

original

BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 546/2024

Farman Ali _____ (APPELLANT)

Versus

District Education Officer Male District Buner & Others.

_____ (RESPONDENTS)

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Deponent

15101-0882586-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWARService Appeal No. 646/2024**Khyber Pakhtunkhwa
Service Tribunal**

Farman Ali S/O Fareed Khan SPET Government High School Gumbat

Diary No. 13744

Buner _____

Dated 24/6/24
Appellant

V/S

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. District Education Officer District Buner _____ **Respondents**

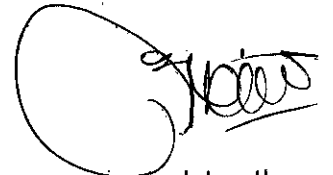
Written Reply/Para wise Comments for & on behalf of Respondents No.1 & 2

Respectfully Sheweth**Preliminary Objections**

1. That the service appeal is wholly incompetent, misconceived and untenable.
2. That the service appeal is wrong, baseless and not maintainable, it shows no strong cause to be taken for adjudication, therefore, the same service appeal is liable to be rejected/ dismissed.
3. That the service appeal is unjustifiable, baseless, false, frivolous and vexatious. Hence the same is liable to be dismissed.
4. That the appellant has not come to the Court/Tribunal with clean hands.
5. That the appellant has concealed the material facts from this Honourable Tribunal. Hence liable to be dismissed.
6. That the appellant has filed the instant appeal just to pressurize the respondent.
7. That the appellant has no cause of action to file the instant appeal.
8. That the appeal is not maintainable in the eye of law.
9. That the instant appeal is not maintainable in the present form and also in the present circumstances of the issue
10. That every government servant is bound to perform his duty anywhere in the best interest of the public rather than according to his own personal likes and dislikes.

FACTS:

1. Incorrect hence denied. Before the rationalization policy communicated by the respondent no. 1, Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar to all the District Education Officers of the province, the appellant was performing his duty at Government Higher Secondary School Kulyari Buner. Afterwards the appellant along with various other teachers were transferred to different schools. **Rationalization policy and the subsequent rationalization order are attached as annexures "A" and "B".**



- 2
2. Already explained in para no. 1 of the facts.
 3. Pertains to record.
 4. Pertains to record.
 5. Correct to the extent that the appellate committee convened its meeting on 14/12/2023 and considered/discussed only those cases which were justified and were having some valid proofs. The committee accepted only those appeals which were genuine. **Minutes of the appellate committee are attached as annexure "C".**
 6. The circumstances of the transfer of Ahmad Ali and that of the appellant were quite different. At the time of the rationalization there were two working SPETs in GHSS Kulyari. The appellant was the junior of the two. Moreover, the appellant had been performing his duties at GHSS Kulyari since 01/04/2008 having a long tenure of more than 15 years. On the other hand, there was lying a vacant post of SPET at GHS Gumbat at the time of rationalization. The respondent No. 2 had no other alternative and the appellant had to be transferred to GHS Gumbat to save the precious time of students and provide them with teachers. It is not the vested right of the appellant to perform his duty at his home station till his retirement. Public interest must come before anything else and it was accordingly done by transferring the appellant to a school where his services were direly needed according to the rationalization policy. The transfer order of Ahmad Ali PET was issued on 18/03/2024 in general transfer order in the best interest of the public service, however, when the respondent No. 2 knew that an SPET teacher has already been transferred from GHSS Kulyari, therefore transfer of another PET to this school was not needed, hence the same order in respect of Ahmad Ali PET was withdrawn. **Withdrawn order is attached as annexure "D".**
 7. Incorrect hence denied. It is not envisaged in the rationalization policy to retain SPETs in their present schools of posting.
 8. Incorrect hence strongly denied. It is the responsibility of the competent authority to adjust his subordinates anywhere in the interest of public service.

