

IN THE PESHAWAR HIGH COURT, MINGORA BENCH/ DAR-UL-QAZA, SWAT
OBJECTION SLIP

Syed Nacem Uddin & others VERSUS Govt. of Khyber Pakhtunkhwa, through Secretary (E&SE) & others

Receipt No. 2021-270

- 1 Affidavit is not duly attested / Appended ✓
- 2 Certified copies of annexures/ page # 6 have not been filed. ✓
- 3 Copies of annexures/ page # 10,11 are not legible. ✓
- 4 One spare copy be filed. ✓
- 5 Petition alongwith annexures be scanned. ✓
- 6 ~~Authority letter on behalf of respondents No. 3 & 4 be attached.~~ ✓

Reader

Returned with the objections mentioned above. Case be re-submitted on or before 23-01-2021

Additional Registrar
PHC, Mingora Bench
Dated: 09-01-2021

Objections have been removed
ADP
11-1-2021

BEFORE THE PESHAWAR HIGH COURT BENCH
MINGORA/DARUL QAZA SWAT.

WP No.468-M/2020

1. Syed Naeem Ud Din S/O Ghullam Ud Din R/O Yarkhon, Tehsil Mastuj, District Chitral Upper and others. (Petitioners)

Versus

1. Government of KPK through Secretary Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.

2. Director, Elementary and secondary Education Khyber Pakhtunkhwa Peshawar.

3. District Education Officer (M) Chitral Lower

4. District Education Officer (M) Chitral Upper. And others

(Respondents)

Index:

S.No	Description	Page
1	Para wise comments	1-4
2	Authority letter & Affidavit	5-5A
3	Bifurcation of Edu deptl 'Annex A'	6
4	Merit List of Teachers Annex B	7-18
5	petition and affidavit of Mr Ihsan Ur Rahman Annexed C & D	12-18
6	Directors instruction Annexed 'E'	19
7	Honorable High Court order, dated 11-3-2020 Annexed 'F'	20-22

District Education Officer
(M) Lower Chitral
Respondent No. 3

FILED TODAY

09 JAN 2021

Additional Registrar

District Education Officer
(M) Upper Chitral
Respondent. 4

Re-Filed Today

11 JAN 2021

Additional Registrar

1

BEFORE THE PESHAWAR HIGH COURT BENCH
MINGORA /DARUL QAZA SWAT.

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3. District Education Officer (M) Chitral Lower

4. District Education Officer (M) Chitral Upper. And others.

(Respondents)

*Vetted
Subject to Billing of
annexures and proper
paper.*

PARA WISE COMMENTS ON BEHALF OF RESPONDENT No. 3 to 4.

Respectfully sheweth:-

PRELIMINARY OBJECTIONS

1. That the petitioners are not the "aggrieved" persons with the meaning of Article 199 of the Constitution of the Islamic Republic of Pakistan 1973.

2. That the petitioners have got no cause of action /locus standi to file this writ petition because the petitioners did not come on merit.

3. That the petitioners have not come to this Honorable court with clean hands rather than the instant petition is mainly based on malafide intentions just to put pressure on the respondent department for illegal appointments.

4. That the petitioners are estopped by his own conduct.

6. That the instant writ petition suffers from laches, hence not maintainable in the present form.

7. That the petition in hand is barred by the relevant provision of Law/Rules/Policy in Field.

8. That the advertisement was issued before the bifurcation of the Districts.

FILED TODAY

09 JAN 2021

PW
Additional Registrar

Assistant A-4/1/21
Khyber Pakhtunkhwa
General

ON FACTS

1. Para -1 pertain to record, hence needs no comments.

2. Para -2 is correct up to the extent of announcement of bifurcation of Chitral into two District i.e. Chitral Lower & Chitral Upper by revenue department vide notification dated 20-11-2018, but proper notification for the bifurcation of post for both district was issued by the Finance Department vide dated 28th November 2019, whereas the advertisement for the vacant post was published by the DEO (M)Chitral(respondent No.3) because at the time of advertisement the offices were not bifurcated which is much clear from the advertisement in which last date for submission of documents was 10-06-2019. Further more it is incorrect that respondent No.4 was DEO(M)upper Chitral at the time of advertisement .

(Copy of bifurcation of posts dated 28-11-2019 attached as "A")

3. Para -3 is correct, hence need no comments.
4. Para-4 is also correct that the petitioner applied to the vacant post advertised by the respondent No.3, but due to low in the merit position, they did not Compete the merit position so not considered.
5. Para No. 5 is also incorrect although the District Chitral was divided into two (Upper Chitral & District Lower Chitral on 20-11-2018) but the E & S Education Department Bifurciated on 28-11-2019. While the closing date of the Advertisement (combined District Chitral)was 11/06/2019.
6. Para No.6 is correct to the extent that the petitioners appeared in the NTS Test, but due to low marks were not appointed. (Merit List Annexed as B).

