

11.10.2022

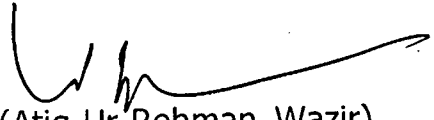
Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

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.

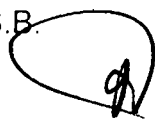

(Rozina Rehman)
Member (J)

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.

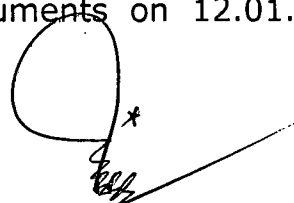

(Rozina Rehman)
Member (J)

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.

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.

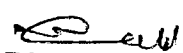




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 2385 /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 style="text-align: right;"> 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 style="text-align: right;"> 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 style="text-align: right;"> Reader</p>
	20.07.2021	<p>As 20th 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 style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 2385/2021

MUSLIM KHAN

VS

EDUCATION DEPTT

INDEX

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APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK

OFFICE: Flat No.4, 2nd Floor,

Juma Khan Plaza,

Near FATA Secretariat,

Warsak Road, Peshawar.

0345-9383141.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Mr. Muslim Khan, SPST (BPS-14),
GPS Kharkai, District Malakand.

..... 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. SPST 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. SPST 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 PST 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. SPST (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.

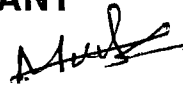
F- That under Article 38(e) of the Constitution of Pakistan 1973 state is bound to reduce disparity in the income and earning of the individuals including persons in the various service of Pakistan.

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



MUSLIM KHAN

THROUGH:



NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

SHAHZULLAH YOUSAFZAI

&

**AFRASIAB KHAN WAZIR
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

MUSLIM KHAN

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 SPST 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

MUSLIM KHAN

THROUGH:


NOOR MOHAMMAD KHATTAK

ADVOCATE,

High Court Peshawar

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&SE) MALAKAND AT BATKHELA

Anwar A (6)

APPOINTMENT:

Consequent upon the recommendation of Departmental Selection Committee in its meeting held on 14/10/2008, the Executive District Officer Elementary and Secondary Education Malakand is pleased to approve and appoint the following PST Male Candidates District Malakand against the vacant PST Posts in PBS-7 (RS. 3530-190-9230) and BPS-06 (RS. 3430-175-8680) plus usual allowances as admissible under the rules on regular basis, but without pension and gratuity in term of section 19 of the NWFP Civil Servant act 1973 as amended vide Govt. of NWFP Civil Servants (Amendment act 2005) from the date of their taking over charge under the provision Establishment and Administration Department Circular bearing No. SOR-VI (E&AD) 1-13/2005 dated 10/08/2005 in the interest of public service subject to the following terms and conditions.

2% Disable Quota (Male)

S.#	Name	Father Name	U/Council	BPS	Score	Place of Posting
1	Muhammad Ayaz	Khan Wudan	Disable	B-07	55.57	GPS Gulshan Abad Batk
2	Sabir Hussain	Zarman Gul	Disable	B-07	52.05	GPS Momin Koroon

25% Open Merit (Male)