GROUND:

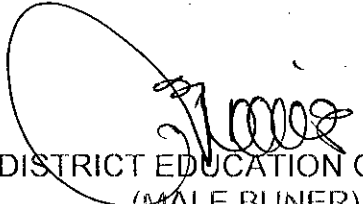
- A. Incorrect, hence strongly denied. The impugned transfer order is in accordance with the rationalization policy.
- B. Incorrect hence strongly denied. Already explained in para "A" of the grounds.
- C. Incorrect, hence denied. Already explained in para no "6" of the facts.
- D. Incorrect hence denied. Already explained in para "6" of the facts.
- E. Incorrect and hence denied. Already explained in para "A" of the grounds.
- F. Incorrect hence strongly denied. Already explained in para "6" of the facts.

- G. Under section 10 of the government of Khyber Pakhtunkhwa Civil Servant Act 1973, every government servant is bound to perform his duty anywhere in the interest of public service not according to his own personal likes and dislikes.
- H. The respondents also seek the permission of this honourable court any advance proofs at the time of the arguments.

In light of the above submissions, It is humbly requested that the appeal of the appellant may graciously be dismissed in favour of the department.


DIRECTOR
ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

(SAMINA ALTAF)


DISTRICT EDUCATION OFFICER
(MALE BUNER)

(IFTIKHAR-UL-GHANI)

BEFORE THE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 546/2024

Farman Ali

Appellant


V/S

District Education Officer Male District Buner & OTHERS

Respondents


AFFIDAVIT

I, Ubaid Ur Rahman, Superintendent BPS-17, District Education Office (Male) Buner, do hereby solemnly affirms & state on oath that the whole contents of the comments are true & correct to the best of my knowledge & belief & nothing has been concealed from this Honorable Court.



Deponent

15101-0882586-3

U signed


ATTESTED

NOTARY PUBLIC
PESHAWAR



Substituted with even No and Date
Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PII No. 091-9201389, 9210938,
 9210437, 9210957, 9210468
 Fax 091-9210936 0800-33857
 No. 64-5/Rationalization /Estab
 Dated Peshawar the 01/02/2011.

To
 All the District Education Officers,
 (Male & Female), in Khyber Pakhtunkhwa.

Subject:- Guidelines for Posting of Teachers as a result of rationalization.
 Memo

I am directed to refer to the subject noted above and to clarify that posts of PST B-12 /Senior PST B-14/PSHT B-15 may be rationalized and re-distributed among the Primary schools in the following manner and PST B-12, Senior PST B-14 and PSHT B-15, may be posted as under:-

Distribution of Posts in Primary Schools

Rationalization of Posts @ 1-40 ratio in Primary Schools (Female)

S.No	School Code	Name of Primary School	Total Enrollment	Sanctioned Posts after Rationalization			
				PSST B-15	PT B-11	PSHT B-15	SPST B-12 or PST Total
1	25028	GGPMS A (JICA)	1-100	1	2	6	2
2	25034	GGPMS B (JICA)	101-120	1			1
3	25143	GGPMS C	141-170	1			1
4	25150	GGPS D	1-100	0			1
5	25224	GGPS E	101-120	1			1
6	25234	GGPS F	121-150	0			1
7	25277	GGPS G	151-220	1			1
8	25221	GGPS H	221-250	0		1	1
9	25010	GGPS I	201-300	1			
10	25007	GGPS J	221-300	1			
11	25116	GGPS K	141-150	0			
12	25006	GGPS L	321-350	1			
13	25278	GGPS M	221-250				

Rationalization of Posts @ 1-40 ratio in Primary Schools (Male)

S.No	School Code	Name of Primary School	Total Enrollment	Sanctioned Posts after Rationalization			
				PSST B-15	PT B-11	PSHT B-15	SPST B-12 or PST Total
1	25020	GPS A	1-100	1	2	6	2
2	25021	GPS B	101-120	1			1
3	25022	GPS C	121-150	0			1
4	25023	GPS D	151-220	1			1

Handwritten notes:
 Add 1-40 ratio
 Primary

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 P. No. 177
 01/02/11

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Substituted with even No and Date

5	25221	GPS E	221-300	1			1
6	25012	GPS F	261-300	1			1
7	25097	GPS G	301-340	1			1
8	25113	GPS H	341-380	1			1
9	25006	GPS I	381-420	1			1

Secondary Schools (Male). There will be a section on 40 students, on 21 more students another section be allowed.