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Additional Registrar

7. Para No. 7 is correct to the extent that combine merit list was prepared and appointments were made as per advertisement and directive of the Director Elementary & Secondary Education Department and as there was no stay order issued by the honorable High Court on that time. That another petition No. 400/M-2020 titled Ihsanur Rehman & others withdrew by the

petitioner and submitted Affidavit on the same subject. (Copy of the Affidavit and petition annexed as C,D and Directive of the Director annexed as E).

GROUND

A) Incorrect hence denied. Further stated , that the petitioners were low in merit so not considered as many candidates of Chitral Upper having high marks were appointed by the respondent No.3, which were kept on the disposal of the DEO (M) Chitral Upper after bifurcation. It is also pertinent to mention here that the announcement for bifurcation was issued on 20-11-2018, while bifurcation of the post was issued on 28-11-2019.

B) Incorrect hence denied .in addition it is stated that the advertisement was issued by respondent No.3 before the bifurcation of posts, further more in the said advertisement candidates from Upper Chitral has also been appointed being high in the merit position than the petitioner by respondent No.3, later on after bifurcation of posts the selected candidates belongs to Chitral Upper was placed on the disposal of respondents No.4.

C) Incorrect hence denied, whereas as per court order dated 11-03-2020 the appeal of the petitioners has been rejected

(Copy of the ~~Order~~ dated 17-10-2020 is attached as "F")

D) Detail reply has been submitted in the above Para's.

E) Detail reply has been submitted in the above Para's.

F) Need No Comments.

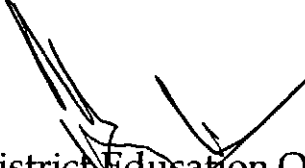
G) Legal, however, the respondents also seeks permission to submit additional grounds, case law and additional documents at the time of the arguments on the date fixed please.

FILED TODAY


09 JAN 2021

Additional Registrar

It is, therefore, humbly prayed that on acceptance of the above submission, the instant writ petition may very graciously be dismissed in favor of the answering respondents with cost.



District Education Officer
(M) Lower Chitral
Respondent No. 3



District Education Officer
(M) Upper Chitral
Respondent. 4

FILED TODAY

09 JAN 2021

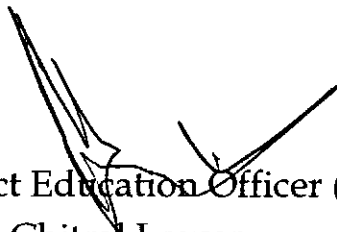


Additional Registrar


AUTHORITY LETTER

Mr. Farid Ahmad ADEO (MALE) Chitral Lower is hereby authorized to submit the comments /reply in the writ petition No. 846-M/2020.

Title: Syed Naeem Ud Din and others v/s Govt etc Dir Lower On behalf of the undersigned.



District Education Officer (M)
Chitral Lower
Respondent No. 3



District Education Officer (M)
Chitral Upper
Respondent No. 4

~~FILED TODAY~~
~~29 JUN 2021~~
~~Additional Registrar~~

S-A

S-A

BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH
DAR-UL-QAZA SWAT

Comments

In

W.P No. 468 -M /2020

Syed Naeem uddin & other.....(Petitioners)

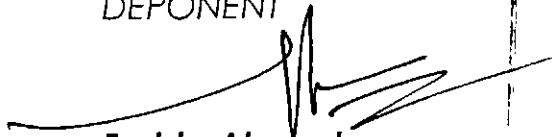
VERSUS

Govt of KPK & Others..... (Respondents)

BPS-17 AFFIDAVIT

I, Farid., Ahmad, ADEO (Male) District Lower Chitral, do hereby solemnly affirm and declares on oath that, all the contents of the accompanying **Comments** are true and correct to the best of my knowledge and belief and nothing has been kept concealed or withheld from this august court.

DEPONENT



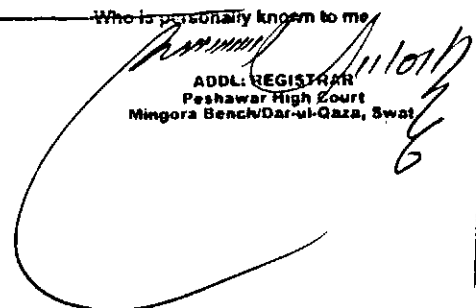
Farid Ahmad,
ADEO (Male) District Lower Chitral

Re-Filed Today

11 JAN 2021

Additional Registrar

B.No. 87
Certified that the above was verified on Solemn
affirmation before me on this 11 th day
of Jan 2020 by Farid Ahmad
S/o M. Saleem Khan R/o Chitral who
was identified by self

