

ENQUIRY REPORT

Background:

Screening test was held on 16.09.2017 to short list 507 candidates who applied for the 09 vacant positions of AD&SJ so advertised. Nishtar Hall Peshawar was one of the centers where test was taken. After the result was declared aspersions were cast on transparency of the screening test. In the consultative meeting of 25.09.2017 a reference was made to a photo as proof of cheating in Nishtar Hall Examination Center. It was resolved that an enquiry will be conducted by Peshawar High Court.

The undersigned received the following Terms of Reference for findings within 48 hours.

Terms of Reference:

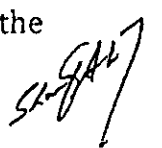
- (i) Was the photo taken during the course of examination?
- (ii) Were the seating arranged in order of Roll Numbers or was it in random?
- (iii) Did cheating take place in the Examination Center at Nishtar Hall Peshawar?

Proceedings:

As a photo was much talked about as proof of cheating in the Nishtar Hall Examination Center, it was ascertained as to in whose possession the mentioned photo was. It became available from possession of Mr. Rahmanullah Khan Advocate, Secretary General, Peshawar High Court Bar. According to him, he received this photo (mark "A") from Mian Sibghatullah Advocate. He identified Mr. Salman Fayaz, Mr. Mohib Jan, Mr. Hassnain Tariq, Arbab Kaleemullah and Mr. Mushtaq Ahmad Advocates visible in the photo. The mentioned five Advocates were traced out and urgently summoned.

In view of their relevancy to the matter statements of the following witnesses were recorded.

- (i) Mr. Mohammad Salim Khan, Registrar, Peshawar High Court.
- (ii) Mr. Anwar Ali Khan, District & Sessions Judge, Peshawar.
- (iii) Mr. Lal Shad Khan, Director I.T, Peshawar High Court.



- (iv) Mr. Rahmanullah Khan Advocate, Secretary General, Peshawar High Court Bar Association.
- (v) Mr. Salman Fayaz Advocate, Peshawar High Court.
- (vi) Mr. Mohib Jan Advocate, Peshawar High Court.
- (vii) Mr. Hassnain Tariq Advocate, Peshawar High Court, Special Prosecutor NAB.
- (viii) Mr. Arbab Kaleemullah Advocate, Peshawar High Court.
- (ix) Mr. Mushtaq Ahmad Advocate, Peshawar High Court.

Established Facts:

Screening test of the candidates to AD&SJ position was taken on 16.09.2017 simultaneously at;

- (i) Nishtar Hall Principal Seat Peshawar
- (ii) Abbottabad Bench
- (iii) D.I.Khan Bench
- (iv) Dar-ul-Qaza Mingora Bench
- (v) Bannu Bench

Out of total 507 candidates, 492 candidates appeared while 15 absented. The number of candidates appeared at each Center is explicit from statement mark "B". Out of 287 candidates assigned to Nishtar Hall Peshawar Center, 275 appeared and 12 remained absent.

At Nishtar Hall Peshawar like other Centers the paper started at 10:00 AM sharp. However, arrival of candidates started two hours before that. The Registrar and Additional Registrar(Admn), Director I.T, Peshawar High Court alongwith supporting staff were present throughout the day. The District & Sessions Judge, Peshawar remained present and provided invigilating staff mostly Judges from the District Judiciary, Peshawar. Hon'ble Senior Piusne Judge remained present in the Center from the very beginning while Hon'ble the Chief Justice and other Hon'ble Judges of the High Court visited the Hall so that at any specific point of time, one or more Hon'ble Judge of the High Court supervised the exercise personally.

