


11.10.2022


Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

File to come up alongwith connected Service Appeal No. 2375/2021 titled "Ikram Ullah Vs. Government of Khyber Pakhtunkhwa" on 16.11.2022 before S.B.

  
(Fareeha Paul)  
Member (E)

12.01.2022

Learned counsel for the appellant present and submitted application for the grant of permission to deposit security & process fee. Application is allowed and learned counsel for the appellant is directed to deposit security & process fee within 03 working days. Thereafter, notice be issue to respondents for submission of reply/comments before the S.B on 15.03.2022

  
(Atiq-Ur-Rehman Wazir)  
Member (E)


15.03.2022

Due to retirement of the Worthy Chairman, case is adjourned to 07.06.2022 for the same as before.

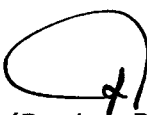
Reader

07.06.2022

Clerk to counsel for the appellant present.

  
Appellant Deposited  
Security & Process Fee

File to come up alongwith connected Service Appeal No.2375/2021 titled Ikram Ullah Vs. Government of Khyber Pakhtunkhwa on 25.07.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

25.07.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.2375/2021 titled "Ikram Ullah Vs. Government of Khyber Pakhtunkhwa" on 11.10.2022 before S.B.

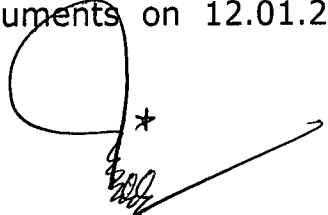
  
(Rozina Rehman)  
Member (J)

05.10.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant, in the instant service appeal, has challenged and assailed the impugned Service Rules of the respondent-department dated 24.07.2014 and 24.04.2018 whereby no quota has been specifically allocated for appellant's cadre i.e PST (IT). On non-action/response on his departmental appeal, the appellant approached Peshawar High Court in Writ Petition No. 596-P/2019 which was dismissed in limine on the ground of being wrong forum, vide order dated 03.09.2020. The appellant thereafter preferred departmental appeal on 20.10.2020 which was not responded within the stipulated statutory period hence the instant service appeal submitted in the Service Tribunal on 08.02.2021. On the question of limitation and maintainability, learned counsel for the appellant relied on the admission of an earlier Service Appeal No. 12230/2020 titled Fazal Hayat Versus Education Department etc. Moreover, judgement of the Larger Bench delivered by this Tribunal on 14.01.2021 in Service Appeal No. 868/2019 titled Iftikhar Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and three other respondents, was quoted through which the question of Service Rules and admissibility of service appeal against impugned Service Rules has been discussed at length and decided accordingly.


14. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections including time limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 12.01.2022 before the D.B.

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

23.07.2021

Junior to counsel for the appellant present and seeks adjournment due to non-availability of learned senior counsel for the appellant. Request accorded.

Case to come up for preliminary hearing on 05.10.2021 before S.B.

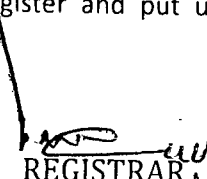



  
Chairman

Form- A

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 2383 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/02/2021	<p>The appeal presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/4/21</u></p> <p> CHAIRMAN</p>
	12.04.2021	<p>Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 20.07.2021 for the same as before.</p> <p> Reader</p>
	20.07.2021	<p>As 20<sup>th</sup> July, 2021 has been declared public holiday on account of Eid ul Azha, therefore, case is adjourned to 23.07.2021 for the same as before.</p> <p> Reader</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 2383/2021

**ZEESHAN AHMAD**

**VS**

**EDUCATION DEPTT**

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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

OFFICE: Flat No.4, 2<sup>nd</sup> Floor,

Juma Khan Plaza,

Near FATA Secretariat,

Warsak Road, Peshawar.

0345-9383141.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**APPEAL NO. \_\_\_\_\_/2021**

Mr. Zeeshan Ahmad, CT (BPS-15),  
GHS Khadi Zaid, District Kohat.

..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Finance Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 4- The Secretary, E&S Education Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 5- The Director, E&S Education, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES NOTIFIED ON 24-7-2014 WHEREBY NOT INCLUDING THE SUBJECT OF COMPUTER SCIENCE IN THE ELIGIBILITY CRITERIA FOR PROMOTION OF DM's TO THE POST OF SST (BPS-16) AND AGAINST THE SERVICE RULES NOTIFIED ON 24-4-2018 TO THE EXTENT OF S. NO. 2 COLUMN NO.5 OF THE TABLE WHEREBY NO QUOTA HAS BEEN ALLOCATED FOR APPELLANT CADRE i.e. CT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned service rules Notified on 24-07-2014 may kindly be amended/ modified to the extent of serial No. 1B column No.3 of the table by including/ inserting the computer science subject of the appellant in column No. 3 and the impugned service rules dated 24-04-2018 may kindly be amended/ modified to the extent of Serial No. 2 in column No.5 of the table by allocating promotion quota for the appellant's cadre i.e. CT and the respondents may further please be directed to consider the appellant for promotion to the posts of SST (BPS-16) or SST(IT) with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**  
**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**

