

**REMAND ORDER**

Shahida

No. SO(Estt) 3-506/2022: WHEREAS, Director General Special Education, Punjab, Lahore vide Note dated 26.12.2023 apprised that **Ms. Shumaila Khan**, (BS-18), District Education Officer (SE), Rawalpindi ('**accused officer No.1**') informed on 08th December, 2023 that guardian of a visually impaired student of Govt. Qandeel Secondary Special School for Visually Impaired, Rawalpindi ('school') alleged molestation of her nephew namely Moiz Arshad, who was studying in class 9th in the aforementioned school. As per Note, accused officer No. 1 further informed that she handled the matter and the guardians of student Moiz Arshad, will not report this issue in police station or in media. However, as per her report dated 11.12.2023, student Moiz Arshad was involved in immoral activities. Whereas, as per report of **Mr. Pervaiz Akhtar**, Headmaster (BS-18), presently posted as Incharge Principal, Govt. Qandeel School for Visually Impaired, Rawalpindi ('**accused officer No. 2**'), he did not send admission for annual examinations of 03 students of class 9th namely Moiz Arshad, Zain and Muhammad Sudais due to poor performance and consequent thereof guardians of student namely Moiz Arshad alleged molestation. As per accused officer No. 2 he expelled these students. Through Note, Director General Special Education, Punjab further apprised that the matter is of sensitive nature and both accused officers did not report the issue promptly and they tried to conceal facts. Lastly it was recommended that stern disciplinary action under PEEDA Act, 2006 may be initiated against the accused officers on the charges of inefficiency and misconduct.

2. AND WHEREAS, upon receipt of recommendations of Directorate General, Special Education, Punjab, Lahore, vide order dated 02.02.2024 disciplinary proceedings against the accused officers were initiated under the enabling provisions of the PEEDA Act, 2006 ('**Act**') on the following charges of inefficiency and misconduct by appointing by constituting an Inquiry Committee comprising following:

1.	Mr. Ghulam Murtaza , Director (Admn) (BS-19), Directorate General of Special Education, Punjab, Lahore	(Convener)
2.	Ms. Khaula Munawar , Deputy Director (Curriculum) (BS-18), Directorate General of Special Education Punjab, Lahore.	(Member)

CHARGES AGAINST MS. SHUMAILA KHAN

1. The accused officer remained inefficient in discharging her official duties, *as assigned to her*, in befitting manner. Her monitoring remained very poor and she did not report the matter of molestation of student within the premises of the school promptly to higher authorities. This is attributable to her failure to fulfill her responsibilities in a manner consistent with established standards.
2. The accused officer ordered to install camera in washroom after happening of the incidence of molestation of student which is against the ethical values. This act also tantamounts to gross misconduct.
3. The accused officer alongwith her statement also submitted written statement of guardian of student Moiz Arshad and thereby tried to establish that she has convinced the guardian of the student to hide the incidence of molestation. She did not bother to submit fact finding report despite clear instructions issued by Directorate General of Special Education. But upon strict directions of Director (Administration), she reported the incidence in writing mentioning contradictory events of matter. This act also depicts her inefficiency and misconduct.
4. The accused officer despite having knowledge of happening of incidence of molestation of student within the premises of school, with intention to safe guard the accused officer No. 2 did not recommend disciplinary action against him on account of his negligence.

CHARGES AGAINST MR. PERVAIZ AKHTAR

1. The accused officer has failed to devise a mechanism through which feedback could be obtained regarding safety of the Special Students during school hours and/or within the premises of the school.
2. The accused officer has shown poor administration, as he remained unable to monitor activities of special students within the premises of the school which reflects his sheer negligence and inefficiency.
3. The accused officer failed to fulfill responsibilities as Incharge Principal of the school as he tried to deliberately conceal real facts pertaining to the incident of molestation of special student and did not report the matter before the higher authorities well in time which tantamounts to grave misconduct.
4. Being Incharge Principal of the school, the accused officer had to lead from the front by setting compelling goals and expectations, align the

resources for achieving those goals, lead for imparting quality education and rehabilitation services, build team and ensure an orderly and safe learning environment in the school but due to his loose administrative control, he failed on all fronts. Due to his inefficiency, conducive and safe environment for the special students could not be provided.

5. The performance of the accused officer remained subpar because he did not carry out his responsibilities in a suitable manner, *in accordance with applicable standards*, and failed to discharge his official duties. If the written stance submitted by the accused officer, that he expelled three students of 9th class from the school due to poor performance and did not send their admission due to their poor performance is taken as his statement even then he committed misconduct because he acted in violation of the policy of the department. The accused officer, *while violating the policy*, did not send the admission of three students for annual examination of 9th class, assigning unjustifiable reason of poor academic performance. The accused officer also did not hold responsible any teaching staff for poor performance of three students which shows his mala fide.