Who is personally known to me

ADDL REGISTRAR
Peshawar High Court
Mingora Bench/Dar-ul-Qaza, Swat



PAKISTAN National Identity Card



ISLAMIC REPUBLIC OF PAKISTAN

Name

Farid Ahmad



Father Name

Muhammad Salim Khan

Gender

M

Country of Stay

Pakistan

Identity Number

15201-0591385-7

Date of Birth

10.04.1975

Date of Issue

10.03.2016

Date of Expiry

10.03.2026



Holder's Signature

1924

1514

15201-05913857



101091054638
103-75-198507

Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیڈ بکس میں ڈال دیں



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar <http://www.financekpp.gov.pk> [facebook.com/GoKPPD](https://www.facebook.com/GoKPPD) twitter.com/GoKPPD

No. BOV/FD/2-132/2019-20

Dated Peshawar the 28th November, 2019

Annex 'A', CORRIGENDUM

The following bifurcation of posts may be carried out in the Budget Book 2019-20, subject to the observance of all codal formalities:-

S#	Designation	Total Posts as per Budget Book	CL6038(M) GMS Lower Chitral	CU6038(M) GMS Upper Chitral	Total
1.	SST (BS-16)	108	78	30	108
2.	SAT (BS-16)	03	02	01	03
3.	STT (BS-16)	01	01	0	01
4.	AT (BS-15)	57	37	20	57
5.	DM (BS-15)	42	22	20	42
6.	PET (BS-15)	40	20	20	40
7.	TT (BS-15)	98	78	20	98
8.	CT (BS-14)	192	103	89	192
9.	Qari (BS-12)	02	02	0	02
10.	Sweeper (BS-03)	43	21	22	43
11.	Naib Qasid (BS-03)	46	26	20	46
12.	Chowkidar (BS-03)	06	05	01	06
	Total	638	395	243	638

SECRETARY FINANCE

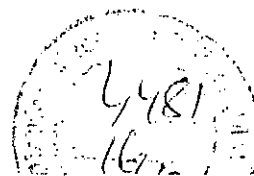
ENDST: OF EVEN NO. & DATE:

Copy forwarded to the:-

- Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department with reference to his letter No. SO(B&A)/1-6/Budget/2019 dated 07.11.2019.
- Director FMIU, Finance Department.
- District Accounts Officers, Lower & Upper Chitral.
- District Officers (Finance & Planning), Lower & Upper Chitral.
- District Education Officers (Male) E&SE, Lower & Upper Chitral.
- AD-II FMIU, Finance Department.
- Master file.

[Signature]
A.D.E.O (Lin)
District Lower Chitral

[Signature]
(WARDAH LATIF)
BUDGET OFFICER-V



7 Annex 'B'

ELEMENTARY & SECONDARY EDUCATION DEPTT. (M) LOWER-CHITRAL
 FINAL MERIT LISTS FOR THE APPOINTMENT OF "SST GENERAL (BPS-16) OPEN MERIT" FOR THE YEAR 2019-20

Page NO 2 of 2

Roll No	Name	Father Name	Address	Name of Proposed School	NIC	Gender	Distt:	SSC		HSSC		Bechior/BS		Master		M.Phil		B.Ed		M.Ed		Total Acade mic Marks [out of 100]	NTS Marks [out of 100]	Total Marks [out of 200] [J=H+I]	Remarks
								Obt	Total	Obt	Total	Obt	Total	Obt	Total	Obt	Total	Obt	Total	Obt	Total				
4	141901815	SARIR UD DIN	MIR SAWAT KHAN	Khishti Lower Chitral	15202-6619388-9	(M)	U/CTL	709	1050	748	1100	3687	4800	906	900	0	0	0	0	0	0	61.566	72	132.57	Recommend
5	141901097	IJAZ ALI KHAN	ALI KHAN	Wijun Upper, Chitral	15201-3477942-9	(M)	U/CTL	830	1100	800	1100	3324	4300	0	0	0	0	0	0	0	0	60.557	72	132.56	Recommend
6	161900855	MUHAMMAD FAYYAZ	MUHAMMAD MIYSA	Gohkir Upper Chitral	15202-3047106-3	(M)	U/CTL	534	800	761	1100	4164	4800	0	0	0	0	0	0	0	0	56.134	66	132.13	Recommend
7	141902034	AYAZ UDDIN	MUATTAR SHAH	Singoor Lower Chitral	15201-1018861-7	(M)	U/CTL	813	1050	788	1100	358	550	2213	3150	0	0	0	0	0	0	56.832	75	131.88	Recommend
8	141901330	NASIR UDDIN	ISLAM UDDIN	Drosh lower Chitral	15201-7577528-9	(M)	U/CTL	829	1050	828	1100	3460	4200	0	0	0	0	0	0	0	0	63.737	68	131.8	Recommend