All the concerned admit that photo mark "A" was taken on the examination day in the Nishtar Hall Examination Center. It is established that the persons mark as 1, 2, 3, 4 and 5 in the photo mark "A" are the above mentioned five candidates i.e. Mr. Salman Fayaz etc. They contend that this

SR 8/11/17

photo was taken half to two hours before start of the paper. The scene captured in this photo mark "A" in no way depicts that at the relevant moment, the paper activity was going on rather all those apparent in the picture are in relax casual mood and no one of the almost sixteen visible persons looks busy in writing or solving a paper. On the other hand (mark 'C') are photos produced by the Registrar regarding the actual seating position and involvement of the candidates solving the paper in the examination hall. These photos speak loud regarding no possibility of cheating and the degree of watch and vigilance in the Nishtar Hall examination center.

The persons examined listed above include those who made arrangements and also those who appeared as candidates. It is established from their statements that the seating in the center was in random and not Roll Number-wise. In order to minimize inter se communication, each candidate was so placed that he had one or two empty seat around and it is the established seating position during the paper.

It is established that there was tight invigilation of high level reliable invigilating staff. At this stage there is no clue available that cheating was allowed as a matter of policy or the candidates succeeded to such an attempt. The candidates examined in the course of this probe are of the genuine view that the exam being competitive and every candidate having conflict of interest with other no one of the candidates could be expected to extend a fair assistance to other. Moreover, all the apprehensible means of foul play were blocked in terms of practical steps, instructions and communication of dire negative consequences of any cheating attempt if made in the course of examination.

Findings:

1. Photo mark "A" was taken in the Nishtar Hall on the examination day, however, half to two hours prior to the paper time. It was not taken during the course of solving paper. Further, this photo in no way depicts any cheating activity. (These findings to TOR point-1 are photo mark "A" specific as no photo else is available for consideration at this stage, however).

(TOR point-1)

Signature

distant from each other by one or two empty seat in-between.

(TOR point-2)

3. There was a close effective watch by a high level reliable invigilating staff. All the apprehensible means of foul play were blocked in terms of practical steps, instructions and communication of dire negative consequences of any cheating attempt if made in the course of examination. No clue is available at this stage that cheating was allowed as a matter of policy or the candidates succeeded to such an attempt in the Nishtar Hall Center. This being a competitive exam for a fix number of seats and the candidates were having conflicting interest inter se, their mutual voluntary help/assistance, also, is a far distant probability.

(TOR point-3)

Report submitted, please.

SK JALIL
Member Inspection Team
26.09.2017

Hon'ble the Chief Justice.

*Please forward the report
and the exhibits to the
appointed Bar Presidents.*

G.

PESHAWAR HIGH COURT, PESHAWAR

ENQUIRY

1. Screening test was held on 16th September, 2017 to shortlist candidates for the 09 vacant positions of Additional District & Sessions Judges from the lawyers' quota. However, aspersions were casted on the transparency of the screening test by High Court Bar Association, Abbottabad and certain other Bars Association. To resolve the issue, a consultative meeting was convened on 25th September, 2017 by Hon'ble the Chief Justice, attended by Presidents and General Secretaries of Principal Seat and Benches of Peshawar High Court Bar Association including Members of Khyber Pakhtunkhwa Bar Council. It was agreed that a discreet inquiry will be conducted by Peshawar High Court to ascertain whether or not certain individuals in the screening test were involved in cheating to attempt question papers.
2. The Competent Authority has agreed to entrust discreet inquiry to Worthy MIT, who shall conduct the same on the following points:-
 - i. Was the photo taken during the course of examination?
 - ii. Were the seating arranged in order of Roll Numbers or was it in random?
 - iii. Did cheating take place in the examination center at Nishatar Hall at Peshawar?
3. The Worthy MIT is requested to complete the inquiry in 48 hours and submit his findings.

