BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICES APPEAL NO 2023/2023

Mst. Zahida Mehboob D/O Mehboob Ali Shah R/O Ghaus Ameer Kally Village Surrani Tehsil & District Bannu

..... Appellant

VS

Government of Khyber Pakhtunkhwa through Secretary (E&SE) Education Department and others

.....Respondents.

INDEX

S.N	Description of documents	Annexure	Page No.
1.	Para wise Comments		01-04
2.	Affidavit		05
3.	Authority Letter		06
4.	Enquiry Report IRegular Basis	A	7 to 20
5.	University of Sci & Tech Bannu Doc Report	B	21
6.	Speaking / Office Order	C	22-23
7.	Civil Court Suit and Reply	D	24-50

Dated: _____/_____/2024.

08-05-24
S.B
Peshawar

Halima Sadia
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

P-1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICES APPEAL NO 2023/2023

Mst. Zahida Mehboob D/O Mehboob Ali Shah R/O Ghaus Ameer Kally Village Surrani Tehsil & District Bannu, presently serving as TT in GGMS Muhammad Zaman Lalozai Surrani District Bannu

..... Appellant

VS

Government of Khyber Pakhtunkhwa through Secretary (E&SE) Education Department and others

.....Respondents.

PARA WISE COMMENTS ON BEHALF OF RESPONDENT

RESPECTFULLY SHEWETH: -

That the respondents from 3 to 4 submit as under:

PRELIMINARY OBJECTIONS:

1. That the present appellant was appointed as TT BPS-14 in the year 2011 and later on an inquiry was conducted by PHC Bannu Bench, and all the appointment were declared null and void then after the present appellant along with others was appointed in the year 2019 but after verification of documents, it was found that the MA degree was found fake of the present appellant but despite of that she withdrawn arears illegally, hence the appellant has no cause of action and the present appeal is liable to be dismissed.
2. That the present Appeal of the Appellant is not maintainable in its present form.
3. That the Appellant has logged the instant Appeal to waste the precious time of this Honorable Services Tribunal.
4. That the case of the Appellant is devoid of merit and having no legal force hence liable to set-aside.
5. That the appeal of the appellant is barred by law and limitation.

6. That the appeal is bad for miss-joinder and non-joinder of the necessary parties.

ON FACTS:

1. That Para No 1 is related to the official record.
2. That Para No 2 is incorrect and denied, and this is the self-assertion of the appellant about the performance of her duties.
3. That Para No 3 is related to judicial record of Peshawar High Court Bannu Bench as well as of the apex court.
4. That Para No 4 on facts is incorrect and denied, as the present appellant was reappointed freshly and was not reinstated as proper test and interview were conducted and her appointed was subjected to verification of educational testimonials of the candidates, wherein the present appellant played a game with the department and submitted fake documents regarding her master degree in Islamyat which was the basic qualification for appointment as TT and later on it was found that she was actually failed in the Master degree prior to her appointment as TT. Moreover, she has also withdrawn a handsome amount of Rs. 271549/- illegally and fraudulently and thereby a preplanned loss was incurred to the government exchequer. (**Annexure A**).
5. That Para No 5 is related to the official record but it is pertinent to mentioned here that such record is not available in the office which may be based on mis-reading , non-reading of the facts and gross negligence despite of the fact that the original DMC of the appellant was not verified at that time as she did not submitted the original DMC as she has submitted false and fabricated documents in the USTB has asked the DEO(F) Office for production of original documents which is an eye opener for the department and it was then revealed that she was actually failed in MA Islamyat and she has passed the same after one year of her appointment. (**Annexure B**)
6. That Para No 6 is incorrect and denied, as her salary was stopped due to gross miss-conduct and violation of law, rules and policy by the appellant as she has drawn all arrears amounting to RS. 271549/- including the period during which she was not in service that is from 09-05-2017 up to 07-10-2019 and this honorable Services Tribunal has directed this

department for release of her current salary subjected to the personal hearing and then a speaking order regarding the actual status of the appellant with respect to recovery of extra amount. (**Annexure C**).

7. That Para No 7 is related to the judicial record of this Honorable Services Tribunal and Para 6 is referred as ready reference.
8. That Para No 8 is related to the official record of this office. Moreover, this department has released the current salary of the appellant by the order of this Honorable Service Tribunal, although her appointment is void ab initio and she was likely to be terminated as per conditions contained in the appointment letter, but she still in service as she is playing tricks with the department.
9. That Para No 9 is incorrect and denied, as stated in the preceding paras that she has already drawn handsome amount which is yet to be recovered and her services are yet to be terminated in the light of the departmental inquiry report Moreover, a civil suit pertains to the appointment of the appellant along with others is pending, adjudicating in the lower court as it was referred by PHC Bannu Bench due to factual controversy hence her case is sub judice and is attached as (**Annexure D**).

GROUNDS

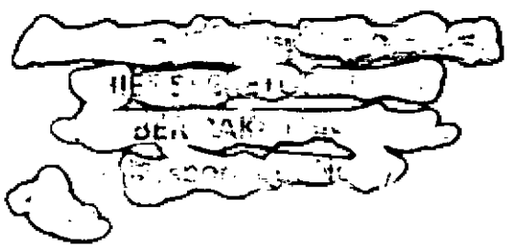
A. That Para A on ground is incorrect and denied as stated in the preceding paras that her pay was stopped due to gross violation of rules, law, and policy by a fixing a fake signature of the then DEO(F) Bannu on the arrear bills.
B. That Para B on ground is incorrect and denied, as she has continued her duty as her case was pending in this Honorable Tribunal as well as PHC Bannu Bench and during pendency of cases this department unable to take action against the appellant in the light of the inquiry report as stated earlier.
C. That Para C on ground is incorrect and denied, and Para 6 on facts is referred as ready reference.
D. That Para D on ground is related to the personal approach of the appellant.
E. That Para E on ground is related to the personal legal approach of the appellant and her counsel, Moreover the department is only to follow law, rules and policy.

P-4

F. That Para F on ground is related to the appellant and her counsel, but in fact the respondents may be allowed for advancement of additional arguments at the time of hearing.

PRAYER:

In view of the above made submissions it is requested that this Honorable Services Tribunal may very graciously be please to dismiss the instant appeal with heavy cost.



Samina Altaf
DIRECTOR E&SE KHYBER PAKHTUNKHWA
PESHAWAR
(Respondent No.3)

Halima Sadia
DISTRICT EDUCATION OFFCER
(FEMALE BANNU)
(Respondent No.4)

P-5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICES APPEAL NO 2023/2023

Mst. Zahida Mehboob D/O Mehboob Ali Shah R/O Ghaus Ameer Kally Village Surrani Tehsil & District Bannu

..... Appellant

VS

Government of Khyber Pakhtunkhwa through Secretary (E&SE) Education Department and others

.....Respondents.

AFFIDAVIT

I Mst. **Halima Sadia** DEO (F) Bannu do here by Certify that all the contents of these Para wise comments are true & correct to the best of my knowledge and nothing has been concealed from this Honorable Services Tribunal. The answering respondent have neither been Placed Ex-parte nor their defence has been Struck off

ATTESTED
Oath Commissioner
High Court Peshawar

Halima Sadia
DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

P-6

OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

(Address: Outside Miryan Gate Near GHS No 4 Bannu, Phone No: (0928-660019)

AUTHORITY

Certified that Mr. Baseer Ullah Litigation Officer (Female) Bannu, Litigation of this Office is hereby authorized to submit this Para wise comments on behalf of under signed in connection with the Case titled as Mst. Zahida Mehboob Vs Govt; in services appeal No 2023/2023.

DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Annex- B P-21

University of Science & Technology Bannu

IMS Old Railway Station Bannu, Khyber Pakhtunkhwa, PAKISTAN. (Ph.No.0928-61355)

Ref:No. 8644 /UST/Secy. Dated: 11-10-2019

CONFIDENTIAL

To: D.E.O (F),
Bannu.

53

Subject: **Verification of Certificate(s).**

Memo: Reference your letter No. 1694 dated 10-10-2019 the DMC(s)/Transcript(s)/PC(s), of the following student(s) has/have been duly verified and returned.

Roll No	Name	Father Name	Discipline	Marks Total	Marks Obtained	Division	Session
15993	MadihaNasir	Mirdad khan	MA Islamiyat DMC	1100	560	2nd	2009-11
65503	Samreen Ali	Noor Ali Khan	MA Islamiyat DMC	1100	552	2nd	2016-18
32604	Zahida Mehboob	Mehboob Ali Shah	MA Arabic DMC	1100	595	2nd	2010-12
47932	Riwana Barki	Bal Qiaz Barki	MA Arabic DMC	1100	587	2nd	2012-14
47931	Foziz Barki	Bal Qiaz Barki	MA Islamiyat DMC	1100	581	2nd	2012-14
47624	Fakhr un Nisa	Muhammad Israil	MA Islamiyat DMC	1100	629	2nd	2012-14
56757	Sabiha	Qad Ayaz	MA Islamiyat DMC	1100	562	2nd	2014-16

Note : Please Attach Combined DMC of Zahida Meboob under Roll No 70056 MA Islamiyat and resubmit the case for further process please.

Controller of Examinations,
UST - Bannu.

Attested

D:\Window\Verification Letters\2019\Oct-19\DEO F Bannu 1694.docx

Annex- C P- 22

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE
BANNU ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA
Address: Outside Miryan Gate Near GHS No.4 Bannu City

PH No. 0928-660019 E-mail: emisbannu@yahoo.com

No_____/Lite *Dated Bannu the: ____/____/2022*

Services Appeal No.3235/2021 Services Tribunal Peshawar

Zahida Mahboob
VS
Govt: Of KPK

SPEAKING/OFFICE ORDER

In Compliance to the direction issued by the services tribunal Peshawar Dated 05/10/2022 about the services appeal No.3235 titled as Zahida Mahboob Vs Govt: Of KPKas per scrutiny of the committee members and personal hearing of the candidate regarding her appointment as T.T. qualification for the said post, checking of credentials & withdrawal of outstanding amount. The following speaking order is hereby passed with below remarks.