- 1- That the appellant was appointed as CT in the respondent No.5 Department and is serving the Department quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure..... **A.**
  - 2- That it is pertinent to mention here that appellant qualification is B.Sc. in Computer Science and was appointed/ selected on this qualification in the respondent No.5 department. Copies of the educational testimonial are attached as annexure.....**B.**
  - 3- That it is important to mention here that the respondents framed service structure/ rules of the different teaching cadres vide notification dated 24-07-2014, wherein Serial No. 1B the post has been mentioned as SST (BPS-16) for which the qualification and eligibility has been mentioned in column No.3 i.e. by including all subjects except the subject of appellant i.e. Computer science subject. Copy of the notification dated 24-07-2014 is attached as annexure ..... **C.**
  - 4- That it is further to mention here that the respondents vide notification dated 24-04-2018 notified service structure/ rules for the different cadres of Information technology including the post of Secondary School Teacher- Information Technology SST (BPS-16) on Serial No.2 and in column No.5 of the table wherein eligibility for promotion to the post of SST-IT was mentioned as follows:
    - a) **Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with five years service as such and having the qualification prescribed for the post of Secondary School Teacher -IT.**
    - b) **Fifty percent by initial recruitment.**
- But in the said Rules again the cadre of the appellant has been ignored i.e. PST Computer Science. Copy of the notification dated 24-04-2018 is attached as annexure..... **D.**
- 5- That where after Colleague of the appellant preferred a writ petition No. 596-P/2019 before the August Peshawar High Court, Peshawar and the same was dismissed as not maintainable and



was directed that he may seek his remedy from proper forum i.e. Khyber Pakhtunkhwa Service Tribunal Peshawar vide judgment dated 03-09-2020. Copy of the judgment dated 03-09-2020 is attached as annexure..... **E.**

- 6-** That appellant feeling aggrieved from both of the notifications mention above had preferred a departmental appeal/ representation. Copy of the departmental appeal is attached as annexure.....**F.**
- 7-** That having no other remedy the appellant preferred the instant appeal on the following grounds amongst others.

**GROUND:**

- A- That the by not including the subject of computer science in the impugned service rules dated 24-07-2014 and not allocating the quota for appellant cadre i.e. CT (Computer Science) in the impugned service rules dated 24-04-2018 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/ rectified to the extent that subject of computer science in the eligibility criteria in the service rules dated 24-07-2014 may be included and the quota of the appellant cadre be allocated in the service rules dated 24-04-2018.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the said service rules dated 24.7.2014 and 24.4.2018 are violative of Section-9 of the Civil Servant Act, 1973 read with Rule-7 of the Appointment, Promotion and Transfer Rules, 1989.
- D- That the respondents acted in arbitrary and mala fide manner while issuing the impugned service rules dated 24-07-2014 and dated 24-04-2018 by not including the subject of computer science and not allocating the promotion quota for the cadre of appellant quota.
- E- That the act and action of the respondents is discriminatory, therefore not tenable and liable to be modified/ rectified.
- F- That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various service of Pakistan.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 01.02.2021.

**APPELLANT**



**ZEESHAN AHMAD**

**THOROUGH:**



**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

**SHAHZULLAH YOUSAFZAI**

**&**

**AFRASIAB KHAN WAZIR  
ADVOCATES**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. \_\_\_\_\_/2021

**ZEESHAN AHMAD**

**VS**

**EDUCATION DEPTT:**

**APPLICATION FOR RESTRAINING THE RESPONDENTS**  
**NOT TO FILL UP THE SECONDARY SCHOOL TEACHER**  
**(BPS-16) POSTS FROM PROMOTION QUOTA TILL THE**  
**FINAL DISPOSAL OF THE INSTANT APPEAL**

**R.SHEWETH:**

1. That, the appellant has filed the above titled service appeal before this Honorable Tribunal in which no date has so far been fixed.
2. That, appellant filed the above mentioned service appeal against the impugned service rules dated 24.7.2014 & 24.4.2018 whereby no promotion quota has been allocated for CT Cadre.
3. That, all the three ingredients required for grant of stay are in favor of the appellant.
4. That, any other ground would be taken at the time of arguments with prior permission of this Honorable Tribunal.

It is therefore, most humbly prayed that on acceptance of this application the respondents may kindly be restrained not to fill up the posts of SST (BPS-16) & SST (I.T) from promotion quota till the disposal of the instant service appeal.