S.No: 15263/ADMN

Date: 26-9-17

Forward to: MIT

MIT

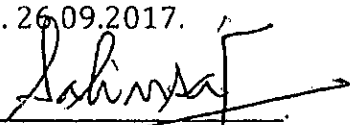

 Registrar
 26.09.2017

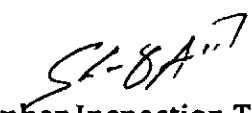
**Statement of Mr. Mohammad Salim Khan, Registrar,
Peshawar High Court, Peshawar.**

Screening test was held by the Peshawar High Court on 16.09.2017 at Nishtar Hall Peshawar for short listing candidates who had applied for the post of Additional District & Sessions Judges. District & Sessions Judge, Peshawar provided the services of ten Civil Judges for invigilating duties at the Hall. They all performed their assigned duty in a commendable way. Besides, me also performed such duty at the Hall throughout the day assisted by the District & Sessions Judge, Peshawar, Additional Registrar(Admn), Director I.T and other supporting staff of the High Court. Hon'ble Senior Piusne Judge was present from the very beginning and Hon'ble the Chief Justice also joined. One or more Hon'ble Judges of the High Court supervised the exercise personally at any specific point of time during the day. Seating in the Hall was in random. However, in order to minimize inter-communication, the candidates were placed one or two empty seat in-between distant from each other. Before start of the paper, instructions were read out to the candidates against use of mobile, inter se communication or cheating and that any such attempt would lead to disqualification and immediate expulsion from the Hall. We never noticed any photography by any candidate or someone else within the Hall during the paper. We have, however, video recorded situation that prevailed during the paper and can produce it for perusal. I produce photographs (mark 'C') taken during the course of examination. These photos show the state of discipline and effective invigilation in the hall on one hand and irrelevancy of photo mark 'A' to the time of actual examination on the other hand. The whole exercise was fair to the satisfaction of all. There was no cheating or foul play. Neither we received any complaint in this regard nor noticed any unfair activity throughout the day.

RO & AC.

Dated. 26.09.2017.


Mr. Mohammad Salim Khan,
Registrar, Peshawar High Court,
Peshawar.

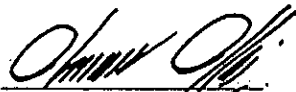

Member Inspection Team

**Statement of Mr. Anwar Ali Khan, District & Sessions Judge,
Peshawar.**

Screening test was held on 16.09.2017 at Nishtar Hall Peshawar for short listing candidates who had applied for the post of Additional District & Sessions Judges. As directed by the Peshawar High Court, I provided the services of ten Civil Judges for invigilating duties at the Hall. Six were male and four female Civil Judges. Besides, me also performed such duty at the Hall throughout the day. The Registrar, Additional Registrar(Admn), Director I.T and other supporting staff of the High Court also performed duty. Hon'ble Senior Pious Judge was present from the very beginning and Hon'ble the Chief Justice also joined. One or more Hon'ble Judges of the High Court supervised the exercise personally at any specific point of time during the day. Seating was in random. However, in order to minimize their inter-communication, the candidates were placed one or two empty seat in-between distant from each other. Instructions were issued that use of mobile or cheating attempt would lead to disqualification and immediate expulsion from the Hall. We never noticed any photography within the Hall during the paper. The whole exercise was fair to the satisfaction of all. There was no cheating or foul play. Neither we received any complaint in this regard nor noticed such an activity throughout the day.

RO & AC.

Dated. 26.09.2017.



Mr. Anwar Ali Khan,
District & Sessions Judge,
Peshawar.


Member Inspection Team

Statement of Mr. Lal Shad Khan, Director I.T, Peshawar High Court, Peshawar.

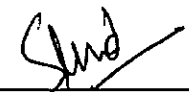
Screening test was held on 16.09.2017 at Nishtar Hall Peshawar for short listing candidates who had applied for the post of Additional District & Sessions Judges. I also performed duty in the Hall and provided the required staff and assistance for convenient accomplishment of the task. I remained present in the Hall alongwith other supporting staff of the High Court throughout the day. The Registrar, Additional Registrar(Admn) and District & Sessions Judge, Peshawar alongwith ten Judicial Officers, six male and four female were also present and performed invigilation duty. Early in the morning Hon'ble Senior Piusne Judge was welcomed by us at the Examination Center and he remained present almost till end of the paper. Hon'ble the Chief Justice also visited the Hall and remained present for quite a long time. Besides, Hon'ble Mr. Justice Qaiser Rashid and Mr. Justice Roohul Amin also visited the Hall and at any point of time Hon'ble Judge(s) remained present in the Hall supervising the paper activity.

