

31.05.2016

Counsel for the appellant, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Re-arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal No. 1343/2012 titled "Javed Iqbal-vs-Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department, Peshawar and others", this appeal is also disposed of as per detailed judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
31.05.2016



MEMBER



MEMBER

13.4.2015

Vide order sheet dated 04.4.2013 in connected appeal No. 179/13, this appeal is adjourned to 18.08.2015.

READER

13.4.2015

Vide order sheet dated 04.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to _____.

READER

13.4

13.4.2015

Vide order sheet dated 04.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to _____.

READER

13.4

13.4.2015

Vide order sheet dated 04.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to _____.

READER

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Vide order sheet dated 04.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to _____.

READER

13.4

Vide order sheet dated 04.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to _____.

READER

13.4

Vide order sheet dated 04.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to _____.

READER

13.4

26.12.2013

vide order sheet dated 4.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to 20.1.2014.

READER

26-12-13

Vide order sheet dated 4.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to 19-2-14.

READER

19-2-14

Vide order sheet dated 4.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to 24-4-14.

READER

24-4-14

Vide order sheet dated 4.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to 24-6-14.

READER

24-6-14

Vide order sheet dated 4.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to 20-10-14.

READER

20-10-14

Vide order sheet dated 4.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to 6-1-15.

READER

6-1-15

Vide order sheet dated 4.4.2013 in connected appeal No. 179/2013, this appeal is adjourned to 13-04-15.

READER

19.02.2013.

Counsel for the appellant, Mosam Khan, AD and Khurshid Ali, SO for respondents, No.1 and 4 with AAG present and requested for time. Mr. Fazal Hayat and Mr. Fazal Ghafoc submitted power of attorney on behalf of the appellants and both are present. To come up for written reply on 04.04.2013.

MEMBER

MEMBER

4.04.2013

Vide order sheet dated 4.4.2013, this appeal is adjourned to 9.5.2013 alongwith main appeal No. 179/2013.

READER

Vide order sheet dated 4.4.2013, this appeal is adjourned to 10-6-13 alongwith main appeal No. 179/2013.

READER

10-6-13 Vide order sheet dated 4.4.2013, this appeal is adjourned to 27-8-13 alongwith main appeal No. 179/2013.

READER

27-8-13 Vide order sheet dated 4.4.2013, this appeal is adjourned to 21-10-13 alongwith main appeal No. 179/2013.

READER

21-10-13 Vide order sheet dated 4.4.2013, this appeal is adjourned to 26-11-13 alongwith main appeal No. 179/2013.

READER

26-11-13 Vide order sheet dated 4.4.2013, this appeal is adjourned to 26-12-13 alongwith main appeal No. 179/2013.

READER

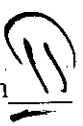
Appeal No. 203/13.
Mr. Anand Kumar.

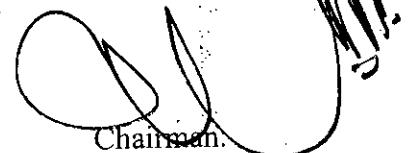
3. 4.2.2013

Counsel for the appellant present and heard. Contended that the appellant has not been treated in accordance with the law. Vide Notification dated 13.11.2012, the PST Teachers have been deprived of further promotion/up-gradation, as no quota has been allowed to them, whereas, the Theology Teachers, C.Ts, Arabic Teachers have been given quota (BPS-16). Similar Appeal No. 1006/2013 etc have been admitted to regular hearing by this Tribunal. This case may also be clubbed with that appeals already admitted. The appellant preferred a departmental appeal but with no response. Counsel for the appellant has also submitted an application for temporary injunction. Copy of application also be sent to the respondents. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 19.2.2013 for submission of written reply.


Member

4. 4.2.2013

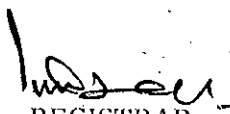
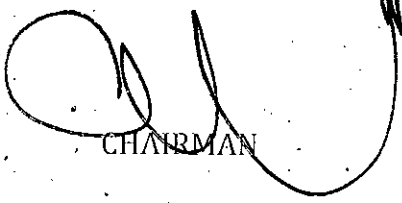
This case be put before the Final Bench  for further proceedings.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 201/2013

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 24/01/2013 | <p>The appeal of Mr. Khadim Hussain presented today by Mr.Khan Akbar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 29-1-2013 | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>4-2-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHWA, PESHAWAR.

Service Appeal No 201/2013

Khadim Hussain.....Appellant

VERSUS

Govt of K P K through Secretary & others.....Respondents

I N D E X

| S.No. | Description of Documents | Annex | Pages |
|-------|--|----------------|-------|
| 1. | Service appeal | | 1-7 |
| 2. | Application for Interim relief. | | 8-9 |
| 3. | Affidavit | | 10 |
| 4. | Copy of Notification issued by the Government. | "A" "A/b" | 11-15 |
| 5. | Copy of impugned Notification dated 13.11.2012 | "B" | 16-31 |
| 6. | Copy of representation | "C" | 32 |
| 7. | Copy of Office Order dated 14.01.2013 | "D" | 33 |
| 8. | Copies of Two Notifications | "E" & "E/1" | 34-37 |
| 9. | Wakalat Nama. | | 38 |


Appellant

Through


(KHAN AKBAR KHAN)

Advocate, Peshawar.
107-B, Town Tower, Jahangir
Abad, University Road,
Peshawar.

Cell No: - 0344-9111911

Dated:-19-01-2013

1
BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHWA, PESHAWAR.

Service Appeal No 201 /2013

Khadim Hussain PST, Government Primary School, Mayar No.1,
Tehsil and District Mardan.....**Appellant**

V E R S U S

1. Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Peshawar through its Secretary.
2. Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
4. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.....**Respondents**

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APPEAL UNDER SECTION-4 OF THE KHYBER

**PAKHTON KHWA, SERVICE TRIBUNAL ACT, 1974 TO
THE EFFECT THAT THE NEWLY INDUCTED CONDITION
OF F.A/FSc FOR THE PROMOTION TO BPS-14/15 OF
THE PST TEACHERS, MAY PLEASE BE SET ASIDE AND
THE PROMOTION MAY PLEASE BE GRANTED ON
SENIORITY-CUM-FITNESS BASIS PURELY.**

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PRAYER IN APPEAL.

On acceptance of this appeal the condition of
F.A/FSc from the above noted notification for the

[Handwritten signature and date]
24/11/13

[Handwritten notes and stamps]
210
24-1-13

promotion of the PST Teachers may please be removed and the promotion may please be granted on seniority-cum-fitness basis.

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Respectfully Sheweth:-

1. That the appellant belongs to the Education Department, and is serving on the post as mentioned against his name in the heading of appeal.
2. That the appellant has got at his credit on the above said post a long tenure of service extending over 32 years.
3. That previously the basic qualification for the appointment at the post of PST was fixed as Metric Certificate alongwith PST Certificate from a recognized institution and the entire appellant were appointed on the above said posts having the said qualifications as was the requirement at the time of appointment of the appellants.
4. That the basic qualification for the post of PST was duly enhanced with basic qualification from Matric to F.A/F.Sc in the year 2011 and many other colleagues of the appellants were then appointed on the same posts of PST having their qualification as F.A/F.Sc alongwith PST Certificate.
5. That in the year 2007 a policy of upgradation was promulgated by the then Provincial Government, whereby the PTC Teachers were upgraded from BPS-07 to BPS-12 on the basis of length of the service. (Copy of Notification issued by the Provincial Government is attached herewith as **Annexure "A"**) and *A/c*.)
6. That again a similar summary was formulated at the initial stage by the Education Department that the PST Teachers will be upgraded

to BPS-15 having 22 years service, whereas the teachers having 15 years service will be upgraded to BPS-14.

