned order was issued in the light/compliance of the order of the honorable Pesh, High court Peshawar. There fore the order is legal.
- B. In correct.After the judgment of the Peshawar High court dated 31-3-2012 passed in W.P.NO.1562/2010 the termination of appointment of the appellant is legal.
- C. In correct.The maxim of locus potential is not applicable to the instant case.
- D. In correct, each and every casse has his own merits and demerits.
- E. Incorrect.The withdrawl/termination was issued in the light of the judgement of the Peshawar High Court.
- F. Incorrect.After the order/ judgement of the Peshawar High Court ,there was no need to issue the show cause notice etc.
- G. Subject to proof.
- H. In correct.The appellant is not entitle for re instatement.
- I. In correct as replied in above paras.
- J. No comments.
- K. No comments.

It is therefore, requested before your honour that the present appeal is illegal, against facts and without force, may kindly be dismissed with cost.

On behalf of Respondent No.1,2


District Education Officer(M)
(E&S) Education Nowshera

Respondent No-3


Secretary Education Department(E&S)
Govt; of KPK Peshawar.

IN THE PESHAWAR HIGH COURT, PESHAWAR.



Writ Petition No. 1562, 2010

1. Ramzan Ali son of Gul Malook,
resident of Mitha Khel, District Nowshera.

*vide order
dt 14/9/2010
applicants being*

2. Naseer Muhammad son of Faqir Muhammad,
resident of Awan village Badrashi
District Nowshera.

as respects No.

3. Rafiq Nawaz son of Raz Muhammad,
resident of Kheski Bala Mohallah Mitha
Khel District Nowshera

Petitioners

Versus

*(1) Tanveer ul Haq
S/o Siraj ul Haq
R/o Nowshera*

1. Government of N.W.F.P. through
Secretary Education, Civil Secretariat,
Peshawar.

*(2) Mir Aslam
S/o Israr ud Din
R/o Nowshera*

E.D.O. (E&S) Education Department,
District Nowshera.

*(3) Rahimullah
S/o Lahir Bal
R/o Nowshera*

3. District Co-ordination Officer,
District Nowshera

Respondents.

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

ATTESTED

EXAMINER-
Peshawar High Court

PRAYER: a) On acceptance of this writ petition, the
respondents may very kindly be directed to
appoint the petitioners on the posts of
Drawing Master as per Batch-wise final merit
list dated 22-02-2010.

b) The respondents may kindly be directed not
to appoint any other candidates on the posts
of petitioners being qualified more than fit
and eligible successful candidates for the said

FILED TODAY
Deputy Registrar
14 APR 2010

APR 20

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
21.3.2012	<p><u>WP No.1562/2010.</u></p> <p><i>Present: Syed Hamad Ali Shah, Advocate for the petitioners.</i></p> <p><i>Mr. Obaid Razaq, AAG for official respondents.</i></p> <p><i>Mr. Bilaluddin, Advocate for private respondents 4 to 6.</i></p> <p>*****</p> <p><u>DOST MUHAMMAD KHAN, CJ.</u> The office of respondent No.2 advertised the posts of teachers in different grades for appointment within the District of Nowshera and for that purpose a public notice was issued in the press, prescribing the qualification for each category of post including eligibility criteria.</p> <p>2. The petitioners, being eligible and having the prescribed qualification, applied for the posts and during the test and interview, as is evident from the two merit lists, one annexed by the petitioners with the writ petition and the other by the respondents with their comments. All the petitioners scored the highest marks viz a viz the private respondents No.4 to 6, however, without showing</p>

ATTESTED
Peshawar High Court

any justification or giving any reason, instead of the petitioners, the private respondents No.4 to 6 were appointed on the posts of Drawing Master BPS-9) by the so-called Selection Committee.

3. Being aggrieved from the selection of private respondents, apparently in disregard of merits, the petitioners have filed this writ petition where they have prayed for reversal of the appointment order of private respondents No.4 to 6 with a further prayer that instead they being entitled on merits, be directed to be appointed on the said posts.

Arguments heard and record perused.

4. After long deliberation and arguments it was conceded by the learned Additional Advocate General and learned counsel representing the private respondents No.4 to 6 that the private respondents indeed scored low merit as compared to the petitioners thus, the plea of the petitioners is squarely admitted, however, the plea of the learned counsel for private respondents was that because the said respondents were just close to touch the upper age

limit, therefore, on that ground they were given preference over the petitioners.

5. We asked the learned counsel for the private respondents as well as the learned Additional Advocate General to justify the impugned action, taken by the official respondents on the strength of any law, rules, notification or any policy of the Government duly notified but they could lay hands on none and laid emphasis on moral justification that because the private respondents were going to overage by the next time when tests and interviews for such posts are to be held, therefore, on compassionate ground their appointment may not be disturbed.

6. Every action of a public functionary, particularly charged with duty of selection of candidates for public offices must be justified in law or by rules to be framed by the competent authority, however, in the matter of public service when the question of selection arises then, merit should stand supreme consideration because it is not a matter of giving a job to individual or individuals but to

ATTESTED

select the best brain particularly in teaching institutions so that they could deliver the best services in the field and to impart knowledge and education to the next generation in an excellent manner. In no manner such process should be made to provide jobs to the needy nor such employment should be made to dump people in an institution of this nature who could not succeed on merits to achieve the target.