Seating in the Hall was in random. In order to minimize inter se communication of the candidates, they were placed so that each candidate had one or two empty seat around. Before start of the paper, instructions were issued that use of mobile or cheating attempt would lead to disqualification and immediate expulsion from the Hall. All the candidates showed high degree of discipline, they remained fully engaged in solving paper. There was no cheating or any sort of foul play in the Hall.

We never noticed any photography within the Hall during the paper except the official recording. The whole exercise was fair to the satisfaction of all. We received no complaint. I have seen photograph mark "A". It has been taken in the Nishtar Hall but before the paper would start. It does not pertain to the actual paper activity. I have seen photographs mark "C" (three prints). These photos depict the actual paper activity in the Hall and the tight discipline, seating and invigilation position. We have video clips recorded in the Examination Hall during the paper and can produce the same which shows the actual position prevailing in the Hall at the time of paper. I am all out confident to say that cheating in the Hall was not possible. (The video recording may be preserved and presented when required, as part of this enquiry).

RO & AC.

Dated. 26.09.2017.



Mr. Lal Shad Khan,
Director I.T,
Peshawar High Court.


Member Inspection Team

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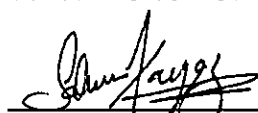
Statement of Mr.Salman Fayaz Advocate, Peshawar High Court, Peshawar.

I am practicing lawyer since 2008. I appeared in the screening test held on 16.09.2017 at Nishtar Hall under Roll No.1123 and obtained 71 marks. In my examination Center the seating was at random and not Roll number-wise. Each candidate had to sit within a distance of one or two empty seat from other candidate.

I have seen photo mark "A". It was taken in the Nishtar Hall on the screening test day one hour or a half before start of the paper. I appear as No.1 in the photo. I do not exactly remember my position at the paper time but in the final arrangement, the seats around me were empty. After distribution of the paper at about 10:00 AM no one had time to go for cheating or consultation because the vigilance was tight and it was a competitive exam. No incident of cheating in the Hall is in my knowledge. I believe that no cheating was possible even. Moreover, throughout the exam, Hon'ble the Chief Justice, Peshawar High Court and other Hon'ble Judges were present having a keen watch upon all the candidates. In such like exams sharing a number means losing chance to get qualified and no one being professional would even think of doing so.

RO & AC.

Dated. 26.09.2017



Mr.Salman Fayaz Advocate,
Peshawar High Court, Peshawar.


Member Inspection Team

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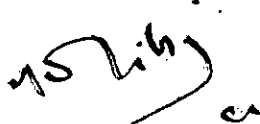
Statement of Mr. Mohib Jan Advocate, Peshawar High Court, Peshawar.

I am practicing lawyer since 2008. I appeared in the screening test held on 16.09.2017 at Nishtar Hall under Roll No.1043 and obtained 69 marks. In my examination Center the seating was not roll number-wise, it was at random. Each candidate was directed to sit within a distance of one or two empty seat from other candidate.

I have seen photo mark "A". It was taken in the Nishtar Hall on the screening test day, however, at least one hour before start of the paper. I am sitting as No.2 in the photo. However, I had to leave this seat before start of the paper. After distribution of the paper at about 10:00 AM no one had time to go for cheating or consultation because time was too short, vigilance was tight and it was a competitive exam. No incident of cheating in the Hall is in my knowledge. Had it been so I would have made a complaint. I had not solved my paper on the same seat as I appear in the picture rather I was taken away from this place before start of the paper.

RO & AC.

Dated. 26.09.2017



Mr. Mohib Jan Advocate,
Peshawar High Court, Peshawar.


Member Inspection Team

Statement of Mr.Hassnain Tariq Advocate, Peshawar High Court, Peshawar.