School Code	Name of Middle/High School	Example of Total Enrolment	Sanctioned Posts after Rationalization		
			Class	No of Section	CT
30055	GMS A	1-60	6 th	1	Minimum 2 CT per school afterward 1.5 CT per section. There will be a section on 40 students, on 61 students another section be allowed, similarly on 101 students 3 rd section will be allowed and so on.
		1-80	7 th	2	
		1-120	8 th	3	
25277	GHS A	1-60	6 th	1	Minimum 3 CT per school afterward 1.5 CT per section. There will be a section on 40 students, on 61 students another section be allowed, similarly on 101 students 3 rd section will be allowed and so on.
		1-80	7 th	2	
		1-120	8 th	3	
		1-60	9 th	1	
		1-80	10 th	2	Minimum 4 SST per school (one Bio Chem) - one Math, Phy) and 2 SST Gen) afterward 1.5 SST per Section. There will be a section on 40 students, on 61 students another section be allowed, similarly, on 101 students 3 rd section will be allowed and so on.

Posting of Teachers on rationalization.

I am further directed to further clarify that:

1. On rationalization surplus teachers in Primary Schools, PST B-12, Senior PST B-14, may be posted in the nearest school if possible then in the same UCs and then in the same circle and then in the same Sub Division and then in the same District. Subject to the provisions of need,
2. Over all ratio of SPST/PST will remain according the sanction posts.
3. Senior most PSHT B-15, SPST B-14 & PST B-12 (According to the Seniority list) may be retained in the same school of their present posting and junior most may be transferred to other needy schools.
4. No teacher of CT B-16, PET B-16, AT B-16, DM B-16, TT-16, will be posted in Middle Schools.
5. Senior most Senior CT and SST (According to the Seniority list) may be retained in the schools of their present posting and junior most may be transferred to other schools.
6. Disable teacher may be retained in the schools of their present posting; another teacher may be shifted instead of disable.

be substituted with even No and Date

Widow teacher may not be transferred to another school on rationalization; another teacher may be shifted instead of widow.

8. Two schools of same level working in one building may be merged with each other.

4499-4501

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

Endst: No. / File No. 1/A-88/KC/S.list. Date: Peshawar the 27/10/2015.

Copy forwarded for information and necessary action to the: -

1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director ERSE Khyber Pakhtunkhwa, Peshawar.
3. M/File

Dy: Director (Estab)

Amir Asim BUI

5



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER
PHONE & FAX NO. 0939-555110
EMAIL: edobuner@gmail.com



NOTIFICATION

In pursuance to the Secretary Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, Reforms and Implementation Wing letter No.SO(Reforms)R&I/1-24/General/2023 dated Peshawar, the 8th November, 2023, the Competent Authority is pleased to rationalize and post the following PET/SPET, DM/SDM, TT/STT at the schools mentioned against their names in their own pay and scale as per "Rationalization Policy" issued by the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa vide No. 4499-4501 dated 27/10/2015 in the interest of public service with immediate effect.

