


FORM OF ORDER SHEET

Court of _____

Appeal No. 2468 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/11/2024	<p>The appeal of Mr. Kaleem Ullah resubmitted today by Mr. Munir uddin Ghorri Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on 02.12.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Kalim Ullah received today i.e on 31.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 3 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.
- 2- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Check list is not attached with the appeal.
- 5- Memorandum of appeal is not signed by the appellant.
- 6- Annexures of the appeal are unattested.
- 7- Affidavit is not attested by the Oath Commissioner.
- 8- Five copies/sets of the appeal along with annexures i.e. complete in all respect be submitted with the appeal.

No. 1008 /Inst./2024/KPST,

Dt. 31/10 /2024.

Amir Ullah
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Munir uddin Ghori Adv.
High Court at Peshawar.

Respected Sir,

All The objections mentioned
above are removed, Re-submitted.
Please.

M
15/11/2024

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 2468 of 2024

Kalim Ullah

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary
and Secondary Education, Civil Secretariat, Peshawar and others

..... Respondents

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4.	Copy of the Advertisement	"A"	7
5.	Copies of the Orders dated 03.02.2009	"B"	8-14
6.	Copy of the Writ Petition No. 641-P/2010 and Judgment dated 27.03.2014	"C"	15-18
7.	Copy of the Judgment of the august Supreme Court of Pakistan dated 14.06.2022	"D"	19-27
8.	Copy of the appointment order	"E"	28
9.	Copy of appeal and rejection order	"F"	31-32
	Wakalat Nama	In original	

Appellant

Through

Munir Ud Din Ghori
Advocate High Court
Mobile # 0346-9002754

Dated. ___/10/2024

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBERK PAKHTUNKHWA
PESHAWAR

Service Appeal No. 2468 of 2024

Kalim Ullah S/o Muhammad Amin Khan R/o Village Sundarwal, Tehsil Barawal Banda PO Barawal Banda District Dir Upper.

.....**Appellant**

VERSUS

1- Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Civil Secretariat, Peshawar.

2- District Education Officer (Male), Dir Upper.

.....**Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 01.10.2024 OF RESPONDENT NO.2 DISMISSED/REJECTED DEPARTMENTAL APPEAL VIDE ORDER NO. 2799/F.NO.42/ADO(S)SEB/DEO(MALE) THE DISTRICT EDUCATION OFFICER DIR UPPER.

PRAYER:

That on acceptance of this service appeal the impugned office order dated 01.10.2024 of the respondent No. 2 may kindly be set-aside and appointment order of the appellant dated 24.12.2022 be modified/ antedated as drawing master from the date when the other colleagues were appointed as drawing master vide officer orders NO. 71-77/F.NO.12(A)/EDO E&SE DIR (U) AND 78- 85/F.NO.12(A)/EDO E&SE DIR (U) dated 03.02.2009 as drawing master with all back benefits.

Any other remedy this august tribunal deems fit may kindly be awarded in favor of the appellant as well.

Respectfully Sheweth:

1- That the post of Drawing Master were advertized in daily "AAJ" on 02.09.2008, the appellant being qualified in the terms of the

1

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____ of 2024

Case No. 17433

Dated 31-10-24

Kalim Ullah S/o Muhammad Amin Khan R/o Sundarwal Barawal
Bandai, District Dir, Mobile No. 0345-9625591
Village Sundarwal, Tehsil Barawal Bandai, PO Barawal
Bandai, District Upper Dir.Appellant

VERSUS

- 1- Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education, Civil Secretariat, Peshawar.
- 2- District Education Officer (Male), Dir Upper.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 01.10.2024 OF RESPONDENT NO.2 DISMISSED/REJECTED DEPARTMENTAL APPEAL VIDE ORDER NO. 2799/F.NO.42/ADO(S)SEB/DEO(MALE) THE DISTRICT EDUCATION OFFICER DIR UPPER.

PRAYER:

That on acceptance of this service appeal the impugned office order dated 01.10.2024 of the respondent No. 2 may kindly be set-aside and appointment order of the appellant dated 24.12.2022 be modified/- antedated as drawing master from the date when the other colleagues were appointed as drawing master vide officer orders NO. 71-77/F.NO.12(A)/EDO E&SE DIR (U) AND 78-85/F.NO.12(A)/EDO E&SE DIR (U) dated 03.02.2009 as drawing master with all back benefits.

Any other remedy this august tribunal deems fit may kindly be awarded in favor of the appellant as well.

Respectfully Sheweth:

- 1- That the post of Drawing Master were advertized in daily "AAJ" on 02.09.2008, the appellant being qualified in the terms of the

- advertisement applied for the post of Drawing Master and appeared before the District Recruitment Committee for interview. (Copy of the Advertisement is attached as annexure "A")
- 2- That the appellant was ignored and the other 29 candidates were appointed vide office order dated 03.02.2009. (Copies of the Orders dated 03.02.2009 are attached as annexure "B").
 - 3- That the appellant challenged the impugned order dated 03.02.2009 before the Peshawar High Court vide writ petition No. 641-P/2010 which was dismissed on 27.03.2014. (Copy of the Writ Petition No. 641-P/2010 and Judgment dated 27.03.2014 is attached as annexure "C").
 - 4- That the judgment dated 27.03.2014 was assailed before the Hon'ble Supreme Court of Pakistan and filed Civil Appeal No. 180-P/2020 which was allowed on 14.06.2022. (Copy of the Judgment of the august Supreme Court of Pakistan dated 14.06.2022 is attached as annexure "D").
 - 5- That after the judgment of the august Supreme Court of Pakistan the appellant was appointed as Drawing Master. (Copy of the appointment order is attached as annexure "E").
 - 6- That now the appellant requests that he may please be modified/antedated and appoint him from the date when the colleagues were appointed i.e. 03.02.2009
 - 7- That after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.
 - 8- That since then he was performing his duties efficiently and zealously and to the entire satisfaction of his high ups.
 - 9- That during his service career, he was never complained of any kind of punishment or misconduct on his part.
 - 10- That the appellant approached through departmental representation / appeal to the respondent No.2 for the issuance of modified appointment order/antedated as DM, but the same appeal was turned

down / rejected vide order dated 01.10.2024. (Copy of appeal and rejection order is annexed as Annexure "F").

11- That having no other efficacious remedy available, the appellant now approaches this Hon'ble Tribunal against the said order and for redressal of his grievances on the following grounds inter-alia:

Grounds:

- A) That the said order of the respondent No.2 is against law, facts and material available on record, unlawful, unconstitutional, illegal and without lawful authority, hence not tenable in the eyes of law and liable to be set aside.
- B) That the said order of the respondent is void ab-initio, as no codal formalities has been observed and the impugned order has been passed without adopting the proper procedure.
- C) That after the judgment of the august supreme court of Pakistan the respondent No.2 issued appointment order to the appellant with immediate effect which is the gross violation of fundamental rights and service Rules, recruitment regulations.
- D) That the respondent No.2 is failed to exercise statutory discretion.
- E) That appellant was qualified when he applied for the post of DM and had obtained higher merits vis-a-viz the respondent No.2 appointed other candidates and unlawfully refused the qualification of appellant which was illegally in violation of the rules and policy of the Government.
- F) That any other grounds will be raised at the time of arguments with the permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this service appeal the impugned office order dated 01.10.2024 of the respondent No. 2 may kindly be set-aside and appointment order of the appellant dated 24.12.2022 be modified/ antedated as drawing master from the date when the other colleagues were appointed as drawing master vide officer orders NO. 71-77/F.NO.12(A)/EDO E&SE DIR (U) AND 78-85/F.NO.12(A)/EDO E&SE DIR (U) dated 03.02.2009 as drawing master with all back benefits.