- 7. That the above said policy was just as according to the justice and demand of the teachers' community, however, later on the said policy was converted from the time scale to the education scale, whereas the promotion policy for the PST Teachers was formulated as under.

**Primary School Head Teacher
(PSHT) (BPS-15)**

By promotion on seniority-cum-fitness from amongst senior primary school teachers with at least 10 years service and having qualification prescribed for initial recruitment of primary school teacher.

**Primary School Teacher
BPS-14**

By promotion on the basis of seniority-cum-fitness from amongst school teachers with at least 05 years service as such and having qualification prescribed for initial recruitment of primary school teachers.

- 8. That thereby all the fresh appointed F.A/PST been given the BPS-12, whereas the holders of F.A Certificate with 10 years length of service may be upgraded/promoted to BPS-15 and the PSTs with the F.A qualification having 05 years service

4

may be upgraded to BPS-14. (Copy of the Notification dated 13-11-2012 is attached herewith as **Annexure "B"**)

9. That the appellant alongwith his other hundreds of the colleagues having their services extending from 20 to 40 years have been totally ignored and have not been given any chance of upgradation/promotion throughout their professional career, inspite of having such a long spotless tenure of service.
10. That this attitude of the respondent department to give benefit to the PST Teachers with the F.A/F.Sc qualification over the teachers with Matric qualification has been formulated without any cogent/legal grounds but just to give benefit to the blue eyed teachers of the respondent department, whom have been appointed in their tenure.
11. That the appellant is equally entitled to be upgraded on the basis of his tenure of service and be given the same benefit as it has been given to the other PSTs teachers having F.A Certificate, as the higher qualification of F.A can not by any means made the basis for giving sort of above said benefit to the teachers.
12. That in this respect the appellant has also moved his representation to the concerned authorities, thereby explaining his grievances; however the said representation was turned down by the concerned authorities. (Copies of representation and Office Order dated 14-01-2013 are attached herewith as **Annexure "C" & "D"** respectively).
13. That the appellant has got no other efficacious remedy available to him but to approach this Honourable Tribunal on the following ground inter-alia.

GROUND.

- A. That act of the respondent department, thereby depriving the appellant from the above said benefit of upgradation is illegal, unlawful without authority/ jurisdiction, as well as being based on malafide intentions of the respondent department is liable to be set aside.
- B. That since hundred and hundreds of the teachers have been treated in a discriminatory manner and have been deprived of the above said benefit mere on the ground that they are not having qualification of F.A/F.Sc is an act unjust and without any reasonable ground, as the basic qualification at the time of appointment of appellant was Matric with PST and the basic qualification at the time of appointment of benefited teachers were F.A/F.Sc with PST, hence no privilege can be granted to the persons, whom have been appointed on the prescribed qualification.
- C. That the appellants have been serving on the above said posts since long, whereas the minimum tenure of service amongst the appellant and his colleagues is 17 years and the maximum tenure amongst them is extended to 40 years and since long all of them have been waiting for their turn to be promoted/upgraded to some higher scale, however after having a tenure of such a long legitimate expectations the appellants have been treated unlawfully without any cogent/solid grounds.
- D. That it is very respectfully submitted that it has never happened that in the cases of upgradation/promotion the factor of seniority should be abolished/ignored totally and the grounds of upgradation/promotion should be made mere

educational qualification, whereas the upgradation/promotion has always been made on the basis of seniority-cum-fitness and have never been on the basis of higher qualification whatsoever it may be. Furthermore still it is not the higher qualification for the teachers who have been giving thorough benefit for the above said notification, but with the passage of time has the basic qualification have been raised, hence they have been appointed on the basis of F.A/F.Sc Certificate, which said factor can not be made a ground for their upgradation to BPS-14/15.


- E. That the said act of the respondent department is not merely illegal as well as unlawful, but is also against the very clear Article of Constitution of Islamic Republic of Pakistan as engraved in the basic rights of said constitution.
- F. That the appellant has got every right to be treated equally with his other colleagues and closing all the ways of upgradation/promotion for the appellant is against all the norms of justice as it has been done in the above mentioned notification dated 13-11-2012.
- G. That it will be pertinent to bring into notice of this Honourable Tribunal that the above said benefit have been extended to the Clerk's community, whereby the Clerks even with Matric Certificate have been upgraded from BPS-09 to BPS-16 and similarly according to other notification dated 24th April 2012 the Federal Government has been pleased to upgrade the PST Teacher from BPS-09 to BPS-14 including the Matric Teachers. (Copies of the above said both the Notifications are attached herewith as **Annexure "E" & "E/1"**).

It is, therefore, prayed that on acceptance of this Service Appeal, the respondent may please be directed to set aside the terms of


"Having qualification prescribed for initial recruitment of primary school teachers"

and the appellant may please be considered equally for the above said promotion/upgradation with the other colleagues, whom have been appointed on F.A/F.Sc basis and the above said condition being illegal, unlawful, unconstitutional and discriminatory may please be deleted from the conditions of promotion of the PST teachers to the BPS-14/15.

Any other remedy to which appellant is found entitled, in the peculiar circumstances of the case may also be granted.

Appellant 


Through


(KHAN AKBAR KHAN)
Advocate, High Court,
Peshawar.

Dated: -19-01-2013

CERTIFICATE:

Certified that as per information furnished by my client no such like service appeal on the subject has earlier been filed in this Hon'ble Tribunal.


ADVOCATE

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHWA, PESHAWAR.

C.M No. _____ 2013

In

Service Appeal No _____/2013

Khadim Hussain.....Appellant

VERSUS

Govt of K P K through Secretary & others.....Respondents

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***APPLICATION FOR TEMPORARY INJUNCTION TO THE
EFFECT THAT RESPONDENT MAY KINDLY BE RESTRAINED
FROM TAKING ANY ACTION FOR THE PROMOTION OF PSTs
TO BPS-14/15 AS ACCORDING TO PROCEDURE MENTIONED
IN THE IMPUGNED RULES/ NOTIFICATION DATED 13.11.2012.***

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Respectfully Sheweth:


1. That the appellant has filed the above titled service appeal before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That respondent vide Notification dated 13.11.2012 with regard to fresh education policy has promulgated a new method of promotion, which has violated the promotion rights of thousand of teachers including the appellant.
3. That the applicant/appellant has very prima facie cause of action and is very hopeful of its ultimate success of his appeal.

- 9
4. That all the three ingredients i.e. prima facie case, balance of convenience and irreparable loss as per spirit of the rules for granting injunction is of the applicant/appellant are present in the said appeal.
 5. That in case the injunction as prayed for above is denied, the applicant/appellant will suffer irreparable loss as the impugned vacancies will be filled up and there would be no chance for appellant accommodation. Hence, it is in the interest of justice to stay further proceedings on the impugned notification, till the final decision of this Honourable Tribunal.
 6. That there is no legal bar in granting the injunction as prayed for above.
 7. That the facts and grounds taken in the memo of appeal may kindly be considered as part and parcel of the instant application.

It is, therefore, humbly prayed that in the light of above said submissions this Honourable Tribunal may please be kind enough to restrain the concerned respondents from taking any action in promoting the PSTs teachers on the basis of above noted notification, thereby depriving the appellants from the right of promotion.