S.No	Name and Designation	Present School	School Where Posted	Remarks
1	Furman Ali SPET	GHSS Kulyari	GHS Gumbat	Rationalized as per STR
2	Shahid Rahman SPET	GHS Bajkata	GHS Kalail	.....do.....
3	Majeed Gul SPET	GHSS Agarai	GHS Kalan	.....do.....
4	Mohib Zada SPET	GHSS Naway Kalay	GHSS Bampokha	.....do.....
5	Saleem Malik SPET	GHS Nawagai	GHS Chanal	.....do.....
6	Mustahab Gul SPET	GHS Sura	GHS Kalan	.....do.....
7	Ali Gohar Khan SPET	GHS Kawga	GHSS Nagrai	.....do.....
8	Sajid Ali PET	GHS Daggar No.2	GMS Dab Serai	.....do.....
9	Muhammad Islam PET	GHS Maradu	GMS Mairagai	.....do.....
10	Mehtab Ali PET	GHS Matwanai	GMS Koz Shamnal	.....do.....
11	Muhammad Rahim PET	GMS Manai Bambalai	GMS Kot Gokand	.....do.....
12	Fazal Qayum PET	GHSS Torwarsak	GMS Palwaray	.....do.....
13	Bahar Ali PET	GMS Koz Kalay	GHS Mandaw	.....do.....
14	Muhammad Ali PET	GHS Katkala	GMS Baipur	.....do.....
15	Fazi ur Rahman SDM	GHSS Chinglai	GHSS Totalai	.....do.....
16	Bahar Ali Shah SDM	GHS Sura	GHS Janak Banda	.....do.....
17	Noor Zamin Khan DM	GMS Badair	GMS Dargalai	.....do.....
18	Tayyib Amin DM	GHS Ghazi Khanay	GMS Elum	.....do.....
19	Akbar Ali DM	GHS Jaba Amazi	GMS Tangoro	.....do.....
20	Sher Muhammad DM	GHS Maradu	GMS Mairagai	.....do.....
21	Zahoor Ul Haq DM	GHS Nawagai	GHSS Ghazikot	.....do.....
22	Amjad Ali DM	GMS Mula Yousaf	GMS Hisar Baba	.....do.....
23	Iqbal Ahmad STT	GHSS Agarai	GHS Kangalai	.....do.....
24	Imdad Ullah STT	GHSS Topai	GHS Shangrado.....
	Habib Ullah STT	GHSS Gagra	GHSS Naway Kalaydo.....

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26	Jamdad STT	GCMHS Daggar No.1	GHSS Dokadado.....
27	Tariq Ahmad STT	GHS Kalan	GHS Manga Thanado.....
28	Zia Ur Rahman TT	GHS Jowar	GHS Girarai	.....do.....
29	Afzal Said TT	GHS Pandir	GMS Sher Ali	.....do.....

Note:-

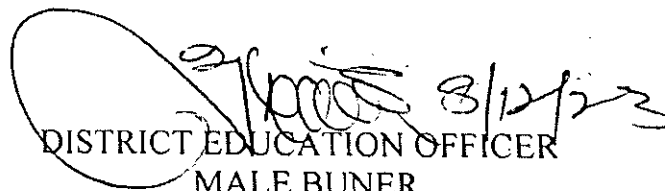
1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned within three days.

(IFTIKHAR UL GHANI)
 DISTRICT EDUCATION OFFICER
 MALE BUNER.

Endstt:No. 8020-26 /Rationalization/PET,DM,TT/. Dated: 08/12/2023

Copy forward for information to the:-

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy District Education Officer (M) Buner.
3. District Monitoring Officer EMA, Buner.
4. DAO Buner.
5. Principals /Head Masters Concerned, with the direction to submit compliance report within a week positively.
6. Teachers Concerned.
7. Master File.


 DISTRICT EDUCATION OFFICER
 MALE BUNER.



Amirul Huda

9



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com

MINUTES OF THE APPELLATE COMMITTEE MEETING:

A meeting of the appellate committee was held on 14-12-2023 in the office of the DEO (M) under the chairmanship of Deputy DEO (M) Buner in order to examine, scrutinize and decide the appeals submitted by the officials against the rationalization orders of SSTs, CTs, TTs, DMs, ATs and PETs in District Buner.

The following attended the meeting:

1. Mr. Umar Farooq Deputy DEO (M) Buner.
 2. Mr. Iftikhar Nadeem (Supptt)
 3. Mr. Subhani Gul ADEO (Estab: Primary) Buner.
 4. Zahidullah ADEO (EST) Buner.
- Chairman
Vice Chairman
Member

