

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA PESHAWAR**

**S.A No. 173/2024**

**Alia Kazmi .....Appellant**

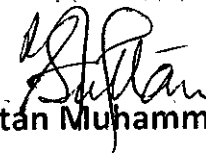
**Versus**

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

**Others.....Respondents**

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Sultan Muhammad

District Education Officer (M/F)  
District Kurram

*Date updated  
03-05-2024*

*But order sheet not uploaded.*

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**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Case No. \_\_\_\_\_

Dated \_\_\_\_\_

**S.A No. 173/2024**

**Alia Kazmi .....Appellant**

**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in inquiry was conducted where by upon the recommendation of the inquiry officer appointment order of the appellant was withdrawn.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.

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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 GROUND**

- 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

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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.

*Handwritten signature*  
Addl. Secy (E&SE)  
(Respondent No.1)

**SECRETARY**  
Elementary & Secondary Edu: Deptt:  
Government of Khyber Pakhtunkhwa

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

*Handwritten signature*  
**SAMINA ALTAZ**  
Director  
E&SE Khyber Pakhtunkhwa  
(Respondents No.2)

*Handwritten signature*  
**District Education Officer (F)**  
District Kurram  
(Respondents No.3)

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**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER**

**PAKHTUNKHWA PESHAWAR**

**S.A No. 173/2024**

**Alia Kazmi .....Appellant**

**Versus**

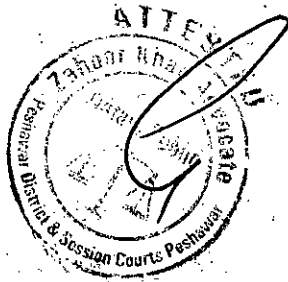
**Govt. of Khyber Pakhtunkhwa through Secretary E&SE &**

**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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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.

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



"B, 7"

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To:  
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

14/03/2023 DD/EA) F  
D/A  
Pravin Tending  
Rehul  
13/6/23

All good  
Muz



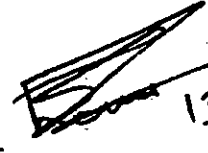
"B" "8"  
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After going through the whole record, face to face discussion with the DEO (F), candidate Alia Kazmi, the applicant I as inquiry officer reached to the conclusion that gross violation of merit has been made by DEO(F) Upper Kurrum by appointing 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

  
13/6/22

Inquiry officer,

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

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*Atesha*  
*Khanji*



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

No.10526-29/Edu-F Transfer File Dated:-5/10/2023  
Email:- deofkurram110@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.

*AT Exch.*  
*Amir*

  
District Education Officer  
(Female) Kurram



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

**Block "A" Civil Secretariat, 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 (LIT-II)**

**Copy 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)**