WAITING LIST

9	201901694	ABDUL BASIT	FAZAL QAYUM		15201-5757195-3	(M)	L/CTL	613	900	668	1100	326	550	1541	2100	14.68	0	0	0	0	0	55.689	76	131.69	
10	141900905	ZEESHAN UDDIN	NIZAM UDDIN		15201-6944029-5	(M)	L/CTL	326	1100	770	1100	3640	4000	0	0	0	0	0	0	0	0	65.418	66	131.42	
11	141901693	TASAWAR HUSSAIN	BASHIR HUSSAIN		15201-4575636-5	(M)	L/CTL	326	1050	796	1100	357	550	1920	2400	12.98	0	0	0	0	0	59.186	72	131.18	

Member-1 Mr. Saimon Zaidin Member-2 Mr. Saidul Abrar Member-3 Mr. Mahmud Ghorems Chairman: Mr. Dr. Abdul Mujib Khan
 Designation: SST (SSE) Designation: Headmaster Designation: DDP (Upper) Chitral Designation with School/Institution: Director of Education
 Signature: [Signature] Signature: [Signature] Signature: [Signature] Signature with Stamp: [Stamp]

CHIEF OFFICER
 DISTRICT OFFICE
 DROSH LOWER CHITRAL

Elementary and Secondary Education Department, Govt of Khyber Pakhtunkhwa

3rd August till 15th December 2019

Final Merit List AT (BPS-15)

Applied for District Chitral

Handwritten: Ameer B

N	Roll No	Name	Father Name	NIC	District	SSC			HSSC			Bachelor			Master			MS/M.Phil			B.Ed			M.Ed			Total Academic Marks(20%)	NTS Marks	Total Marks	POSITION	Remarks			
						Obt	Total	%	Obt	Total	%	Obt	Total	%	Obt	Total	%	Obt	Total	%	Obt	Total	%	Obt	Total	%						Obt	Total	%
1	141100141	Sana Ullah	Aman Ullah Khan	17201-5706910-5	Upper	780	900	86.67	17.33	875	1100	79.55	15.91	663	1000	66.30	13.26	1060	1200	88.33	17.67							64.17	73	137.17	1			
2	141100229	Munammad Ohsim	Noor Zaman	15202-3618897-5	Upper	747	900	83.00	16.60	834	1100	75.82	15.16	351	550	63.82	12.76	981	1200	81.75	16.35							60.88	76	136.88	2			
3	141100199	Shahid Ur Rahman	Shahidin	15201-55920821-5	Lower	704	900	78.22	15.64	700	1100	63.64	12.73	664	1000	66.40	13.28	1027	1200	85.58	17.12							58.77	75	133.77	3			
4	141100223	Hafeez Ur Rahman	Zar Wali Khan	15202-3151343-3	Upper	602	900	66.89	13.38	700	1100	63.64	12.73	609	1000	60.90	13.38	470	600	78.33	13.05							53.49	80	133.49	4			
5	141100086	Atis Ullah Shah	Muhammad Musa	15201-9539858-7	Lower	702	900	78.00	15.60	805	1100	73.18	14.64	333	550	60.18	12.04	910	1200	75.83	15.17							57.44	76	133.44	5			
6	141100737	Sami Uddin	Mehrab Jalal	15201-5499316-1	Lower	745	900	82.78	16.56	852	1100	77.45	15.49	645	1000	64.50	12.90	511	600	85.17	17.02	644	1000	64.40	3.22			65.20	68	133.20	6			
7	141100061	Khalid Ur Rahman	MuhammadAbdur Rahman	15201-8216652-5	Lower	880	1050	83.81	16.76	702	1100	63.82	12.76	420	550	76.36	15.27	1065	1200	88.75	16.75							61.55	71	132.55	7			
8	141100124	Sami Ullah	Tajir Mahtab	15205-1247852-7	Lower	723	900	80.33	16.07	866	1100	78.73	15.75	301	550	54.73	10.95	1032	1200	86.00	17.20							59.96	72	131.96	8			
9	141100042	Ursir Ullah Aazad	Kifayat Ullah	15201-5856182-7	Lower	862	1050	82.10	16.42	792	1100	72.00	14.40	542	800	67.75	13.55	817	1000	81.70	16.34							60.71	71	131.71	9			
10	141100111	Rashid Ahmad	Rahmat Wali Jan	15201-8609620-9	Lower	731	900	81.22	16.24	686	1100	62.36	12.47	365	550	66.36	13.27	553	600	92.17	16.43							60.42	70	130.42	10			
11	141100004	Fazal Hadi	Sardar Niyat	35201-0118503-9	Lower	680	1050	64.76	12.40	683	1100	62.09	12.42	393	550	71.45	14.29	973	1000	97.30	19.46							58.17	72	130.17	11			
12	141100145	Hazir Ul Asad	Wali Kuzad	15202-4972727-3	Upper	725	900	80.56	16.07	702	1100	63.82	12.76	622	1000	62.20	12.44	429	600	71.50	14.30							55.57	74	129.57	12			
13	141100005	Fayaz Ahmad	Amir Wali Khan	15201-2055841-3	Lower	574	900	63.78	12.76	722	1100	65.64	13.13	330	550	60.00	12.00	702	1100	63.82	12.76	553	900	61.444	3.07	740	1200	61.69	3.08	56.80	72	128.80	13	
14	141100003	Fayaz Ur Rehman	Ayaz Khan	15202-5031883-5	Upper	559	900	62.11	12.42	677	1100	61.55	12.31	361	550	65.64	13.13	806	1000	80.60	16.12							53.98	74	127.98	14			
15	141100286	Sajid Ahmad	Sardar Khan	15201-40121816-3	Lower	473	850	55.65	11.33	592	1100	53.82	10.76	485	800	60.63	11.13	416	600	69.33	13.87							47.88	80	127.88	15			

