

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

S.A No. 173/2024

Alia KazmiAppellant

Versus

Govt. of Khyber Pakhtunkhwa through Secretary E&SE &

Others.....Respondents

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Sultan Muhammad

District Education Officer (M/F)

District Kurram

①

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

S.A No. 173/2024

Diary No. 12319

Dated 22/4/24

Alia KazmiAppellant

Versus

Govt. of Khyber Pakhtunkhwa through Secretary E&SE & Others

.....Respondents

Parawise Comments on behalf of the Respondent No. 3.

Respectfully Sheweth;

The Respondents No. 2 and 3 submit as under

Preliminary objections

- That the Appellant has got no cause of action, Locus Standi to file the instant Appeal.
- That the Appellant has not come to this court with clean hands.
- That the appellant is not an aggrieved person, and has no right to bring the instant appeal.
- That appellant has concealed material facts from this Hon'ble Tribunal.
- That the instant appeal is bad for mis-joinder and non-joinder of necessary parties.
- That the appeal is not maintainable in its present form and circumstances of the case.

ON FACTS.

1. Correct to extent that the appellant having MA Degree in her credit but in respect of merit she was actually at serial No.44 in tentative merit list but she was placed at serial No.33 in the final merit list, due to clerical mistake and in this respect in inquiry was conducted where by upon the recommendation of the inquiry officer appointment order of the appellant was withdrawn. Copy of original final merit list and inquiry report and withdrawal order attached as **Annexure A, B &C).**

2. Para-2 is correct to the extent of adjustment of the appellant, however detail reply is submitted in above para.
3. That para-3, pertains to record.
4. That performance of duty of an employee with honesty is the prior responsibility of every employee.
5. That para-5 is correct, however, detail reply is submitted in above para-1.
6. That the appellant was actually at serial No.44 in tentative merit list but she was placed at serial No.33 in the final merit list, due to clerical mistake and in this respect an inquiry was conducted where by upon the recommendation of the inquiry officer appointment order of the appellant was withdrawn.
7. That the appellant is not aggrieved as she was knew about her actual merit and documentations but she misleded the department and concealed the facts from the department and in this Honorable Tribunal.
8. The Respondent Department also submit on the following grounds *inter alia*.

ON GROUNDSO


- a) **Incorrect, hence denied.** The respondents being bound by law acted in accordance with law and while doing so, no illegality has been committed by the respondent department.
- b) **Incorrect, hence denied.** The detailed reply has already been elucidated in above Para's.
- c) **Incorrect, hence denied.** The respondent department being bound by law acted in accordance with law and while doing so, no illegality has been committed by the respondent department.
- d) **Incorrect, hence denied.** The respondents being bound by law acted in accordance with law and followed all the codal formalities and while doing so, no illegality has been committed by the respondents.
- e) **Incorrect, hence denied.** The respondent department being bound by law acted in accordance with law and followed all the codal formalities and while doing so, no illegality has been committed by the respondent department.
- f) **Incorrect, hence, denied.** As elucidated in above Para's on facts, that the appellant knew about her actual merit and documentations but she misleded the department and concealed the facts from the department and this Honorable

Tribunal. Furthermore, appellant was actually at serial No.44 in tentative merit list but she was placed at serial No.33 in the final merit list, due to clerical mistake and in this respect in inquiry was conducted where by upon the recommendation of the inquiry officer appointment order of the appellant was withdrawn.

- g) **Incorrect, hence denied.** The respondents being bound by law acted in accordance with law and followed all the codal formalities and while doing so, no illegality has been committed by the respondents.
- h) **Incorrect, hence denied.** The respondents being bound by law acted in accordance with law and followed all the codal formalities and while doing so, no illegality has been committed by the respondents.
- i) The respondents seek leave to raise additional grounds at the time of arguments.

Prayer

In the light of the above stated facts and legal Position of the instant case, it is humbly requested that the case of the appellant may kindly be dismissed in favor of the respondents.


District Education Officer (F)
District Kurram
(Respondents No.3)



**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

S.A No. 173/2024

Alia KazmiAppellant

Versus

Govt. of Khyber Pakhtunkhwa through Secretary E&SE &

Others.....Respondents

Affidavit

I Mr. Sultan Muhammad District Education Officer (M/F) District Kurram do hereby solemnly affirm and declare that the contents of the accompanying Parawise Comments submitted by the Respondent is correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.