1. *That Zahida Mahboob was appointed as T.T at GGMS Zakir Khel against the vacant post Dated: 04/01/2011 by the then DEO (F) Bannu but after her appointment her degree of* ***Shahadat Ul Alia Fil Ulomil Islamia which was the basic qualification****for the said post was found bogus by Wifaqul Madaris Il Arabia Pakistan dated: 04/05/2011 & the same was conveyed to her. After that a Judicial Inquiry was held by the Honorable Peshawar Bannu Bench wherein her credentials about the said degree were declared as* ***bogus ((ANNEX-A)****& then in pursuance of the Court decision & Judicial Inquiry she was terminated along others.****(ANNEX-B)***
2. *That the candidates filed a CPLA in the August Supreme Court of Pakistan where the August Supreme Court of Pakistan directed the department to re-appoint all the candidates of the year 2010 advertisement afresh through test and interview except those whose credentials were found fake and bogus by the inquiry officers. And declared the process which was carried out for the said appointment of A.T, T.T as null and void.****(ANNEX-C)***
3. *That the then DEO (F) Bannu as per the direction of the August Supreme Court of Pakistan conducted test & interview for the post of A.T, T.T & re-appointed all those candidates who passed the test & interview vide order No. 1562-82 Dated: 07/10/2019.****(ANNEX-D)*** *The appellant ZahidaMahboob was also re-appointed among others with condition of verification of documents but after scrutiny of the documents her M.A Islamiat Degree from UST Bannu was found to be after cutoff date for appointment of A.T, T.T i.e. 13/02/2020****(ANNEX-E)*** *while her appointment order was issued on 07/11/2019.****(ANNEX-F)***

P-23

4. *That during personal hearing she categorically accepted that she acquired Shahadat Ul Alia Degree from un-registered Madrasa & further said that it was in her knowledge. Further added that she is also M.A Arabic & M.ed & B.ed etc and also M.A Islamiat from UST Bannu which she acquired in the year 2020 & also re-affirmed that M.A Islamiat or Shahadat Ul Alia is the basic qualification for appointment as T.T. She was also* ***UNABLE TO PRODUCE A DEGREE WHICH SHE HAS SUBMITTED AT THE TIME OF RE-APPOINTMENT IN THE YEAR 2019*** *as basic qualification for the said appointment except the said DMC as stated earlier which after cutoff date*
5. *She also stated thatshe has drawn amount of Rs-1453966/- as arear from 01/09/2011 to 30/05/2017 and second drawl of Rs-1025756 for the year as arear from 01/07/2017 to 31/09/2019 through a bill whereas according to the local audit report the order of release of pay doesn't show valid& proper dispatch Number depicting to malfeasance* ***(ANNEX-G)****.After that her salary was stopped by the account office due to their internal inquiry which is still pending with AG Accounts Khyber Pakhtunkhwa Peshawar. This office has never stopped the salary along with others and is in the position to pass any order keeping in view the above situation and inquiry which is still pending with the Department &NAB as well as stated earlier with the AG Accounts.*

   So, in view of the above and conditions laid down in the appoint letter at serial No. 04, 05, 06 & 08. She was unable to fulfill such conditions but in fact in-violation of all these conditions she drew the stated amount. Therefore, this office is not in a position to release her current salary or pass any order concerning the said appointment in respect of Zahida Mahboob the appellant and others.

DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Endstt: No: _____ Dated Bannu the: _____/_____/2022

Copy forwarded for information and necessary action:-

1. *PA to Director E&SED KPK Peshawar.*
2. *Deputy Commissioner Bannu.*
3. *Deputy DEO Local office.*

DISTRICT EDUCATION OFFICER
(FEMALE) BANNU

Attested

Annex- A P-7

OFFICE OF THE DISTRICT ACCOUNTS OFFICER BANNU

No.DAO/Bannu/PR-II/2019-2020/19-/e.2 Dated: 25/2/2020

To

The District Education Officer,
(Female) Bannu.

Subject: - **STOPPAGE OF PAY & ALLOWANCES AND RECOVERY OF ARREAR OF AT/JT APPOINTED BY THE THEN DEO FEMALE BANNU.**

Diary No: 1165
Dt: 19/2/2020

Memo:

Refer to the Director of Elementary and Secondary Education KPK Vide Letter No.7343/F.No.366/F/Appeal Bannu, whereas you have been directed to implement the recommendation of enquiry committee.

You are here by requested to submit source-II change pro forma for recovery stoppage of pay and allowances at earliest to save the Government exchequer from losses.in case if you have any reservation upon the propose action then informed this office accordingly.

District Accounts Officer
BANNU

Copy to:-

1. Accountant General Khyber Pakhtunkhwa.
2. Deputy Commissioner Bannu.
3. National Accountability Bureau KPK.

Received on 19/2/2020

District Accounts Officer
BANNU

P-8

The District Education Officer (f)
Bannu.

SUBJECT: RECONCILIATION OF EXPENDITURE

Reference, to your letter No:2226-27 dated 08/12/2020, it is stated that already this office has reconciled the related issues with DAO Bannu. We provided all the available record to the said office.

It is further elaborated that the reservations relate to female AT/TT being appointed in the year2010-11, they were terminated by the PHC Bannu Bench in the year 2017 and have been reappointed/reinstated by the Apex August Supreme Court in the year 2019.

The subject candidates have drawn their salaries on appointment orders issued by EX-DEO (f), Madam Neelo far Kamran on 4/5/2019, Mr. IkramUllah EX-DEO (f) Bannu on 19/07-2019 followed by the 11 TT orders issued by Madam, Tanoos Jamal EX-DEO Bannu on 07/10/2019.

During the course of reconciliationsome variations were found in the figures which needed immediate attention in order to settle down the issue as soon as possible.

Several enquiries have been conducted from various forums i.e NAB, Secretary Education, Anticorruption and an audit conducted by Directorate of E&SED etc. The details have been already shared with your goodself and you are fully in picture. The teachers are posted in Middle, High and Higher Secondary Schools.

The DEO (f) Bannu received a letter (copy attached) from DAO under title "Stoppage of pay & allowances and recovery of arrear TT/AT appointed by the then DEO (f) Bannu". The letter was drafted in compliance to implementation of the enquiry conducted by a committee constituted by Directorate of E&SED. This office was advised to provide Source II for stoppage of the above mentioned salaries.

At the same time called from the enquiry officer to return the original copy for some necessary amendment. We were waiting for the final version of the enquiry but meanwhile this office noticed that DAO has stopped salaries of some of the teachers without fulfillment of the codal formalities for stoppage of the pays.

Hence, it is once again mentioned here that the salaries have not been stopped by DEO (f) Bannu.

However, DEO is the competent authority if you are satisfied then you may direct the DAO to re-activate the salaries.

Deputy District Education Officer
(Female) Bannu

Dated: 14-12-2020

P-9

The District Education Officer
(Female) Bannu

SUBJECT: RECONCILIATION OF EXPENDITURE

Reference your kind memo No.2226-27 dated 08-12-2020 on the subject cited above and to submit as follow:

1- The reply of reconciliation with reference of DAO vide No.DCA/Admin/-II/BU/2019-20/270-73 dated 01-06-2020 already submitted to DAO Bannu with copy to others in detail stated the reasons /hurdles in tallying the figures of Department with AG figures (Copy attached).

2- **Stoppage of pay of TT/AT teachers of GGHSS/GGHS/GGMs have no concern with Reconciliation nor the DAO make any correspondence on account of reconciliation after their para -1 reference letter dated 01-06-2020 In case of reconciliation, if necessary to stop the salary, salaries of DDOs/Administrator may can be stopped?**

3- **Auditable record most of the TT/AT is not available in the office.**

4- When it was felt that there are/were variation in the AG and Department figures, this office noticed its sensitivity and immediately constituted audit/ enquiry committee. (Copy attached).

5- All the AT/TT teachers of GGHSS/GGHS /GGMS of 2011/2019 were directed to return back all the relevant record / documents i.e pay bill , service book etc which were in custody of the teachers, before the audit party as per prescribed questionnaire / proforma.

6- The nominated members, pointed out irregularities and submitted report the high ups as the same information was required to misc enquiries.

7- This office took quick action and called explanations from all those teachers whose record was declared dissatisfied.

8- Some of the teachers submitted baseless replies. This office sent show cause notices to (Zahida Mehboob, Bina Khanum and Shabina) but again failed to proof their selves authentic, then salaries of the mentioned 03 teachers were stopped.

9- And immediately inform the high ups from the situation and in this connection sought further guidance from Director Elementary & secondary education KPK Peshawar. He notified/constituted an Audit committee for this sensitive case. The audit /enquiry officer arrived in this office and asked /called all the teachers with DDOs (Principals/Headmistress) of GGHSS/GGHS /GGMS and a questionnaire was served on from all the DDOs,/Principal /Headmistress GGHSS/GGHS & GGMs (TT/AT) and asked all of them to provide information with documentary proofs.

10- But most of the teachers did not provide any kind of record to the party and merely submitted the same questionnaire just for fulfilling the formality.

P-10

11- The Audit party / committee finalized the report on the basis of questionnaire/replies and sent the report to this office as well to A.G. KPK Peshawar & others and very clearly mentioned all those who are responsible and also directed this office take disciplinary action against officer / officials.

12- **Now , if your good self wishes me to make reconciliation the figures and is ready to accept all the irregularities on your own shoulder, despite that different cases in this regard have been lodged in NAB / Anticorruption Court, and conducted misc enquires, DC Bannu Audit report, DG Local Audit, Directorate of Education KPK Audit report are also either received or under process on high level. Yours order will be obeyed , however most of the record is not available.**

13- **Furthermore, if there are any court case to compensate /suspend all the audit reports/ enquiries litigation officer, other the authorized officer/official may be consulted.**

Dilawar Shah (S/C)
Accountant Middles School
Local office
Dated 15-12-2020

15/12/2020

Ahmad

15/12/2020

P-11 Registered Put up on file through D.D.E.O (F) as the case is related the ex-D.E.O (F)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR

No. 7343 /FNo.366/F/ Appeal-Bannu

Dated Peshawar the 20/3/2020

To

The District Education Officer,
(Female) **Bannu**

Subject: - **GUIDANCE REGARDING ILLEGAL/UNAUTHORIZED AND DIRECT DRAWL OF PAY & ALLOWANCES BY SOME TT/AT REINSTATED/APPOINTED THROUGH COURT OF 2010-2019**

I am directed to refer to your letter No.1283 dated 25/02/2020 on the subject cited above and to enclose herewith a copy of enquiry report carried out by Mr. Atta ullah Assistant Director Local Directorate and Muhammad Idrees Budged Account Officer District Nowshera regarding illegal/ unauthorized and illegal Drawl of Pay & Allowances by some TT/AT reinstated/ Appointed through court of 2010 in 2019 and to ask you to implement the recommendations of the enquiry report under the intimation to this Directorate at earliest.