Signature: *[Signature]* Signature: *[Signature]* Signature: *[Signature]*

Member-1: *[Signature]* Member-2: *[Signature]* Member-3: *[Signature]*

Mr: Muhammad Manzoor

Mr: Hafiz Jamil Ahmad Shah

Wiqar Ahmad

GHS ATOM

Mr: Muhammad Alamgir Head Master BPS-15 GHS Birganisar, Chitral

Mr: Muhammad Alamgir


11
 20
 20


Annex B 1

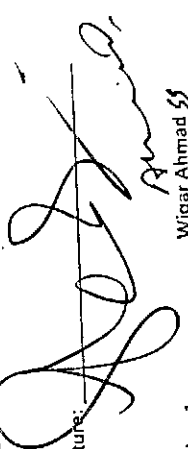
Elementary and Secondary Education Department, Govt of Khyber Pakhtunkhwa
 3rd August till 15th December 2019
 Waiting List AT (BPS-15)

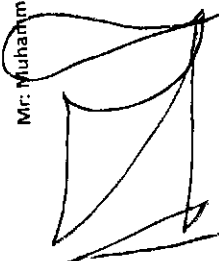
Applied for District Chitral

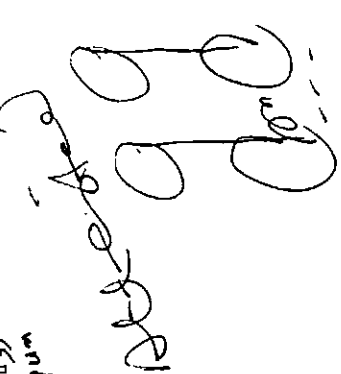
Roll No	Name	Father Name	NIC	District	SSC			HSSC			Bachelor			Master			MS/M.Phil			B.Ed			M.Ed			Total Academic Marks(20%)	NTS Marks	Total Marks	POSITION	Remarks		
					Obt	Total	%	Obt	Total	%	Obt	Total	%	Obt	Total	%	Obt	Total	%	Obt	Total	%	Obt	Total	%						Obt	Total
141100184	Shams ul Haq	Mubarak ur rehman	15701-8542725-7	Lower	592	900	65.78	13.16	730	1100	64.55	12.93	352	550	64	382	600	63.67	12.73									76	127.60	16		
141100078	AbdulQuddoos	Abdul Hafiz	15201-8623381-1	Lower	735	1050	70.00	14.00	696	1100	63.27	12.65	365	550	66.36	13.27	883	1100	80.27	16.05									71	126.98	17	
142200440	Shafiq Ahmad	Muhammad Ibrahim Khan	15201-8884992-5	Lower	388	850	45.65	9.13	721	1100	65.55	13.11	645	1000	64.50	12.90	548	600	91.33	15.27									73	126.43	18	
161100027	Anevat ulah	Kifayat ulah	42201-7704747-1	Upper	510	850	60.00	12.00	674	1100	61.27	12.25	604	1000	60.4	12.08	489	600	78.17	15.63									73	124.97	19	

Signature: 
 Mr. Muhammad Alangir HM
 Head Master BPS-17
 GNS Birganisar, Chitral

Signature: 
 Member-2 Mr. Hafiz Jamil Ahmad Shah

Signature: 
 Member-1 Wiqar Ahmad SS

Signature: 
 Mr. Muhammad Manzoor
 Member-3

Signature: 
 Deputy District Education Officer (Male) Lower Chitral

Amex" C 0 12
**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH / DAR-
 UL-QAZA, SWAT**

W.P No 400 M of 2020

- 1) IhsanurRahman son of Mubarak Khan R/o Mulkhow, Tehsil Torkhow & Mulkhow, District Upper Chitral.
- 2) Munir Ahmad son of Zar Ahmad R/o Mulkhow, Tehsil Torkhow & Mulkhow, District Upper Chitral.

.....Petitioners

VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer Elementary & Secondary (E&SE) District Chitral Lower.
4. District Education Officer Elementary & Secondary (E&SE) District Chitral Upper.
5. Deputy Commissioner Lower Chitral.
6. Deputy Commissioner Upper Chitral.