Applicant

Through


(KHAN AKBAR KHAN)
Advocate,
High Court, Peshawar.

Dated: -19-01-2013

10

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTOON
KHWA, PESHAWAR.

Service Appeal No _____/2013

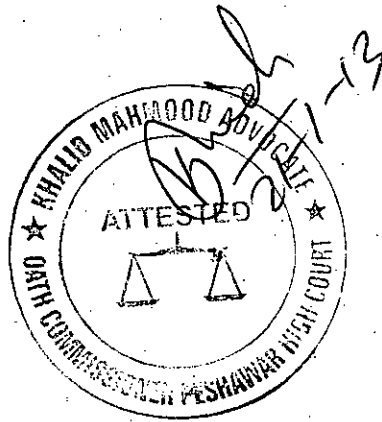
Khadim Hussain.....Appellant

VERSUS

Govt of K P K through Secretary & others.....Respondents

AFFIDAVIT

I, Khan Akbar Khan Advocate, as per instruction of my client, do hereby solemnly affirm and declare on Oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.




Deponent



11

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

(REGULATION WING)

Dated Peshawar the 26th January, 2008.

NOTIFICATION

N.O.FD/SO(FIN) 0-220008 is pursuant to the Department's letter No SO(FIN) 0-220008 dated 01-10-2007 and in pursuance of the resolutions of the meeting held under the Chairmanship of Secretary, Finance Department on 21/1/2008, the Competent Authority is pleased to allow upgradation of the incumbents of the posts as per details given below w.e.f. 1-10-2007:-

| S.NO | Existing Designation and Pay Scale | Qualification | Upgraded Scale |
|------|--|---------------|------------------------|
| 1 | Primary School Teacher (PST) (BPS-07) | ... | BPS-09 (one time only) |
| 2 | Primary School Teacher (PST) with requisite experience renamed as Head Teacher/Head Mistress of Primary Schools (BPS-07) | ... | BPS-12 (one time only) |
| 3 | CT (BPS-09) | ... | BPS-15 (one time only) |
| 4 | SET (BPS-15) | ... | BPS-17 |
| 5 | ... | ... | BPS-12 |

SECRETARY TO GOVT OF NWFP
FINANCE DEPARTMENT

Encl: No. 3 Disc only

Copy of the above is forwarded for information and necessary action to the:-

- 1) All the Secretaries of NWFP Departments
- 2) All the DCOs/EDOs/Deputy Comptroller, Government, NWFP.
- 3) Additional Comptroller, Government, NWFP.
- 4) Director School & Literacy NWFP, Peshawar.
- 5) Director of Education PATA, NWFP, Peshawar.
- 6) PSC to Chief Minister, NWFP.
- 7) TSO to Chief Secretary, NWFP.
- 8) PS to Secretary Finance Department, NWFP.
- 9) All District/Agency Accounts Officers in NWFP.
- 10) President All Primary Teachers Association NWFP.

(NAIB KIAN)
SECTION OFFICER (FR)

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0321-9159555
سربراہی امور

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0300-9817743

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41

**GOVERNMENT OF NWFP
FINANCE DEPARTMENT.
(REGULATION WING)**

Dated Peshawar the 26th January 2008

NOTIFICATION

NO. FD/SO (FR) 10-22/2007. In supervision of this Department letter No. SO(FR)10-23(B)/2005 and in pursuance of the decision of the meeting held under the Chairmanship of the Secretary of Finance on 2.1.2008, the competent Authority is pleased to allow upgradation of the institution of the posts as per details given below w.e.f 1-10-2007.

| S.No | Exiting Designation and pay scale | Qualification | Upgraded Scale |
|------|--|--|---------------------------|
| 1. | Primary School Teacher (PST) (BPS-07) | FA/FSc and PTC trained Teacher | BPS-09 (one time only) |
| 2. | Primary School Teacher (PST) with requisite experience remained as Head Teacher/Head Master of Primary School (BPS-07) | Having 10 years service | BPS-12 (one time only) |
| 3. | CT (BPS-09) | B.A/B.Sc and are trained teachers | BPS-15 |
| 4. | SETs/BPS-16 | Having at least 10 years service. Upgradation to the post shall be made through OEC as per laid down procedure. | BPS-17 |
| 5. | Qari/Qaria (BPS-07) | Hafiz Quran with SSC | BPs-12 |

Sd

SECRETARY TO GOVT
OF NWFP, FINANCE DEPARTMENT.

Endst No & Date even

Copy of the above is forwarded for information and necessary action to the:-

1. All Secretaries in NWFP, Peshawar.
2. All the DCOs, EDOs, Schools & Literacy Department, NWFP
3. -----Sinc-----NWFP, Peshawar.
4. Director Schools & Literacy, NWFP, Peshawar.
5. Director of Education FATA, NWFP, Peshawar.
6. PSO to Chief Minster, NWFP.
7. PSO to Chief Secretary NWFP.
8. PS to Secretary Finance Department, NWFP.
9. All District/Agency Account Officers in NWFP.
10. President All Primary Teachers Association NWFP.

(NAIB KHAN)
SECTION OFFICER

12

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Government of NWFP
Finance Department
No. SO (FR) 10-22(B)/2005
Dated: 01.10.2007

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143

To

The Secretary to Govt. of NWFP,
Schools & Literacy Department

Subject: UPGRDATION OF VARIOUS POSTS OF TEACHING/
CAREER STRUCTURE IN SCHOOLS AND LITERACY
DEPARTMENT GOVERNMENT OF NWFP.

Sir,

I am directed to refer to your letter No. SO(G)104/2007 dated 01.10.2007 on the subject noted above and to inform that the Chief Minister-NWFP has been pleased to upgraded various posts of teachers in Schools and Literacy Department NWFP, as per details given below in respect of those incumbents mentioned against each with immediate effect.

| S.No | Designation/ existing Pay Scale | Qualification | Revised Pay Scale |
|------|--|--|-------------------|
| 1 | Primary School Teacher PST BPS-09 | F.A / FSc at least 2 nd Division with PTC/ Diploma in Education | 09 |
| 2 | PST with requisite experience renamed as Head Teacher/ head Mistress of Rprimary School BPS-07 | On the basis of 10 years service experience as Primary School Teacher in BPS-09 | 12 |
| 3 | C.T BPS-09 | B.A / BSc at least 2 nd Division with Diploma in Education/CT | 15 |
| 4 | AWICT Technical Industrial Arts/ Home Economics BPS-09 | B.A/ BSc at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curriculum and Teachers Education NWFP Abbottabad in Agro Tech/ Industrial Arts Home Economics | 15 |
| 5 | D.M BPS-09 | B.A/ B.Sc at least 2 nd Division with Drawing Master Course. | 15 |
| 6 | PET BPS-09 | B.A/ BSC at least 2 nd Division with JDEP | 15 |

18

| | | | |
|----|---|---|----|
| | Qari/Qaria BPS-07 | Hafiz-e-quran with SSC at least 2 nd Division and Sand in Qirat. | 12 |
| 8. | SST/SST Teacher/Agri with requisite experience rename Sr. SST/Sr. SST Teacher/Sr. SST Agri BPS-16 | M.A./M.Sc at least 2 nd Division with B.Ed. M.Ed/M.A. Education equivalent qualification | 17 |
| 9. | DPE BPS-16 | M.Sc at least 2 nd division in (HPE) | 17 |

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2. The promotion/direct Promotion against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of NWFP Civil Servants (appointments, Promotion and Transfer) 1989 read with the NWFP Civil Servants Act, 1973 in the light of the meeting held on 26.09.2007 of the committee constituted vide Schools & Literacy Department Notification No. SO(G)S&L/1-4/2007 dated 01.08.2007.