S.#	Name	Father Name	U/Council	BPS	Score	Place of Posting
1	Abdul Khaliq	Baradar Khan	Open Merit	B-07	60.58	GPS Bato
2	Sayedul Abrar	Abdul Akram	Open Merit	B-07	59.71	GPS No.1 Kot
3	Abid Hussain	Muammar Khan	Open Merit	B-07	59.70	GPS Shingrai Amnadar
4	Muhammad Rashid	Muhammad Hashan	Open Merit	B-07	59.65	GPS Chamyari Shuh
5	Said Zaman	Mir Hussain	Open Merit	B-07	59.07	GPS Dheri Kot
6	Fazal Haggani	Fazal Rabani	Open Merit	B-07	58.21	GMPS Qala Pirkhel
7	Shahid Hussain	Sauda Gar	Open Merit	B-07	58.14	GPS Khushal Koroon G.U.Khel
8	Sikandar Zaman	Fazli Ghufan	Open Merit	B-07	57.73	GPS Mayar
9	Riaz Khan	Ghafoor Khan	Open Merit	B-07	57.24	GPS Jabban Dargai
10	Rehmanullah	Rehmatullah	Open Merit	B-07	57.22	GPS Shah Kot
11	Zewar Shah	Mutaber Shah	Open Merit	B-07	57.08	GPS Dewan Shah Banda
12	Shafiqullah	Qalandar Khan	Open Merit	B-07	56.95	GPS Akhtar Ghoundi
13	Sir Zamin	Habib Ur Pchman	Open Merit	B-07	56.95	GPS Sangina Batkhela
14	Khulid Khan	Mohid Yousaf Khan	Open Merit	B-07	56.83	GPS No.2 Dargai
15	Sajad	Shah Haidar	Open Merit	B-07	56.48	GPS Khar
16	Muhammad Iqbal	Siraj Muhammad Khan Faraz	Open Merit	B-07	56.22	GPS Qadam Khela
17	Fazal Wahid	Khan Faraz	Open Merit	B-07	56.19	GPS Kuragh Khanori
18	Muhammad Shafiq	Abdul Malik Khan	Open Merit	B-07	56.00	GPS Gandaro Shirf
19	Amjad Hussain	Aminullah	Open Merit	B-07	55.99	GPS Shah Kot

75% Union Council Merit (Male)

S.#	Name	Father Name	U/Council	BPS	Score	Place of Posting
U/COUNCIL ALLAHDAND						
1	Inayat Hussain	Amir Nawaz	Allahdand	B-07	55.89	GPS No.3 Allahdand
2	Salar Ahmad	Fazli Akbar	Allahdand	B-07	55.23	GPS Pcnjan
U/COUNCIL BADRAGGA						
3	Saeed Jan	Halim Jan	Badragga	B-07	53.65	GPS Shingrai
U/COUNCIL BATKHELA MIDDLE						
4	Saleh Muhammad	Akbar Muhammad	Batkhele Middle	B-07	51.52	GPS Upper Batkhela
U/COUNCIL BATKHELA UPPER						
5	Haidar Ali	Khurshid Khan	U/ Batkhela	B-07	49.16	GPS Gharib Abad
6	Aman Gul	Inzar Gul	U/ Batkhela	B-07	48.26	GPS Khatkai
U/COUNCIL DARGAI						
7	Muhammad Raziq	Ali Rehman	Dargai	B-07	50.89	GPS Jabban Power House
8	Aleem Dad	Muhammad Roshan	Dargai	B-07	50.48	GPS Gul Muqam
9	Saifullah	Muhammad Mir	Dargai	B-07	49.51	GPS Khatako Shah
10	Jehan Zeb	Bakhtiar	Dargai	B-07	41.83	GPS Khatako Shah
11	Rehmanullah	Ali Rehman	Dargai	B-06	38.05	GPS Sharif Abad
12	Baz Muhammad (BPS-06 Untrained)	Muhammad Roshan	Dargai	B-06	39.74	GPS Gul Muqam
U/COUNCIL DHERI JULAGRAM						
13	Muhammad Nazir	Muhammad Raziq	D/Julagram	B-07	52.88	GPS Julagram