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
 CONSTITUTION OF ISLAMIC REPUBLIC OF
 PAKISTAN, 1973.

Respectfully Sheweth,

The facts of the instant case are as under:-

- 1) That the petitioners are Pakistani citizen and belongs to District Chitral Upper. (Copies of the CNIC, are attached as annexure "A")
- 2) The revenue department of Khyber Pakhtunkhwa issued the notification dated 20-11-2018, of the new district of Upper Chitral with Booni as its headquarters. That the notification issued by the Board of the Revenue, in exercise of powers conferred under sections 5 and 6 of Land Revenue Act, 1967, the

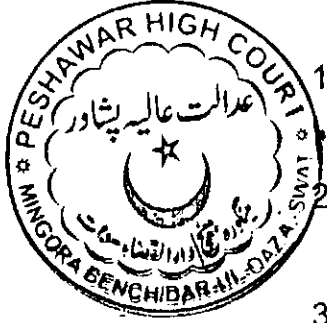
ATTESTED

Examiner
 Peshawar High Court Bench
 Mingora Dar-ul-Qaza, Swat.

FILED TODAY

25 FEB 2020

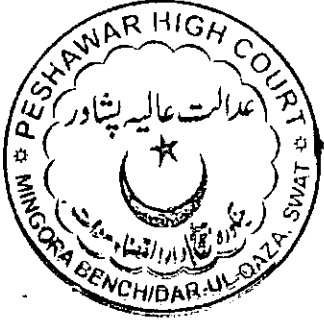
Additional Registrar



provincial government was pleased to notify Upper Chitral as a district with Booni town as its district headquarters with immediate effect and the said district would comprise Mastuj and Torkhow & Mulkhow subdivisions. Before bifurcation, Chitral was the largest district of the province in terms of area and spread over 14,850 square kilometers, the Khyber Pakhtunkhwa government bifurcated Chitral into two districts. The notification issued by the Board of Revenue and Estate Department, Chitral district has been divided into Lower Chitral and Upper Chitral districts.

That it is to be mentioned here that the provincial government issued a notification and divided the District Chitral in two districts i.e, Lower Chitral & Upper Chitral, and after the distribution the respondent No. 4 become appointed as a DEO Upper Chitral. (Copy of notification dated 20-11-2018 and letter dated 19-2-2020 are attached as annexure "B")

- 3) That the respondent No. 2 advertised various posts of School teachers including TT/ AT vide advertisement in the daily newspapers. (Copy of advertisement is attached as annexure "C")
- 4) That the petitioners being eligible for vacant post of AT/ TT, therefore, the petitioners applied to vacant post of AT/TT, and the petitioners appeared in the written test conducted under the supervision of NTS for the above mentioned post, and petitioners were the successful / eligible candidate for the vacant post of AT/TT. (Copies of relevant record are attached as annexure "D")
- 5) That before the announcement of the post the Upper Chitral become district, and the appointment was made according to the district level so, the appointment on the vacancies in Upper Chitral should be made on the basis of separate merit list, but the respondent No. 3 continued has work, and prepared combine merit list



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Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

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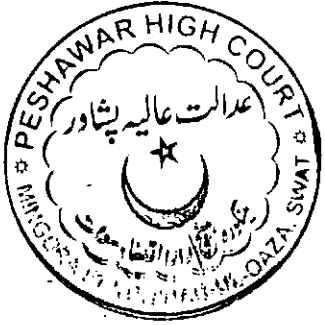
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despite having knowledge that the candidates / petitioners belong to District Chitral Upper, and the respondent No. 3 ignored the position of district Upper Chitral, and if the respondent No. 3 are not restrained from his illegal act & action then the petitioners along with other candidates received irreparable loss.

- 6) That the petitioners successfully passed the examination for the concerned post so, the petitioners are eligible for the appointments above mentioned posts, but the respondents ignored this legal aspect of the case,
- 7) That now the respondents are indented to prepared the combine merit list of the District Upper & Lower Chitral, the petitioners having no other adequate remedy except to file the instant petition on the following amongst other grounds.

GROUND:-

- A) That the act of respondents by not considering the petitioners for appointments against the vacant posts of AT/TT in District Upper Chitral is illegal, against the rules, policy, terms & conditions laid down in the advertisement hence, be declared unlawful and ineffective upon the rights of petitioners.
- B) That the petitioners being permanent resident District Upper Chitral, hence, the denial on the part of respondents is unlawful, void ab-initio and against the norms of justice.
- C) That the respondents have violated terms & conditions mentioned in the advertisement, therefore act of the respondents are against the law, and the criteria forth by them for recruitment.
- D) That the petitioners have not been dealt with in accordance with law, rather he has been treated illegally so, the act of respondents No. 2& 3 is



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Peshawar High Court Bench
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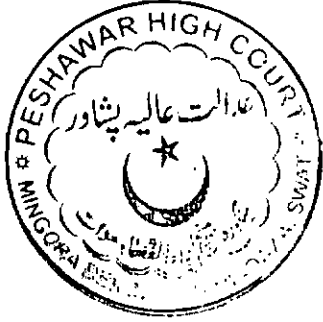
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unlawful and is lack baking of law which requires interference of this Honorable Court.