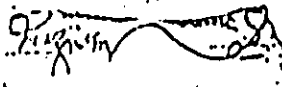
Audit copy may please be prepared and sent to the Department for authentication/signature.

Section Officer (FR)

End of even No. & date.

Copy for information & necessary action to:-

1. Accountant General NWFP.
2. Director Schools & Literacy NWFP, Peshawar.
3. Director of Education FATA NWFP, Peshawar.
4. PSO to Chief Minister NWFP.
5. PSO to Chief Secretary NWFP.
6. PS to Secretary Finance Department NWFP.
7. All District/Agency Accounts Officers in NWFP.


 Amir BHEIK
 AMIR BHEIK
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Directorate of Elementary & Secondary
Education Khyber Pakhtunkhwa Peshawar
No. 685-1709 / File No. PST teachers

Dated Peshawar the 27-8-2012

All the Executive District Officers
Elementary & Secondary Education
in Khyber Pakhtunkhwa

UPGRADATION OF POSTS AND FIXATION OF PAY

I am directed to inform you that the Govt. of Khyber Pakhtunkhwa has upgraded the scales of the posts of PST/Qari/CT/DM/PET/AT/T.T. with effect from 1-7-2012 vide Notification No. SO(B&A)/1-18/ERSE/2012 dated 1-7-2012 and to ask you to fix the pay of all the PST teachers/Qari teachers (M & F) in BPS-12 and the pay of CT/DM/PET/AT teachers (M & F) to be fixed in BPS-15 as per the upgradation notification cited above. Please complete their Service Books & submit the changes to the office of the Distt. Accounts Officers.

I am further directed to ask you to attach/affix their seniority lists on the file in your office within 15 days in connection with their promotion in next scale i.e. to BPS-15 & BPS-16 respectively.

[Signature]
Deputy Director (Establishment)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar

File No. _____
Copy forwarded for information to:-

1. PS to the Secretary to Govt. Khyber Pakhtunkhwa E&SE Department
2. PA to the Director E&SE Khyber Pakhtunkhwa Peshawar

S.I./r
Deputy Director (Establishment)
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar



15

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION MARDAN.

12/4/7

Dated Mardan the 4-9-2012.

Copy of the above is forwarded to the :-

1. Director of Elementary & Secy: Education Khyber Pakhtunkhwa
Mardan w/o to his office No. 1355-1709/File No. PST Teachers
Mardan, 7.8.2012 for information please.
2. All the principals/MSs. GMS/GNIS/GNIS. in Mardan District.
Deputy Distt: Officers (Female) Mardan/ Takht Bhal with the
remarks to fix the pay of all the PST teachers in BPS No.12
w.e.f. 1.7.2012 as per upgradation notification No. SO(B&A)1-18/
2462/2012 dated, 11.7.2012. Please complete their service books
and submit the changes to the office of the District Accounts
Officer Mardan at once.
3. Accountant Girls Middle schools local
office.

[Signature]
EXECUTIVE DISTRICT OFFICER
ELE: & SECY: EDU: MARDAN.




**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.**

NOTIFICATION

Peshawar, dated the November 2012.

No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.


**SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.**

Erdsi. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.

17

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ector Curriculum & Teachers Education Abbottabad.
ector (PITE) Khyber Pakhtunkhwa Peshawar.
ector ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar
duty Director Database(EMIS) E&SE Department.
ict Coordination Officers in Khyber Pakhtunkhwa.
utive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa
rict Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA
icy Education Officers FATA
governor, Khyber Pakhtunkhwa
hief Minister, Khyber Pakhtunkhwa
hief Secretary, Khyber Pakhtunkhwa
nister E&SE Khyber Pakhtunkhwa Peshawar
ecretary E&SE Department
File

Section Officer (Primary)

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APPENDIX

| enclature of the post. | Minimum qualification and experience for initial appointment or by transfer. | Age limit. | Method of recruitment. |
|-------------------------------------|---|-----------------|--|
| 2. | 3. | 4. | 5. |
| Secondary School Teacher BPS 10. | (i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University | 18 to 35 years. | (a) Fifty per cent by promotion on the basis of seniority-cum-fitness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No.3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No.3; |

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| | | | <p>(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and</p> <p>(v) one per cent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No 3; and</p> <p>(b) fifty per cent by initial recruitment.</p> |
| Senior Arabic Teacher (SAT) (BPS-16) | | | By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher. |
| Senior Theology Teacher (STT) (B-16) | | | By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher. |
| Senior Certified Teacher (SCT) (General) -16) | | | By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General). |

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| Certified Teacher Industrial Arts) 16). | | | By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts). |
| Senior Certified Teacher Agriculture) BPS 16). | | | By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture). |
| Senior Drawing Master BPS 16). | | | By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master. |
| Senior Certified Teacher Home Economics) S.C.T. BPS 16). | | | By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics). |
| Senior Physical Education Teacher (BPS-16). | | | By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher. |

883

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| Arabic Teacher (AT) BPS-15) | (i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alaminia Fil Uloomul Arabia wal Islamia from a recognized Tanzimatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University. | 20 to 35 years. | By initial recruitment |
| Theology Teacher (TT) BPS-15 | (i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alaminia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamiyat from a recognized University. | 20 to 35 years | (a) Seventy-five per cent by initial recruitment; and (b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher. <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment. |
| Senior Qari BPS-15) | | | By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment. |
| Certified Teacher (General) (BPS-15) | Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher | 18 to 35 years. | (a) Forty per cent by initial recruitment; and |

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| <p>Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p> | | <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General);</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p> |
| <p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or</p> <p>(b) Bachelor's Degree from a recognized</p> | <p>18 to 35 years.</p> | <p>(a) Forty per cent by initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher</p> |

Certified Teacher
(Industrial Arts)
RPS 15)

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Certified Teacher
(Agriculture)
B.A. -15.

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| | <p>University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).</p> | | <p>(Industrial Arts):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for Promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Industrial Arts).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p> |
| | <p>(i) Bachelor's Degree from a recognized University with one year training in Agriculture from any Government institute or center with nine months training from Government Agro Technical Teacher Training Center of the level of Certified Teacher Agro Technical (Agriculture); or</p> <p>(ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University: or</p> <p>(iii) Bachelor's Degree from a recognized</p> | <p>18 to 35 years.</p> | <p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers, with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture):</p> <p>Provided that if no suitable candidate is available amongst the</p> |

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| | <p>any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Agriculture).</p> | | <p>promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p> |
| <p><i>cert (H/E) Teacher (Home Econ. Officer) BPS 15.</i></p> | <p>(i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or</p> <p>(ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or</p> <p>(iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or</p> <p>(iv) Bachelor's Degree, from a recognized</p> | <p>18 to 35 years.</p> | <p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of</p> |

| | | |
|--|------------------------|---|
| <p>University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).</p> | | <p>Certified Teacher (Home Economics).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p> |
| <p>Bachelor's Degree from a recognized University one year Drawing Master (DM) course</p> | <p>18 to 35 years.</p> | <p>(a) Eighty per cent by initial recruitment; and</p> <p>(b) Twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master:</p> <p>Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master.</p> <p><u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p> |