Deputy Director Female
(E&SE) Khyber Pakhtunkhwa,

Endst No._____/

Copy of the above is forwarded to the:

1. Accountant General KPK for further necessary action please.
2. PA to Director E&SE KPK Peshawar.

19/8/20

Deputy Director Female
(E&SE) Khyber Pakhtunkhwa,

P-12

ENQUIRY REPORT AGAINST DEO (F) BANNU IN CONNECTION WITH IRREGULAR DRAWL OF SALARIES OF AT/TT(F)BANNU.

PREAMBLE/AUTHORITY.

The Director E&SE Deptt: Khyber Pakhtunkhwa has constituted the enquiry committee consists on the following officers to conduct enquiry and probe into the matter as reported by DEO (F) Bannu in connection with irregular drawl of Salaries/ Arrear by AT/TT (F) Bannu vide Notification No.2211-14/F.No. 366/(F)/appeal/Bannu Dated 20-05-2020 (Annex-A).

ENQUIRY COMMITTEE

1- Mr.Attaullah Jan Assistant Director (Audit) DE&SE Khyber Pakhtunkhwa.
2- Muhammad Idrees Budget & Accounts Officer, DEO (M) Nowshera.

ALLEGATIONS.

Irregular drawl of undue arrears by AT/TT (F) District Bannu.

ACCUSED

Officers/Officials & Accused Teachers of E&SE District Bannu.

Proceedings:-

The Enquiry Committee started the proceedings accordingly and visited office of DEO (F) Bannu on 27-05-2020.The matter was discussed in detail with DEO/ Dy:DEO& concerned staff of DEO (F) Bannu. The available record was checked thoroughly.

Questionnaires were served upon the present DEO/Dy:DEO& Ex-DEO/Dy:DEO (F) Bannu, Principals/HM & accused teachers (Annex-B-1 to B-)

Brief History of the Irregularities

1. The enquiry was conducted as per report of the District Education Officer (F) Bannu vide her letter No 1283 dated 25-02-2020 (copy attached for ready reference) marked on the body of the letter by the Worthy Director to AD (B&A) on 12-05-2020 .

Finding/ conclusion:

2. All the appointees who were having the genuine certificates/ Asnads at the cut-off date (03-05-2010) of 2010 advertisement shall be remain Intact, and those candidates who were judicially declared fake/ bogus but later on have improved their qualifications after the cut-off date are not legal/ acceptable and recommended for Removal.

P-13

3. All the recoveries of salaries/ arrears from the date of their 1st appointment (04-01-2011) shall be recovered from them in the due course of law as par following detail.

4. The District Accounts Office Bannu is fully involved in honoring the irregular drawl of the above named fake/bogus teachers and liable to be proceeded against under E&D Rules, 2011.

5. During the scrutiny of record it was found that the DAO Bannu had not made any arrear entries in the service books of the teachers cornered.

Sil	Name	P/No	Desig:	Reinstated / Fresh Appointment	Date of Appointment	School	First Pay Drawal	Amount irregular drawn	Remarks
1.	Zainabbibi	558624	AT	Re-instated	19-07-19	GGMS Zar Ali Dowa Ghora	08/2019	1044267	Bogus DDEO Signature
2.	Shakeela	381000	AT	Fresh/Regular in FR Bannu	19-07-19	GGMS M. Nawaz PatoolKhel	11/2019 (Only regular pay drawn due to service in FR but no relieving documents provided)	No arrear	Bogus DDEO Signature
3.	Safia Begum	172741	AT	Re-instated	19-07-19	GGMS Pir Saber Shah	09/2019	1059959	Bogus DDEO Signature
4.	Bas Naheed	343049	AT	Re-instated	19-07-19	GGMS Piran TughalKhel	9/2019 (Special payment	1046099	Ok signature
5.	Salma	475088	AT	Re-instated	19-07-19	GGHSS Dherisaidanmamash khel	5/2019	564460	Ok signature
6.	Sana Ambreen	562205	AT	Re-Instated	19-07-19	GGMS Akhundan PirdalKhel	08/2019	1002409	Bogus DDEO Signature
7.	Shanaz	558549	AT	Re-Instated	19-07-19	GGMS Aftab ud din khujari	08/2019	1044141	Bogus DDEO Signature
8.	Noreen Naz	563316	AT	Re-instated	19-07-19	GGMS Saleh Khan Mandan	08/2019	1041285	Bogus DDEO Signature
9.	Gulshan Khan	174511	AT	Fresh/PST In-service	19-07-19	GGMS KachkotAsad Khan	10-2019 (only pay changed due to already in service against PST Post	No arrear	Ok signatures

P-14

	Bushra Shaheen	201687	AT	Re-instated	19-07-19	GGMS No.2 Bannu City	08/2019	1002283	Bogus DDEO Signature
11.	Naila Jan	562975	AT	Re-instated	19-07-19	GGMS Toor Kakki	09/2019	1131755	Ok signatures
12.	AmenaShazmeen	566727	AT	Re-instated	19-07-19	GGMS PirdalKhel Mamash Khel	10/2019	111867	Ok signatures
13.	Nahida Bashir	711556	AT	Re-instated	19-07-19	GGMS Koti Sadat No.1	9/2019	937019	Bogus DDEO Signature
14.	Rifat Begum	563395	AT	Re-instated	19-07-19	GGMS HatiKhel Banochi	10/2019	1177536	Bogus DDEO Signature
15.	Jameela Begum	927501	AT	Fresh	19-07-19	GGMS QmarKilla	10/2019	No arrear	Ok signatures
16.	ShahidaN az	925088	AT	Fresh	19-07-19	GGMS Kotka Habib Ur Rahman	10/2019	56412	Ok signatures
17.	Tashfain Nawaz	572440	AT	Re-instated	19-07-19	GGMS Khujamad Mandan	10/2019	1033595	Bogus DDEO Signature
18.	Nusrat Nawaz	691210	AT	Fresh	19-07-19	GGMSShaheed Baba	10/2019 (Fresh from PST to AT) No arrear drawn	Only regular pay drawn due service from 2012(she has drawn her pay on previous post upto 30-09-2019, if she took over her charge in 7/19)	No arrear
19.	Shams u Nahar	795347	AT	Fresh/Inservice	19-07-19	GGMS BasiaKhel	12/2019	No arrear	No arrear
20.	SailaMurad	647333	AT	Re-instated	19-07-19	GGMS Guleen Nurar	09/2019	1046752	Bogus DDEO Signature
21.	ShamimAkther	571432	Sr.TT	Re-instated	19-07-19	GGHS Maqsool Mandan	08/2019	1193853	Ok signatures

Important Page

P-15

22.	Khatm-u-Nisa	572326	TT	Re-instated	19-07-19	GGHS Adhami Sultan Ali	08/2019 (DDO 6024 that is the Middle DDO Code against AT in two instalment i.e. 892891 & Rs.77522.)	965833	Bogus DDEO Signature
23.	FoziaBarki	566737	TT	Re-instated	19-07-19	GGMS HasanKhel Jafar Khan	10/2019	1020915	Ok signatures
24.	Shabnaz	652038	TT	Re-instated	19-07-19	GGMS FaizTalebAbas Mandan	10/2019	1185267	Ok signatures
25.	Sadia	652749	TT	Re-instated	19-07-19	GGMS Ghulam Jan BakaKhel	10/2019	1020915	Ok signatures
26.	Gulnaz Habib	927504	TT	Fresh	19-07-19	GGMS Afsar Khan WalaKhel	11/2019	87040	Bogus DDEO Signature
27.	HiraMaha Gul	649988	TT	Re-instated	19-07-19	GGMS LandiKillaSherWali Jan	10/2019	1130528	Ok signatures
28.	Shamsha d Saeed	590959	TT	Re-instated	19-07-19	GGMS Khujamad Mandan	09/2019	1049892	Bogus DDEO Signature
29.	Zahida Mehboob	566803	TT	Re-instated	19-07-19	GGMS Tarkhoba Sher Ali	10-2019 Rs. 1035406/- (10/2019 she has made drawl Rs. 1639732/-, 11-2019 Rs. 1075417/- Total Rs. 2715149/- has been drawn but no entry found in Service Book which can cause more embezzlement. Pay releases and both the pay bills copies be provide for further justification.	2715149	Bogus DDEO Signature

P-16

	Farida Bano	338679	TT	PST/Fresh	19-07-2019	GGMS Norani Daud Shah	1-09-2019, Running Adjusted Pay Active	No arrear	OK Signature
31.	Asma Gulfam	570582	TT	Re-Instated	19-07-2019	GGMS Purana Shaikhan	0/2018	423193	Bogus DDEO Signature
32.	Saima Khan	572950	TT	Re-Instated	19-07-2019	GGMS Fazal Shah Mitha Khel	10-2019	1125096	OK Signature
33.	Hajra Gul	567175	TT	Re-Instated	19-07-2019	GGMS Saru Shami ullah Khan	09-2019	1092729	Bogus DDEO Signature
34.	Fozia Aslam	571019	TT	Re-Instated	19-07-2019	GGHS Ghafar M Khel	10-2019 (66460/- but she has drawn her termination period pay regular on other DD Code)	66460	OK Signature
35.	Bas Taj	566732	TT	Re-Instated	19-07-2019	GGMS No 2 Bannu City	09-2019	1096933	Bogus DDEO Signature
36.	Bina Khanum	570977	TT	Re-instated	19-07-2019	GGMS Rasool Khan Chakdadan	10/2019 Rs. 1096933/- (09/2019 Rs. 1574212/- Total Rs. 2709318/- into two separate installment has been drawn but not presented pay bills / pay release & Pay slips etc or any documentary proofs to comprise the amount.	2709318	Bogus DDEO Signature
37.	Shabina	920619	TT	Re-instated	19-07-2019	GGMS Kot Adil	09-2019 – 10-2019,) 09/2019 Rs.1633342/- 10/2019 Rs. 1096933/-. Total Rs 2768209 has been drawn but not presented	2768209	Bogus DDEO Signature