- E) That everyone is equal before the law and no one can be discriminated, the Respondents department was duty bound to consider the petitioners in the matter of appointment as per merit so, this Honorable Court have ample powers under article 199 of the Constitution Islamic Republic of Pakistan, 1973, to issue appropriate writ just to resolve the agony which caused to petitioner by the hands of official Respondents
- F) That the petitioners having a right to be appointed on the said post, but the respondents only on political exertion do not consider their for the said post, such act of the respondents is against the fundamental rights of the petitioners guaranteed by the constitution.
- G) That further grounds, with leave of this Honorable Court, would be argued at the time of arguments.



PRAYER

It is therefore, humbly prayed that, on acceptance of the instant writ petition the respondents may kindly be directed,

- a) To prepare separate merit list for each district of Chitral i.e Upper Chitral & Lower Chitral in accordance with the term of advertisement / Law^{tc} and appoint the candidate in accordance of their merit position,
- b) To withdraw the combine merit list of AT/TT etc prepared by respondent no 3
- c) Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted.

INTERIM RELIEF

By way of interim relief the respondents may kindly be directed not to finalize the process of recruitment on the strength of combine merit list.

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Examiner

Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat

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Advocate,

16

CERTIFICATE:

(As per directions of my client) No such like Writ petition earlier has been filed by the petitioners on the subject matter before this Honorable Court.



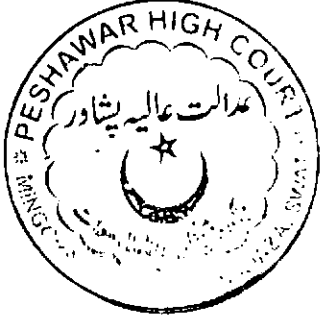
ADVOCATE

LIST OF BOOKS IN CONCERNED WRIT

- 1. Constitution Islamic Republic of Pakistan, 1973.
- 2. Case Law as per need.



Advocate



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Peshawar High Court Bench
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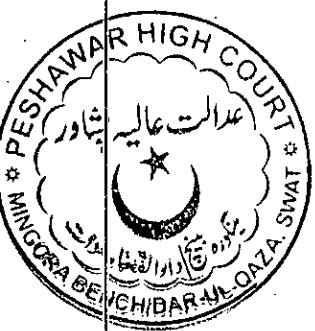
PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of

Case No. of

1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary. 3
	13-10-2020	<p><u>W.P 400-M/2020 With Interim Relief</u></p> <p>Present: Mr. Rahim Ullah Chitrali, Advocate for Petitioners.</p> <p>Mr. Razauddin Khan, A.A.G on behalf of respondents.</p> <p>*****</p> <p><u>WIQAR AHMAD (J);</u>- Learned counsel for the petitioners has submitted appointment orders of both the petitioners and requests for withdrawal of the instant petition. The case is therefore <i>dismissed</i> as withdrawn.</p> <p><u>Announced</u> 13.10.2020</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p>S No <u>03</u> Name of Applicant <u>Fazid Ahmad</u> Date of Presentation of Applicant <u>29-01-2021</u> Date of Completion of Copies <u>30</u> No of Copies <u>06</u> Urgent Fee <u>---</u> Fee Charged <u>24/-</u> Date of Delivery of Copies <u>29-01-2021</u></p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;">Certified to be true copy <i>[Signature]</i> EXAMINER 09-01-2021</p>



Tribunal Accounts Office
10 MAR 2020
Tribunal

Handwritten signature
District Auction Officer
(Muz) Lower Tribunal

Handwritten signature
District Auction Officer
(Muz) Lower Tribunal

Handwritten text in Urdu:
بیمہ اقساط امریکی ڈالر ہارڈ ک فنڈ میں ڈالام ہو رہا ہے

Handwritten signature

16/03/2020

19

Amma E



**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 3666 /F. No. Guidance
Regarding Recruitment.
Dated Peshawar the 27/2/2020

To:

The District Education Officer (M)
Lower Chitral.

Subject: -

**GUIDANCE REGARDING RECRUITMENT/APPOINTMENT OF
TEACHERS THROUGH NTS.**

Memo:-

I am directed to refer to your office letter No. 1432 Dated 11.02.2020 on the subject cited and to ask you to follow advertisement with full co-operation.

[Handwritten Signature]
27/2/2020

Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Copy forwarded to the:-

- 1. P.A to Director Elementary and Secondary Education local office.