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| <p>Physical Education (BPS-15).</p> | <p>Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.</p> | <p>18 to 35 years.</p> | <p>(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.</p> <p>Note: In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p> |
| <p>Physical School Head (PSHT)</p> | | | <p>By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.</p> |
| <p>Senior Primary School (BPS-14).</p> | | | <p>By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers</p> |

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| | | | | with at least five years service as such as having qualification prescribed for initial recruitment of Primary School Teacher. |
| 21. | Primary School Teacher (BPS-12). | (i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University. | 18 to 35 years. | By initial recruitment on merit at Union Council level: provided that if no suitable candidate within the Union Council is available, then from the adjacent Union Councils on merit. |
| 22. | Qari (BPS-12). | Intermediate with Hiz-e-Quran and Qirat Sanad from a recognized Institution. | 18 to 35 years. | By initial recruitment. |

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SCHEDULE

13

Selection criterion and other conditions for direct recruitment against the below mentioned posts shall be as under:-

Arabic Teacher

| Educational Qualification | Total Marks: 100 |
|---|---|
| SSC | Marks obtained X 20 / total marks = _____ |
| HSSC | Marks obtained X 20 / total marks = _____ |
| BA/BSc | Marks obtained X 20 / total marks = _____ |
| M.A Arabic / Shahadatul Alamia Fil Uloomul Arabia wal Islamia from a recognised Terzimuul Wafaqul Madaris | Marks obtained X 20 / total marks = _____ |
| Other MU/MSc/M.Ed / MA Edu | Marks obtained X 15 / total marks = _____ |
| MPhil/PhD | Marks = 05 |

Theology Teacher

| Category of Qualification | Total Marks 100 |
|--|---|
| SSC | Marks obtained X 20 / total marks = _____ |
| HSSC | Marks obtained X 20 / total marks = _____ |
| BA/BSc | Marks obtained X 20 / total marks = _____ |
| MU/MSc/M.Ed / MA Edu | Marks obtained X 20 / total marks = _____ |
| M.A Islamia / Shahadatul Alamia Fil Uloomul Arabia wal Islamia from a recognised Terzimuul Wafaqul Madaris | Marks obtained X 20 / total marks = _____ |
| MPhil/PhD | Marks = 05 |

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Qualification

| Category of Qualification | Total Marks 100 |
|---|--|
| SSC | Marks obtained X 20 / total marks = ____ |
| Qirt Serial from a recognized institution | Marks obtained X 20 / total marks = ____ |
| HSSC | Marks obtained X 20 / total marks = ____ |
| B.A. B.Sc. | Marks obtained X 20 / total marks = ____ |
| M.A./M.Sc./M.Ed./M.A. Edu. | Marks obtained X 15 / total marks = ____ |
| M.Phil./P.D. | Marks = 05 |

Certified Teacher
(General, Industrial Arts, Agriculture, Home Economics)

27

| Category of Qualification | Total Marks 100 For Humanities group at Intermediate/Graduation Level | For Candidate of Science group |
|--|---|---|
| SSC | Marks obtained X 20 / total marks = ____ | 5 Extra marks for F.Sc. 5 Extra marks for B.Sc. and 5 Extra marks for M.Sc. will be added to the total score obtained by a candidate during his selection |
| HSSC | Marks obtained X 20 / total marks = ____ | |
| B.A/B.Sc. | Marks obtained X 20 / total marks = ____ | |
| CT Certificate/ Diploma in Education /A.E. | Marks obtained X 20 / total marks = ____ | |
| M.A./M.Sc./M.Ed./M.A. Edu. | Marks obtained X 15 / total marks = ____ | |
| M.Phil./P.D. | Marks = 05 | |

Drawing Master

| | | | |
|---------------------------|---|---|--------------------------------|
| Category of Qualification | | Total Marks 100 | For Candidate of Science group |
| SSC | Marks obtained X 20 / total marks = _____ | 5 Extra marks for F.Sc. 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection | |
| HSSC | Marks obtained X 20 / total marks = _____ | | |
| BA/BSC | Marks obtained X 20 / total marks = _____ | | |
| DEI / Engineer | Marks obtained X 20 / total marks = _____ | | |
| MA/COM/ENR/MA/ENR | Marks obtained X 15 / total marks = _____ | | |
| M.Phil/Ph.D | Marks = 05 | | |

| | | | |
|---------------------------|---|---|--------------------------------|
| Category of Qualification | | Total Marks 100 | For Candidate of Science group |
| SSC | Marks obtained X 20 / total marks = _____ | 5 Extra marks for F.Sc. 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection | |
| HSSC | Marks obtained X 20 / total marks = _____ | | |
| BA/BSC | Marks obtained X 20 / total marks = _____ | | |
| DEI / Engineer | Marks obtained X 20 / total marks = _____ | | |
| MA/COM/ENR/MA/ENR | Marks obtained X 15 / total marks = _____ | | |
| M.Phil/Ph.D | Marks = 05 | | |

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Primary School Teacher

| Category of Qualification | Total Marks 100 For Humanities group at Intermediate Level | For Candidate of Science group |
|---|--|--|
| SSC | Marks obtained X 20 / total marks = _____ | 5 Extra marks for F.Sc. 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection. |
| HSSC | Marks obtained X 10 / total marks = _____ | |
| B.Sc | Marks obtained X 25 / total marks = _____ | |
| Post Graduate Diploma in Education / DE | Marks obtained X 20 / total marks = _____ | |
| M.A. / M.Ed / M.T.E.D. | Marks obtained X 20 / total marks = _____ | |
| M.F.H.U.P.D | Marks = 65 | |

Other conditions:-

1. The concerned Appointing Authority will scrutinize and verify the documents and make the appointments as per prescribed rule and the will get the documents verified after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days.
2. The merit list prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/appeals, if any, and shall issue the final merit list after making necessary corrections while addressing the observations/objections/appeals, followed by requisite appointment orders.
3. In case a document(s) is/are found fake/forged/ bogus upon scrutiny/ verification, the service of the teacher concerned shall be terminated and the amount paid to him as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery/fraud under the relevant law.
4. Darul Uloom from recognized Tazemmat-ul-Wafaqul Madaris, Darul Uloom Saifu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be acceptable for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be.

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بخدمت جناب چیف سیکرٹری صوبہ خیبر پختونخوا ایشاور

بذریعہ EDO ایجوکیشن مردان

بوساطت جناب EDO صاحب ایڈیٹری اینڈ سیکنڈری سکول ضلع مردان

جناب عالی

گزارش ہے کہ مورخہ 13 نومبر 2012ء کو سیکرٹری ایجوکیشن صاحب کے دفتر سے ایک علامہ جاری ہوا ہے۔ جو کہ اساتذہ کے آپ گریڈیشن سے تعلق رکھتا ہے۔ اس میں میٹرک IPST اساتذہ کو یکسر نظر انداز کیا گیا ہے۔ میٹرک اساتذہ کا کوئی قصور نہیں ہے کیونکہ ہمارے وقت میں میٹرک PTC، IPST اساتذہ کیلئے شرط تھا۔

اللہ مہربانی فرما کر ہمارے کيس کو بہہ روانہ نظر نہ لکھیں اور ہمیں ہمارے حق سے محروم نہ کریں۔ بصورت دیگر مجبوراً ہمیں عدالت کا دروازہ کھٹکنے پنا پڑے گا۔

No Sn (PE) 4-5/SSRC/Meeting/2012/Teaching doc

(Dated: 17-11-2012)

الغرض

آپ کا فرمانبردار

حاجی حسین ولد محمد شاہ

سیمنٹ کونسل ماہار

33 D

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION KHYBER
PAKHTUNKWA PESHAWAR**

No 1519 /F.No. ~~141~~-A/Appeal for
Award of Benefits for PST (M)
Dated Peshawar the 14/1 /2013.


