BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

S.A No. 173/2024	
Alia Kazmi	Appellant
	/ersus
Govt. of Khyber Pakhtunkh	wa through Secretary E&SE &
Others	Respondents
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District Education Officer (M/F) District Kurram

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BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

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Alia Kazmi Annellant

Versus

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

Parawise Comments on behalf of the Respondent No. 1,2&3.

Respectfully Sheweth;

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.

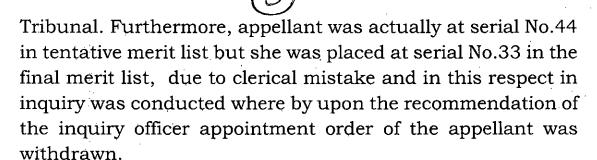
- 1. Correct to extent that the appellant having MA Degree in her credit but in respect of merit she was actually at serial No.44 in tentative merit list but she was placed at serial No.33 in the final merit list, due to clerical mistake and in this respect in inquiry was conducted where by upon the recommendation of the inquiry officer appointment order of the appellant was withdrawn.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 misleaded 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 GROUND

- a) <u>Incorrect, hence denied</u>. 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) <u>Incorrect, hence denied</u>. 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.
- **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 misleaded the department and concealed the facts from the department and this Honorable



- **Incorrect, hence denied**. The respondents being bound by g) 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.
- The respondents seek leave to raise additional grounds at the i) 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.

(Mr. Abdul Arosan)

MASOOD AHMAD Secretary E&SE Department KP (Respondents No.1)

Elementary & Secondary Edu: Deptt: devernment of Knyber Pakhtunkhwa

E&SE Khyber Pakhtunkhwa (Respondents No.2)

District Education Officer (F) District Kurram

(Respondents No.3)

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

S.A No. 173/2024	
Alia Kazmi	Appellant
Vers	us
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

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.

Sultan Muhammad
District Education Officer (M/F)
District Kurram

CT (Female) Final Merit List ETEA 2021 pistriet Kurram													, 																		
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نوٹ: کسی بھی اعتراض کی صورت میں اُمیدواران مورخه 2021-10-20 تک ڈسٹرکٹ ایجوکیشن آفس پاراچنار میں اپیل جمع کریں۔اس کے بعد کسی قسم کی اپیل /درخواست جمع کرانا قابل قبول نہیں ہوگی۔

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District Education Officer District Kurram

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The Honorable Director,

Elementary & Secondary Education Department,

Government of Khyber Pakhtunkhwa, Peshawar.

SUBJECT: INQUIRY REPORT

A) INTRODUCTION:

peshawar the 23/02/2023 by the Directorate of Khyber Pakhtunkhaw Elementary and Secondary Education Department, the undersigned has been nominated as inquiry officer to probe the letter of Education Officer(F) Kurrum vide No.5884-87 Dated 21/01/2023 addressed to the Director (SED, Peshawar on the subject "Appointment of Inquiry committee for inquest the appointment of Matification is Attached as ANNEX:1 & Nomination

B) PROCEDURE:

- 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 read and take the personal statement of Mst. Alia Naz on 13/03/2023 at 9:00am.
 - 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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After going through the whole record, face to face discussion with the DEO (F), discussion with the other officials and officers of the department, and with the 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 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

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,

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

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OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE KURRAM

No.10526-29/Edu-F Transfer File Dated:-5/10/2023 Email:- deofkurram I 10@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/ETEA 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) Forram

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.

A Text.

District Education Officer (Female) Kurram



GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Segretariat, Peshawar

Phone No. 091-9211128

MOST IMMEDIATE / COURT MATTER

NO.SO (Lit-II) E&SED/1-5/2024 Dated Peshawar, the 29-04-2024

To

- 1. The Director,
 Directorate of Elementary & Secondary Education,
 Khyber Pakhtunkhwa, Peshawar.
- 2. To All District Education Officers (Male/Female), Khyber Pakhtunkhwa.

Subject:-

NOTIFICATION.

I am directed to refer to the subject noted above and to enclose herewith a copy of Notification of even No. dated 29-04-2024, whereby Mr. Abdul Akram, Additional Secretary (General) E&SED has been authorized to sign parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc on behalf of Secretary Elementary & Secondary Education Department.

In view of the above, I am further directed to convey that in future parawise comments, replies, implementation reports, objection petitions, civil miscellaneous applications etc shall be sent for the signature of the authorized officers (Additional Secretary General, E&SED) on the following format:-

Mr. Abdul Akram
Additional Secretary (General), E&SED
On behalf of
Mr. Masood Ahmad
Secretary E&SED
(Respondent No.)

Encl: as above.
Endst: of even No. & date.

SECTION OFFICER (

Cony is forwarded to the:-

- 1 Additional Advocate General Khyber Pakhtunkhwa Service Tribunal, Peshawar.
- 2 The District Education Officer (Female) District Swabi.
- 3 PA to Additional Secretary (General) E&SE, Department.
- 4 PA to Deputy Secretary (Legal-I) E&SE, Department.

5 Master File.

SECTION OFFICER (LIT:II)