Deponent



Sultan Muhammad
CNIC No. 17102-1142032-5
Mob-03030555017

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(5)

OFFICE OF THE DISTRICT EDUCATION OFFICER MALE /FEMALE DISTRICT

KURRAM AT PARACHINAR

AUTHORITY LETTER

Mr. Tooti Marjan focal person (litigation) District Education Officer (M/F) District Kurram is hereby authorize to submit Parawise Comments in Service appeal No 173/2024 Tilted is Alia Kazmi Vs Govt. of Khyber Pakhtunkhwa through Secretary E&SE and others.


District Education Officer (M/F)

✓ District Kurram
District Education Officer
(Female) District Kurram

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(A)

CT (Female) Final Merit List ETEA 2021 District Kurram

Roll No	Name	Father Name	D.O.B	Marks /100	SSC Obtained Marks	SSC Total Marks	SSC OBTAINED MARKS X 20/TOTAL MARKS	HSSC Obtained Marks	HSSC Total Marks	HSSC OBTAINED MARKS X 20/TOTAL MARKS	BA Obtained Marks	BA Total Marks	BA OBTAINED MARKS X 20/TOTAL MARKS	BS Obtained Marks	BS Total Marks	BS OBTAINED MARKS X 40/TOTAL MARKS	Master Obtained Marks	Master Total Marks	TRUSTERS OBTAINED MARKS X 10/TOTAL MARKS	TRUSTERS Total Marks	B.Ed Obtained Marks	B.Ed Total Marks	B.Ed OBTAINED MARKS X 10/TOTAL MARKS	M.A.Ed Obtained Marks	M.A.Ed Total Marks	M.A.Ed OBTAINED MARKS X 10/TOTAL MARKS	M5/ M-Phil Obtained Marks	M5/ M-Phil Total Marks	M5/ M-Phil OBTAINED MARKS X 10/TOTAL MARKS	TOTAL MARKS/ 200	REMARKS
1	232707	ALIJA QAMBAR	QAMBAR ALI	15-10-90	68	840	1050	16.00	790	1100	14.36	393	550	14.29			703	1100	12.78	575	900	3.19								128.631	
2	233525	NABILA TAQI	MUHAMMAD TAQI	05-04-95	63	852	1050	16.23	853	1100	15.51	384	550	13.96			931	1200	15.52	1286	1800	3.57								127.790	
3	233723	SAMINA IQBAL BANGASH	IQBAL HUSSAIN	25-04-96	57	857	1050	16.32	866	1100	15.75						83.83	100	33.68											127.124	
4	233537	SADIYA ALI	WARIS ALI	20-04-95	58	857	1050	16.32	846	1100	15.38						571	1100	10.38	562	900	3.12	708	1200	2.95					127.727	
5	232381	SAJMA ASGHAR	MUHAMMAD ASGHAR	07-04-88	70	641	1050	12.21	669	1100	12.16	331	550	12.04			926	1200	15.43	610	900	3.39								122.864	
6	232285	SAJMA SHARIF	SHARIF ALI	10-03-92	59	693	900	15.40	828	1100	15.05	370	550	13.45			5361	5800	36.97											121.731	
7	233549	BIBI ASMA	ZAHIR ALI	05-05-95	49	818	1050	15.58	877	1100	15.95						4083	4600	35.50											120.990	
8	233865	MEHDIA BATOOL	SYED HUSSAIN AHMAD	12-03-97	51	943	1050	17.96	898	1100	16.33						84.67	100	33.87											120.794	
9	234120	SAJMA	GULZAR HUSSAIN	08-12-98	56	843	1100	15.33	850	1100	15.45						1449	2000	14.49	746	1100	3.39	538	800	3.36					120.650	
10	232146	TASNEEM BANO	SARFARAZ ALI KHAN	13-02-85	55	686	850	16.14	748	1100	13.60	361	550	13.13			840	1200	14.00	746	1100	3.39	538	800	3.36					119.112	
11	233216	ZAYDA GHAFUOR	GHAFUOR KHAN	10-10-93	79	768	1050	14.63	706	1100	12.84	225	1200	12.05																118.515	