P-17

							pay bills / pay release & Pay slips etc or any documentary proofs to comprise the amount.		
38.	Fahr-u-Nisa	572886	TT	RE-instated	19-07-2019	GGMS Zargar Mama Khel	10-2019	1178917	Bogus DDEO Signature
39.	Ghushan Ara	566798	TT/ STT	Re-instated	19-07-2019	GGMS Fathima Khel	09/2019	1049882	Bogus DDEO Signature
40.	Gulnaz Gul	714803	TT	Re-instated	19-07-2019	GGHS Mandew Khel	10-2019	848475	OK Signature
41.	Salma Akhtar	579881	TT	Re-instated	19-07-2019	GGMS No 3 Bannu City	945056	08-2019	Bogus DDEO Signature
42.	Zainab Noreen	569958	TT	Re-instated	19-07-2019	GGHS Ismail Khel	07/2019-08-2019 (According to Service book entry on Page No 07 shows that Rs. 822044/- drawn in 07-2019 and while Rs. 84879/- drawn in 08/2019 Pay bill and pay release are not found and (Mot justified). Specimen signature of DAO/DDO/HM/Principal needs verification. Upto date service book is incomplete. Pay slip not found pay drawn illegally without pay release.	822044	DDO may verified her signature
43.	Amna Rehman	569958	TT	Re-instated	19-07-2019	GGMS Toor Kakki	09-2019 (Presented. No TRD No & dates		

P-18

							are mentioned in service book Entry for Rs. 1053103/- pay bill amount is not justified. Needs investigation.		
44.	Farhad Bibi	562973	TT	Re-instated	19-07-2019	GGHS Akhundam Mama Khel	08-2019	1092729	OK Signature
45.	Sabiha	566793	TT	Re-instated	19-07-2019	GGHSS Mamball Barakzai		1118485	OK Signature
46.	Roomana Bashir	833222	TT	Fresh/ In-service	19-07-2019	GGMS Kareem khan Baiser Khel	09-2019	Fresh / but have previous service at other district	OK Signature
47.	Hajra Khalil	570595	TT	Re-instated	19-07-2019	GGMS Koti Sadat No 3	09-2019	1131877	OK Signature
48.	Sarwat Yasmin	691197	TT	Fresh/ In-service	19-07-2019	GGMS Misal Khan Mandan	10-2019 Pay adjustment. In service drawn regular pay	Fresh	OK Signature
49.	Razmeen a	567975	TT	Re-instated	19-07-2019	GGMS Pak Ismail Khel	08-2019	1096259	Bogus DDEO Signature
50.	Amina Gul	568707	TT	Re-instated	19-07-2019	GGMS Aftab u Din Khujari	08-2019	1096933	OK Signature
51.	Seep	651996	TT	Re-Instated	19-07-2019	GGMS Prina Tughal Khel	09-2019	1120545	Bogus DDEO Signature
52.	Sobia	922656	TT	Fresh	19-07-2019	GGMS Shabari Bharath	10-2019	Fresh	OK Signature
53.	Samina Begum	175068	TT	Re-instated	19-07-2019	GGMS Shah Jehan Shah Shaikhan	10-2019	1130528	Bogus DDEO Signature
54.	Shehnaz Gul	924743	TT	Fresh	19-07-2019	GGMS Gul Ahmed Shah	10-2019	Freah	OK Signature

P-19

	Rizwana Barki	579854	TT	Re-instated	19-07-2019	GGMS Fathima Khel Bannu	10-2019	1182458	OK Signature
56.	Saima Sadiq	566863	TT	Re-instated	19-07-2019	GGHS Dheri Ghandi	08-2019	1089920	OK Signature
57.	Madiha Nasir	575934	TT	Re-instated	19-07-2019	GGMS Lundi Killa Sher Wali Jan	10-2019	1194769	OK Signature
58.	Samreen Ali	560801	TT	Re-instated	19-07-2019	GGMS Hinjal Noor Baz	10-2019	1185616	OK Signature
59.	Naeema Gul	Nil	TT	Re-instated	19-07-2019	GGHS Fazal Sadiq Mandew	She had drawn pay at District Karrak		Transferred to Karrak
60.	Naheed Amin	568667	TT	Re-instated	19-07-2019	GGMS Zakar Khel	09-2019	1139096	Bogus DDEO Signature
61.	Shamrana Bibi	579374	TT	Re-instated	19-07-2019	GGHSS Kotka Bilawar Khan	11-2019	1045348	OK Signature
62.	Shazia Bibi	572317	TT	Re-instated	19-07-2019	GGHSS Kotka Bilawar Khan	09-2019	1219959	Bogus DDEO Signature
63.	Nagina	173977	TT	Re-instated	19-07-2019	GGHSS Qmar Zaman Mandew	05-2019	1077587	Bogus DDEO Signature

Recommendations:

It is hereby recommended:

A. These officers mentioned above have completely neglected their own sphere of duties and made blatant violation of rules/ regulations/ policy and merit. Therefore, they must be proceeded under E & D Rules.

B. To recover the government huge illegal loss, the condition No. 08 of the advertisement of 2010 is mandatory, shall be acted at once and the sitting DEO (F) Bannu shall be made responsible to at once stop the salaries of the bogus candidates only and withdraw their appointment orders, as mentioned in the above Para to save the further loss to Govt: Exchequer.

C. The overpaid amount shown in Para No 04 may be recovered from the above named teachers.

P-20

D. District Education Officer may be directed to take action against those teachers whose testimonial / documents found fake and bogus and not verified from the concerned authority and the pay bills not signed by the DDO concerned under E&D Rules 2011.

E. The matter may be brought into the notice of Accountant General Khyber Pakhtunkhwa for initiating disciplinary proceeding against concerned staff of District Accounts Officer Bannu for punching unlawful/irregular and illegal arrears in pay roll of the above mentioned female teachers.

(Mr. Attaullah Jan)
Assistant Director (Audit)
DE&SE Khyber Pakhtunkhwa

(Muhammad Idrees)
Budget & Accounts Officer,
DEO (M) Nowshera.

Annex- D P-24

سمن بغرض قرار داد امور تنقیح طلب

آرڈر ۵ قاعدہ ۱ و ۵ مجموعہ ضابطہ دیوانی

16/7

بعدالت X . J . C بنوں

مدعی

بنام صوبائی حکومت وغیرہ

مدعا علیہ

بنام ڈسٹرکٹ ایجوکیشن آفیسر (F) بنوں

پتہ

واضح ہو کہ مدعیان نے آپ کے نام ایک نالش جس کی نقل عرضی دعوٰی لف ہے بابت کے دائر کیا ہے۔ لہذا آپکو بذریعہ تحریر ھذا حکم دیا جاتا ہے کہ آپ بتاریخ 4 ماہ جولائی سنہ 2023ء بوقت 8 بجے قبل دوپہر صالتاً د کالتاً مختاراً عدالت ھذا میں حاضر ہوں اور جوابدہی دعوٰی کی کریں اور آپ پر لازم ہے کہ اس روز جملہ دستاویزات بھی پیش کریں۔ جن پر آپ انحصار کرنا چاہتے ہیں۔ آپ کو اطلاع دی جاتی ہے کہ اگر آپ حاضر نہ ہوں تو مقدمہ بغیر حاضر آپ کے مسموع اور فیصل ہوگا۔

به ثبت میرے دستخط اور مہر عدالت کے آج بتاریخ 6 ماہ جون سنہ 2023ء جاری کیا گیا۔

CIVIL JUDGE-X
BANNU
دستخط جج صاحب

مہر عدالت
SEAL OF THE COURT OF CIVIL JUDGE

D. NO. 1671
3/7/23

266

2216

IN THE COURT OF SENIOR CIVIL JUDGE, BANNU

C.M. No. _____ of 2023
In C.S. No. _____ of 2023

Mst. Abida & Others----------**Plaintiffs**

VERSUS

The Govt of KP through its Chief Secretary & Others----------**Defendants**

APPLICATION UNDER ORDER: XXXIX, RULE: 1 & 2 CPC READ WITH SECTION: 151 CPC.

HUBMLY SHEWETH:

1. That the Applicants/Plaintiffs have instituted the above titled suit in this Hon'ble Court, the Plaint of which may kindly be treated as part and parcel of this application for the sake of brevity and to avoid repetition of facts.

2. That final adjudication of the above titled suit may take considerable time and the case of Plaintiffs is prima facie and arguable one based on documentary evidence annexed with the plaint, as Private Defendants who have been appointed by official Defendants have already been declared in high Court Judgment and Judicial inquiry conducted by Registrar Peshawar High Court Bannu Bench as Fake Asnad Holders and due to their appointment order the rights of Plaintiffs are infringed and in case the salaries of the Private Defendants are not stopped without waiting for disposal of the instant suit then the Plaintiffs as well as the Govt. treasury will suffer irreparable loss, notwithstanding the fact that their appointments are illegal and as such may defeat the decree which may be granted in the instant case as per the direction of the Hon'ble Peshawar High Court Bannu Bench.

3. Therefore, in view of the prima facie documentary evidence annexed with the plaint, this Hon'ble Court may graciously be pleased to restrain the Defendant No.5 from releasing the monthly salaries to the Private Defendants till final adjudication of the instant suit.

Grant of ad-interim relief is also solicited for.

Prayed accordingly in the interest of justice.

Dated:- 7/6/23

Advocate for Plaintiff

IN THE COURT OF SENIOR CIVIL JUDGE, BANNU

Civil Suit No. _____ of 2023

1. **Abida Bibi (AT)** D/O Muhammad Hakim Shah R/O H # NO.121/B, Bannu City Bannu.
2. **Farzana (AT)** D/O Mir Fazal Khan R/O Shahdev Teh: & Distt: Bannu.
3. **Mst. Safin Jehan (TT)** W/O Burhanullah R/O Azim Killa Bannu.
4. **Mst. Mehnaz (TT)** W/O Sultan Ayaz Khan R/O Mohallah Umer Khel PO Ghoriwala Teh: & Distt: Bannu.
5. **Mst. Fazilat (TT)** d/o Dar Ali Khan R/O Faiz Talab Abbas Mandan Bannu.
6. **Mst. Bas Nisar (TT)** D/O Sher Bahader R/O Village Hinjal Noor Baz Teh: & Distt: Bannu----------**Plaintiffs**

VERSUS

The Government of Khyber Pakhtunkhwa, through;-

1. **The Secretary (E&SE Department) Govt of KPK, Peshawar**
2. **Director (E&SE Department) Govt of KPK, Peshawar**
3. **The Deputy Commissioner Bannu**
4. **The District Education Officer (F) Bannu**
5. **The District Account officer Bannu**
6. **The Director Anti-Corruption (Govt of KPK), Peshawar**
7. **The Circle Officer, Anti-Corruption Estb., Bannu**
8. **Bakhtullah Shah** (Rtd) EDO Bannu R/O Gowraka Norang Road Bannu
9. **Syeda Anjum** EX-DEO (F) Bannu
10. **Mst. Neelofar Kamran** EX-DEO (F) Eannu.
11. **Fanoos Jamal** EX-DEO (F) Bannu
12. **Ikramullah** EX-DEO (F) Bannu
13. **Barkat Ali** Litigation Officer/SS (Rtd) Bannu.