APPELLANT

  
**ZEESHAN AHMAD**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**  
ADVOCATE,  
High Court Peshawar

Annexure A<sup>n</sup> (6)

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOHAT**

**APPOINTMENT.**

Consequent upon recommendation of the Departmental Selection Committee, appointment of the following candidates are hereby ordered against the post of CT School based in BPS-15 (Rs 8500-700-29500) fixed plus usual allowances as admissible under the rules on adhoc basis on Contract under the existing policy of the Provincial Government, in Teaching Cadre on the terms and condition given below with effect from the date of their taking over charge :-

S.#	Name	Father's Name	Domicile	Permanent Address	Place of posting
1	SHAHID IQBAL	Umar Ayaz	Kohat	Ashiq Colony H.No: 317-A Street No: 3 Kohat	GMS Kohi Mitha Khan
2	SHAKIL AKIFAR	Maqbool ur Rehman	Kohat	Masjid Mohallah Ziraf Sheikh Allah Dad Kohat	GISS Gumbat
3	ZAMIR AHMAD	Bashir Ahmad	Kohat	Bahawal Nagar Tehsil & District Kohat	GISS Landi Kachai
4	MUFAHIR MURTAZA	Ghulam Murtaza	Kohat	Ghari Mawaz Khan Mohallah Mundan Kohat	GMS Ali Zai
5	AZHAR UL ISLAM	Nazar ul Islam	Kohat	Mohallah Ali Beh Lachi Bala Kohat	GMS Doli Banda
6	MUHAMMAD WALI	Bairgat Khan	Kohat	Mohallah Pir Baba Billitang Kohat	GMS Kot
7	MUHAMMAD IMRAN	Naik Muhammad	Kohat	Mohallah Nai Abadi Dhoda Kohat	GHS Shadi Pur
8	AFTAB AHMAD KHAN	Taj Ali Khan	Kohat	Banda Fateh Khan Tehsil Lachi District Kohat	GMS Ali Kach
9	SIRAJ KHAN	Abdur Rouf	Kohat	Banda Masam Khan Vill Dhoda Kohat	GMS Kamal Khel
10	NAZIM	Shah Alam	Kohat	Mohallah Sarban Lachi Kohat	GIS Sumari Payan
11	IRFAN TAHIR	Gul Muhammad	Kohat	Mohallah Jatan Vill Dhoda Kohat	GMS Koteri
12	ZIA ULLAH KHAN	Atta Khan	Kohat	Mohallah Faqir Abud Bori Saghri Shukardarra Kohat	GMS Sherkot Kohat
13	ALI MUHAMMAD	Dilawar Khan	Kohat	Mohallah Koz Millat Chorlaki Kohat	GHSS Billitang
14	MUHAMMAD SAJED	Muhammad Qadeer	Kohat	Vill Gandiali Payan Tehsil & District Kohat	GHSS Gumbat
15	ABDUL HASEEB	Barkat Shah	Kohat	Vill Dheri Banda PO Kharmatoo Kohat	GHS Chechana Ghunda
16	WALAYAS KHAN	Jahan Khan	Kohat	Vill Barh Kohat	GHSS Billitang
17	FARHAN UD DIN	Anwar Din	Kohat	Mohallah Ghurzai Mandloori Kohat	GMS Gurgura
18	MUHAMMAD MUSSADDIQ	Spin Gul	Kohat	Mohallah Gul Colony Togh Bala Kohat	GHSS Landi Kachai
19	ASAD SHAHIZADA	Badshah Zada	Kohat	Hassan Ghari Lachi Payan Kohat	GMS Ghurzandi
20	BAHISHT AHMAD	Saadat Qayyum	Kohat	Vill Merozui Kohat	GMS Ali Zai
21	ZEESHAN AHMAD	Nowshad Hussain	Kohat	Vill Jabbar Theil & District Kohat	GIS Khadi Zai

Disable quota

ATTESTED

(7)

SSC

10th

8

Annex 'B'

S.No. 114013

Roll No. 47088

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



**Board of Intermediate and Secondary Education**  
**Peshawar N.W.F.P. Pakistan**  
**Secondary School Certificate Examination**  
**SESSION 2000 - ANNUAL**  
**(Science Group)**

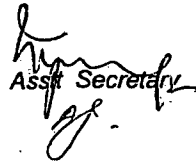
This is to Certify that Zeeshan Ahmad Son / Daughter of Naushad Hussain  
and a student of Govt. High School, Jabbar, Kohat has passed the Secondary School Certificate  
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2000 as a Regular  
candidate. He / She obtained 594 Marks out of 850 and has been placed in Grade B Representing Very Good

The Candidate passed in the following subjects:

- |            |                     |                |              |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat        | 5. Mathematics | 7. Chemistry |
| 2. Urdu    | 4. Pakistan Studies | 6. Physics     | 8. Biology   |

He / She has been awarded Grade - on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form May 5, 1983

  
Asst. Secretary

  
Secretary

This certificate is issued without alteration or erasure.