12	232218	SARA ABBAS	ABBAS GHULAM	08-05-86	58	586	850	13.79	674	1100	12.25	358	550	13.02			3648	4900	29.78											117.350	
13	232218	SARA ABBAS	ABBAS GHULAM	08-05-86	58	586	850	13.79	674	1100	12.25	358	550	13.02			3399	4200	32.37											117.334	
13	233892	NAGEENA QASIM	MUHAMMAD QASIM	05-04-97	58	791	1050	15.07	797	1100	14.49						3029	4550	26.59											117.044	
14	233759	BI BI NAILA	SAYED ISLAM DIN SHAH	10-07-96	55	777	1050	14.80	818	1100	14.87																			116.385	
15	233312	HABILA	RAHMAN ALI	01-06-87	59	675	850	15.88	870	1100	14.91						1689	3100	10.90											115.877	
16	232852	SAKEENA HASSAN	FAQEER HASSAN	15-09-91	58	778	900	17.29	837	1100	15.22	398	550	14.47			81	100	32.40											115.838	
17	233842	BUSHRA BANGASH	GULAB HUSSAIN	17-02-97	56	758	1050	14.44	715	1100	13.00						4871	7300	26.69											115.669	
18	232806	NADIA KHAN	DUR KHAN	10-04-91	54	585	900	13.00	816	1100	14.84																			115.537	
19	232695	SHEHNAZ NOORI	NOOR GHULAM NOORI	25-08-90	59	653	1050	12.44	697	1100	12.67	330	550	12.00																114.387	
20	233238	SHEHLA GHAFUOR	ABDUL GHAFUOR	17-12-93	49	787	1050	14.99	835	1100	15.18	392	550	14.25																114.384	
21	233538	HUMAIRA ALI	MUTAHAR ALI	20-04-95	54	872	1050	16.61	849	1100	15.44	370	550	13.45																114.336	
22	233090	SHEHNAZ BEGUM	WARIS ALI	24-02-93	49	812	1050	15.47	758	1100	13.78						81.67	100	32.67											112.650	
23	233563	ZAINISH MUHAMMAD	MUHAMMAD HASSAN	25-03-98	50	756	1050	14.40	813	1100	14.78						83.67	100	33.47											112.448	
24	233970	BIBI ZAINAB	SAYED WAJID HUSSAIN	01-12-97	57	797	1050	15.18	785	1100	14.27	331	550	12.04																112.247	
25	233914	ABIDA AKBAR	AKBAR KHAN	15-05-97	44	934	1050	17.79	901	1100	16.38						4089	4800	34.08											112.220	
26	232957	SAKINA BIBI	SHER ALI	30-03-92	46	694	900	15.42	719	1100	13.00						75.7	100	30.28											112.139	
27	232067	SALMA	MAQSOOD ALI	01-03-86	61	459	850	10.80	681	1100	12.38	301	550	10.95																111.904	
28	233637	BIBI UMOLBANEEN	SAYED JAMAL HUSSAIN	23-01-96	48	837	1100	15.22	837	1100	15.22						83.67	100	33.47											111.840	
29	233194	ZAMAROOD	ALI HAIDER	16-07-93	55	709	1050	13.50	600	1100	10.91	287	550	10.44																111.540	
30	232744	BIBI LATLA	SAYED SADIQ HISSAIN	30-01-91	53	658	900	14.62	719	1100	13.07	370	550	13.45																111.514	
31	232322	ZUBAIDA ARSHAD	ARSHAD ABDULLAH	07-07-90	57	637	850	14.99	720	1100	13.09	316	550	11.49																111.440	
32	234017	SAKINA BIBI	AJEEB HUSSAIN	27-02-98	56	781	1050	14.88	801	1100	14.56						65	100	26.00											110.923	
33	232303	ALIA KAZMI	SAYED ZAMIN HUSSAIN	01-05-87	53	458	850	10.78	555	1100	10.09	301	550	10.95																110.794	
34	232513	HASINA MUZAHIR	DR MUZAHIR HUSSAIN	09-04-89	50	845	1050	16.10	781	1100	14.20	399	550	14.51																110.437	
35	232140	PARVEEN MAHBOOB	MAHBOOB ALI	04-01-85	42	633	850	14.89	652	1100	11.85						86.51	100	34.60											110.437	