14. **Anwar Qureshi** EX-SO/Litigation Officer, E&SED Peshawar.

15. **Raham Riaz Khan** Office Superintendent DEO (F) Bannu.

16. **Lutfullah Khan,** dealing clerk (Rtd) DEO (F) Bannu.

17. **Ajmal Khan** EX-Office Superintendent DEO Office R/O Boza Khel Surani Bannu.

---------- **Official Defendants**

18. **Shehnaz Begum (AT)** D/O Misal Khan R/O Gorka Dial Shah Bannu.

19. **Shazia Bibi (AT)** D/O Asal Jan R/O Zarkhani Kalay Patol Khel Bannu.

Bogus
J.E.R

20. **Zainab Bibi (AT)** D/O Umer Ali Shah R/O Gorkha Dilasa Shah, Bannu.

21. **Norin Naz (AT)** D/O Sher Bahader R/O Bannu City Bannu.

22. **Riffat Banaras (AT)** D/O Muhammad Banaras Khan R/O Bannu City Bannu.

over age in J.E.R

23. **Hasina Gul (AT)** D/O Mirdad Khan R/O Sokari Zabta Khan Bannu.

24. **Usmania Begum (AT)** D/O Mehrab-u-din R/O Hinjal Amir Khan Bannu.

25. **Farhad Bibi (TT)** D/O Aftab Ali Shah R/O Sydan Darrdarez, Bannu.

26. **Hajra Gul (TT)** D/O M. Fayaz Khan R/O Dahari Gandi Bazar Ahmad Khan Bannu.

27. **Saima Sadiq (TT)** D/O M. Sadiq R/O Dahari Gandi Bazar Ahmad Khan Bannu.

Bogus
J.E.R

28. **Hajra Khalil (TT)** D/O M. Khalil R/O Bazar Ahmad Khan Bannu.

29. **Shamrana Bibi (TT)** D/O Qabel Khan R/O Zarkhani Khel Patal Khel Bannu.

30. **Nahida Amin (TT),** D/O M. Amin R/O Zaker Khel Surani Bannu.

31. **Fozia Aslam (TT)** D/O M. Aslam R/O Hinjal Amir Khan Bannu.

32. **Amna Gul (TT)** D/O Noor Nawaz R/O Shabaz Azmat Khel Bannu.

33. **Gulshan Ara (TT)** D/O Mir Faraz Khan R/O Bazar Ahmad Khan Bannu.

34. **Bas Taj (TT)** D/O Shamsud Din R/O Talab Shah Bazar Ahmad Khan Bannu.

35. **Bina Khanum (TT)** D/O Ajmal Khan R/O Rasool Khan Chakdadan Tehsil & Distt. Bannu.

36. **Zahida Mehboob (TT)** D/O Mehboob Ali Shah R/O Ghousa Mir Kala Surani Bannu.

37. **Asma Gulfam (TT)** D/O Shahqiaz R/O Mamash Khel Bannu.

38. **Sabiha (TT)** D/O Qad Ayaz R/O Mandan Bannu.

39. **Fakhr-un-Nisa (TT)** D/O M. Isreal R/O Garib Abad Mandan Bannu.

40. **Shabina (TT)** D/O Noor Nawaz Shah R/O Kot Adel Bannu

----------**Private Defendants**

SUIT FOR DECLARATION, CANCELATION AND PERMANENT INJUNCITON

The Plaintiffs above named respectfully submit as follows:-

1. That, as per advertisement dated 24-04-2010 of daily Ausaf which was issued for appointment of 15 vacancies of (BPS-15) for the posts of Arabic teachers (herein after A.T.) and for appointment of 30 vacancies of Theology Teachers of (BPS-14) (herein after T.T.) for female wherein the ***last date/Cut-Off-Date*** for submission of the documents was ***03-05-2010***.

Copy of the advertisement dated 24/04/2010 is filed herewith and marked as Annex "A".

2. That in response to the said advertisement the Plaintiffs have applied for respective posts but the then authority/Executive District Officer of Education Department Bannu have violated the merit criteria of recruitment policy of 2005 and made 19th appointments in ATs cadre and 34+1=35 appointments in T.Ts Cadre (09 appointments over and above the sanction posts, 04 in ATs and 05 in TTs) and deprived the Plaintiffs being genuine Asnad Holders. Thereafter the Plaintiffs knocked the door of civil court and reached up to Hon'ble High Court, Wherein Hon'ble Peshawar High Court Bannu Bench constituted an inquiry committee under

the chairmanship of Additional Registrar, Assistant Advocate General, President High Court Bar Bannu and Circle Officer of Anti-Corruption Bannu (members). The inquiry committee submitted a detail reports in ATs/TTs case respectively and discussed the status of each and every candidate already appointed. Resultantly in the light of ibid inquiry reports the Hon'ble High Court on dated 09-05-2017 have announced a land marked judgment in the above mentioned ATs/TT's case.

Copies of 2005 policy, appointment orders ATs/TTs, Civil Suits along with annexed documents, writ petition No.96/B and 97/B of 2012, Registrar inquiry reports and consolidated judgment of High Court dated 09-05-2017 are hereby marked annexed B/1 to B/10.

3. That in light of the ibid judgment of Hon'ble High Court the then DEO (F) terminated all the appointees on 23-06-2017 and then the said terminated appointees approached to the Apex Supreme Court of Pakistan wherein in its interlocutory order dated 3/08/2017 held that ***"learned Addl. AG for the respondents stated at the bar that they are not going to fill the vacancies."***. Thereafter, Supreme Court in next/final order upheld the High Court Judgment and reproduced the operating part/Para No. 13 of the High Court judgment in its own order dated 07-03-2018, the last lines of the said Para No.13 are also reproduced here for ready reference:-

.....***Who applied in response to the advertisement dated 24-04-2010 except those who violated the condition No.8 given in the advertisement and inquiry committee found their documents fake"***. And then order for "afresh process of recruitment meaning thereby that August Supreme Court has never ever reversed/modified/set-aside the judgment of High Court but have completely agreed by with the judgment of High Court by reproducing the operating part in para No.2 of its own judgment dated 7-03-2018. Further more in this scenario the then DEO (F) Bannu wrote a letter of guidance to the Director E& SED KP dated 12-04-2018 wherein Specifically asked about the fake certificate holders and their improved qualifications.

Copies of termination order of AT & TT dated 23-06-2017, Supreme Court interlocutory orderdated 03-08-2017, and final order dated 07-03-2018 and

guidance letter dated 12-04-2018 are hereby marked as annex "C/1, C/4" respectively.

4. That the then DEO (F) have not waited for the reply of her own guidance letter and conducted ***afresh process*** of re-test (16&17-07-2018) and included/allowed all the fake Asnad/certificates holders in the recruitment process which is against the true spirit of Supreme Court judgment. That after the result of the said re-test, the final/approved opinion in response to her letter of guidance was issued on 27-7-2018 from the office of Advocate General Peshawar wherein it is categorically mentioned in Para ii ***That "no fresh application or improve qualification be considered for selection/appointment.*** Thereafter the meeting for Departmental Selection Committee was conducted on *08-11-2018* and in the last Para of the said meeting minutes, a dis-agreement arose and the nominee of Secretariat insisted to **"avoid"** the ibid law Department's letter (AG Office opinion). The minutes for the said meeting were prepared on 16-11-2018 duly having the office endorsement number and then, the then DEO (F) Mst. Syeda Anjum transferred from Bannu to D.I.Khan through notification dated 16-11-2018 and relieved her charge at Bannu on 17-11-2018.

Here it is most pertinent to mentioned that the fake Asnad holders with the facilitation of nominee of Secretariat have adopted the shape of Mafia and have also issued a so-called illegal letter dated 15-11-2018 for the withdrawal of covering letter dated 07-08-2018 of his predecessor-in-office address to DEO (F) Bannu which was sent along with the letters issued from Advocate General Office and Law Department. Behind the withdrawal of the covering letter of his predecessor-in-office was basically of Malafide intention to screen out the approved final opinion tendered by Mr. Zahid ul Haq which is very clear and categorically derive/extracted the gist of High Court judgment and Supreme Court Judgment.

Copies of appointments of supervisory staff for the 2nd test of AT & TT and it's results, Advocate General opinion dated 27-07-2018 along with covering letters of AG office, Law Department, E&SED, minutes of DSC dated 16-11-2018, transfer notification of DEO (F) dated 16/11/2018, her charge relinquish dated 17-11-2018 and withdrawal letter dated 15-11-2018 are hereby marked as annex "D/1 to D/6".

5. That astonishingly the said nominee of Secretariat prepared another minutes for the same DSC meeting by putting the same date i.e 8/11/2018 having a strange opinion of Law Department which was (i) neither duly endorsed/approved by the then Advocate General, (ii) nor having any office endorsement number (iii) nor signed by DEO (F) Bannu but signed by Mst. Sayeda Anjum on 11-02-2019 as she was transferred to DI Khan and was not DEO (F) Bannu at the time of signing of the 2nd minutes, were sent to DEO (F) Bannu office along with letter dated 14-02-2019 by showing these 2nd Minutes as original Minutes and approved by this Department(E&SED).

For these reasons the 2nd minutes are prepared with Melafide intention, which is illegal and also gross violation of merit and the violation of the true spirit of High Court and Supreme Court Judgments. Furthermore the direct correspondence of SO(Lit-I) with DEO (F) Bannu office speaks in volume the personal interest of Section Officer for giving legal cover to his illegal acts and facilitation/adjustment to the judicially declared fake Asnad holder candidates. While in this whole episode the only legal competent authority is the District Education Officer Female Bannu who is authorized/competent authority in the said recruitment case up to BPS-15 and not even the Secretary and Director E&SED are the authority.

Copy of 2nd minutes dated 11-02-2019 and letter dated 14-02-2019 are hereby marked as annexed "E/1&E/2".