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Any other remedy this august tribunal deems fit may kindly be awarded in favor of the appellant as well.

Appellant

Through

Munir Ud Din Ghori
Advocate High Court

Dated. ___/10/2024

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**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. _____ of 2024

Kalim Ullah

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary
and Secondary Education, Civil Secretariat, Peshawar and others

..... Respondents

Affidavit

I, Kalim Ullah S/o Muhammad Amin Khan R/o Sundarwal Barawal
Banda, District Dir, do hereby solemnly affirm and declare on oath that
the contents of the accompanied service appeal are true and correct to the
best of my knowledge and belief and nothing has been concealed from this
Hon'ble Court.

Deponent

6

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. _____ of 2024

Kalim Ullah

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary
and Secondary Education, Civil Secretariat, Peshawar and others

..... Respondents

ADDRESSES OF THE PARTIES

Appellant

Kalim Ullah S/o Muhammad Amin Khan R/o Sundarwal Barawal
Banda, District Dir, Mobile No. 0345-9625591

VERSUS

RESPONDENTS: -

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and
Secondary Education, Civil Secretariat, Peshawar.
2. District Education Officer (Male), Dir Upper.
3. The Executive District Officer, Elementary Education Officer Dir Upper.

Appellant

Through

Munir Ud Din Ghori
Advocate High Court

Dated. ___/10/2024

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION DIR UPPER.

OFFICE ORDER

Consequent upon their selection by the Departmental Selection Committee the following Drawing Masters (Male) candidates are hereby appointed in Basic Pay Scale No.9 (Rs.1820-235-10720) plus usual allowances as due and admissible to them under rules in the schools noted against each with effect from 01/3/2009 in the interest of public service subject to the following terms and conditions:-

Recd

Sl#	Name	Father's name	Address	Session	No. Merit	Sch: where posted	Remarks
1.	Inamur Rahman	Sultan Muhammad	Panakot	2006	55.11	GMS Bela	Against vacant post
2.	Bakht Wali Khan	Burhanud Din	Almas	2006	52.93	GHS Sawni	Against vacant post
3.	Ishfaq Ahmad	Fida Muhammad	B. Bandi	2006	50.50	GMS Shaltalo	Against vacant post
4.	Safiqur Rahman	Waliur Rahman	Gogyal	2006	50.45	GHS Ganshal	Against vacant post
5.	Sher Wali	Muhd Zakir Khan	Sundal	2006	49.56	GHS Thall	Against vacant post
6.	Rahimullah	Fazal Raziq	Mula Gujar	2006	44.59	GMS Hayagai Gh	Against vacant post
7.	Fazal Subhan	Inayatullah	Bandi	2006	42.51	GMS Doon Serai	Against vacant post
8.	Shahabud Din	Amlr Hasham Khan	Jatgram	2007	52.47	GMS Diru	Against vacant post
9.	Aziz Ahmad	Sher Muhammad	Palam	2007	51.39	GMS Roghna Kala	Against vacant post
10.	Muhammad Dost	Ali Sultan	Bandi	2007	50.22	GMS Sonnal	Against vacant post
11.	Inayatul Haq	Muhammad Amin	Gandigar	2007	49.59	GMS Shawoor	Against vacant post
12.	Imran Khan	Muhammad Yousaf	B. Bandi	2007	48.64	GMS Dost Bala	Against vacant post
13.	Sanaullah	Said Rahmat	Genori	2007	46.22	GMS Hattan	Against vacant post
14.	Asadullah	Saeed Ullah	Genori	2007	43.72	GMS Hayagai (Sh)	Against vacant post

TERMS AND CONDITIONS.

1. The appointments will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and transfer) Rules, 1989.
2. They will contribute C.P Fund @ Rs.10% of the minimum of pay and 10% contribution will be made by the Government.
3. Certificates/Degrees of the appointees will be verified from the concerned Institutions on the expenses of the appointees. No pay etc: is allowed before the verification of Certificates and Degrees.
4. The appointment will be governed by such Rules, Regulations and policies, which may be prescribed by the Government from time to time.
5. Their services will be considered as regular but without **PENSION AND GRATUITY** in term of Section-19 of NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants Act, 2005.
6. The appointees will provide Health and Age Certificate from the Medical Superintendent concerned.
7. Their age should not be less than 18 years and above 25 years.
8. Charge reports should be submitted to all concerned.
9. No TA/DA is allowed.
10. The appointees will strictly abide by the terms and conditions laid down therein.
11. The appointees will take over charge with effect from 01/3/2009 i.e. from the opening of schools after winter vacations.
12. If at any stage the appointment was proved against the Rules/Policy/regulations and merit list, the appointment will cancelled and the effective has no right for any claim.

(Haji Fazli Malik Hassanzai)
Executive District Officer,
Elementary & Secondary Education,
Dir Upper.

Endst. No. 21-77/P.No. 12(AVEDO E&SE Dir (U) Secondary Estt. Branch Dated Dir (U) the 3 / 2 / 2009
Copy to:-

1. The Director Elementary & Secondary Education, NWFP Peshawar.
2. The District Coordination Officer, Dir Upper.
3. The District Nazim Dir Upper
4. The Principal/Headmaster concerned.
5. The Deputy District Officers concerned.
6. The Accountant concerned.
7. The candidate concerned.

TESTED
Sd/-
(Haji Fazli Malik Hassanzai)
Executive District Officer,
Elementary & Secondary Education,
Dir Upper.