14	Muhammad Abid	Muhammad Ishaq	D/Juligram	B-07	49.20	GPS Kasimat
U/COUNCIL G.U KHEL						
15	Muhammad Yasifi	Shcr Zamin Khan	G.U Khel	B-07	52.99	GPS No.2 G.U Khel
16	Ubaidur Rehman	Zarawar Khan	G.U Khel	B-07	51.80	GPS Hassan Koroona
U/COUNCIL HERO SHAH						
17	Fakhri Alam	Nasib Khan	Hero Shah	B-07	51.16	GPS Haryan Kot
18	Aminul Haq	Muhammad Amin	Hero Shah	B-07	50.96	GPS Brahi Ghakhai
19	Ajmal Khan	Gul Muhammad	Hero Shah	B-07	50.26	GPS Nero Obu
U/COUNCIL KHAR						
20	Farranullah (BPS-06)	Bakht Bilal	Khar	B-06	33.10	GPS Khar No.1
21	Munir Khan (BPS-06)	Sultan Bahadar	Khar	B-06	33.06	GPS Momin Koroona
U/COUNCIL KHARKAI						
22	Rehmat Hussian	Said Hatah	Kharkai	B-07	52.17	GPS Kharkai
U/COUNCIL KOT						
23	Muhammad Alam	Abdur Rehman	Kot	B-07	52.84	GPS Faizghai
24	Arif Gul	Farid Gul	Kot	B-07	52.59	GPS Dara Maina
25	Muhammad Dawood	Bashir Muhammad	Kot	B-07	51.65	GPS Brah
26	Ihsan Muhammad	Wali Muhammad	Kot	B-07	50.79	GPS Maina
27	Janas Khan	Khalid Khan	Kot	B-07	50.52	GPS Brah
28	Mushtaq Ahmad	Gul Muhammad	Kot	B-07	47.78	GPS Brah
29	Muhammad Said	Aman Said	Kot	B-07	47.48	GPS Mongai
U/COUNCIL KOPPER						
30	Muhammad Nabi	Siad Akbar	Kopper	B-07	55.41	GPS Show Kalli
31	Jamshid Ali	Hakim Khan	Kopper	B-07	54.60	GPS Muhammad Patti
U/COUNCIL MALAKAND						
32	Salcemullah	Muhammad Saeed	Malakand	B-07	49.92	GPS Jalai Kot
U/COUNCIL MEHERDI						
33	Fazal Wahid	Khan Faraz	Meherdi	B-07	56.19	GPS Wazir Abad
34	Ali Khan	Amir Khan	Meherdi	B-07	54.38	GPS Wazir Abad
U/COUNCIL PALAI						
35	Salcem Khan	Waheed Gul	Palai	B-07	52.84	GPS Sher Khana
36	Ali Rahman	Fazal Rahman	Palai	B-07	49.78	GPS Bazdara Bala
37	Muhammad Siyab	Abdul Wadood	Palai	B-07	48.28	GPS Bazdar Payan
38	Muhammad Tariq	Abdul Wadood	Palai	B-07	45.42	GPS Shah Kot
39	Gohar Rahman	Muhammad Anwar	Palai	B-07	44.46	GPS Khog Dara
40	Bakhtiar	Faqir Muhammad	Palai	B-06	35.16	GPS Khog Dara
U/COUNCIL PIRKHEL						
41	Islam Shah	Abdul Malik	Pirkhel	B-07	54.35	GPS Showlwai
42	Abdul Hameed	Azceem Gul	Pirkhel	B-07	53.44	GPS Showlwai
43	Muhammad Yousaf Shah	Muhammad Saeed	Pirkhel	B-07	51.61	GPS Baika
44	Shah Jee	Ghulam Said	Pirkhel	B-07	50.82	GPS Mckhband No.1
U/COUNCIL SAKHAKOT BANDA JAT						
45	Abdul Aziz	Khan Zada	S/Kot Bandajjat	B-07	52.26	GPS Ghioundo Payan
U/COUNCIL SAKHAKOT JADEED						
46	Maskeen Muhammad	Qamar Zamaq	S/Kot Jadced	B-07	54.64	GPS Akram Abad
47	Ashraf Hussian	Muhammad Sharif	S/Kot Jadced	B-07	50.42	GPS Akram Abad
U/COUNCIL SAKHAKOT KHAS						
48	Muslim Khan	Wazir Shah	S/Kot Khass	B-07	55.55	GPS No.2 Sakhakot
U/COUNCIL SELAI PATTI						
49	Perviz Khan	Lahaz Noor	Silai Patti	B-07	55.96	GMPS Pata Khanori
50	Abdur Raziq	Muhammad Rafiq	Silai Patti	B-07	55.48	GMPS Atawali
51	Shahmin Khan	Ahmad Shahi	Silai Patti	B-07	54.42	GPS Miajja Khanori
52	Muhammad Islam	Haidar Khan	Silai Patti	B-07	54.19	GPS Jughrai Khanori
53	Ajcebur Rahiman	Hawas Khan	Silai Patti	B-07	52.77	GPS Khajori
U/COUNCIL THANA KHASS						
54	Shahid Ahmad Jan	Ghulam Farooq Jan	Thana Khass	B-07	50.93	GPS No.1 Bogarcham
U/COUNCIL TOTAKAN						
55	Ziaullah Khan	Azizullah Khan	Totakan	B-07	55.55	GPS Barawal
U/COUNCIL WARTAIR						
56	Muhammad Ayaz	Muhabat Shah	Wartair	B-07	54.12	GPS Dobandai Banda
56	Raz Badshah	Qasim Gul	Wartair	B-07	49.88	GPS Dobandai Banda
58	Hayat Khan	Muambar Khan	Wartair	B-07	47.08	GPS Landai Shah