6. That after the transfer of Sayeda Anjum the DEO (F) Bannu seat was vacant, and on 8-03-2019 Mst. Neelofar Kamran was posted as DEO (F) Bannu and in the ibid crucial situation she sought another guidance letter regarding "Fresh Process" dated 22-03-2019 and specifically ask the

question that ***"as to whether the candidates whose documents has been declare as fake and bogus by the judiciary and have latter on improved their qualification can be considered for appointment to the subject posts or otherwise ?".***

That in response to her ibid letter of guidance the fake Ansad holders have made various press conferences/videos and made agitations against the newly posted DEO (F) Bannu for pressurizing to get their desired re-instatements. Now the Mafia was so organized that threat letter dated 16-04-2019 from education Secretariat was also issued to DEO (F) Bannu Mst. Neelofer Kamran followed by another letter dated 17-04-2019 and was warned to appoint 33 ATs and 38 TTs (including judicially declared fake Asnad holders) and then the said DEO (F) Bannu again requested in a by name letter dated 19-04-2019 to the then Secretary E &SED KP and exposed the conduct of SO(F) and SO(Lit-I). Thereafter the Directorate of E&SED KP sent the reply dated 17-04-2019 of her earlier letter dated 22-03-2019 and have not given the proper guidance to her in the said fresh recruitment/re-instatement process but thrown the whole responsibility on her shoulders and mentioned in last para of the ibid letter, ***"the case in question be decided by your own level being a competent authority in the reffered recruitment process please".***

Thereafter, the said DEO (F) Bannu made/displayed on notice board an office order dated 27-04-2019, ***it is notified that for the ATs/TTs candidates mentioned in the below list that in the light of Apex Supreme Court judgment date 7-03-2018 and AG opinion dated 27-07-2018, all the passed candidates in the tests of both ATs & TTs are required to submit and produce their academic credentials acquired up to the cut off date of the year 2010 advertisement ie 3-05-2010 within 03 days for verification from the concerned institutions.***

Copies of notifications dated 8-03-2019, guidance letter dated 22-03-2019, press cutting dated 27-03-2019, threat letter dated 16-04-2019, letter dated 17-04-2019, application 19-04-2019, directorate letter dated 17-04-2019 and office order dated 27-04-2019 are hereby marked as annexed "F/1 to F/8".

7. That the father of one Saima Sadiq (TT) judicially declared fake Asnad holder namely Muhammad Sadiq made a complaint dated 29-04-2019 to Secretary E&SED against the then DEO (F) Bannu Mst. Neelofar Kamran that she is violating the Supreme Court judgment dated 07-03-2018 and the so-called second minutes 11-02-2019 which were signed by Syeda Anjum DEO (F) D.I.Khan instead of the then original incumbent ie DEO (F) Bannu as the said Syeda Anjum was transfer from Bannu on 16-09-2018. The ibid complaint clearly shows the malafide intention of the complainant who have intentionally twisted the facts in favor of his own interest in collusion with the then officers of education Deptt/Secretariat and on the same complaint on one hand the then DEO (F) Bannu Mst. Neelofar Kamran was made escape goat by making her OSD date 03-05-2019 and was also targeted by continuous series of departmental inquiries for the reason that she was playing fair play on merit and was acting as per the true spirits of the judgments of High Court, Apex Supreme Court and the approved final opinion of Advocate General office KP, and she has only re-instated on 04-05-2019 those candidates who were having the genuine documents before the cut-off dated (03-05-2010) of 2010 advertisement and their documents which were also found correct by the judicial inquiry committee and were also re-verified on 02-05-2019 & 03-05-2019 by DEO (F) Bannu before the re-instatement as per Supreme Court judgment and AG opinion. Thus she separated the genuine candidates of AT cadre and of TT cadre. The first fact finding inquiry against the then DEO (F) Mst. Neelofar Kamran was conducted by principal GHSS Tank Mr. Saleem Khan on13-06-2019.

The numerical detail of passed candidates is very necessary for the reason that the than DEO (F) Bannu Syeda Anjum who conducted re-test in July 2018 after Supreme Court judgment have made the blatant violation as she

included the judicially declared fake Asnad holders in the ibid re-test, the same is as below:-

AT Cadre

Total Pass Candidates	Genuine/Correct Asnad Holders	Bogus/Fake Asnad Holders
33	20	13

TT Cadre

Total Pass Candidates	Genuine/Correct Asnad Holders	Bogus/Fake Asnad Holders
38	18	20

Thus total 33 + 38 =71 candidates of both the cadre including judicially declared fake Asnad holders were passed in re-test after Supreme Court judgment out of which only 38 genuine/Correct Asnad holders candidates were re-instated on 04-05-2019 and 33 judicially declared fake Asnad holders were regretted/refused, but the same re-instatement orders of 04-05-2019 were not honored by the education department as the blue eyes candidates of high ups were not accommodated, and the then DEO (F) Bannu Mst. Neelofar Kamran was taken to task for performing/doing the legal/right duties and responsibilities for acting on judicial judgments.

Here it is also pertinent to mentioned and would also like to refer the land marked judgment of Ms. Anita Turab case based on such like issues, which is reported in PLD 2013 SC page 195.

Copies of complaint dated 29-04-2019, verification lists of Asnads, OSD order dated 3-5-2019 and first fact finding inquiry report dated 13-06-2019 and Anita Turab Judgment are hereby annexed as "G/1 to G/5".

8. That the Section Officer schools (Female) of E&SED assign the additional charge of DEO (F) Bannu to Dy:DEO (M) Bannu Mr. Ikramullah Khan (TC-BS-18) dated 17-07-2019 in addition to his own duties with further direction to resolve AT & TT appointment issue in light of Supreme Court of Pakistan judgment dated 07-03-2018, DSC decision and under the relevant rules/policy. While resultantly on 19-07-2019 he appointed/re-instated with all back benefits, all the passed candidates of AT & TT cadres including all those candidates whose documents were found fake by the judicial inquiry committee and have violated the condition No.8 of the

advertisement of 2010, and he further violated by avoiding the approved opinion of AG's office dated 27-07-2018, and he facilitated/accommodated and provide opportunity to judicially declared fake Asnads holders and thus gave a huge loss to Govt: exchequer and also deprived the deserving/qualified candidates who are still having genuine Asnads up to the cut-off date 03-05-2010 by considering the improved documents after cut-off date.

Copies of notification & order dated 17-07-2019, re-instatement orders of ATs & TTs dated 19-07-2019 are hereby marked as annex "H/1 to H/4".

9. That after the transfer of Mr. Ikramullah Khan from DEO (F) Bannu Mst. Fanoos Jamal Dy:DEO(F) Bannu was assigned the charge of DEO(F) Bannu and she illegally arranged a 3rd test for the same candidates ***by ignoring the Petitioners*** and made appointments/re-instatment on 07-10-2019 who already applied as per 2010 advertisement and were failed in 2nd re-test of July 2018 (conducted by Syeda Anjum) for which she was not legally entitle under any law/rules/regulation but she based illegal letters of SO(Lit-I) dated 24-07-2019 & 11-09-2019 and have made (11) appointments of TT cadre with all back benefits out of which (07) candidates were failed in July 2018 in 2nd test and (04) candidates were failed as well as fake Asnad holders and have given huge loss to the Govt: exchequer as well as deprived the genuine Asnad holders/Plaintiffs.

Copies of letter dated 24-07-2019 &11-09-2019 and appointment/re-in-statement order dated 07-10-2019 are hereby marked as annexed "I/1 &I/3".

10. That it is also pertinent to mention here that the previous DEO (F) namely Mst. Neelofar Kamran who was made OSD on 03-05-2019 have challenged her OSD order in the court Hon'ble Service Tribunal Peshawar in her service appeal and succeeded vide judgment dated 16-01-2020, wherein the Hon'ble Tribunal held that she has ***"rightly resisted all sorts of pressures by not notifying the illegal appointments orders duly endorsed by the superior courts.....Another funny thing that would expose high handedness, favoritism and misuse of authority by the Respondents is notification dated 03-05-2019 & 17-07-2019.....subsequently, the responsibility***

were handed over to Mr. Ikramullah Khan (BPS-18-TC) Deputy District Education Officer (M), Bannu in addition to his own duties. Why additional charge was assigned to an officer of teaching cadre ?. These inherent contradictions in the stance of the Respondents are sufficient to prove their discriminatory acts having no sanctions of law/rules. As the impugned order corum-non-judice, hence cannot be sustained under any law/rules so it is liable to be struck down. Suffice is to say that impugned order being corum-non-judice is void ab-initio and no limitation runs against a void order.

It is also most pertinent to submit that the ibid judgment of Service Tribunal dated 16-01-2020 got finality and was neither challenged by the Respondents in CPLA before the Apex Supreme Court nor they have filed any review petition.

Copy of judgment dated16-01-2020 of Service Tribunal is hereby marked as annexed "J"

11. That as earlier stated that one Mr. Sadiq have made complaint against the then DEO (F) Mst. Neelofar Kamran and on his ibid complaint already annexed, she was departmentally proceeded through inquiries and the 2nd main preliminary/fact finding inquiry was conducted by Mr. Atiq-ur-Rahman (BPS-20) Principal GHSS No.1 Peshawar Cantt. Who submitted on 18-02-2020 his detail inquiry report consisting of 27 pages and the same inquiry report was again re-visited on 14-10-2020, re-visit report is consisting of 07 pages, by the same inquiry officer on the direction of competent authority.

The general recommendation of the ibid inquiry are more relevant and according to the true spirit of ***Hon'ble High Court judgment in writ petition No.820-B/ 2018 titled Mst. Safina Jehan etc vs Secretary Education etc and writ petition No.838-B of 2018 title Abida Bibi & others Vs KPK & others in a consolidated judgment dated 16-12-2019.***

The recommendation of the above mentioned fact finding inquiry are reproduce herein for ready reference as below:-

(i) ***All the appointees who were having the genuine certificates/Asnads at the cut-off date (03-05-2010) of 2010 advertisement may be allowed to***

continue their services whereas those candidates who were judicially declared fake/bogus and afterwards improved their qualifications after the cut-off date may not be allowed to continue their services and recommended to the competent authority to dispense with their services either by withdrawing their appointment order or dismissing them for their forgery.

(ii) All the recoveries of salaries/arrears from the date of their 1st appointment (04-01-2011) shall be recovered from them in the due course of law.

(iii) That proceeding under Land Revenue Act 1981, be initiated against the appointees and those officials who are involved in this heinous process of bogus appointment on the strength of bogus documents.