AS
Attested

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION DIR UPPER

OFFICE ORDER:-

Consequent upon their selection by the Departmental Selection Committee the following Drawing Master (Male) candidates are hereby appointed in Basic Pay Scale No 9 (Rs. 3820-235-10720) plus annual allowances as due in admissible then under the rules in the schools noted against each with effect from 01/3/2009 in the interest of public subject to the following terms and conditions:-

BATCH WISE

Sr	Name	F/Name	Address	Session	No. of merit	School where posted	Remarks
1	Inayat Rehman	Sultan Muhammad	Panakor	2006	53.11	GMS Bela	Against Vacant Post
2	Rakhi Wali Khan	Buchan ud Din	Almas	2006	52.93	GHS Sawal	Against Vacant Post
3	Ashiq Ahmad	Fida Muhammad	B Bandi	2006	50.50	GMS Shalalo	Against Vacant Post
4	Sana ul Rehman	Wall ur Rahman	Gogyal	2006	50.45	GHS Ganshal	Against Vacant Post
5	Sher Wah	Muht Zakir Khan	Sundal	2006	49.56	GHS Thal	Against Vacant Post
6	Rahim Ullah	Fazal Raziq	Mula Gujar	2006	44.59	GMS Hayagay Ghar	Against Vacant Post
7	Fazal Subhan	Inayat ullah	Bandi	2006	42.51	GMS Doon Seral	Against Vacant Post
8	Sahib Ud Din	Amir Hasan Khan	Jatgram	2006	52.47	GMS Duru	Against Vacant Post
9	Aziz Ahmad	Sher Muhammad	Palam	2006	51.39	GMS Roghan Kala	Against Vacant Post
10	Muhammad Dost	Ali Sultan	Bundi	2006	50.22	GMS Sannoi	Against Vacant Post
11	Inayat Ullah	Muhammad Amin	Gandigar	2006	49.59	GMS Shawoor	Against Vacant Post
12	Imran Khan	Muhammad Yousaf	B Bandi	2006	48.64	GMS Door Bala	Against Vacant Post
13	Sana Ullah	Said Rahmat	Ganori	2006	46.22	GMS Hailan	Against Vacant Post
14	Aziz ullah	Saeed Ullah	Ganori	2006	43.72	GMS Haygai Shah	Against Vacant Post

TERMS AND CONDITIONS:

- i. The appointments will be on probation for a period of one year in terms of rule 15(i) of NWFP Civil Servants (appointment, promotion and transfer) rules 1989.
- ii. That will contribute C.P Fund a Rs. 10% of the minimum of pay and 10% contribution will be made by the Government.
- iii. Certificates / Degrees of the appointees will be verified by the concerned institution on the expenses of the appointees. No pay etc is allowed before the verification of certificates and degrees.
- iv. The appointment will be governed by such rules, regulations and policies which may be prescribed by the Government from time to time.
- v. Their services will be considered as regular but without PENSION AND GRATUITITY in terms of Section 19 of NWFP CIVIL Servant ACT 1973 as amended by NWFP Civil Servants Act 2005.
- vi. The appointees will provide Health and Age Certificates from Medical Superintendent concerned.
- vii. Their age should not be less than 18 years and above 25 years.
- viii. Charge reports should be submitted to all concerned.
- ix. No TA/DA is allowed.
- x. The appointees will strictly abide by the terms and conditions laid down therein.
- xi. The appointees will take over charge with effect from 01/3/2009 i.e. from the opening of schools after vacations.
- xii. If any stage of appointment was proved against Rules/Policy/Regulation and merit list the appointments will be cancelled and the effective has no right for claim.

Haji Fazil Malik Hassanzai
Executive District Officer,
Elementary & Secondary Education
Dir Upper

Encls: No. 71-77 F.No.12(A) / EDO E&SE Dir(U) Secondary Esst: Branch Dated Dir(U) the 3/2/2009

- Copy to:
- i. The Director Elementary & Secondary Education NWFP Peshawar
 - ii. The District Coordination Officer Dir Upper.
 - iii. The District Nazim Dir Upper.
 - iv. The District Accounts Officer Dir Upper
 - v. The Principal / Headmaster concerned.
 - vi. The accountant concerned.
 - vii. The candidate Concerned.

Haji Fazil Malik Hassanzai

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BY M Z KHAN
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OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECONDARY EDUCATION DIR UPPER OFFICE ORDIER

Consequent upon their selection by the Departmental Selection Committee the following Drawing Masters (Male) candidates are hereby appointed in Basic Pay Scale No.9 (Rs.3820-235-10720) plus usual allowances as due and admissible to them under rules in the schools noted against each with effect from 01/3/2009 in the interest of public service subject to the following terms and conditions:-

S#	Name	Father's name	Address	No. Merit	School where posted	Remarks
1.	Alam Zeb Ali Shah	Muhammad Rafiq	Gandigar	60.38	GHSS Sheringal	Against vacant post
2.	Muhammad Toyab	Ahmad Rahim	Dabono	57.34	GHS Bandi Paycha	Against vacant post
3.	Burhanud-din	Abas Khan	Shamoryar	56.57	GMS Nasrat	Against vacant post
4.	Zabihullah	Fazal Karim	Ganori	56.51	GHS Pocha Kalay	Against vacant post

09/03/09

TERMS AND CONDITIONS.

- The appointments will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and transfer) Rules, 1989.
- They will contribute C.P Fund @ Rs.10% of the minimum of pay and 10% contribution will be made by the Government.
- Certificates/Degrees of the appointees will be verified from the concerned institutions on the expenses of the appointees. No pay etc: is allowed before the verification of Certificates and Degrees.
- The appointment will be governed by such Rules, Regulations and policies, which may be prescribed by the Government from time to time.
- Their services will be considered as regular but without **PENSION AND GRATUITY** in term of Section-19 of NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants Act, 2005.
- The appointees will provide Health and Age Certificate from the Medical Superintendent concerned.
- Their age should not be less than 18 years and above 23 years.
- Charge reports should be submitted to all concerned.
- No TA/DA is allowed.
- The appointees will strictly abide by the terms and conditions laid down therein.
- The appointees will take over charge with effect from 01/3/2009 i.e. from the opening of schools after winter vacations.
- If at any stage the appointment was proved against the Rules/Policy/regulations and merit list, the appointment will be cancelled and the effective has no right for any claim.

(Haji Fazli Malik Hassanral)
Executive District Officer,
Elementary & Secondary Education,
Dir-Upper.

Encls. No.64-70/P.No.12(A)/EDO E&SE Dir (U)Secondary Estt. Branch Dated Dir (U) the 3/2/2009

Copy to:-

- The Director Elementary & Secondary Education, NWFP Peshawar.
- The District Coordination Officer, Dir Upper.
- The District Nazim Dir Upper
- The Principal/Headmaster concerned.
- The Deputy District Officers concerned.
- The Accountant concerned.
- The candidate concerned.

Copy made (male)

Sd/-
(Haji Fazli Malik Hassanral)
Executive District Officer,
Elementary & Secondary Education,
Dir Upper.

TESTER
[Signature]

[Signature]
Attested

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OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ELEMENTARY & SECONDARY EDUCATION DIR UPPER OFFICE ORDER

Consequent upon their selection by the Departmental Selection Committee the following Drawing Mistresses (Female) candidates are hereby appointed in Basic Pay Scale No.9 (Rs.3820-235-10720) plus usual allowances as due and admissible to them under rules in the schools noted against each with effect from 01/3/2009 in the interest of public service subject to the following terms and conditions:-

S#	Name	Father's name	Address	No. Merit	School where posted	Remarks
1.	Hussan Bano	Toti Muhammad	Kakad	49.45	GGMS Kakad	Against vacant post
2.	Saeeda Begum	Muhammad Amin	Rokhan	48.49	GGMS Qulandi	Against vacant post
3.	Razia	Ghulam Khaliq	Panakot	43.84	GGHS Ganorai	Against vacant post
4.	Arifeen Bibi	Fateh Muhammad	Kass	37.52	GGMS Panakot	Against vacant post
5.	Walayat Bibi	Haroon Khan	Galkote	36.94	GGMS Tarpatar	Against vacant post
6.	Jamila	Tawkal Khan	Rehankot	35.02	GGHSS Dir	Against vacant post
7.	Amina Bibi	Sher Alam Khan	Akhgram	37.47	GGMS Akhgram	Against vacant post

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TERMS AND CONDITIONS.