TERMS AND CONDITIONS:

8

1. These appointments are purely temporary and liable to termination without assigning any reason and without prior notice. In case of resignation without notice, his one month's pay / allowances shall be forfeited to Government.
2. Their service will be considered regular, but without pension and gratuity in terms of section 19 of Civil servant act 1973 amended vide NWFP Civil servants (amendment) act 2005. They will however be entitled to contributory provident Fund in such a manner and at such rate prescribed by the Government.
3. They will have to produce Health and Age certificate from the Medical Superintendent DHQ Hospital Batkhela.
4. In case of fresh candidates they should not be handed over charge if their age is below 18 or above 35 years.
5. They must take over charge of the post within 15 days of the issue of this order failing which the appointment will stand automatically cancelled.
6. Verification of documents e.g. academic / professional certificates degrees will be made Departmentally on their own expenses before draw of their salary from the concerned board, institutions, university, and if any discrepancy is found at any stage the case will be initiated under the rules against the candidate at fault and legal action will be taken accordingly.
7. After completion of verification process and subject to the provision of clearance certificate a proper order will be issued by this office for release of their salary against the post occupied by them.
8. In case any one of the above appointees deprives of receiving charge due non availability of vacant post (in the school indicated against his name) anywhere in the above mentioned schools the services of junior most on merit in the relevant category will automatically be stood as dispensed with from service.
9. You will be replaced, if the senior most PST Teacher of the same union Council applied for transfer as per Government directives.
10. They will be governed by such rules and regulation as may be issued from time to time by the Government.
11. The service of the in service candidates will be considered regular on the conformation of their service from their respective department and in case their previous service in the respective department declared contract / fixed they will be considered and placed as fresh PST candidate from the date of taking over charge in terms of section 19 on the NWFP Civil Servant act 1973 amended by the NWFP Civil servant act 2005.
12. Charge report should be submitted to all concerned.
13. No TA DA is allowed being initial recruitment.

(MUSTAQ AHMAD)
EXECUTIVE DISTRICT OFFICER
(E&SE) MALAKAND AT BATKHELA

Dated: 17/10/2008

Endst: No10628-10783

Copy of the above is forwarded for information to

1. The Secretary to Govt; of NWFP Elementary and Secondary Education Department Peshawar.
2. The Director of Elementary and Secondary Education NEFP Peshawar.
3. The District Nazim Malakand.
4. The District Coordination Officer Malakand.
5. The Dy: District Officer (M) Batkhela.
6. The Dy: District Officer (M) Dargai.
7. The Agency Account Officer Malakand.
8. The Budget and Account Officer Local Office.
- 9-77. The Head Teachers GPSs Concerned.
- 77-156. The Candidates concerned.