Copies of inquiry report dated 18-02-2020 & re-visit report dated 14-10-2020, WP No.820-B/2018 & 838-B/2018 along with judgment dated 16-12-2019,are hereby marked as annex "K/1 to K/5"

12. That after the ibid Preliminary/Fact Finding inquiry the Provincial Govt. of KPK constituted formal inquiry of two (BPS-20) officers one Chairman KP Textbook Board Peshawar and Director DCTE Abbott Abad who submitted their detail inquiry report consisting of 39 pages dated 01-04-2021 regarding the charges/allegations of each and every accused officers and majority of the accused officers involved in this heinous/corrupt /cruel and crucial process of re-instatement/re-appointment despite the crystal clear judgment of Supreme Court and the approved/final opinion of Advocate General Office of KP, which were given major penalties for their illegal acts in question before this Hon'ble court in the instant suit but still not implemented.

Copy of the Formal enquiry report dated 01-04-2021 is hereby marked as annex "L".

13. That during the pendency of the ibid inquiries and after the re-instatement with all back benefits of judicially declared fake Asnad holders by Mr. Ikramullah & Mst. Fanoos Jamal, when these Private Defendants were drawing their arrears bills in shape of huge amounts, and also drawn double arrears bills through her

signature to whom she was disowning and to this regard the inquiry/Audit was order by Director Education KP. The same was conducted by Mr. Attaullah Jan and Idrees Khan Auditors who submitted two contradictory reports, and at the same time the District Account Office Bannu also demanded for reconciliation of account but neither Fanoos Jamal made reconciliation with District Account Office Bannu nor her the then successor in office. Then the District Account Office Bannu stop the salaries of about 28th teachers (including some genuine Asnad holders) who approached for release of their salaries to the Secretary E&SED (Muhammad Yahya Akhondzada) who wrote a by name letter dated 03-08-2021 to Mr. Murtaza Khan Accountant General KP for release of their salaries who depute an Account Officer of (A G Inspection team) who submitted his detail Audit Report on dated 24-11-2021 consisting of 08 pages and out of 28 candidates 16 candidates were found of genuine Asnad holders and have rightly drawn their pay and arrears while the salaries of remaining 12 were not released. In the ibid letter of 03-08-2021 Director E&SED KP is also directed to implement the recommendation made by inquiry Officer Mr. Atiq-ur-Rehman Principal GHSS No.1 Peshawar Cantt, but that is not implemented till now.

Copies of inquiry reports of Attaullah Jan, letter to Accountant General dated 03-08-2021, AG Inspection team inquiry report dated 24-11-2021 along with its better copy are hereby marked as annexed "M/1 to M/4".

14. That Plaintiff No.1 Abida Bibi (AT) file a criminal complaint in the court of Special Judge Anti-corruption Bannu and Respondent No. 23 Haseena Gul (AT) who was appointed by Mst. Neelofar Kamran the then DEO (F) Bannu on 04-05-2019 whose orders were not honored by department and she was deprived from her right of appointment by Mr. Ikramullah & Fanoos Jamal, for this reason she has made a complaint to Director Anti-Corruption Peshawar and on her complaint an open enquiry No.119/2019 was ordered. As the matter in both the complaints were same therefore the Anti-Corruption court also sent the criminal complaint of Abida Bibi to Anti-Corruption Establishment to inquire the matter jointly. The matter was jointly inquired and a detail Audit Report dated 17-11-2022 consisting of 06 pages was prepared and the losses

incurred by the judicially declared fake certificate holders up to 31 October 2022 to the tune of PKR-09,47,37,016/- more than Ninety Four Millions, responsible officers were nominated along with the appointees/beneficiaries and made recommendations and categorically mentioned that the salaries of above mentioned bogus appointees must be stopped immediately by the District Comptroller of Accounts Bannu to save the further loss to governments treasury. The same was also culminated in to final report by the Anti-Corruption Department and made request for registration of FIR in result of final report consisting of 06 pages and in support of these documents the Section Officer (E-V) of Establishment department sent a letter dated 22-02-2023 to Secretary E&SED by asking the action taken/status/information of departmental proceedings against the delinquent officers/officials and similarly asked about all those employees who are still working on bogus documents/credentials. That in continuation of the instant ibid letter the Secretary E&SED wrote a letter vide dated 21-03-2023 to DEO (M&F) Bannu and specially put a question regarding furnishing of complete report/status/information of all those employees, who are still working on bogus documents/credentials within a week time positively but the same report is not still submitted.

On the other hand to save the great loss of the government treasury the PS Anti-Corruption also made a letter dated 16-12-2022 District Account Officer and to DEO (F) Bannu dated 29-12-2022 regarding stoppage salaries and case for registration of FIR was send to Secretary Establishment by Director Anti-Corruption on 30-12-2022 and the same stoppage letter was at once challenged in shape of CM. No. 2579-P/2022 in WP No. 586-B/2020 wherein the Hon'ble High Court Principal Seat on 02-01-2023 as reproduced below:-

"learned counsel for the petitioners highlighted that the subject petition has been clubbed by the Court with writ petition No.527-B/2020. Added, that the petitioners are rending services to the best of their ability, however, their salaries are not paid for no good reason. Also added, their salaries cannot be stopped and the court by exercising its inherent jurisdiction, allowed the salaries of the

petitioners on regular basis, ***however, in change circumstances law shall follow its own course.***

Notice to the respondents, however, salaries of the petitioners shall be paid on regular basis subject to law & rules on the subject, ***however, in change circumstances law shall follow its own course".***

CMNo. 2580-P/2022

Notice of this CM be issued to the other side for a date to be fixed by the office.

It is most pertinent to mentioned that change circumstances arose after the judgments of Hon'ble Peshawar High Court Bannu Bench dated 09-05-2017, Apex Supreme Court of Pakistan dated 07-03-2018 and opinion of Advocate General KP. Dated 27-07-2018, after the 2nd test of July 2018 and the subsequent orders of ATs/TTs in blatant violations of the ibid judgments and AG's opinion.

Furthermore it is also most important to bring in the kind notice of Hon'ble court that delinquent officers/officials who were involved in the above mentioned corrupt practices by appointing/re-instating the judicially declared fake Asnad holders were subsequently unjustifiedly/illegally exonerated in the Personal Hearing in Departmental Enquiry conducted by one Secretary Abid Majeed without giving any cogent reason/confident inspiring evidence, by exonerating the main culprits who facilitated/culminated the huge loss to the government exchequer. Furthermore, Plaintiff No.1 also filed a detail relevant complaint dated 28-03-2023 against the said Personal Hearing Report and the same Personal Hearing Report deserve/liable for judicial review, which is the most important part and parcel of the instant case, So it is graciously requested that the same report shall be requisite along with all concerned record from Secretary E&SED for just, accurate and fair decision in the instant case once for all.

Copies of ACE Audit report 17-11-2022, ACE final report dated 05-12-22, letter dated 22-02-2023, letter dated 21-03-2023, letter dated 16-12-2022, letter 29-12-2022,letter dated 30-12-2-22, WP.No.586-B/2020 along with comments of Respondent No.1 to 3, CM No.2579-P/2022, order dated 02-01-2023 and application of Plaintiff No.1 dated 28-03-2023 are hereby marked as annexed as "N/1 to N/11".

41

15. That the issue of depriving the Plaintiffs from their due constitutional rights by the official Respondents and illegal appointments and subsequent re-instatements are in violation of judicial inquiry reports, High Court Judgment, Supreme Court Judgment and Advocate General Opinion, then the Plaintiffs filed WP No. 820-B/2018 & 838-B/2018 wherein a detailed consolidated judgments both Writ Petitions was passed on 16-12-2019 with the following directions reproduce below:-

(1) Petitioners are directed to approach the civil court for determining the validity or other-wise, of the certificates of private Respondents, (judicially declared fake Asnad holders ie Defendants No.18 to 21 AT & 25 to 40 TT) ***on basis of which they were appointed.***

(2) In case, certificates, degrees and other diploma etc were found fake by the court, than private Respondents shall be terminated from their respective services and salary received by them shall be recovered from them in due course of law.

(3) In case, it was declared by the learned civil court, that appointments of respondents were made by producing fake documents, then, the official who had appointed the private respondents shall be proceeded departmentally as well as criminal cases under the relevant law shall also be registered against officials who had made the appointments as well as against the private respondents.

16. That Petitioners filed separate Review Petitions No.01-B/2020 & 02-B/2020 to interpret/clarify line No.3 of Para No.17 the word ***(same documents)*** of the judgment dated 16-12-2019 which were not accepted vide dated 23-02-2023.

Copies of Review Petitions & and its consolidated judgments 23-02-2023 are hereby marked as annexed "O/1 to O/3".

17. That the ibid Review Petitions were not accepted due to the reason that the word same document is clear from the directions given in the operating part in Para 16 of the judgment dated 16-12-2019 and also from the cut-off date (03-05-2010) of the advertisement of 2010. Hence the Plaintiffs prefer the instant suit as per the direction of Hon'ble High Court's judgment dated 16-12-2019.

18. That cause of action accrued to Plaintiffs on dated 16-12-2019 when Hon'ble Peshawar High Court Bannu Bench in Writ Petition No.280/B 2018 through a consolidated judgment dated 16-12-2019 wherein directions to the Plaintiffs regarding knocking the doors of civil court for scrutinizing the documents of Private Defendants in the light of the 03 ibid directions mentioned in the ibid judgment, and judgment of High Court Bannu Bench dated 09-05-2017, judgment of Apex Supreme Court of Pakistan dated 07-03-2018 as well as the final/approved opinion of Advocate General Dated 27-07-2018, as the matter deals with appointment of Plaintiffs, which fall within the territorial limits of this Hon'ble civil Court. Hence this Hon'ble court has jurisdiction to entertain the instant declaration suit.

19. That for the purpose of jurisdiction and court fee the suit is valued at Rs.200/= each for the relief(s) of declaration, cancellation of fake Asnad holders appointees and injunction, which amount is exempt from levy of court fee. Hence, no court fee is paid hereon.

PRAYER

20. In view of the above humble submissions, it is earnestly prayed that this Hon'ble Court may graciously be pleased to pass a judgement and decree in favour of the Plaintiffs and against the Defendants as under;-

(a). Declaring that the acts and omissions of the Defendants as per detail description/contents of the plaint are unconstitutional, discriminative, illegal, unwarranted, gross/blatant violation of merit, null and void ab-initio. Hence ineffective upon the rights of the Plaintiffs regarding

their appointments to the post of ATs & TTs in Education department.