- The appointments will be on probation for a period of one year in terms of Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and transfer) Rules, 1989.
- They will contribute C.P Fund @ Rs.10% of the minimum of pay and 10% contribution will be made by the Government.
- Certificates/Degrees of the appointees will be verified from the concerned Institutions on the expenses of the appointees. No pay etc. is allowed before the verification of Certificates and Degrees.
- The appointment will be governed by such Rules, Regulations and policies, which may be prescribed by the Government from time to time.
- Their services will be considered as regular but without PENSION AND GRATUITY in term of Section-19 of NWFP Civil Servants Act, 1973 as amended by NWFP Civil Servants Act, 2005.
- The appointees will provide Health and Age Certificate from the Medical Superintendent concerned.
- Their age should not be less than 18 years and above 25 years.
- Charge reports should be submitted to all concerned.
- No TA/DA is allowed.
- The appointees will strictly abide by the terms and conditions laid down therein.
- The appointees will take over charge with effect from 01/3/2009 i.e. from the opening of schools after winter vacations.
- If at any stage the appointment was proved against the Rules/Policy/regulations and merit list, the appointment will be cancelled and the effective has no right for any claim.

Sd/-
(Haji Fazli Malik Hassanzai)
Executive District Officer,
Elementary & Secondary Education,
Dir Upper.

Endst. No.78-85/F.No.12(A)/EDO E&SE Dir (U)/Secondary Estt. Branch Dated Dir (U) the 3/2/2009
Copy to:-

- The Director Elementary & Secondary Education, NWFP Poshawar.
- The District Coordination Officer, Dir Upper.
- The District Nazim Dir Upper
- The Principal/Headmaster concerned.
- The Deputy District Officers concerned.
- The Accountant concerned.
- The candidate concerned.

Sd/-
Executive District Officer,
Elementary & Secondary Education,
Dir Upper.

ATTESTED
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(Fazla)

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MINUTES OF THE MEETING HELD ON 03.01.2009 TO DISCUSS ISSUES RELATING TO COMMITTEE & THE APPOINTMENT PROCESS IN EDUCATION DEPARTMENT (EDO E&SE).

12

A meeting to discuss the recruitment process by the EDO E&SE Dir Upper was held on 03.01.2009 under the chairmanship of DCO Dir Upper. The following officers attended the meeting:-

27

1. District Coordination Officer, Dir Upper.
2. EDO E&SE Dir Upper.
3. District Officer (Male) office of the DO E&SE Dir Upper.
4. Deputy DO (M) office of EDO E&SE Dir Upper.
5. ADO (Estab) Prg: office of EDO E&SE Dir Upper.
6. ADO (Estab) Secy: office of EDO E&SE Dir Upper.

Opening the discussion the DCO directed EDO E&SE to speed up the process of recruitment of DM and PET so that shortage of staff in the Department resolved and jobless deserving candidates of the area are benefited. He further advised that the recruitment should be carried out after observing the laid down procedure/criteria. He stressed upon the E&SE Department to strictly follow the merit. The EDO explained the whole process of recruitment and ensured that he will keep close eye over the process and will make every endeavor to observe me. The concerned ADOs explained the home work made so far in this connection.

Mr. Saeedullah ADO (Estab) of EDO office brought the issue with regard to appointment of DM & PET. It was explained that ordinarily all training courses in Education Department are either conducted in the RITE (NWFP Govt. Institute) or Allama Iqbal Open University. Only CT and BEd courses are passed from private universities and examination of these courses are conducted by UOP and AIQU. It was further pointed out that for teachers training courses "teaching practice" is must. Certificates issued by the EDO Education Hyderabad, for Drawing grades Examination were found additional subject of Drawing in FA and not equal to DM training course as these were short of the subject to teaching practice.

The ADO Establishment further pointed out that as per NWFP Govt. instructions, 3 months training in RITE is essential for those candidates who have passed diploma/course from Sarhad University on their own expenses.

17/20.9.08
22/22.9.08

2.9.2008

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After discussion of all aspects and examination of the diploma/certificates issued by institutions other than the RITE, it was unanimously decided in the interest of public service that:-

- a. As RITE is Government Institution over which huge public money is expended and whose course and examination standard is in accordance with requirements of NWFP. Proper training course and teaching practice is given by them, therefore, candidates who have obtained diploma/certificates from RITE NWFP will be given preference on those candidates who have obtained diploma etc from Sarhad University but not yet have completed 3 months Training conducted by the RITE. After accommodating candidates of this category (who have passed diploma/course from RITE) rest of the vacant posts will be filled in from amongst the candidates who have got their diploma/course from Sarhad and Gomal Universities.
- b. The diplomas/certificates given by the EDO Education Hyder Abad were found not issued by any Provincial level Board faculty/institution. Therefore these do not fulfill the requirement of this province. The committee decided in the best interest of candidates not to accept diplomas/courses passed/obtained from EDO Education Hyder Abad.

Sd/-
District Coordination Officer
Upper Dir.

No. 409-11/DCO/Asst/VE&SE/AO/ST:
Copy forwarded to the:-

Dated Dir the 10/01/2009

- 1. Zilla Nazim upper Dir.
- 2. Executive District Officer Elementary & Secondary Education Upper Dir.
- 3. All other participants.

Sd/-
District Coordination Officer
Upper Dir.

ATTESTED
ADDITION

AS
Attested

Attest
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SECTION OFFICER (PRIMARY)

Enclosed please find herewith a joint application from one Mr. Muhammad Anwar and other candidates from District (D) (11997) which is self explanatory.
The grievances of the applicant may please be examined and comments/report submitted to this department at an early date.
[Incl. As above.]

SUBJECT:- REQUEST FOR APPOINTMENT AS DDM ON CERTIFICATES ISSUED BY THE TRAINING INSTITUTES OF KARACHI AND HYDRABAD

The Executive District Officer
Elementary and Secondary Education,
Dir (Upper)

(GOVERNMENT OF PUNJAB)
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT
NO. SO (PE)-2/Appointment/08
Dated Feshawar the, 3-12-2008

(89)

(14)

(7) (15)

**BEFORE THE HON'BLE PESHAWAR HIGH COURT,
MINGORA BENCH / DARUL OAZA, SWAT**

REVIEW PETITION No. 9 -M/2014.

- (1) Kalim Ullah; ✓
- (2) Abdullahi Shah sons of Muhammad Amin Khan resident of Sundarwal Barawal Banda District Dir;
- (3) Mst. Khalida bibi d/o Fazal Ahad village Chappar Tehsil Wari- District Dir Upper Petitioners.