1

ATTACHED

Serial No. 000822  
Roll No. 1154

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Registration No. 2002-KU/IT-278

# Kohat University of Science & Technology, Kohat (Pakistan)

Certified that ZEEZHAN AHMAD

SON / DAUGHTER OF NAUGHAD HUSSAIN and a student

of THE INSTITUTE OF INFORMATION TECHNOLOGY, KUST. having met all the

requirements under the Term / Semester System during the

Session(s) 2002-2006 is this day admitted by the

Kohat University of Science & Technology, Kohat to the degree of

## Bachelor of Science (Hons)

in the SECOND Division

of the subject of examination being COMPUTER SCIENCE.

The Examination was taken as a whole / in parts

Controller of Examinations

Countersigned

Muhammad  
Vice Chancellor



ATTESTED

Result declared on JUNE 08, 2012.

3

9

B5

10

# Allama Iqbal Open University Islamabad



Serial No. 115521

*Certified that* **Mr/Ms ZEESHAN AHMAD**  
*Son/Daughter of* **NAUSHAD HUSSAIN**  
*Registration No* **11-NKT-01219** *Roll No* **AM637195**  
*Semester* **SPRING 2012** *having met all the requirements under*  
*the semester system is this day awarded the*

## Certificate of Teaching

*He/She has secured* **71 %** *marks*  
*and placed in* **A** *grade*



Result declared on: **January 16, 2013**

Date of issue: **March 10, 2015**

*[Signature]*

*[Signature]*

Controller of Examinations

*[Signature]*

Note: This certificate is issued without alteration/erasure.  
The detail of courses is overleaf.

**ATTESTED**

4

B. ED

11

0007809



ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD

RESULT INTIMATION CARD

POSTAGE PREPAID  
No postage Required to be Affixed  
Examinations Department AIU

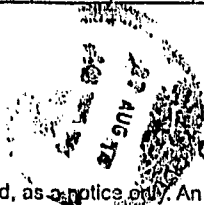
PROGRAMME: BED SEMESTER: AUTUMN-13  
 ROLL NO.: AW625682 REGISTRATION NO.: 11NKTO1217  
 NAME: ZEESHAN AHMAD  
 FATHER NAME: NAUSHAD HUSSAIN  
 ADDRESS: VILL AND POST OFFICE JABBAR

KOHAT

KOHAT

SR. NO.	COURSE CODE	ASSIGNMENTS		FINAL MARKS				CONFL. MARKS	GRADE	RESULT
		Theory	Practical	Work-Shop	Teach Practice	Exam	Viva			
1	BED-512 F	88.00				50		61	B	PASS
2	BED-513 F	90.00				57		67	B	PASS
3	BED-514 F	89.00				72		77	A	PASS
4	BED-518 F	80.00				66		70	A	PASS
5	BED-651 F	85.00				55		64	B	PASS
6	BED-652 F	81.50				50		59	C	PASS

Signature of Dealing Official \_\_\_\_\_



*Signature*

Controller of Examinations

The result card is issued, errors and omissions excepted, as a notice only. An entry appearing in it does not itself confer any right or privilege independently to the grant of a proper Certificate/Degree which will be issued under the Regulations in due course.

08/08/2014

Note: Pl. Read the instructions overleaf.

Result Declaration Date:

ATTESTED

8



M. ED

12

Serial No. 066719

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD  
TRANSCRIPT



Serial No. 159240 Roll No. BC670164  
 Name ZEESHAN AHMAD Registration No. 11NKT01219  
 Father's Name NAUSHAD HUSSAIN Enrollment Semester SPR-2015  
 Address VILL AND POST OFFICE JABBAR Final Semester AUT-2016  
 Tehsil KOHAT  
 District KOHAT



has successfully completed MASTER OF EDUCATION ( M.ED )  
TEACHER EDUCATION

The detail of passed courses is as under

Semester	Course Code	Title of Courses	Marks	
			Maximum	Obtained
SPR- 15	0831	FOUNDATIONS OF EDUCATION	100	61
SPR- 15	0837	EDUCATIONAL RESEARCH	100	57
SPR- 15	0838	CURRICULUM DEVELOPMENT & INSTRUCTIONS	100	52
SPR- 15	0840	EDUCATIONAL PSYCHOLOGY	100	56
AUT- 15	0827	SECONDARY EDUCATION	100	52
AUT- 15	0828	HIGHER EDUCATION	100	60
SPR- 16	6505	ISLAMIC SYSTEM OF EDUCATION	100	51
SPR- 16	6507	EDUCATIONAL MEASUREMENT & EVALUATION	100	69
SPR- 16	6552	TEXTBOOK DEVELOPMENT-I	100	56
SPR- 16	6553	TEXTBOOK DEVELOPMENT-II	100	56
AUT- 16	0826	ELEMENTARY EDUCATION	100	69
AUT- 16	0829	TEACHER EDUCATION IN PAKISTAN	100	69

Credit Hours 36 Total Marks/Obtained 1200 / 708  
 Result Declared on OCTOBER 10, 2017 Percentage/Grade 59 / C  
 Date of Issue OCTOBER 19, 2017

*[Signature]*  
Controller of Examinations

Disclaimer:  
This result card/transcript is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

ATTESTED

6

Annexure "C"  
 (13)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24<sup>th</sup> July, 2014.