To,

The District Education Officer (M)
E&SE Mardan.

Subject: - **APPEAL FOR AWARD OF BENEFITE.**

Memo:-

I am directed to refer to your letter No.18150/G.File dated 06.12.2012 on the subject noted above and to inform you that at present ^{their} appeal has seen and filed in the light of existing Rules.


Deputy Director (Estb :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar

14/1/2013

D/No. 381

dt. 15/1/2013

NO. F. 1-1/2011/Upgradation (2-14)IBD
Government of Pakistan
Federal Directorate of Education

Islamabad, the 24th April 2012

OFFICE ORDER

In continuation of Federal Directorate of Education's office order of even number dated 18.05.2011, consequent upon one time waiver in the conditions of qualification/experience granted by the Prime Minister vide U. O. No. 3759/2324/2012 dated 24.02.2012, as conveyed by the Capital Administration & Development Division vide No.F.4-23/2011-(Education) dated 23.04.2012 and on the recommendations of Departmental Promotion Committee meeting held on 24.04.2012, the following Matric Trained Teachers (BS-09) are promoted to the upgraded post of Elementary School Teacher (BS-14) w.e.f. 01.01.2011

| S.# | NAME | DATE OF BIRTH | INSTITUTION |
|-----|----------------------|---------------|-------------------------------|
| 1 | ZAINAB BIBI | 01.02.1951 | IMS (I-V) G-6/12, IBD. |
| 2 | RUKHSANA JABEEN | 05.12.1954 | MSG G-6/74, IBD. |
| 3 | RIFAT RAANA | 01.07.1953 | MSG (I-X) DHOKE GANGAL |
| 4 | KAUSAR PARVEEN | 04.06.1954 | MSG (I-X) DHOKE GANGAL |
| 5 | ABIDA PARVEEN | 22.10.1955 | IMS (I-V) HOON DHAMIAL |
| 6 | FUKHRAJ BEGUM | 01.07.1956 | MSG (I-X) DHOKE GANGAL |
| 7 | SAJIDA BIBI | 05.02.1956 | MSG (I-X) G-9/1, IBD |
| 8 | GHULAM FIZA | 30.03.1954 | IMS (I-V) No.2, G-6/1 |
| 9 | FAREHANDA MASOOD | 13.05.1957 | MSG (I-V) HOON DHAMIAL |
| 10 | SABEDA KHATUN | 15.05.1955 | MSG (I-X) I-13/4, IBD. |
| 11 | GHULAM SAKINA | 13.04.1954 | MSG (I-V) DHOKE HANHU (FA) |
| 12 | NAJMA BIBI | 22.06.1955 | MSG (I-V) G-6/4, IBD |
| 13 | AMINA BEGUM | 25.07.1953 | IMS (I-V) KOT HATHIAL |
| 14 | KHURSHID AKHTAR | 15.05.1952 | IMS (I-V) PIND PARACHA |
| 15 | KAUSAR SULTANA | 02.01.1956 | IMS (I-V) G-7, 3/1, IBD. |
| 16 | SURRAYYA DANO | 02.06.1954 | IMS (I-V) NO.5, G-10/2 IBD. |
| 17 | MASOODA AZIZ | 06.06.1954 | IMS (I-V) BOKRA BANGIAL |
| 18 | GULFOOZ AKHTAR | 14.03.1953 | IMS (I-V) UPPRA GHORA |
| 19 | GUL-E-NASREEN | 04.12.1955 | MSG (I-X) SANG JANI (FA) |
| 20 | SHAMSHAD BEGUM | 02.09.1954 | MSG (I-VII) S. F-7.4, IBD. |
| 21 | PARVEEN AHTAR | 01.08.1956 | MSG (I-VII) No.49, I-10/1 |
| 22 | RUKHSANA TANVEER | 14.05.1953 | MSG (I-V) MOHRI MUGHAL (FA) |
| 23 | ZAHIDA PARVEEN | 03.02.1957 | MSG (I-V) MOHRI MUGHAL (FA) |
| 24 | SHAGUPTA SHAHEEN | 02.06.1955 | MSG (I-X) UNIVERSITY COLONY |
| 25 | NASIM AKHTAR | 15.02.1954 | IMS (I-V) No. 3, E-3 |
| 26 | NAJMA YASMEEN | 11.10.1955 | IMS (I-V) NO.3, IBD. |
| 27 | RASHIDA YASMEEN | 01.04.1955 | IMS (I-V) G-7.1, IBD. |
| 28 | RUKHSANA TARIQ | 03.09.1955 | IMS (I-V) NO.49, I-10/1, IBD |
| 29 | SHAHIDA PARVEEN | 01.01.1956 | IMS (I-V) KOT HATHIAL (FA) |
| 30 | SYEDA NASREEN AKHTAR | 20.05.1959 | IMS (I-V) NO.40, I-10/1 |
| 31 | SAMIA ILANAN | 15.12.1959 | IMS (I-V) G-7, 3/1, IBD |
| 32 | SADIRA ASHFAQ KAZMI | 19.12.1955 | MSG (I-X) PIND PARCHA (FA) |
| 33 | TABIRA BEGUM | 15.02.1957 | IMS (I-V) G-7.1, IBD. |
| 34 | NASIM AKHTAR | 05.01.1957 | IMS (I-V) NO.49, IBD. |
| 35 | BUSHRA KHANUM | 15.10.1957 | IMS (I-V) G-6.1-2, IBD. |
| 36 | JOSPHIN YOUNIS | 04.01.1953 | IMS (I-V) No.7, G-7/3-3 |
| 37 | AZMAT UN NISA | 16.10.1953 | MSG (I-V) DHALIALA (FA) |
| 38 | SAMIA SULTANA | 10.05.1959 | IMS (I-X) G-8.4, IBD. |
| 39 | MUNAZA GUL | 20.05.1955 | IMS (I-V) P. C. SHALA (FA) |
| 40 | GHAZALA YASMEEN | 15.04.1958 | IMS (I-X) NOOKPUR SHAHAN (FA) |
| 41 | RAZIA ZAMAN | 16.12.1959 | IMS (I-V) G-7.2, IBD. |
| 42 | RUKHSANA YASMEEN | 02.05.1952 | IMS (I-V) NO.36, IBD. |

Principal

IMS for Girls (I-X)