VERSUS

- (1) Executive District Officer, Elementary & Secondary Education, Dir Upper;
- (2) The District Coordination Officer, District Dir Upper;
- (3) The Director, Elementary & Secondary Education, NWFP, Peshawar;
- (4) The Secretary, Elementary & Secondary Education, NWFP Peshawar.
- (5) Mr. Inam-ur-Rehman s/o Sultan Muhammad presently posted at GMS Bela, through the Office of EDO (E&SE), Dir Upper.
- (6) Mr. Bakht Wali Khan s/o Burhan-ud-Din presently posted at GHS Sawani, through the office of EDO (E&SE), Dir Upper;
- (7) Mr. Ashfaq Ahmad s/o Eida Muhammad presently posted at GMS Shaltaloo, through the office of EDO (E&SE), Dir Upper;
- (8) Mr. Shafiq-ur-Rehman s/o Wali ur Rehman presently posted at GHS Ganshal, through the office of EDO (E&SE), Dir Upper;
- (9) Mr. Rahimullah s/o Fazal Raziq, presently posted GMS Hayagai, through the office of EDO (E&SE), Dir Upper;
- (10) Mr. Sher Wali s/o Muhammad Zakir Khan presently GHS Thall, Tehsil Kalkot, through the office of EDO (E&SE), Dir Upper;

ATTESTED

M
Peshawar High Court Bench
Mingora/Darul Oaza Swat

FILED TODAY

APR 11 2014

APR 11 2014

Attested

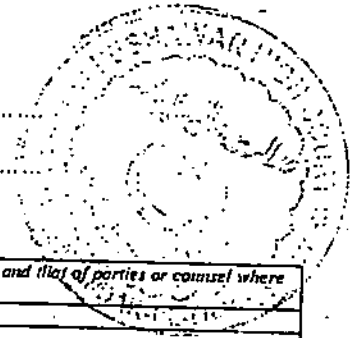
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P- (B)

PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of
Case No of



Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
4	17.9.2014.	<p><u>Review Petition No.9-M/2014</u> <u>With C.M. No.339/14 in W.P. No.641/2010.</u></p> <p>Present: Mr. Akhtar Munir Khan, advocate for the petitioners.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.-</u> Through the instant petition petitioners, Kalimullah etc seek review of judgment dated 27.3.2014 delivered by this Court in W.P. No.641 of 2010.</p> <p>2. Arguments heard and record gone through.</p> <p>3. Learned counsel for the petitioner, while arguing the review petition attempted to reopen the main case which had already been decided on merits by this Court after hearing the parties through their counsels, considering all the material points agitated at the time of hearing, whereafter through conscious application of mind, the judgment under review was delivered.</p> <p>4. The learned counsel did not point out any legal</p>

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error or mistake of law floating on the surface of the judgment under review. It has been held by the apex Court in the case Mian Rafiq Saigol vs Bank of Credit & Commerce International (Overseas) Ltd. (P L D 1997 Supreme Court-865), that:

“Review proceedings cannot partake re-hearing of a decided case. If the Court has taken a conscious and a deliberate decision on a point of law or fact while disposing of a petition or an appeal, review of such judgment or order cannot be obtained on the grounds that the Court took an erroneous view or that another view on reconsideration is possible. Review also cannot be allowed on the ground of discovery of some new material, if such material was available at the time of hearing of appeal or petition but not produced. Ground not urged or raised at the hearing of petition or appeal cannot be allowed to be raised in review proceedings. Only such errors in the judgment/order would justify review, which are self-evident, found floating on the surface, are discoverable without much deliberations, and have a material bearing on the final result of the case.

5. It is worth to mention that this Court had attended to all the relevant and material facts of the case and thereafter had announced its judgment. Nothing material was left un-attended. No mistake of law or fact which could be

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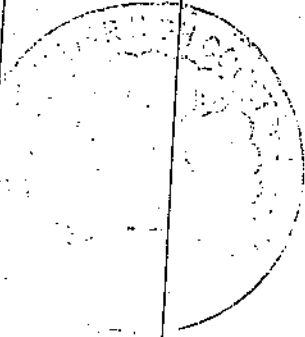
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seen with naked eyes has been pointed out by the learned counsel for the petitioner, therefore, the instant review petition, being bereft of any substance, is hereby dismissed in *limine* alongwith C.M. No.339 of 2014.

Announced.
Dt: 17.9.2014.

Sd: Abdul Zafiq Khan-J
Sd: Lal Jan Khattak-J



S. No. 6970
Name of the party Abdul Khan
Date of Filing 26-9-14
Date of Disposal 17-10-14
No. of Copies 16.0
Fee Charged 32/-
Date of Delivery of Copies 17-10-14

Certified to be true copy

[Signature]

Deputy Registrar
17/10/14

[Signature]
Attested

25/9

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BEFORE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

04-12-2014
M. Ajmal Khan, AD/C
Application for grant of
Time filed

C.P.L.A.No. _____/2014

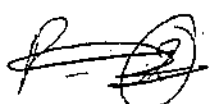
1. Kalim Ullah
2. Abdullah Shah sons of Muhammad Amin Khan
Residents of Sundarwal Barawal Banda, District Dir.

.....Petitioner

Versus

- 1) Executive District Officer, Elementary Education, Dir Upper
- 2) The District Coordination Officer, District Dir Upper.
- 3) The Director, Elementary & Secondary Education, NWFP, (Now KPK) Peshawar.
- 4) The Secretary, Elementary & Secondary Education, NWFP, (Now KPK) Peshawar
- 5) Mr. Inam-ur-Rehman S/o Sultan Muhammad presently posted at GMS Bela, through the Office of EDO (E&SE), Dir Upper.
- 6) Mr. Bakht Wali Khan S/o Burhan-ud-Din, presently posted at GHS Sawani, through the office of EDO (E&SE), Dir Upper.
- 7) Mr. Ashfaq Ahmad S/o Fida Muhammad, presently posted of GMS Shaltaloo, through the Office of EDO (E&SE), Dir Upper.
- 8) Mr. Shafiq-ur-Rehman S/o Wali-ur-Rehman, presently posted at GHS Ganshal, through the office of EDO (E&SE), Dir Upper.
- 9) Mr. Rahimullah S/o Fazal Raziq, presently posted GMS Hayagai, through the Office of EDO (E&SE), Dir Upper.
- 10) Mr. Sher Wali S/o Muhammad Zakir Khan, presently GHS Thall, Tehsil Kalkot, through the Office of EDO (E&SE), Dir Upper.
- 11) Mr. F azal Subhan S/o Inayatullah, presently posted as GMS Doon Serai, through the Office of EDO (E&SE), Dir Upper.
- 12) Mr. Shahab-ud-Din S/o Amir Hasham Khan, presently posted at GMS Duru, through the Office of EDO (E&SE), Dir Upper.
- 13) Mr. Aziz Ahmad S/o Sher Muhammad, presently posted at GMS Raoghano Qala, through the Office of EDO (E&SE), Dir Upper.
- 14) Mr. Muhammad Dost S/o Ali Sultan, presently posted at GMS Saranai, through the Office of EDO (E&SE), Dir Upper.
- 15) Mr. Inayatul Haq S/o Muhammad Amin, presently posted at GMS Shahoor, through the Office of EDO (E&SE), Dir Upper.