EXECUTIVE DISTRICT OFFICER
(E&SE) MALAKAND AT BATKHELA

Answer B⁷

9

S.No 03837

Roll No. 6659



MARKS IMPROVED

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Saidu Sharif, Swat N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 200 ² (AN ~~XXXX~~/SUPPLEMENTARY)

THIS IS TO CERTIFY THAT

MUSLIM KHAN

Son/Daughter of

WAZIR SHAH

and a student of

MALAKAND AGENCY

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Saidu Sharif, Swat held in _____ 200 as a *Regular/Private candidate*. He/She obtained 580 Marks out of 850 and has been placed in Grade Representing VERY GOOD

The candidate passed in the following subjects:

- | | | | |
|------------|---------------------|--------------|------------|
| 1. English | 3. Islamiyat | 5. MATHS | 7. PHYSICS |
| 2. Urdu | 4. Pakistan Studies | 6. CHEMISTRY | 8. BIOLOGY |

Date of birth according to admission form is ELEVENTH APRIL
one thousand nine hundred and EIGHTY SIX (11-04-1986)

[Signature]

Asstt. Secretary

[Signature]

Secretary

This certificate is issued without alteration or erasure.

ATTACHED

S.No. 001120

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 222056

10

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION




MALAKAND N.W.F.P PAKISTAN
Intermediate Examination
SESSION ANNUAL / SUPPLY 2004

Pre-Engineering Group.

This is to certify that Mr/Mrs/Miss Muslim Khan
Son/Daughter of Wazir Shah
and a student of the Govt Degree College Dargai Malakand Agency
Registered No. 102-B/DRG-E-2002 has Passed the
Intermediate Examination of the Board of Intermediate and Secondary Education,
Malakand held in May, 2004 as a Regular/~~Private~~ candidate.
He/She obtained 559 Marks out of 1100 and has been placed
in Grade C Representing Good
The Examination was taken as a whole/in ~~parts~~

This certificate is issued without alteration or erasure.

Date of Issue. 03.06.2006


Secretary

Asstt: Secretary

ATTACHED



UNIVERSITY OF MALAKAND PAKISTAN

Serial No. BSC/1327

*This Degree of
Bachelor of Science
Is Awarded to*

Mr/Sr MUSLIM KHAN *Son/Daughter of* WAZIR SHAH

Student/Institute/Institution of GOVT. DEGREE COLLEGE DARGAI MALAKAND AGENCY

Having passed the prescribed examination held in JUNE--JULY, 2006

Session 2004-2006 *Registration No* 2004540052 *Hall No* 3975

Division SECOND

Examination was taken as a whole for years

Result Declared on SEPTEMBER 21, 2006

Issuance Date MARCH 11, 2010

Countersigned

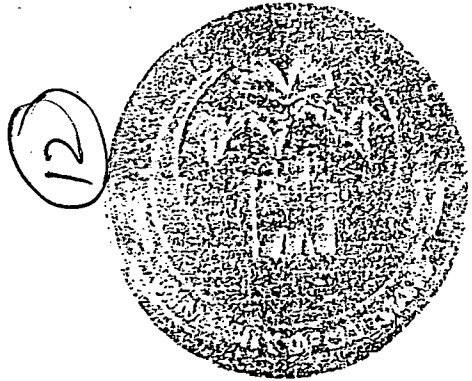
(Signature)
(Signature)

(11)

UNIVERSITY OF MALAKAND

UNIVERSITY OF MALAKAND
PAKISTAN

Serial No. 007610



Session 2007-2009

MUSLIM KHAN Son of WAZIR SHAH Registration No. 2004540052 Student of Department of Computer
Science University of Malakand having passed the prescribed examination held in NOV-DEC, 2009 under Roll
No. 18078 is admitted by the University of Malakand to the degree of

Master of Science

in Computer science in First Division

The examination was taken as a whole.