**NOTIFICATION**

**No.SO(PE)4-5/SSRC/Meeting/2013/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, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

**AMENDMENTS**

In the Appendix,-

(i) Serial No. 1 shall be renumbered as 1B and before Serial No. 1B, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
1	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and  ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3.  Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

ATTESTED

1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	recruitment; and (b) fifty percent by initial recruitment.
				<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3;</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) fifty percent by initial recruitment"; and</p>

ATTESTED

(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
1B	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or c.s</p> <p>(c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p>and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A. Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

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Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;

(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No.3;

(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:

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Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;

(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:

Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;

(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:

Provided that if no suitable candidate is available from amongst

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Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:

Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and

(ii) twenty Five percent by initial recruitment.

**Note:**

- I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.
- II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."

ATTESTED



SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

19

**Endst : of even No & date:**

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file

ATTESTED

(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

(7)



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EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
GAZETTE

**KHYBER PAKHTUNKHWA**

Published by Authority  
PESHAWAR, TUESDAY, 24<sup>th</sup> APRIL, 2018.

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

**NOTIFICATION**

Peshawar, dated: 24<sup>th</sup> April 2017.

**No.SO(G)/E&SE/1-85/I.T/2017:** 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 the notification issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment & Administration Department and Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column No. 2 to 5 of the Appendix to the Notification which shall be applicable to the posts of Information Technology Teaching Cadre (Male/Female) in the Elementary and Secondary Education Department as specified in column No.2 of the said Appendix:

**APPENDIX:**

S.No.	Nomenclature of the post	Minimum qualification for appointment by initial recruitment transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Subject Specialist- Information Technology (SS-IT) (BPS-17)	i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or equivalent qualification from a recognized University; and ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University. Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.	21-35	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years service; and b) Fifty percent by initial recruitment. Provided that if no suitable candidate is available for promotion, then by initial recruitment.

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2.	Secondary School Teacher-Information Technology (SST-IT) (BPS-16)	<p>i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or Bachelor's Degree with a subject of Computer Science or equivalent Qualification from a recognized University; and</p> <p>ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	21-35	<p>a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with five years service as such and having the qualification prescribed for the post of Secondary School Teacher-IT.</p> <p>b). Fifty percent by initial recruitment.</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p>
3.	Certified Teacher-Information Technology (CT-IT) (BPS-12).	<p>i. At least 2<sup>nd</sup> Division Intermediate School Certificate or equivalent qualification from a recognized Institution or Board with one year Diploma in Information Technology Computer Science from any recognized institution; and</p> <p>ii. Certified Teacher Certificate (CT) or Associate Degree in Education (ADE) from any recognized institution/ University.</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	18-35	By initial recruitment.

50% CT (IT)

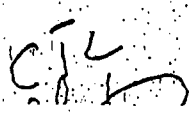
50% Fresh

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

ATTESTED

Printed and published by the Manager,  
Staty. & Ptg. Dept., Khyber Pakhtunkhwa, Peshawar.

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(22)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Subject: MINUTES OF THE MEETING OF THE SSRC REGARDING ALLOTMENT OF 50% QUOTA TO SST (GEN/SC) FOR PROMOTION TO THE POST OF SS-IT

Meeting of the SSRC regarding the subject matter was held under the Chairmanship of Secretary Elementary & Secondary Education Department on 10/08/2017 at 11:00 am in the committee room of this Department. The following Officers/Officials of the concerned Department/attached Department attended the meeting.

The following attended the meeting:-

1. Dr. Shalhzad Khan Bangash, Secretary E&SE Department (In Chair)
2. Mr. Qaisar Alam, Special Secretary (Dist.) E&SE Department.
3. Mr. Muhammad Rafiq Khattak, Director E&SE, Peshawar.
4. Mr. Muhammad Shoaib, Deputy Secretary (A), E&SE Department
5. Mr. Javed Siddique, Deputy Secretary (R) Finance Department.
6. Mr. Nalik Muhammad, Section Officer (Primary) E&SE Department.
7. Mr. Mohsin Mushfaq, Assistant (R-1) E&AD Department.

2. The forum was informed that E&SE Department vide Notification No. SOG/E&SED/1-86/SS.IT/2016 of E&SE Department Peshawar dated 15.08.2016 has notified the nomenclature of Information Technology Teaching Cadre/Posts serving in the Government High & Higher Secondary Schools of Khyber Pakhtunkhwa of E&SE Department, as Subject Specialist-IT (SS-IT/Computer Science) BPS-17 (Annex-A). Further E&SE Department vide Notification No. SO (PE)4-5/SSRC/Meeting/ 2013/ Teaching Cadre: dated 24/07/2014 has approved promotion to SS posts (BPS-17) from SST (BPS-16). The SST regular having 50% quota of the total sanctioned SS posts allotted for promotion (Annex-B). 50% quota has already been allotted for SSTs (General/Science) in 12 different subjects for Subject Specialist Post. But unfortunately, SSTs (General/Science) who have M.Sc (Computer Science)/BS (CS)/MIT qualification and are eligible for promotion to the post of SS (IT) B-17 have no quota for promotion.