[Handwritten Signature]

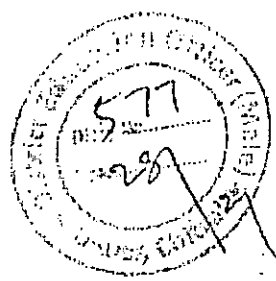
Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

*ADD: BB
Amie with relevant file
for recording process
pls.*

Attested.

[Handwritten Signature]

District Education Officer
(Male) Lower Chitral



[Handwritten Signature]
28/02/2020

BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH / DAR-
UL-QAZA, SWAT

20

W.P No 468 M of 2020

- 1) Syed Naeem Uddin son of Ghulam Uddin R/o Yarkhon Tehsil Mastuj District Upper Chitral.
- 2) Muhammad Hayat Khan son of Buzurk Wali Khan Owir Mulkhow Tehsil Torkhow & Mulkhow, District Upper Chitral.
- 3) Faizul Jalal son of Abdul Jalal village Kosht Bumbagh Tehsil Torkhow & Mulkhow, District Upper Chitral.
- 4) Ahmad Ismail son Ghulam Nabi Ahmad R/o Kushum Mulkhow, Tehsil Torkhow & Mulkhow, District Upper Chitral.
- 5) Syed Azam Shah son of Syed Musanif Shah Istaru Torkhow Tehsil Torkhow & Mulkhow, District Upper Chitral.
- 6) Tariq Mehmood son of Sultan Mehmood Shagram Torkhow , Tehsil Torkhow & Mulkhow, District Upper Chitral.

.....Petitioners

VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer Elementary & Secondary (E&SE) District Chitral Lower.
4. District Education Officer Elementary & Secondary (E&SE) District Chitral Upper.
5. Deputy Commissioner Lower Chitral.
6. Deputy Commissioner Upper Chitral.

.....Respondents

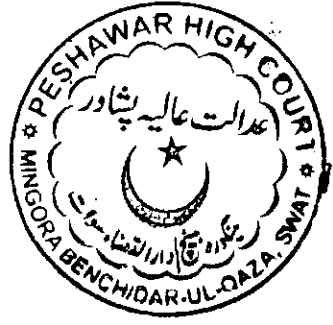
WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

Respectfully Sheweth,

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The facts of the instant case are as under:- 10 MAR 2020

 Additional Registrar



ATTESTED

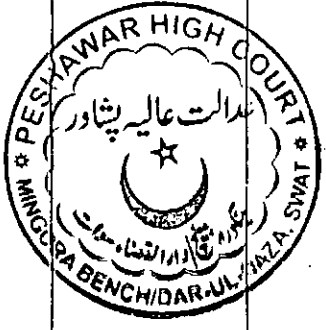
Examiner
Peshawar High Court Bench
Mingora Dar-ul-Qaza, Swat.

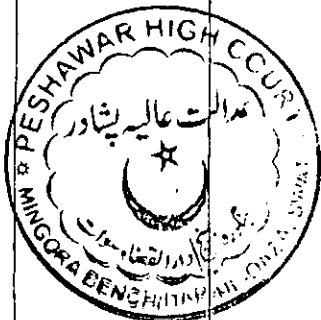
PESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT

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 and that of parties or counsel where necessary.
1	2	3
 <p>ATTESTED Examiner Peshawar High Court Bench Mingora Dar-ul-Qaza, Swat.</p>	<p>11.03.2020</p>	<p><u>W.P 468-M/2020 with Interim Relief</u></p> <p>Present: Mr. Rahimullah Chitrali, Advocate for the Petitioners.</p> <p style="text-align: center;">***</p> <p><i>Inter alia</i> contends that the respondent i.e. the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar had issued an advertisement inviting applications for various posts of SST in two districts i.e. Lower Chitral and Upper Chitral and the said two districts were officially bifurcated on 12.12.2018. Further contends that in the said advertisement, it has been specifically stated that separate merit lists will be prepared for both the Districts. He has placed on file the provisional merit list for appointment of SSTs of District Lower Chitral and stated that names of certain candidates, who belong to Upper Chitral, have been inserted therein.</p> <p>It is the case of the petitioners that as they all belong to District Upper Chitral, therefore, apprehend that the respondents by making a combined merit list would deprive them of appointment. However, the said list</p>



available on file shows that the same is only meant for District Lower Chitral.

In this view of the matter, the petitioners shall file an application before the Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar raising objections therein on the said list, if it is combined in respect of the two Districts, and accordingly the respondent/Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar shall entertain the said objection so as to make the said list in accordance with the advertisement.

This petition be fixed before the first available D.B. Notice be issued to the respondents.

S.No. 02
 Name of Applicant Fawid Ahmad
 Date of Presentation of Applicant 09-01-2021
 Date of Completion of Copies 09
 No of Copies 03-p
 Urgent Fee —
 Fee Charged 12/-
 Date of Delivery of Copies 09-01-2021


 JUDGE

Certified to be true copy


 09/01/2021
 EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat
 Authorized Under Article 87 of Qanoon-e-Shahadat Order 1984