Controller of Examinations

Countersigned

Result Declared on 24-Mar-2010

Issuance Date 29-Dec-2011

Vice Chancellor

DECLARATION

NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY

Date of Issue: July 15, 2012

Result declared on: July 18, 2011

~~WAZIR SHAH~~



Signature of Controller of Examinations

Signature of Vice-Chancellor

The / She has secured 68 % marks and has been placed in B grade.

Bachelor of Education (B.Ed)

Having successfully completed the prescribed requirements in semester AUTUMN 2010 is awarded the degree of

Registration No: 04NMD0369 Roll No: AE609798

Son / Daughter of WAZIR SHAH

Certified that Mr. / Ms. MUSLIM KHAN

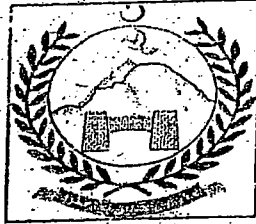
Serial No. 164050



University of Peshawar
Examination

(18)

(Signature)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

Annexure "C"

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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

1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>recruitment; and (b) fifty percent by initial recruitment.</p> <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>
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(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) (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>I. 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 ^(1/2) 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."

(20)

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24th APRIL, 2018. ✓

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

NOTIFICATION

Peshawar, dated: 24th 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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<p>2. Secondary School Teacher-Information Technology (SST-IT) (BPS-16)</p>	<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>	<p>21-35</p>	<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>
<p>3. Certified Teacher-Information Technology (CT-IT) (BPS-12)</p>	<p>i. At least 2nd 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>	<p>18-35</p>	<p>By initial recruitment.</p>

50% CT (IT)

50% Fresh

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

ATTENDED

ATTENDED

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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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. Shahzad 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 Shouib, Deputy Secretary (A), E&SE Department
5. Mr. Javed Siddique, Deputy Secretary (B) Finance Department.
6. Mr. Malik Muhammad, Section Officer (Primary) E&SE Department.
7. Mr. Mohsin Mushiq, Assistant (R-I) 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 (PI)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 -

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Nomenclature of the post	Minimum Qualification for appointment by initial recruitment or by transfer.	Age Limit	Method of recruitment
Subject Specialist-Information Technology (SS-IT) (B-17) Government Higher Secondary Schools/ Govt. comprehensive High Schools and other equivalent posts in the Teaching Cadre.	i.) Master Degree in Computer Science/IT at least in 2 nd Division or equivalent qualification from any recognized University. ii.) Bachelor Degree of Education (B.Ed) at least in 2 nd Division from any recognized University.	21-35	a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-II with at least five years' service AND Secondary School Teacher (SST) (General/Science) 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. Their seniority may be clubbed with SS and amendment may be made in the existing service rules.
Secondary School Teacher Information Technology (SST-IT) (B-16) Govt. High / Higher Secondary Schools	i). Bachelor Degree with the subject of Computer Science at least in 2 nd Division or equivalent Qualification from any recognized institution. ii). Bachelor Degree of Education (B. Ed) at least in 2 nd Division from any recognized institution.	21-35	a). Fifty percent by promotion on the basis of seniority-cum-fitness 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.
3. Junior Teacher- Information Technology (JT-IT) (B-12) Govt. High / Higher Secondary Schools	Intermediate or equivalent qualification from any recognized institution with one-year Diploma in IT/Computer Science from any recognized institution and Certified Teacher Certificate/Diploma or equivalent qualification from any recognized institution.	18-35	By initial recruitment.

ATTENDED

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

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Decisions:

The 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)
Deputy Secretary (R), Finance Department

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

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

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

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

(Qaisar Aslam)
Special Secretary, E&SE Deptt:

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

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

Dated: Peshawar, the August 15, 2018.