3. In light of the above facts, this Department, therefore, proposed that all those SSTs (General/Science) who have M.Sc. (Computer Science)/BS. (Computer Science)/MIT may be given 50% quota for promotion to the post of SS (IT) B-17 like other SSTs, so as to bring uniformity in the teaching cadre.

4. In the above context, the service rules/structure of SST (General/Science) & SST (IT) were approved as tabulated below:-

**APPROVED**  
**DATE**

*[Signature]*

The committee members discussed the proposed amendments in the service rules/structure for the SST (General/Science) & SST (IT) in detail and were agreed upon unanimously.

*[Handwritten signature]*

**ATTESTED**

Nomenclature of the post	Minimum Qualification for appointment by initial	Age Limit	Method of recruitment
Subject Specialist-Information Technology (SS-IT) (B-17) Higher Government Schools/ Govt. Comprehensive High Schools and other equivalent posts in the Teaching Cadre.	(i) Master Degree in Computer Science/IT at least in 2 <sup>nd</sup> Division or equivalent qualification from any recognized University. (ii) Bachelor Degree of Education (B.Ed) at least in 2 <sup>nd</sup> Division from any recognized University.	21-35	a) Fifty percent by promotion on the basis of seniority-cum-fines from amongst the Secondary School Teacher (SS) possessing master degree in IT or equivalent qualification with 05 years' experience. b) Fifty percent by initial recruitment. Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment.
Secondary School Teacher (SST-IT) (B-16) Govt. High/Highest Secondary Schools.	(i) Bachelor Degree with the subject of Computer Science at least in 2 <sup>nd</sup> Division (equivalent from any recognized institution). (ii) Bachelor Degree of Education (B. Ed) at least in 2 <sup>nd</sup> Division from any recognized institution.	21-35	a) Fifty percent by promotion on the basis of seniority-cum-fines from amongst the Computer Lab in-charge with (05) years' service having the qualification prescribed for the post of IT Teacher. b) Fifty percent by initial recruitment. Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment.
Junior Teacher-Information Technology (JT-IT) (B-12) Govt. High/Highest Secondary Schools.	Intermediate or equivalent qualification from any recognized institution or Certified Teacher IT/Computer Science from any recognized institution and one-year Diploma in any recognized institution with equivalent qualification from any recognized institution.	18-35	By initial recruitment.

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Decisions:

Following decisions were made in consensus:-

- i. The proposed amendments in the service rules/structure as depicted in the above table was approved.
- ii. Nomenclature of the post of CT(IT) was changed as Junior Teacher Information Technology (JT-IT)
- iii. Seniority of SST (General/Science) & SST (IT) will be clubbed together immediately for the purpose of promotion in light of the above amended service rules for the post of SST (General/Science) & SST (IT) to the post of SS(IT/Computer Science)

The meeting ended with vote of thanks to/from the Chair.

*Javed Siddique*  
 (Javed Siddique)  
 Deputy Secretary (R), Finance Department

*Mohsin Mushtaq*  
 (Mohsin Mushtaq)  
 Assistant (R-I), E&AD Deptt:

*Muhammad*  
 Naik Muhammad  
 Section Officer (Primary), E&SE Department

*Muhammad Shoaib*  
 Muhammad Shoaib  
 Deputy Secretary (A), E&SE Deptt:

*Mohammad Rafique Khattak*  
 (Mohammad Rafique Khattak)  
 Director, E & SE, Peshawar

*Qasim Adam*  
 (Qasim Adam)  
 Special Secretary, E&SE Deptt:

*Dr. Shahzad Khan Bangash*  
 Dr. Shahzad Khan Bangash  
 Secretary E&SE Department  
 (Chairman)

ATTESTED

*A*



**GOVT. OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION  
DEPARTMENT**

Date: Peshawar, the August 15, 2018.

**SANCTION**

No. SOHE&AM-18/2018/IT Teacher Sanction of the Government of Khyber Pakhtunkhwa is hereby accepted to the creation of posts of Senior IT Teacher (BS-17), IT Teacher (BS-16) and Computer Lab Incharge (BS-12) for the Government High & Higher Secondary Schools in Khyber Pakhtunkhwa, w.e.f. 08-01-2018 as per detail given below, subject to the observance of all codal formalities before incurrence of expenditure.