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- 
- 16) Mr. Imran Khan S/o Muhammad Yousaf, presently posted at GMS Dooz Bala, through the Office of EDO (E&SE), Dir Upper.
 - 17) Mr. Sanaullah S/o Said Rahman, presently posted at GMS Hattan, through the Office of EDO (E&SE), Dir Upper.
 - 18) Mr. Assadullah S/o Saeedullah presently posted at GMS Hayagai (SH) through the Office of EDO (E&SE), Dir Upper.
 - 19) Alamzeb Ali Shah S/o Muhammad Rafique presently posted at GHSS Shringal, through the Office of EDO (E&SE), Dir Upper.
 - 20) Mr. Muhammad Tayyab S/o Ahmad Rahim, presently posted at GHS Bandai Payeen, through the Office EDO (E&SE), Dir Upper.
 - 21) Mr. Burhan-ud-Din S/o Abbas Kha presently posted at GMS Nasrat, through the Office of EDO (E&SE), Dir Upper.
 - 22) Mr. Zabihullah S/o Fazal Karim, Presently posted at GHS Pacha Kaley, through the Office of EDO (E&SE), Dir Upper.
 - 23) Mst. Hussan Bano D/o Toti Muhammad presently posted at GGMS Kakad, through the Office of EDO (E&SE), Dir Upper.
 - 24) Mst. Saeeda Begum D/o Muhammad Amin, presently posted at GGMS Qolandi, through the Office of EDO (E&SE), Dir Upper.
 - 25) Mst. Razia D/o Ghulam Khaliq, presently posted GGHS Ganorai, through the Office of EDO (E&SE), Dir Upper.
 - 26) Mst. Arifeen Bibi D/o Fateh Muhammad, presently posted at GGMS Panakot, through the Office of EDO (E&SE), Dir Upper.
 - 27) Mst. Wailayt Bibi D/o Haroon Khan, presently posted at GGMS, Tarpatar, through the Office of EDO (E&SE), Dir Upper.
 - 28) Mst. Jameela D/o Haroon Khan, presently posted at GGHSS Dir, through the Office of EDO (E&SE), Dir Upper.
 - 29) Mst. Amina Bibi D/o Sher Alam Khan, presently posted at GGMMS Akhagram, through the Office of EDO (E&SE), Dir Upper.

..... Respondents

- 30) Mst. Khalida Bibi D/o Fazal Ahad
R/o Village, Chappar Tehsil Wari, District Dir Upper.

.....Proforma Respondents

CIVIL PETITION FOR LEAVE TO APPEAL
UNDER A RTICLE 185(3) OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973 AGAINST THE IMPUGNED
JUDGMENT OF THE HON'BLE PESHAWAR
HIGH COURT, MINGORA BENCH (DAR-UL-


Attested

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QAZA), SWAT DATED 17.09.2014 PASSED
IN REVIEW PETITION NO.9-M/2014 IN
W.P.NO.641/2010.

Respectfully Sheweth

- I. THE POINT OF LAW AND GROUNDS INTER-ALIA OF GENERAL PUBLIC IMPORTANCE, WHICH FALL FOR DETERMINATION OF THIS AUGUST COURT.
 - 1) Whether the impugned judgment dated 17.09.2014 passed by Hon'ble Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat is not against law, facts and record of the case, hence untenable?
 - 2) Whether the impugned judgment and order is not against the law and acts on the file?
 - 3) Whether while passing the impugned judgment, the Hon'ble High Court has not ignored many judgments passed in similar cases by allowing the petitioners?
 - 4) Whether the judgment in the main writ petition is sustainable in the eyes of law, as similar W.P.No.352-M/2013 for the same relief was allowed on 20.03.2014, by the Hon'ble High Court, but petitioners' case of 2010 was dismissed on 27.03.2014 on the ground that long time has passed since the impugned order was passed, which logic is not sustainable in view of the law, principles of natural justice and the dictums laid down by this Court?
 - 5) Whether the Hon'ble High Court has not already allowed W.P.No.3620/2010 and the Review Petition No.7-M/2012 in the same petition granting full relief of seniority of the petitioners therein?
 - 6) Whether likewise W.P.No.2093/2007 alongwith many other petitions was allowed by the same Hon'ble High Court?

Attended

P-4

- 7) That this august Court has not granted leave to appeal in C.P.No.456-P/2013 alongwith other petitions when judgments of the Hon'ble High Court were assailed?
- 8) Whether the petitioners have not crossed the age limit for appointment in Government Service and the impugned judgment has sealed the hakes of the petitioner to pursue a corner in accordance with their qualification?
- 9) Whether many vacancies, thereafter too, have not occurred and filled and it will be lawful and in accordance with justice if the petitioners are treated alike wise the similarly placed persons.
- 10) Whether the petitioner has been treated in accordance with law as well as equal protection of law has also not been extended to him?
- 11) Whether the Hon'ble High Court had not failed to appreciate the case in its true perspective by not applying judicial mind, which resulted into grave illegality and injustice?

II. THE STATEMENT OF FACTS GIVING RISE TO THE LAW POINTS IS AS UNDER:

- 1) That the petitioners are the bonafide resident of District Dir Upper and qualified for the post of Drawing Master/ Mistresses.
- 2) That as per the recruitment policy for various Categories-2003 vide Notification dated 15.01.2009, issued by the Department the requisite qualification for the post of Drawing Masters is as follows:-
 - iii. DM:- HSSC from a recognized Board with one year training in Drawing:
- 3) That respondent No.1 issued an Advertisement, which was published in daily "Aaj" on 02.09.2008, inviting applications for various posts of different categories including the post of Drawing Master with qualification i.e. FA/ F.Sc with Drawing

Attested

RITA
Regional Institute for Teacher Education
PITE
Provincial Institute for Teacher Education

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[Signature]

Master Certificate from a Government recognized Institution. Petitioners being qualified in the terms of the advertisement applied for the post of Drawing Master and appeared before the District Recruitment Committee for interview duly qualified the same and secured the highest merit.

- 4) That the petitioners were anxiously waiting for their appointment as Drawing Master as they had secured highest merits, but respondent No.1 issued the impugned orders Nos.71-77/F.No.12(A)/EDO E&SE Dir (U) and 78-85/F.No.12(A)/EDO E&SE Dir (U) dated 03.02.2009, whereby private respondents No.5 to 29 were selected and appointment as Drawing Master, whereas petitioners were unlawfully ignored on the false pretext of having Diplomas of Drawing Master from other Institutions than R.I (Te (NWFP Govt. Institute) as is evident from the minutes of the meeting held on 03.01.2009.
- 5) That some of the petitioners have also ventilated their grievance through an application to the respondent No.4, which was referred to respondent No.1 vide letter dated 03.12.2008.
- 6) That the same like writ petition has already been disposed of by this august Court dated 27.04.2009 with direction to respondent No.1 to decide the presentations of the petitioners.
- 7) That being aggrieved of the acts and actions of the respondents by ignoring the petitioners and issuing the impugned orders dated 03.02.2009 of appoints of respondents No.5 to 29, the petitioners approached the Hon'ble Peshawar High Court, Peshawar and filed W.P.No.641/2010, which was later on transferred to Mingora Bench (Dar-ul-Qaza), Swat.
- 8) That the W.P.No.641/2010 filed by petitioners came up for hearing on 27.03.2014, and the Hon'ble Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat after hearing both the parties dismissed the W.P.No.641/2010 filed by petitioners.
- 9) That being aggrieved the petitioners filed Review Petition No.9-M/2014 alongwith C.M.No.339/14 before the Hon'ble Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat,

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which was also dismissed by the Hon'ble High Court in limini vide its judgment dated 17.09.2014.