S.NO	NAME & POST	SCHOOL	COMMITTEE DECISION
1	Farhad Ali SST (G)	GHSS Khanano Dherai	Accepted
2	Amin Khan CT	GHSS Totalai	Withdrawn.
3	Hermeet Singh SST (G)	GHSS Ghurghushto	Rejected
4	Ajeet Singh CT	GHS Kawga	Rejected
5	Abdur Rahman SST G	GHSS Batara	Accepted.
6	Saleem Malik SPET	GHS Nawgai	Accepted.
7	Saeed Ullah Khan SST G	GHSS Nagrai	Accepted.
8	Fazli Subhan SST G	GHS Nawagai	Rejected
9	Bahar Ali Shah SDM	GHS Sura	Accepted
10	Mustahab Gul SPET	GHS Sura	Accepted
11	Muhammad Ayaz CT	GHSS Khanano Dherai	Rejected
12	Hamid Ur Rahman CT	GHSS Khanano Dherai	Rejected
13	Sarhand Zeb CT	GHSS Kulyari	Rejected
14	Zamir Zada CT	GHSS Torwarsak	Rejected
15	Fazal Qayum PET	GHS Kawga	Rejected
16	Ali Gohar Khan SPET	GHS Kawga	Accepted
17	Izhar Ul Haq CT	GHSS Jangai	Accepted.
18	Sher Akbar SCT	GHS Kawga	Accepted.
19	Mudassar Rahman SST G	GHSS Chinglai	Rejected
20	Fazlur Rahman SDM	GHS Kawga	Rejected
21	Seyad Ud Din CT	GHSS Khanano Dherai	Rejected
22	Arif Zaman SST G	GHSS Khanano Dherai	Rejected
23	Rashid Sultan SST G	GHS Ghazi Khanay	Accepted
24	Tayyib Amin DM	GHS Kalan	Rejected
25	Tariq Ahmad STT	GHS Pandir	Accepted
26	Akbar Ali SST G	GHSS Nawagai	Accepted
27	Zahoor Ul Haq DM	GMS Manani Bambalai	Rejected
28	Muhamamd Rahim PET	GHS Matwanai	Rejected
29	Mehtab Ali PET	GHSS Gagra	Rejected
30	Habib Ullah STT	GHSS Batara	Accepted
31	Baligh Ur Rahman SST G	GHSS Totalai	Rejected
32	Hairder Ali CT	GHSS Totalai	Accepted
33	Mukhtiar Muhammad CT	GHS Maradu	Accepted
34	Muhammad Islam PET	GHS Maradu	Rejected
35	Sher Muhammad DM	GHS Langaw	Rejected
36	Shamsul Abrar SCT	GHSS Agarai	Rejected
37	Iqbal Ahmad STT	GHS Katkala & GHS Gadezi	Accepted
38	Said Wali CT & Ashfaq CT Mutual	GHSS Jangai	Rejected
39	Saeed Ul Islam CT	GHSS Jangai	Rejected
40	Suliman Khan CT	GHSS Agarai	Rejected
41	Majeed Gul SPET	GHS Langaw	Accepted
42	Wajid Ali CT	GHS Langaw	Rejected