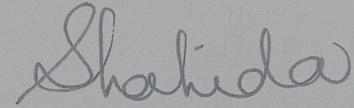
3. **AND WHEREAS**, the Inquiry Committee after conducting inquiry into the charges submitted inquiry report. Upon receipt of the Inquiry Report, Show Cause-Cum Personal Hearing Notice was issued to the accused officers under Section 13(4) of the PEEDA Act, 2006 directing them to submit additional defense, if any, and also to appear for personal hearing before Additional Secretary, Special Education Department / Hearing officer nominated under Section 13 (4)(c) of the Act *ibid*.

4. **AND WHEREAS**, after hearing the accused officers / officials in presence of Departmental Representative, Hearing Officer submitted report of hearing proceedings stating therein that although inquiry proceedings have been conducted in accordance with the provisions of PEEDA Act, 2006 and merits of the case have been appreciated by the Inquiry Committee but it is observed that with reference to charge No. 3 levelled against accused officer No. 1, no specific findings have been given by the Inquiry Committee in the report. With regards to charges levelled against the accused officer No. 2, it is observed that all the charges stood proved but as per record the accused officer No. 2 was inducted into Govt. service as Headmaster (BS-18), therefore, penalty of reduction to lower post as recommended by Inquiry Committee being not implementable cannot be awarded to him, hence to resolve these inconsistencies, case needs to be referred back to Inquiry Officer.

5. **AND WHEREAS**, upon a comprehensive examination of the inquiry report in conjunction with the findings of the Hearing Officer as recorded in the Hearing Report, it has been observed that the accused officers were not afforded the opportunity of cross-examination during the inquiry proceedings, thereby infringing upon the principles of natural justice. Furthermore, the inquiry report does not contain independent and

reasoned findings with respect to each individual charge framed against the accused officers. Moreover, the major penalty of "Reduction to a lower post and pay scale from the substantive or regular post for a period of two years" as recommended to be imposed upon accused officer No. 2 under Section 4(1)(b)(ii) of the PEEDA Act, 2006 cannot be awarded to him, as the said officer was appointed directly to the post of Headmaster (BS-18) and, thus, no lower substantive post exists to which he may be reverted. Accordingly, in the interest of justice, the issues highlighted above, as well as those raised by the Hearing Officer in the Hearing Report, are required to be addressed in a lawful and judicious manner.

6. **NOW THEREFORE**, in view of the foregoing, I, **Shahida Farrukh Naveed**, Secretary Special Education / Competent Authority, in exercise of powers conferred under Section 13(6) of the PEEDA Act, 2006, hereby remand the matter to the Inquiry Committee with the direction to re-conduct the inquiry strictly in accordance with the provisions of the PEEDA Act, 2006, ensuring that the right of cross-examination is granted to the accused officers. The Inquiry Committee is further directed to specifically address the observations and questions raised hereinabove and in the Hearing Report, and to submit inquiry report containing detailed findings in respect of each charge along with clear and reasoned recommendations and penalties which commensurate to the gravity of proven charges, if any.



(SHAHIDA FARRUKH NAVEED)
SECRETARY
GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
COMPETENT AUTHORITY

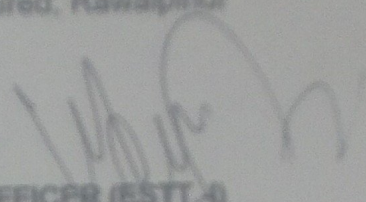
Dated Lahore, the
April 14 /2025

No. & Date Even:

A copy is forwarded for information and necessary action to the:-

1. **Director General**, Special Education Punjab, Lahore.
2. **Director (Admin)**, Directorate General of Special Education, Punjab, Lahore.
3. **District Education Officer** (Special Education), Rawalpindi.
4. **Mr. Ghulam Murtaza**, Director (Admin), Directorate General of Special Education Punjab, Lahore / **Convener of Inquiry Committee**.
5. **Ms. Khaula Munawar**, Deputy Director (Curriculum), Directorate General of Special Education Punjab, Lahore / **Member of Inquiry Committee**.
6. **Deputy Director (Monitoring)**, Directorate General of Special Education, Punjab, Lahore / **Departmental Representative**.
7. Accused officer No. 1 / **Ms. Shumaila Khan**, (BS-18), District Education Officer (SE), Rawalpindi.

8. Accused officer No. 2 / Mr. Pervaiz Akhtar, Headmaster (BS-18), presently posted as Incharge Principal, Govt. Qandeel School for Visually Impaired, Rawalpindi
9. PS to Secretary Special Education Department.



SECTION OFFICER (ESTT-4)
SPECIAL EDUCATION DEPARTMENT