- 10) That being dissatisfied petitioners now files this petition before this august Court on the law points and grounds as set out in part "A" above.

It is, therefore, humbly prayed that leave to appeal against the impugned judgment dated 17.09.2014 passed by Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat in Review Petition No.9-M/2014 in W.P.No.641/2010 may graciously be granted.

DRAWN BY

Naveed Akhtar
Advocate
Supreme Court of Pakistan

FILED BY

Muhammad Ajmal Khan
Advocate-on-Record
Supreme Court of Pakistan

NOTE:

Certified that no such petition has been filed earlier by the petitioners against the judgment dated 17.09.2014 passed by Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat in Review Petition No.9-M/2014 in W.P.No.641/2010.

Advocate-on-Record

Attested

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

25

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL, CJ
MR. JUSTICE MUHAMMAD ALI MAZHAR
MRS. JUSTICE AYESHA A. MALIK

C.A.69-P TO 73-P/2020 AND C.A.180-P/2020

(Against the judgment/order dated 30.05.2018, 19.06.2018 and 26.09.2018 of the Peshawar High Court, Mingora Bench, (Dar ul Qaza) Swat passed in WF No.193-M/2017, 284-M/2015, -171-M/2016, 102-M/2018 and Review Petition No.34-M/2018, 17.09.2014 in Review Petition No.9-M/2014 in WP No.641/2010)

1. C.A.69-P/2020 District Education Officer (Male) Malakand & others v. Jan Muhammad Khan
2. C.A.70-P/2020 Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & others v. Gul Rahim Shah & others
3. C.A.71-P/2020 Govt of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Peshawar & others v. Subhanullah & others
4. C.A.72-P/2020 Govt of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Peshawar & others v. Mushtaq Ahmad and others
5. C.A.73-P/2020 Govt of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Peshawar & others v. Gul Rahim Shah & others
6. C.A.180-P/2020 Kalim Ullah and another v. Executive District Officer Elementary Education, Dir Upper and others

For the Appellant(s) : Mr. Shumail Aziz Addl. AG KPK in CA No.69-P to 73-P of 2020 alongwith Mr. Iftikhar ur Ehsan DEO Male Bunir
Mr. Naveed Akhtar ASC in CA No.180-P of 2020

For the Respondent(s) : Mr. Zia-ur-Rahman Tajik, ASC in CA No.69-P and 71-P of 2020
Muhammad Isa Khan, ASC in CA No.70-P and 73-P of 2020.

Date of Hearing : 14.06.2022

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Attended

ATTACHED

ORDER

UMAR ATA BANDIAL, CJ.

C.A.69-P TO 73-P/2020: We are informed by the learned Addl. AG KPK that during pendency of these appeals, certain developments have taken place. Some of the respondents in these connected petitions have qualified for appointment and have been issued letters in this behalf. With respect to the remaining respondents, we note from the Paragraph-8 of the judgment dated 30.05.2018 passed in Writ Petition No.213-M/2014 titled as "**Mst. Bibi Fatima versus Government of KPK**" and in other connected matters, that a consensus was arrived between the learned AAG appearing on behalf of the official respondents and DEO concerned and the private parties. Pursuant to the said consensus, the petitioner authorities were directed as under:

"To consider the respondents for appointment against the post of Drawing Master being similarly placed person subject to their eligibility qua merit position strictly within the legal parameters and in view of the rules and regulations governing the subject matter therein".

2. In view of the above said observations, it is clear that the order has been passed by consent. In any event, the matter lies with the petitioner authorities to apply the relevant rules and regulations in order to assess the qualification of the respondents to be appointed as Drawing Master.

3. **C.A.180-P/2020:** The learned Addl. AG KPK submits that the petitioner authorities shall be willing to consider the appellants on the same terms as the respondents in the afore-

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noted appeals filed by the Provincial Government on merit strictly in accordance with law.

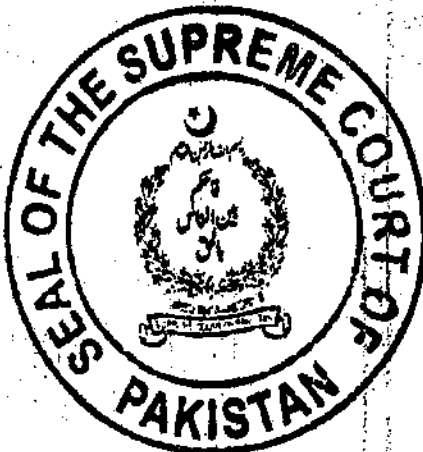
4. In the above circumstances, we find no reason to interfere with the impugned judgments, therefore, these appeals are disposed of in the above terms.

Sd/-CJ
Sd/-J
Sd/-J

Certified to be True Copy

[Signature]
**Senior Court Associate
Supreme Court of Pakistan
Islamabad**

Islamabad
14.06.2022
Rashid/
Not approved for reporting



GR No: 523-P/2022 Civil Criminal

Date of Presentation: 15.6.2022

No of Words: 900

No of Folios: 9

Requisition Fee: 500

Copy Fee: 500

Court Fees: 1000

Date of Completion: 12/8/22

Date of Delivery of Copy: 19-9-22

Compared by/Prepared by: [Signature]

Received by: _____

[Signature]
Attested -



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER

PH No: 0944-881400 E-mail: deomdirupper@gmail.com



28

OFFICE ORDER.