43	Abdul Wadood SST G	GHSS Chanar	Rejected
44	Rashid Sultan SST G	GHSS Jangai	Rejected
45	Said Jamal Ud Din CT	GHS Daggar No.2	Rejected
46	Noor Zamin Khan DM	GMS Badair	Rejected
47	Hayat Gul SST G	GHSS Kulyari	Accepted.
48	Irfan Ullah CT	GHS Tangora	Rejected
49	Bakht Baidar CT	GMS Balokhan	Accepted
50	Amir zeb khan CT	GHSS Janak Banda	Rejected
51	Muhammad Zamin CT	GHSS Kulyari	Rejected
52	Abdul wahid Khan CT	GHS Tangora	Rejected
53	Ishfaq ahmad CT	GHS Tangora	Rejected
54	Muhammad Ahmad SST G	GHSS Topai	Rejected
55	Nazir Muhammad SST G	GHSS Chanar	Rejected.
56	Wajid ali shah SST G	GCMHS Daggar No.1	Rejected
57	Bakht Zali Khan CT	GCMHS Daggar No.1	Rejected
58	Inamullah CT	GHS Pandir	Rejected
59	Ilyas ur Rahman CT	GHS Pandir	Rejected
60	Farman Ullah CT	GHSS Charorai	Rejected
61	Amal Dad CT	GHS Bazargi	Accepted
62	Shahid Rahman SPET	GHS Bajkata	Accepted
63	Bahar ali PET	GMS Kuz kalay	Rejected
64	Muhib zada SPET	GHSS Nawy kalay	Rejected
65	Iqbal Gul CT	GMS Wakil Abad	Accepted.
66	Ayeem Khan CT	GHSS Nawagai	Accepted
67	Akbar ali DM	GHS Jaba Amazi	Rejected
68	Ihsan ur Rahman sst G	GHS Mirzakay	Accepted
69	Mukhtar Ahmad SPET	GHS Nawagai	Accepted
70	Farman Ali SPET	GHSS Kulyari	Rejected
71	Ishiaz Ahmad CT	GHS Tangora	Rejected
72	Anwar zada CT	GHS Bajkata	Rejected
73	Muhammad islam PET	GHS Maradu	Rejected
74	Sher Muhammad DM	GHS Maradu	Rejected
75	Aziz Ul Haq CT	GHS Inzar Maira	Accepted.
76	Bakht Zaman Khan SST G	GHS Nawagai	Rejected
77	Sajid Ali PET	GHS Daggar No.2	Rejected
78	Halim Zada CT	GHS Daggar No.2	Rejected
79	Shahab ullah SST G	GHS Tangora	Rejected
80	Saeed Ullah Khan CT	GHS Leganai	Rejected
81	Gohar zada ct	GCMHS Daggar No.1	Rejected
82	Rashid Ahmad CT	GHS Nanser	Accepted
83	Muhammad haibullah	GHSS Kulyari	Rejected
84	Zahid ali ct	Ghs Kapa	Rejected

1. Mr. Umar Farooq Deputy DEO (M) Buner.
2. Mr. Iftikhar Nadeem (Suppt)
3. Mr. Subhani Gul ADEO (Estab: Primary) Buner.
4. Mr. Zahid Ullah ADEO (Estab: Secondary) Buner

Chairman

Vice Chairman

Member

Member

Amir Amir D 11

11



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com



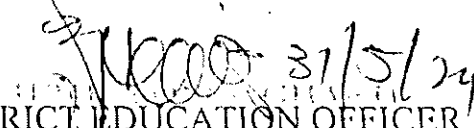
CANCELLATION:

The Competent Authority is pleased to withdraw this office transfer order issued vide Endst: No.1012-17, Dated 18-3-2024, from the date of its issuance in the best interest of public service.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
MALE BUNER

Endst No: 2347-52 Dated: 31/05/2024.
Copy of the above is forwarded for information to the:

1. Director of Elementary and Secondary Education Khyber Pakhtun Khwa Peshawar.
2. District Monitoring Officer EMA Buner
3. District Accounts Officer Buner.
4. A.D IT EMIS local office Buner
5. Principals/Head Masters Concerned.
6. Officials Concerned.


31/5/24
DISTRICT EDUCATION OFFICER
MALE BUNER





GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com



NOTIFICATION.

The competent authority is pleased to order transfer in R/O the following officials to the schools noted against them in their own pay & scale in the best interest of public service with immediate effect.

S#	Name of Officials	From	To	Remarks
1	Ahmad Ali PET	GMS Sangara	GHSS Kulyari	A.V.P
2	Imtiaz Ali PET	GHS Hisar	GMS Sangara	A.S.No. 1
3	Syed Altaf PET	GMS Sher Ali	GHS Hisar	A.S.No. 2
4	Umar Zada Qari	GHS Pandir	GHS Dherai	A.V.P
5	Pir Muhammad Khan CT	GMS Dab Serai	GHSS Topai	A.V.P

Note:

1. No TA/DA is allowed.
2. Charge report should be submitted to all the concerned.
3. The order shall be effective from 1st April 2024.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
MALE BUNER

Endst No: 1012-17

Dated: 18/03/24

Copy of the above is forwarded for information to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer EMA, Buner.
3. District Accounts Officer Buner at Daggar.
4. A.D (IT) EMIS Local Office, Buner.
5. Principals/Head Masters Concerned.
6. Officials Concerned.

[Signature]
DISTRICT EDUCATION OFFICER
MALE BUNER