(b). Granting a decree for compelling the Defendants No.1 to 17 jointly and severally to cancel/terminate the appointments of the Private Defendants No. 18 to 40 by declaring the process of their re-instantment/re-appointments as illegal unwarranted, null and void ab-initio against the law rules/policy and also ineffective upon the rights of Plaintiffs and may kindly be issue direction to the official Defendants to issue appointment orders in favor of Plaintiffs to the post vacated from said judicially declared fake/bogus Asnad holders (Private Defendants) as per their respective cadres/posts.

(c). Granting a decree of injunction to the effect that pay of the Private Defendants No. 18 to 40 (already judicially declared fake/bogus Asnad holders) may kindly be stop in order to save the Govt: exchequer from huge loss and the said huge loss in shape pay and arrears may also be recovered to the Govt: exchequer from their initial appointments of (2010 & 2011) till the disposal of the instant suit.

(d) Granting cost of the suit.

(e). Any other relief(s) which this Hon'ble Court may deem fit and proper under the circumstances of the case.

Alvida Bibi
PLAINTIFF No. 1

Fazzana
PLAINTIFF No. 2

Mst: Safina Jehan
PLAINTIFF No. 3

Mst: Mahnaz
PLAINTIFF No. 4

Mst: Fazilat
Plaintiff No. 5
Dated:-

Through Attorney

Advocate for the Plaintiff

Mst: Bas Nisar
Plaintiff No. 6

44

IN THE COURT OF HON'BLE CIVIL JUDGE-X BANNU

Abida Bibi & Others.....vs.....Government & Othrs

Suit for Declaration Etc

Written Statements on behalf of Defendants No. 1,2 & 4

Respectfully Submitted;

Preliminary Objections:

i. That bare reading of the plaint of the plaintiffs reveal that neither the plaintiffs have any sort of cause of action nor have locus standi to proceed the instant plaint.

ii. That plaintiffs have not annexed any title documents regarding the entitlement of their appointment, therefore, they have got no locus standai to file the plaint.

iii. That the plaint is bad in its present form, hence liable to be dismissed.

iv. That the plaintiffs have not come to the Honorable court with clean hands. Apart from other infirmities the plaint suffers from grass concealment and misstatements of facts the plaintiffs are, therefore, not entitled to any relief.

v. That this Honourable court has got no jurisdiction to entertain the titled suit.

vi. That the plaint is badly time barred and not maintainable.

vii. That plaintiffs are estopped by their own conduct to file the titled plaint against the defendants as they have failed written test in 2010 and 2017 as well.

viii. That against appointment of AT & TT litigation took place upto Hon'ble Supreme Cour. The Hon'ble Peshawar High Court declared all posts of AT & TT as vacant and directed the answering defendants to initiates fresh selection process by constituting selection committee. (Copy of judgment Is already placed on case file)

ix. That the said judgment was challenged before the Hon'ble Supreme court by filing CPLA, which was disposed of in these terms, " *the process should be started afresh and those who qualify the test and whose certificate are found genuine to be*

appointed and the service they rendered on the post be counted". (Copy of judgment is already placed on case file)

x. That in compliance of the said Order/Judgment of the Apex Court defendants constituted a committee for the directed purpose. Fresh process was initiated by adopting the same procedure as was in advertisement of 2010. Resultantly, appointments on the said posts were issued as per merit. (Copies of the whole process are attached)

xi. That the plaintiffs intended to blackmail the defendants for their ulterior motives and damage their social and official reputation.

xii. That the plaintiffs intended to conceal the fact that the matter is pending adjudication before the Judge Anti-Corruption Court Khyber Pakhtunkhwa.

xiii. That suit of the plaintiffs is liable to be dismissed under Order-VII rule 11 CPC.

xiv. That no vested right of the plaintiffs have been infringed, thus suit of the plaintiffs is not maintainable under Section 42 of the Specific Relief Act.

xv. That the matter in hand has already been disposed of by the Hon'ble Peshawar High Court Bannu Bench.

xvi. That suit of plaintiffs is bad for non-joinder and mis-joinder of necessary parties.

xvii. That the plaint is frivolous and vexatious, hence the defendant have right to receive special cost from the plaintiff.

REPLY TO FACTS:

1. Para No. 1 of the plaint is correct to the extent of advertisement. The said advertisement was issued after the approval of competent authority. It is pertinent to mention that posts can be increased and decreased subject to vacation of posts with approval.
2. Para No. 2 of the plaint is correct to the extent of apply and inquiry while rest of the para as laid is incorrect and strongly denied. The plaintiffs applied to the said posts but were failed in written test. The said posts were increased as vacated up to

advertisement after approval of the competent authority. The hon'ble High Court issued judgment in case titled "Rahmeen Bibi vs Govt & Others" and not of the plaintiffs.

3. Para No. 3 of the plaint is correct to the extent of termination in compliance of judgment while in rest of the para misinterpreted the judgment of Apex Supreme Court. Fresh process was conducted as directed by the Hon'ble Court. Written test was conducted, wherein plaintiffs failed to qualify the same. After result, the then District Education Officer Bannu sought guidance from Law Department. In result two sets of opinion were received from Law department, i.e; (a). Certificates obtained after cutoff date should not be considered; (b). Improved qualification obtained during service be considered. (Copies of letter for guidance and guidance are annexed)

4. Para No. 4 of the plaint is incorrect as laid, hence, strongly denied. The opinion received from Law Department as mentioned in above para. The assertion made in this para is frivolous. In fresh process, as directed by the Hon'ble court, opportunity was given to all candidates for avoiding future litigation.

5. Para No. 5 of the plaint is incorrect as laid and-out rightly denied. The minutes of meeting was prepared as per law and was recoded. The assertion made in this para is frivolous. Furthermore, Secretary and director have the authority to review, revise, regulate and check all functions of the department.

6. Para No.6 of the plaint is correct to the extent of posting/transfer of DEO(F) while rest of the para is incorrect and strongly denied. The then DEO delayed the process and aggrieved persons agitated the matter upto press conferences against the then DEO. Resultantly, being the head of department Secretary, E&SE Department directed the then DEO for completion of said process as per law and rules. The plaintiffs have no right to invoke the jurisdiction of this hon'ble court and agitate such like facts having no relevancy with the case as plaintiff have failed in the written test and not the participants of the appointment process.

7. Para No.7 of the plaint is correct to the extent of complaints filed against the then DEO (Neelofer Kamran) and OSD while rest of the para is incorrect, hence, strongly denied. Neelofer Kamran was made OSD on 03-05-2019 and on 04-05-2019 she issued appointment orders of 38 candidates without posting, which was illegal, unlawfull and without authority appointments. Resultantly, she has gone under inquiry.

8. Para No.8 of the plaint is correct to the extent of assigning additional charge and directions given to Mr. Ikram Ullah Khan while rest of the para is incorrect and strongly denied. The appointments were issued as per Verdict of Apex Supreme Court and recommendations of DSC on 19-07-2019.

9. Para No.9 of the plaint is correct to the extent of posting of Mst. Fanoos Jamal and conducting test while rest of the para is incorrect and strongly denied.

10. Para No.10 of the plaint is pertains to record of Service Tribunal Peshawar. However this para is not related to the matter in hand.

11. Para No.11 of the plaint pertains to Mst. Neelofer Kamran. However, the para pertains to the candidates, appointed/re-instated or termination restored or recoveries have been pending in Anti-Corruption Department on the application of plaintiff No.1.

12. Para No.12 of the plaint is incorrect. However the para pertains to departmental record.

13. Para No.13 of the plaint pertains to record.

14. Para No.14 of the plaint is correct to the extent of complaint of plaintiff No.1 before Special Judge Anti-Corruption, which still pending adjudication. However the para pertains to record.

15. Para No.15 of the plaint pertains to judicial record.

16. Para No.16 of the plaint is correct.

17. Para No.17 of the plaint is correct to the extent of dismissal of review petition while rest of the para relating to the interpretation of judgment of August High Court.

18. Para No.18 of the plaint is incorrect and strongly denied. The plaintiffs have no cause of action to invoke the jurisdiction of this Honourable court trough the titled plaint, which is not maintainable in the eye of law. The plaint is badly time barred. Furthermore, this Honourable court has got no jurisdiction.

19. Para No.19 of the plaint is incorrect and strongly denied. Plaint is neither properly valued as per law nor any court fee is annexed with the plaint.

It is, therefore, requested that on acceptance of this written statement, plaint of the plaintiffs being incorrect, baselss, frivolous, without any substance and against the record be dismissed with heavy cost.

Defendants
No.1,2 & 4

Through

Deputy District Attorney

VERIFICATION

Verified today on 18/10/2023 at Bannu , that the contents of written statement are true and correct to the best of my knowledge and nothing has been concealed from this honourable court.

Deponent

IN THE PESHAWAR HIGH COURT,
BANNU BENCH.

(Judicial Department)

W.P. No. 838-B of 2018.

Mst:Abida Bibi and another
Vs
Government of Khyber Pakhtunkhwa & others

JUDGMENT

Date of hearing 16.12.2019

Appellant-Petitioner by Mr. Shaukat Jabin mina Khel Adv.

Respondent(s) by Mr. Ahmad Jan Adv. Govt. by Mr. Shahab Hamid Adv.

IKRAMULLAH KHAN, J.--- Vide detailed consolidated judgment of today placed on **Writ Petition No. 820-B/2018,** (***Mst:Safina Jehan etc: Vs Secretary Education etc:***), the instant petition is disposed of in the following terms:-

(1) Petitioners are directed to approach the civil court for determining the validity or other-wise, of the certificates of private respondents, on basis of which they were appointed.

(2) In case, certificates, degrees and other diploma etc, were found fake by the Court, then private

50

respondents shall be terminated from their respective services and salary received by them shall be recovered from them in due course of law.

(3) In case, it was declare by the learned civil court, that appointments of respondents were made by producing fake documents, then, the official who had appointed the private respondents shall be proceeded departmentally as well as criminal cases under the relevant law shall also be registered against official who had made the appointments as well as against the private respondents.

17- All private respondents and those, whose certificates were declared fake by this court vide its judgment dated 09.5.2017 and were re-appointed on the same documents, shall furnish Surety Bonds in terms that, they will pay back to the Government all the salaries and other amounts they had received during their services. In case, private respondents, did not execute sureties bonds, as directed, their services shall be terminated forthwith, after departmental inquiry and due procedure.

Announced.
16.12.2019.

JUDGE

JUDGE

Imranullah (D.B) Hon'ble Mr. Justice Ikramullah Khan & Hn'ble Mr. Justice Sahibzada Asadullah