I am practicing lawyer since 2008 and I am working as Special Prosecutor NAB. I appeared in the screening test at Nishtar Hall held on 16.09.2017 under Roll No.1151 and obtained 69 marks. In my examination Center the seating was not roll number-wise, it was at random, however, each candidate was directed to sit within a distance of one empty seat from other candidate.

I have seen photo mark "A". It was taken in the Nishtar Hall on the screening test day, however, before start of the paper. I am sitting as No.3 in the photo. After distribution of the paper at about 10:00 AM no one had time to go for cheating or consultation because time was too short, vigilance was tight and it was a competitive exam. There is no incident of cheating by anyone in my knowledge, had it been so I would have made a complaint. I had solved my paper on the same seat as I appear in the picture.

RO & AC.

Dated. 26.09.2017



Mr.Hassnain Tariq Advocate,
Peshawar High Court, Peshawar.


Member Inspection Team

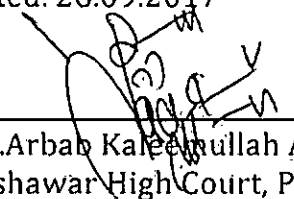
**Statement of Mr.Arbab Kaleemullah Advocate, Peshawar
High Court, Peshawar.**

I am practicing lawyer since 2008. I appeared in the screening test held on 16.09.2017 at Nishtar Hall under Roll No.1110 and obtained 72 marks. In my examination Center the seating was initially roll number-wise but we were de-seated and occupied seat pointed out by the invigilating staff. Each candidate had to sit within a distance of one or two empty seat from other candidate.

I have seen photo mark "A". It was taken in the Nishtar Hall on the screening test day one hour or one and a half before start of the paper. I am sitting as No.4 in the photo. I do not exactly remember my position but my position was shuffled to create one/two seat distance and there I solved my paper. After distribution of the paper at about 10:00 AM no one had time to go for cheating or consultation because the vigilance was tight and it was a competitive exam in which no other candidate can be relied upon for fair help. No incident of cheating in the Hall is in my knowledge. I believe that no cheating was possible.

RO & AC.

Dated. 26.09.2017


Mr.Arbab Kaleemullah Advocate,
Peshawar High Court, Peshawar.


Member Inspection Team

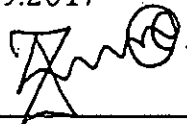
Statement of Mr. Mushtaq Ahmad Advocate, Peshawar High Court, Peshawar.

I am practicing lawyer since 2008. I appeared in the screening test held on 16.09.2017 at Nishtar Hall under Roll No.1075 and obtained 75 marks. In my examination Center the seating was at random and not roll number-wise. Each candidate had to sit within a distance of one or two empty seat from other candidate.

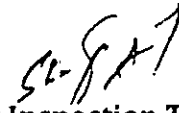
I have seen photo mark "A". It was taken in the Nishtar Hall on the screening test day one hour or one and a half before start of the paper. I am sitting as No.5 in the photo. I cannot say that whether I solved my paper on the same seat or was de-seated to some other place. After distribution of the paper at about 10:00 AM no one had time to go for cheating or consultation because the vigilance was tight and it was a competitive exam. No incident of cheating in the Hall is in my knowledge. I believe that no cheating was possible in the hall.

RO & AC.

Dated. 26.09.2017



Mr. Mushtaq Ahmad Advocate,
Peshawar High Court, Peshawar.