In the light of the judgment passed by Peshawar High Court Darul Qaza Mingora Bench Swat in writ petition No.291-M/2014 of Sardar Ali Vs Govt. of KPK and others & writ petition No.213-M/2014 of Mst:Bibi Fatima V.S Govt. of KPK & Others dated 30-05-2018. The Supreme Court of Pakistan Islamabad passed judgment 14-08-2022 in C.A.69-P To 73-P/2020 AND C.A.180-P/2020 in respect of Mr. Kalim Ullah & another V.S Executive District Officer Elementary & Secondary Education, Dir Upper and others. The following teacher is hereby appointed against the vacant post of Drawing Master BPS-15 Rs.(23920-1980-83320) plus usual allowances as admissible under the rules on regular basis with immediate effect in the interest of public service subject to the following terms and conditions:-

S.#	Name of Teacher	Father Name	Name of School where posted / adjusted	D.O.B	NIC #	Remarks
01	Kalim Ullah	Muhammad Amin Khan	GMS Narkoon	20-05-1980	15704-8433358-3	A.V.P

TERMS & CONDITIONS:-

1. The appointment will be on probation for a period of one year in terms of Rule 15(1) of Khyber Pakhtunkhwa (Appointment, promotion and transfer Rules 1989,
2. The appointee will be governed by such rules, regulation, which may be prescribed by the Govt. from time to time.
3. His service will be considered on regular basis.
4. Appointment is subject to the conditions that his certificate/document must be verified from the concerned authorities and if found bogus, his appointment shall be cancelled and will be reported to the law enforcing agencies for further legal action.
5. The appointee will provide Health & Age certificate from the Medical superintendent concerned.
6. Charge report should be submitted to all concerned.
7. If the appointee fail to take over charge within in fifteen days his appointment will be deemed automatically cancelled.
8. No pay is allowed before verification of professional and academic documents from the concerned institutions.
9. The appointee will strictly abide by the terms and conditions laid down therein.
10. He shall not claim and back benefits.
11. No TADA is allowed.

(ABDUR RAHMAN)
DISTRICT EDUCATION OFFICER,
(MALE) DIR UPPER.

No. 1157-63 No.05 /DEO (M) Dir (U)/ADO Secy:Branch Dated Dir (U) the 24/12/2022.

Copy forwarded to the:

- 01- Registrar Peshawar High Court Mingora Branch Darul Qaza Swat.
- 02- Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
- 03- District Accounts Officer Dir Upper.
- 04- Principal/ Head Master Concerned.
- 05- Teacher Concerned.
- 06- AP EMIS Local Office.
- 07- Office Record.


DISTRICT EDUCATION OFFICER,
(MALE) DIR UPPER.


Attested

29

To

The Executive District Officer,
Elementary Education Officer Dir Upper.

Subject:

DEPARTMENTAL APPEAL FOR THE APPOINTMENT ORDER OF THE APPELLANT DATED 24.12.2022 BE MODIFIED/ ANTEDATED AS DRAWING MASTER FROM THE DATE WHEN THE OTHER COLLEAGUES WERE APPOINTED AS DRAWING MASTERS VIDE OFFICER ORDERS NO. 71-77/F.NO.12(A)/EDO E&SE DIR (U) AND 78-85/F.NO.12(A)/EDO E&SE DIR (U) DATED 03.02.2009 AS DRAWING MASTER.

Respected Sir

- 1) That the post of Drawing Master were advertised in daily "AAJ" on 02.09.2008, the appellant being qualified in the terms of the advertisement applied for the post of Drawing Master and appeared before the District Recruitment Committee for interview.
- 2) That the appellant was ignored and the other 29 candidates were appointed vide office order dated 03.02.2009.
- 3) That the appellant challenged the impugned order dated 03.02.2009 before the Peshawar High Court vide writ petition No. 641-P/2010 which was dismissed on 27.03.2014.
- 4) That the judgment dated 27.03.2014 was assailed before the Hon'ble Supreme Court of Pakistan and filed Civil Appeal No. 180-P/2020


Attested

which was allowed on 14.06.2022. (Copy of the Judgment of the august Supreme Court of Pakistan dated 14.06.2022 is attached).

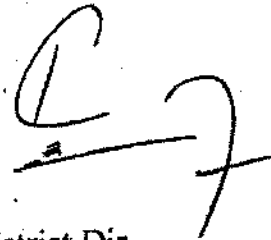
- 5) That after the judgment of the august Supreme Court of Pakistan the appellant was appointed as Drawing Master. (Copy of the appointment order is attached)
- 6) That now the appellant requests that he may please be modified/antedated and appoint him from the date when the colleagues were appointed i.e. 03.02.2009
- 7) That after appointment the appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.

It is, therefore, most humbly prayed that on acceptance of instant Departmental Appeal may kindly be allowed and appointment order of the appellant dated 24.12.2022 be modified /antedated from the date when his colleagues were appointed i.e. 03.02.2009.

Your Sincerely

Appellant

Kalim Ullah
S/o Muhammad Amin Khan
R/o Sundarwal Barawal Banda, District Dir.
Mobile No. 0345-9625591



DEO صاحب دہرا ڈیو ڈائمنج

درخواست برائے منگوری سنٹاری

11/10/24
11/10/24

صاحب عالی

نیا تارب کے تزارف ہے۔ کہ سائل کا تقرری لڑنے کے دوران قبل ایک
عدالتی فیصلے کے مطابق ہوا تھا۔ اس طرح Same case میں مجھ سے پہلے
بھی سنٹاری دی گئی ہے۔

اس بارے میں عرض ہے۔ کہ آپ چاہیں سنٹاری کے منگوری کے حکم کے مطابق
صادر فرمائیں۔ سینٹریل ناکیا تارب ڈیو ڈائمنج

قط

درخواست گزار
کلیم اللہ DM
GMS. تارن

1/10/2024

Attached

32



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE DIR UPPER



No. 2799 / F.No. 42 / ADO (S) SEB / DEO (Male)

Dated Upper Dir 01/10/2024.

To

Mr. Kalim Ullah (DM),
GMS Narkoon Dir Upper.

Subject:
Memo:

APPEAL REGARDING SENIORITY ON DM POST.

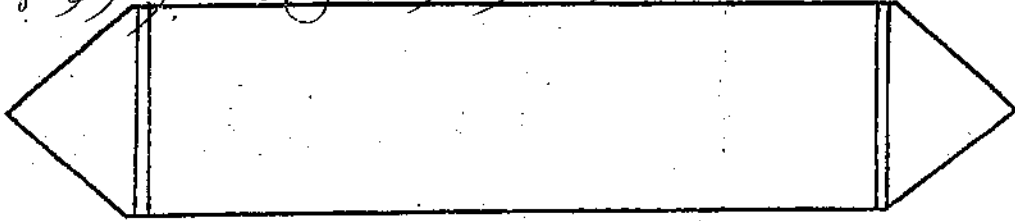
It is intimated that your appeal regarding the subject matter received to this office on the subject noted above, which is properly investigated for further proceedings, but it is clarified that your seniority from the date of appointment is intact in the seniority list as per record of this office.

It is, directed that the seniority of other teachers which you have based / claimed in the appeal, so the court has ordered a specific decision for them. Due to which your appeal cannot be considered further and rejected accordingly.


DISTRICT EDUCATION OFFICER
(MALE) DIR UPPER


Attested

بعدالت سرور سنز ٹرانسپورٹل حصہ مختصاً ایشیا



موزخہ
مقدمہ
دعویٰ
جرم

بنام گورنمنٹ وکٹریہ

کلمہ اللہ

2 مخانب

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
آن مقام _____ کیلئے سید المراد علی غودی Attended
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو رضی نامہ کرنے و تقرر حالت ہ فیصلہ بر حلقہ دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائز اتوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المقوم

20

Attended

Accepted

العواہ العی

کے لئے منظور ہے۔

بمقام

BC-16-6442
8346-8002784