Description	Designation of posts	No. of Posts	Remarks
150359-Establishment of 500 IT Labs in Govt. High & Higher Secondary Schools in Khyber Pakhtunkhwa	Senior IT Teacher (BS-17) IT Teacher (BS-16) Computer Lab Incharge (BS-12)	27 172 368	List of schools with their names printed on the back side.
160351-Establishment of 500 IT Labs in Govt. High Schools in Khyber Pakhtunkhwa (Phase-III)	IT Teacher (BS-16) Computer Lab Incharge (BS-12)	451 458	
<b>Total</b>		<b>1476</b>	

2. The expenditure involved is admissible to the functional cum object classification 09-Education Affairs and Services 092-Secondary Education Affairs and Services 0921-Secondary Education Affairs and Services 092101-Secondary Education A01-Employees Related Expenses and shall be met out from within the Account IV.

Secretary to Govt. of Khyber Pakhtunkhwa  
Elementary & Secondary Education Deptt.

Encl: No. BOV/FD-2-38/2018-19

Dated Pesh. the 10/10/2018

Copy of above is forwarded to:

- The Accountant General Khyber Pakhtunkhwa.
- All the District Accounts Officers in Khyber Pakhtunkhwa.

*[Signature]*  
**BUDGET OFFICER  
FINANCE DEPARTMENT**

- Budget of even number & date.  
Copy forwarded for information to the:-
- The Budget Officer-V, Finance Department Govt. of Khyber Pakhtunkhwa.
  - The Director, Elementary & Secondary Education Khyber Pakhtunkhwa with the request to circulate the same to all the District Education Officers (ADE).
  - The Project Manager/IT/Deputy Director (EMIS), E & S Education Department.
  - All the Deputy Commissioners in Khyber Pakhtunkhwa.
  - Master File.

**ATTENDED**

*[Signature]*  
**MIRTAZA KILAN  
SECTION OFFICER (BUDGET)**

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S.No	Nomenclature of the post	Minimum qualification for appointment by initial recruitment transfer	Age Limit	Method of recruitment
1	2	3	4	5
1	Subject specialist- Information Technology (SS-IT) (BPS-17)  CST	i. At least second class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in computer science (BCS/BSCS Honours 4 years) or equivalent qualification from a recognized University; and  ii. Bachelor Degree In Education (B.Ed) or equivalent qualification from a recognized University.  Note : A candidate did not have the qualification under clause(ii), shall acquire the same within three years from the date of his/her appointment	21-35 years	1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:  (a) Twenty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-IT with at least five years' service and having the qualification prescribed for the post of Secondary School Teacher-IT  Provided that if no suitable candidate is available for promotion then by initial recruitment.  (b) Twenty percent by promotion on the basis of seniority-cum-fitness from amongst the Senior Certified Teachers (BPS-16) with at least five years' service as Senior Certified Teacher and Certified Teacher and having the qualification mention in Column No.3:  Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filed by promotion, on the basis of seniority-cum-fitness, from amongst Certified teachers, with at least five years service as such and having qualification mentioned in column-No.3:  (c) Four percent from amongst the Senior Drawing Master (BPS-16), with at least five-years service as senior Drawing Masters and drawing Masters and having qualification mentioned in column No.3:  Provided that if no suitable candidate is available from amongst Senior Drawing Masters, for promotion then the post shall be filed by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters, with at least five years service as such and having qualification mentioned in column No.3:

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20% CT-IT

CT 20%

4% DM

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				<p>(d) Four percent from amongst the Senior Arabic Teachers (BPS-16), with at least five years service as senior Arabic Teachers and Arabic Teachers and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification mentioned in column No.3:</p> <p>(e) Four percent from amongst the Senior Theology Teachers (BPS-16), with at least five years service as senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification mentioned in column No.3:</p> <p>(f) Three percent from amongst the Senior Qaris Teachers (BPS-16), with at least five years service as Senior Qaris Teachers and Qaris Teachers and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Qaris Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Qaris Teachers, with at least five years service as such and having qualification mentioned in column No.3:</p> <p>(g) Twenty percent from amongst the Primary Head Teachers (BPS-16), with at least seven years service as Primary Head Teachers and Senior Primary Teachers and Primary Teachers and having</p>
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PST

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*[Signature]*





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				<p>qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers, with at least seven years service as Senior primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers, with at least seven years service as and having qualification mentioned in column No.3: and</p> <p>(ii) twenty five percent by initial recruitment.</p> <p>NOTE:</p> <p>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment</p> <p>II. Post of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</p>
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ATTESTED

*[Handwritten signature]*

JUDGMENT SHEET  
PESHAWAR HIGH COURT PESHAWAR  
JUDICIAL DEPARTMENT

W.P. No.596-P/2019

Muhammad Raees Gul and another

Vs.

Government of Khyber Pakhtunkhwa through  
Chief Secretary Khyber Pakhtunkhwa,  
Peshawar and 06 others



JUDGMENT

Date of hearing 03.09.2020

Mr. Zahid Ullah Zahid, Advocate, for the petitioners.

Mr. Arshad Ahmad Khan, AAG, for the Provincial Government, a/w Mr. Jehangir Khan, AD (Litigation), Directorate of E&SED, Peshawar and Mr. Dawood Khan, ADO, office of DEO, Peshawar.