Member Inspection Team



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Examination Centers - Status

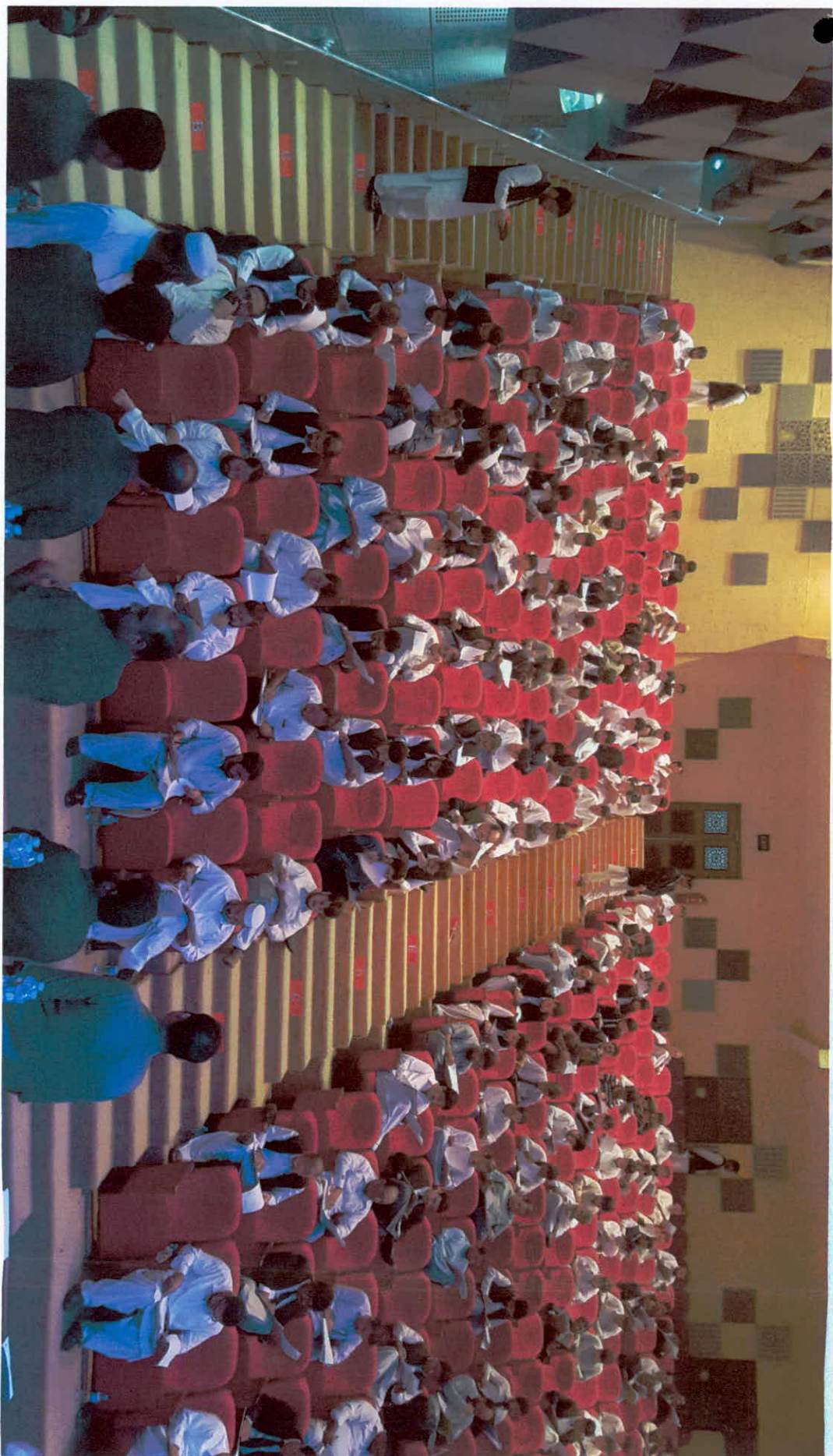
	Examination Center	TOTAL candidates	Absent candidates	Appears candidates
1	PHC - Principal Seat	287	12	275
2	Abbottabad Bench	81	2	79
3	DIKhan Bench	31	-	31
4	Darul Qaza, Mingora Bench	87	-	87
5	Bannu Bench	21	1	20
	TOTAL	507	15	492

Slmd
26/9/2017

MARK "C"

3 sheets

S. ①





MARK
C
(2)

MARK
D
③