Syedan (FA) Islamabad

| | | | |
|-----|------------------------|------------|-----------------------------------|
| | R BASHIR | 24.2.1974 | JMS (I-V), G-3/1 |
| | NA KAUSAR | 6.6.1975 | IMSG (I-X), NOORPUR SHAH. |
| | A BIBI | 14.5.1985 | IMS (I-V) G-6/2 |
| | AIRA CHOCHAN | 18.4.1984 | IMS (I-V), G-11/1 |
| | SADIA HAYAT | 28.12.1983 | IMSG (I-X), Pungran |
| 588 | AMTIAZ AKBA | 3.7.1979 | IMSG (I-X), P.E. G-5 |
| 589 | GHULAM SUGHRA | 03-07.1975 | IMSG (I-X), PIND MALKAN |
| 590 | RASHIDA PARVEEN | 2.5.1986 | IMSG (I-X), CHAKSHEHZAD |
| 591 | QUDSIA RAJAB-TUNTO | 1.1.1981 | IMSG (I-V), DHOK JERANI |
| 592 | TAMRA JABEEN | 14.01.1984 | IMSG (I-V) PIND BEGWAL |
| 593 | NAZIA NARGIS | 13.11.1971 | IMSG (I-X), BADAT QADIR NAEESH |
| 594 | FARZANA NASRULLAH KHAN | 01.04.1974 | IMSG (I-X) JAGIOT (FA) |
| 595 | GHULAM FATIMA | 17.04.1974 | IMSG (I-V) Severa |
| 596 | UZMA KHAN | 14.10.1976 | IMS (I-V) G-7/4 |
| 597 | MUSSAKAT SHAHEEN | 06.08.1985 | IMSG (I-X) GAGRI |
| 598 | ZAIB UN NISA | 05.04.1982 | IMSG (I-V) Kot Hatyal |
| 599 | TASLEEM AKHTAR | 04.04.1959 | IMSG (I-V), MOHRAN (FA) |
| 600 | ASMA ASHFAQ | 15.03.1981 | IMS (I-V) E-7/4 |
| 601 | BUSHRA AZIZ | 12.07.1974 | IMSG, Pind Pracha (FA) |
| 602 | SHAISTA BIBI | 10.11.1975 | IMSG (I-X) D.cke Gangal |
| 603 | SHEEDA NAZ | 02.03.1984 | IMSG (I-X) Humak |
| 604 | FOZIA SIDDIQUE | 01.01.1978 | IMSG (I-X) Humak |
| 605 | MUKHTIAR BEGUM | 01.04.1976 | JMSG (I-V) Peija |
| 606 | SAMINA SALEEM AWAN | | IMSG (I-V) Peija |

2. The teachers working on deputation to other Departments from FDE will be considered for promotion on joining their parent department i.e. FDE.

3. The seniority of EST (BS-14) will be determined as per Civil Servants (Seniority) Rules, 1925.

4. This issues with the approval of Director General, FDE.

(Dr. Syed Tajammul-Mussain Shah)
Director Schools (Female)

Distribution:

- i. AGPR, Islamabad
- ii. PS to Secretary, CA&DD
- iii. PA to Joint Educational Advisor, CA&DD
- iv. PS to DG, FDE
- v. Director (A&C), FDE
- vi. All AEO's
- vii. All Heads of Institution
- viii. Teachers concerned
- ix. Personal Files

(Rasat Ali)
Administrative Officer (Female)

Principal
M.S for Girls (I-X)
Syedan (FA) Islamabad

36

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUN KHWA, PESHAWAR

Notification

Consequent upon the approval of the departmental promotion committee (DPC) meeting held on 07/08/2012, the following assistants/stenographers of Elementary & Secondary Education Department are hereby promoted/adjusted as regular superintendents/budget & Accounts Officers (B-16) in the interest of Public Service with immediate effect.

| S/No | Name & Designation | From | Promoted as | Remarks |
|------|------------------------------|---|---|------------------------------------|
| 1 | Almas Khan Stenographer | Directorate E&SE, Khyber Pakhtun Khwa | Supdt: Estt: Directorate E&SE, K/Pakhtun Kha | Already Occupied |
| 2 | Sher Malik Assistant | AEO Mohammad | Services Placed at the disposal of DE (FATA) Peshawar for further.. | |
| 3 | Mohammad Ashiq Assistant | EDO (E&SE) Abbotta Abad | EDO (E&SE) Batagram | Against Vacant Supdt post B-16 |
| 4 | Amanullah Assistant | EDO (E&SE) Tank | EDO (E&SE) Hangu | Against Vacant Supdt post B-16 |
| 5 | Mohammad Ilyas Assistant | EDO (E&SE) Haripur | EDO (E&SE) Kohistan | Against Vacant Supdt post B-16 |
| 6 | Nauman Ud Din Assistant | RITE (F) Bannu | EDO (E&SE) Hangu | Against Vacant Supdt post B-16. |
| 7 | Allaf Hussain Assistant | EDO (E&SE) Abbotta Abad | EDO (E&SE) Batagram | Against Vacant Supdt post B-16 |
| 8 | Muhammad Ismail Assistant | RITE (F) D.I. Khan | EDO (E&SE) Karak | Against Vacant Supdt post B-16 |
| 9 | Ibrahim Assistant | EDO (E&SE) Nowshera | DDO (F) Dir Upper | Against Vacant Supdt post B-16 |
| 10 | Abdul Tamim Assistant | Directorate (E&SE) Khyber Pakhtun Khwa | DDO (M) Buner | Against Vacant Supdt post B-16 |
| 11 | Saidul Israr Assistant | RITE (MO Thana) | EDO (E&SE) Swat | Against Vacant Supdt post B-16 |
| 12 | Khadim Shah Assistant | EDO (E&SE) Charsadda | DDO (F) Timargara | Against Vacant Supdt post B-16 |
| 13 | Sanaullah Assistant | DDO (F) Swabi | EDO (E&SE) Swat. | Against Vacant Supdt post B-16 |
| 14 | Habib Aslam Assistant | EDO (E&SE) Mardan | EDO (E&SE) Kohistan | Against Vacant Supdt post B-16 |
| 15 | Rahim Khan Assistant | EDO (E&SE) Swat | EDO (E&SE) Swat | Against Vacant Supdt post B-16 |
| 16 | Jamshed Khan | EDO (E&SE) Swat | DDO (M) Timargara | Against Vacant Supdt post B-16 |

| | | | | |
|----|------------------|-----------------------------------|----------------------|--------------------------------|
| 17 | Sheikh AmanUllah | EDO (E&SE) D.I Khan | EDO (E&SE) D.I Khan | Against Vacant Supdt post B-16 |
| | Irshad Muhammad | EDO (E&SE) Swat | EDO (E&SE) Dir Upper | Against Vacant Supdt post B-16 |
| 19 | Abdul Wadood | EDO (E&SE) Chitral | EDO (E&SE) Chitral | Against Vacant Supdt post B-16 |
| 20 | Abdul Wadood | EDO (E&SE) Swat | EDO (E&SE) Karak | Against Vacant Supdt post B-16 |
| 21 | Zubair Muhammad | EDO (E&SE) Swat | EDO (E&SE) Shangla | Against Vacant Supdt post B-16 |
| 22 | Mukamil Khan | Directorate (E&SE) K/Pakhtun Khwa | DDO (M) Wari Dir | Against Vacant Supdt post B-16 |
| 23 | Shamsur Rahman | Directorate (E&SE) K/Pakhtun Khwa | EDO (E&SE) Kohat | Against Vacant Supdt post B-16 |

Note

1. Charge report should be submitted to all concerned.

(Muhammad Rafiq Khattak)
DIRECTOR

Endst: No. 612.52/A.23/MS/Promoted/Adjuste/2012, detail Peshawar the 02/08/2012 copy of the above forwarded to the:

1. PS to Minister for Elementary & Secondary Education Department K/Pakhtun Khwa.
2. PS to Secretary Govt of Khyber Pakhtun Khwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtun Khwa Abbotta Abad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Educ: Khyber Pakhtun Khwa Peshawar.
6. Accountant General Khyber Pakhtun Khwa Peshawar.
7. District Accounts Officers Concerned:
8. Agency Accounts Officers Concerned:
9. Executive District Officers (E&SE) Concerned.
10. Agency Education Officers Concerned.
11. Deputy District Officer (E&SE) Concerned.
12. Superintendents Concerned.
13. PA to Director Elementary & secondary Edu: Khyber Pakhtun Khwa Peshawar.
14. PA to Additional Director (Estt) & (Dey) local office.
15. Master file.