نوٹ: کسی بھی اعتراض کی صورت میں امیدواران مورخہ 20-10-2021 تک ڈسٹرکٹ ایجوکیشن آفس پارانچنار میں اپیل جمع کریں۔ اس کے بعد کسی قسم کی اپیل /درخواست جمع کرانا قابل قبول نہیں ہوگی۔

Atteral
Munji

District Education Officer
District Kurram

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The Honorable Director,
Elementary & Secondary Education Department,
Government of Khyber Pakhtunkhwa, Peshawar.

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SUBJECT: INQUIRY REPORT

A) INTRODUCTION:

Reference to your good office Notification vide End: No.17039-42/E-6-E TEA Vol:1 kurrum Dated Peshawar the 23/02/2023 by the Directorate of Khyber Pakhtunkhwa Elementary and Secondary Education Department, the undersigned has been nominated as Inquiry officer to probe the letter of the District Education Officer(F) Kurrum vide No.5884-87 Dated 21/01/2023 addressed to the Director E&SED, Peshawar on the subject "Appointment of Inquiry committee for inquest the appointment of Mst: Alia Kazmi CT GGMS Bughdi district Kurrum.(Letter is attached as ANNEX:1 & Nomination Notification is Attached as ANNEX:2)

B) PROCEDURE:

- I. While going through the letter No. 5884-87 Dated 21/01/2023 addressed to the Director E&SED, Peshawar, the undersigned visited the directorate of E&SED to collect the record and take the personal statement of Mst: Alia Naz on 13/03/2023 at 9:00am.
- II. The undersigned drafted a letter no. Nill dated 15/03/2023 regarding the missing data and the record which need to be provided by DEO(F) District Kurrum and was sent to her on her personal Whats App No.03475413078.(Letter is Attached as ANNEX:3)
- III. ETEA merit list received from DEO(F) office with proper covering letter vide letter No.8735-39/Edu-F Corres: File Dated 6/4/2022.(Covering letter is attached as ANNEX:4 and ETEA Merit list is attached as ANNEX:5)
- IV. Statement of Alia Naz was also received to the undersigned on 15/4/2023.(statement is attached as ANNEX:6)
- V. Merit of Alia Kazmi was calculated under the rules.Calculated merit is attached as ANNEX:7

C) FINDINGS:

- a. The Scrutiny committee did rectify the merit wrongly calculated by ETEA and thus the wrongly calculated score given in the final merit list is 110.93.
- b. The actual score calculated from analyzing all the original documents as per policy in respect of Alia Kazmi is 101.36.
- c. If we take the wrongly calculated score i.e. 110.93. Then Alia Kazmi stands at S.No.44 in the tentative merit list which comes in the merit zone.
- d. But if we take the actual score as calculated from her original record i.e.101,36, then Alia Kazmi stand at S.No.90 in the tentative merit list which is far below than the merit zone.
- e. Meritorious candidate have been left from appointment.

D) CONCLUSION:

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13/6/23

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14/06/2023 DD/ED(F)
D/A
Attested
13/6/23

After going through the whole record, face to face discussion with the DEO (F), candidate Alia Kazmi, the applicant I as inquiry officer reached to the conclusion that gross violation of merit has been made by DEO(F) Upper Kurrum by appointing low merit candidate leaving meritorious candidate. Hence the I as inquiry officer recommend:

RECOMMENDATION:

1. The Notification issued vide End: No . 4065-73/Edu Dated 31/05/2022 in R/O at S.No: 3 Alia Kazmi may be withdrawn.
2. Other meritorious candidate may be appointed.
3. Another high level inquiry may please be conducted to fix the responsibility for doing such merit violation.

Sheraz Ahmad
Inquiry officer,

~~Signature~~ 13/6/22

Awaiting for posting, Directorate of E&SED, Peshawar.

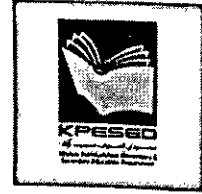
245

A. T. M.
Khanji



**OFFICE OF THE DISTRICT EDUCATION OFFICER
FEMALE KURRAM**

No.10526-29/Edu-F Transfer File Dated:-5/10/2023
Email:- deofkurrامل110@gmail.com



OFFICE ORDER:-

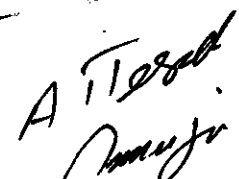
Consequence upon the inquiry officer report & duly endorsed by the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar Vide Assistant Director Establishment Elementary & Secondary Education KPK Letter No.25568/E-6/E TEA Vol-I Kurram Dated, 27/9/2023, the appointment order No.4065-73/Edu Dated, 31/5/2022 Vide Serial No.02 namely Mst.Alia Kazmi's appointment CT Government Girls High School Parachinar District Kurram is hereby withdrawn with immediate effect by implementing recommendations of the inquiry officer as directed by the Director Elementary & Secondary Education KPK Peshawar.


District Education Officer
(Female) Kurram

Copy is forwarded to :-

1. The Secretary E & S E KPK Peshawar.
2. The Director E & S E KPK Peshawar.
3. The Additional Director E & S E KPK.
4. The AD (Estab) E & S E KPK Peshawar.
5. The Deputy Commissioner Kurram.
6. The Principal GGHS Parachinar.
7. Official Concerned.
8. Master File.


District Education Officer
(Female) Kurram


A. T. J. J. J.