Mr. Aftab Khan, Advocate, for the private respondent No.7.

\*\*\*\*\*

IJAZ ANWAR, J. Muhammad Raees Gul and another, petitioners herein, through the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed for the following relief:-

*"It is, therefore, most graciously prayed that while allowing this writ petition, an appropriate writ may kindly be issued by declaring the act of omitting the subject of*

**ATTESTED**

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

Computer Science from promotion to the post of SST is illegal, unlawful, discriminatory and without lawful authority, with the direction to consider and include the subject of Computer Science in the criteria for promotion to the post of SST.

Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances may also be granted".

2. Keeping in view the averments made in the instant petition, comments were called from the respondents who furnished the same accordingly, wherein, they opposed the issuance of desired writ, as prayed for.
3. Arguments heard and record perused.
4. Perusal of the record reveals that petitioners have called in question the recruitment rules notified vide Notification dated 24.07.2014; whereby, according to them, the incumbents, holding the posts of Primary School Teacher (BPS-12) with qualification of

ATTESTED

EXAMINER  
Peshawar High

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Compute Science, are not included in the  
feed cadre for the post of Senior Science

Teacher (BPS-16).

5. Learned counsel for the  
petitioners has laid much stress upon the  
discrimination so meted out to the  
petitioners and also about depriving them  
from future prospect of promotion, albeit,  
we are of the view that questioning the  
vires of rules purely relates to the terms  
and conditions of service, for which the  
proper forum is Khyber Pakhtunkhwa  
Service Tribunal established under the  
Khyber Pakhtunkhwa Service Tribunals  
Act, 1974. Besides, the jurisdiction of  
this Court is barred under Article 212 of  
the Constitution of Islamic Republic of  
Pakistan, 1973. In this regard, reference  
can be made to the cases of "I.A Sherwani  
and others (1991 SCMR 1041)", "Ali  
Azhar Khan Baloch (2015 SCMR 456)"  
and "Mobeen-ul-Salam (2006 SCMR  
100)".

6. Thus, for the reasons recorded  
hereinabove and in view of the bar

ATTESTED  
EXAMINER  
Peshawar High Court

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contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 and also in view of the availability of alternate remedy to the petitioners, this writ petition is not maintainable. Accordingly, it is dismissed in limine. Needless to observe, that petitioners may approach to the Khyber Pakhtunkhwa Service Tribunal, Peshawar for the redressal of their grievance, if they are so advised.

Announced  
Dt: 03.09.2020

JUDGE

JUDGE

(DB) Hon'ble Justice Iqbalullah Khan and Hon'ble Mr. Justice Ijaz Ahmad

20/09/2020

6285  
Date of Presentation of Application 3/9/2020  
No of Pages 11-2  
Copying  
Total 14  
Date of Preparation of copy 7/9/2020  
Date of Delivery of copy 7/9/2020  
Received By [Signature]

[Signature]  
CERTIFIED TO BE TRUE COPY  
07 SEP 2020

ATTESTED

[Signature]

To,

The Director,  
E&SE Department,  
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED SERVICE RULES DATED 24.07.2014 AND 24.04.2018 WHEREBY NO PROMOTION QUOTA HAS BEEN ALLOCATED FOR THE CADRE OF PST & CT (WHOSE SUBJECTS IN B.SC ARE COMPUTER SCIENCE).


Respected Sir,

Most respectfully it is stated that I am the employee of your good self-Department and performing my duty as CT at GHS Khadi Zaid, District Kohat quite efficiently and upto the entire satisfaction of my superiors. It is pertinent to mention here that all the other Primary School Teachers and Certified Teachers have the promotion criteria/quota to the post of SST, SST (General & Science). That service rules dated 24.07.2014 and 24.04.2018 framed by the respondent Department no promotion quota has been allocated for promotion from the post of PSTs and CTs (who has the qualification of B.Sc in Computer Science) to the post of SST/SST (IT). That the undersigned feeling aggrieved from the service rules mentioned above preferred this Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned service rules Notified on 24.07.2014 may very kindly be amended/modified to the extent of Serial No.1B column No.3 of the table by including/inserting the computer science subject of the appellant in column No.3 and the impugned service rules dated 24.04.2018 may kindly be amended/modified to the extent of Serial No.2 n column No.5 of the table by allocating promotion quota for the cadre of PST and CT. Any other remedy which your good self deems fit that may also be awarded in favor of the applicant.

Dated: 20.10.2020

Your Obediently

  
ZEESHAN AHMAD, CT  
GHS Khadi Zaid, District Kohat

ATTESTED

**VAKALATNAMA**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

\_\_\_\_\_ OF 2021

Zeeshaan Ahmad (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt (RESPONDENT)  
(DEFENDANT)

I/We Zeeshaan Ahmad  
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2021

Zeeshaan Ahmad  
CLIENT(S)

**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**  
**15401-0705985-5**  
**BC-08-0853**  
&

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