Deputy Directory (E&SE)

WAKALATNAMA

BEFORE THE COURT OF Chairman, Service Tribunal - K.P.K. Pesh.

No. _____ of 2013

Khadim HUSSAIN

(Petitioner)

(Plaintiff)

(Appellant)

Govt of KPK through Secretary
and others.

VERSUS

(Respondent)

(Defendant)

I/We

فادیم حسین

In the above noted Service Appeal, do hereby appoint and constitute Mr. Khan Akbar Khan Advocate as my/ our Counsel in the subject proceedings and authorize him to appear, plead etc compromise, withdraw or refer the matter for arbitration for me/ us without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel at our/my expense and receive all sums and amounts payable to us/ me and to all such acts which he may deem necessary for protecting my/ our interest in the matter. He is also authorized to file Appeal, Revision, Application for restoration or application for setting asiding exparte decree proceedings on my/ our behalf.

Dated: - 21 / 01 / 2013

فادیم حسین

(Client)

فادیم حسین

(KHAN AKBAR KHAN)

Advocate, High Court, Peshawar.

Office Address: - B-107, Town Tower

Jahangir Abad, University Road, Peshawar.

Cell No. 0344-9111911

68

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service appeal No: 201/2013

Khadim Hussain PST District Mardan

.....Appellant

Versus

Secretary Elementary & Secondary Education Khyber Pakhtunkhwa, & others.Respondents

PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth :-

PRELIMINARY OBJECTIONS.

- 1 That the appeal is badly time barred.
- 2 That the appellant has no cause of action/locus standi.
- 3 That the appellant has not come to this Hon! able court with clean hands.
- 4 That the appeal is not maintainable in its present form.
- 5 That the appellant has concealed important material facts from this Hon! able court.
- 6 That the appellant has filed this appeal with malafide motives .
- 7 That the instant appeal has been filed to pressurize the respondents.
- 8 That the present appeal is bad for non joinder/ mis joinder of necessary parties.
- 9 That the appellant is not competent to file the instant appeal against the respondents.
- 10 That the appellant has no cause of action/locus stand.
- 11 That the appellant has not submit any departmental appeal.
- 12 This Hon! able Tribunal has no jurisdiction to adjudicate the present appeal, as it does not fall with in ambit of Section-4 of Service Tribunal Act 1974.
- 13 That the Rule 3(2) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) rule 1989 authorize the department to lay down the method of appointment, qualification & other condition applicable to the post in consultation with the Estab: & Admn: Department & Finance department. Hence the present appeal is liable to be dismissed.
- 14 That it was observed by the apex court that it is exclusively within the domain of the Government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also within the domain of the govt: to change the above policy from time to time as no body can claim any vested right in the policy

ON FACTS

- 1 This para pertains to service record of the appellant. Hence no comments.
- 2 As replied in para above.
- 3 Incorrect. According to the present recruitment rules/policy the basic qualification of PST teacher BPS-12 are as under :-

a. Intermediate or equivalent qualification from a recognized Board with Primary School teacher certificate/diploma in Education from a recognized institute.

or

67

b.SSC from a recognized board in 2nd division with 2 years Associate Degree in Education from a recognized University.

Hence this para is denied.

- 4 This para pertains to the amended rules where in the department has enhanced the method of appointment, qualification applicable to PST post in consultation with the Establishment & Admn: Department & Finance. While it would not out of place to mention here that the same rules/policy never challenged /objected by the appellant before any forum.
- 5 Incorrect, the said rules were amended on 13/10/2012 in accordance with rules, law on the subject to enhance efficiency in service, by the competent authority.
- 6 Incorrect, the statement of the appellant in this para is without any documentary proof, baseless and against the facts.
- 7 The said rules were notified on 13/11/2012 in pursuance of the provisions contained in Sub: rule(2) of rule(3) of Khyber Pakhtunkhwa Civil Servant/appointment, promotion & transfer) rules 1989, in consultation with Estab: Department & Finance Department.
- 8 The department shall follow the rules/policy in vogue at the time of upgradation /promo- tion of teachers,
- 9 Incorrect & not admitted. The statement of the appellant in this para is baseless, against the facts, law, rules, policy in vogue, norms of justice and also based on malafide motives. However, it would not be out of place to mention here that it was also held by the Apex Court that the govt: has the right to enhance the qualification and standard of recruitment and promotion in order to maintain efficiency in service.
- 10 Incorrect. The statement of the appellant is without any legal support, against norms of natural justice. How it can be possible to treat SSC on equal footing with intermediate and other higher qualifications, as well as 3rd division with Ist: division. Hence the whole para is denied.
- 11 As replied in para 9 & 10 above.
- 12 The said application was against the existing rules hence filed.
- 13 Incorrect, the appellant has no cause of action/Prima facie, hence the appeal in hand is liable to be dismissed on the following grounds inter alia.

ON GROUNDS

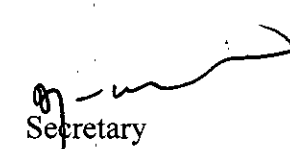
- A Incorrect and not admitted. The statement of the appellant is against the existing rules & policy. The appellant is not deprived from any legal, lawful benefits. Hence denied. Moreover, it would not be out of place to mention here that the govt: has legal right to enhance the qualification and standard of recruitment in order to maintain efficiency in service. Moreover, the appellant does not possess the required qualification for promotion, neither the appellant enhanced his own academic qualification during the long tenure of his service.
- B As replied in foregoing paras. The statement of the appellant is also against facts, rules, policy & norms of justice hence denied.
- C Incorrect. At the time of appointment of the appellant and his mentioned colleagues, there was exist/prevail no promotion/up gradation scheme for PST teacher except Selection grade. The scheme of selection grade has also been discontinued by the government. Hence the statement of the appellant in this para is baseless, without any proof and manufactured one, hence denied.
- D Incorrect & not admitted. The experience of PSTs are not ignored as evident/obvious from para 7 of the facts of this appeal. Hence the whole par is denied.

- 66
- E Incorrect & not admitted. The notification date 13/11/2012 is issued in pursuant of provisions contained in Sub: Rule-2 of Rule(3) of Khyber Pakhtunkhwa Civil servants (Appointment, Promotion & Transfer rules) 1989, hence legal and lawful.
- F Incorrect, the appellant possessing SSC has no right to be treated equally with those PSTs having FA/F.Sc. While it is also pertinent to mention here that it is with in domain of the government to change the policy from time to time as nobody can claim vested sikh in the policy as held by the Apex Court, hence denied.
- G Incorrect. The rules framed by Federal Government and rules framed for other cadre are not applicable to PST cadre in the provinces of Khyber Pakhtunkhwa hence the whole para is denied being baseless, against facts, law rules in vogue and against the natural justice. Moreover the respondents seek the permission of this Hon! able Tribunal to adduce more grounds at the of hearing.

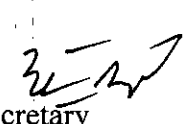
In view of the above made submissions, it is humbly requested that this Hon! able Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of the respondents Department.



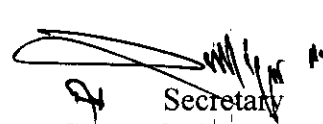
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.



Secretary
Elementary & Secondary Education
KPK Peshawar



Secretary
Govt: of Khyber Pakhtunkhwa,
Finance Department, Peshawar.



Secretary
Govt: of Khyber Pakhtunkhwa,
(Estab:) Department, Peshawar.