7. In the case of "*Chief Secretary Punjab and others Vs. Abdul Raof Dasti*" (2006 SCMR 1876), a similar question arose before the Hon'ble Apex Court and the Apex Court held in the following terms:-

"Public service---choosing persons for public service is not just a matter of providing jobs. It is a sacred trust to be discharged by those charged with it, honestly and fairly. Choosing less qualified persons on political or other considerations would be unfair and unjust and against all fair play because these civil servants are paid from the public exchequer and not out of the private pocket of the employer/selection committee."

8. In view of the aforementioned facts and reasons, we are left with no alternative but to allow this writ petition,

ATTESTED
 EXAMINE
 Peshawar High Court

hence, the same is admitted and allowed. The impugned selection order passed by the official respondents with regard to the private respondents No.4 to 6 is declared illegal, without lawful authority and ab initio void, therefore, the same is set aside and instead the petitioners being the highest scorers on merits, be appointed on the posts to be vacated by the private respondents, however, the entire process must be completed within twenty (20) days.

2. Before concluding this judgment, it is suggested to the department that in case next time interview is held then, it may in its discretion, consider the age relaxation for private respondents No.4 to 6 because of the two years service they have rendered on the present posts which they have now to vacate.

sd/ DOST Mub... Khan

sd/ Mian Fasih ul Mulk

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Examiner
Peshawar High Court Peshawar
Issued Under Article 87 of
the Constitution of Pakistan - Shahadat Order 1984

27/3/12

BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

service Appeal No. 887/2012

26/2/14
2-4-14

Rahim ullahAppellant/Applicant

versus

Director of (E&SE) Education department,
K.P.K. peshawar and others Respondents.

APPLICATION FOR EARLY HEARING.

Rahim ullah
11/4/14

Respectfully sheweth;

1. That the above captioned appeal is pending before this Hon'ble Tribunal and date is fixed for hearing on 22-08-2014.
2. That the respondents has advertised the post of DM teachers vide daily newspaper "Mashriq" dated 5-01-2013 due to which the post of appellant would be filled off and the appeal would be infructuous.
3. That the appellant is requesting for early hearing as well as for stay order to the extent of that respondent be restrained from filling of post of appellant till the decision of the case. (Copy of advertisement is attached).

It is, therefore, humbly requested that an early date may please be fixed due to an urgency of the case,

Appellant

Rahim ullah

through

(Yaqoob Khan)
Advocate, High Court at
District Courts, Mardan

Dated 02-04-2014

AFFIDAVIT

I, do hereby declare and affirm on oath that the contents of the above application are true and correct to the best of my knowledge and belief.

deponent

Rahim ullah



BEFORE THE K.P.K. SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 887 /2012

Rahim ullahversus..... Director of (E&SE)
Education Deptt; KPK peshawar
and others.

APPLICATION FOR INJUNCTION TO THE EFFECT
THAT RESPONDENTS BE RESTRAINED FROM FILLING UP
THE POST OF APPELLANT TILL THE DECISION OF THE
CASE.

Respectfully sheweth:

1. That the above captioned case is fixed for arguments on 22-08-2014.
2. That the appellant has got a prima facie case because appellant has been terminated from service only on the ground of non-availability of posts. Because now respondents has advertised the posts of DM teachers, while appellant has been terminated from the said post vide impugned termination order dated 19-04-2012.
3. That balance of convenience lies in favour of the appellant.
4. That if the post of appellant is filled up by respondent then the appeal of the appellant would be infructuous.

It is, therefore, humbly prayed that on acceptance of this application, stay order in favour of appellant to the post of appellant may please be granted.

Appellant

through

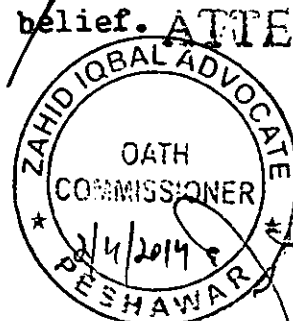
(Yaqub Khan)
Advocate, High Court at
District Courts, Mardan

AFFIDAVIT

I, do hereby declare and affirm on oath that the contents of the above application are true and correct to the best of my knowledge and belief.

Deponent

Rahim ullah



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 454 /ST

Dated 17/03 /2014

To,

The District Education Officer,
E&SE, Nowshera.

Subject:- APPEAL NO. 887/2012 RAHIMULLAH VS DIRECTOR E&SE AND OTHERS

I am directed to forward herewith the following order dated 14.03.2014 passed by this Tribunal on the above appeal for strict compliance.

Appellant with counsel, M/S Khurshid Khan, SO for respondents No. 1 and 3 and Muhammad Irfan, ADO for respondent No. 2 with AAG present. The learned counsel for the appellant pointed out that he has already submitted rejoinder alongwith his application for early hearing. A copy of the rejoinder is handed over to the learned AAG for arguments. The learned counsel for the appellant stated that the respondent-department has already advertised the post and in the test held for appointment against the post the appellant has qualified for appointment. The learned counsel, therefore, requested for a direction to the respondent-department to give preference to the appellant on the basis of his earlier two years service in the respondent-department against the same post. In view of request of learned counsel for the appellant, the DEO, E&SE, Nowshera be summoned in person alongwith the relevant record for further proceedings on 31.3.2014.

Sd/--xx
Chairman


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 319 /ST

Dated 11/ 03 / 2015

To

The District Education Officer,
E&SE ,
Nowshehra..

Subject: - APPEAL NO. 887/2012 RAHIM ULLAH VS DIRECTOR E&SE KPK
PESHAWAR AND OTHERS.

I am directed to forward herewith a certified copy of Judgement dated 04.03.2015 passed by this Tribunal on subject appeal for strict compliance.

Encl: As above

o/c

[Signature]
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.