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SANCTION

No. SG/BS&AJ/1-18/2018/IT Teacher. Sanction of the Government of Khyber Pakhtunkhwa is hereby accorded 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
150559-Establishment of 500 IT Labs in Govt. High & Higher Secondary Schools in Khyber Pakhtunkhwa	Senior IT Teacher (BS-17)	27	List of schools with their names printed on the back side.
	IT Teacher (BS-16)	172	
	Computer Lab Incharge (BS-12)	368	
160151-Establishment of 500 IT Labs in Govt. High Schools in Khyber Pakhtunkhwa (Phase III)	IT Teacher (BS-16)	451	
	Computer Lab Incharge (BS-12)	458	
Total		1476	

2. The expenditure involved is debit 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:

Endst. No. BOM/ED/2-38/2018-19

Dated Peshawar the 10/10/2018

Copy of above is forwarded to:

1. The Accountant General Khyber Pakhtunkhwa.
- 2-26. All the District Accounts Officers in Khyber Pakhtunkhwa

**BUDGET OFFICER-V
FINANCE DEPARTMENT**

Endst. of even number & date.

Copy forward for information to the:-

1. The Budget Officer-V, Finance Department, Govt. of Khyber Pakhtunkhwa.
2. The Director, Elementary & Secondary Education Khyber Pakhtunkhwa with the request to circulate the same to all the District Education Officers (M/F).
3. The Project Manager-II/Deputy Director (EMIS), E & S Education Department.
4. All the Deputy Commissioners in Khyber Pakhtunkhwa.
5. Master File.

ATTESTED

(MURTAZA KHAN)
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) <i>SS-IT</i>	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 <i>APPROVED</i>	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 mentioned 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:

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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				<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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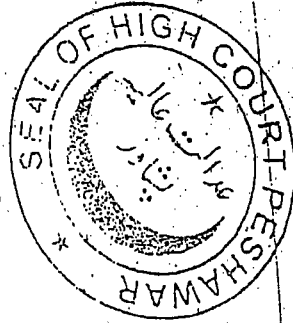
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JUDGMENT SHEET
PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

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

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ATTESTED
EXAMINER
Peshawar High Court

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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

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EXAMINER
Peshawar High

ATTESTED

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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 "LA Sherwani
and others (1991 SCMR 1041)", "Ali
Azhar Khan Baloch (2015 SCMR 456)"
and "Mobeen-ul-Salam (2006 SCMR
100)".

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

ATTESTED

EXAMINER
Peshawar High Court

ATTESTED

Signature

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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) The Hon'ble Justice Iftakharul Haque and Justice Mr. Justice Iftakhar

28/09/2020

6285
Date of Presentation of Application: 3/9/2020
No of Pages: 11-7
Copies:
Total: 174
Date of Preparation of copy: 7/9/2020
Date of Delivery of copy: 7/9/2020
Received By: [Signature]

[Signature]
CERTIFICATE TO BE FURNISHED BY
Authorised Officer, Government of
The Province of Khyber Pakhtunkhwa
07 SEP 2020

ATTESTED

[Signature]

(36)

Answer F-3

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).

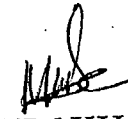
Respected Sir,

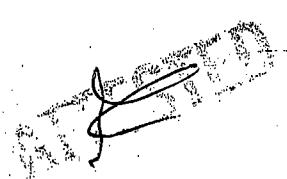
Most respectfully it is stated that I am the employee of your good self-Department and performing my duty as SPST at GPS Kharkai, District Malakand quite efficiently and upto the entire satisfaction of my superiors. It is pertinent to mention here that all the other Primary School Teachers and Certified 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


MUSLIM KHAN, SPST
GPS Kharkai, District Malakand



VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2021

Muslim Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/We Muslim Khan

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

Mus

CLIENT(S)

ACCEPTED

NOOR MOHAMMAD KHATTAK
15401-0705985-5
BC-08-0853

&

KAMRAN KHAN

AFRASIAB KHAN WAZIR

Haider Ali
HAIDER ALI
ADVOCATES

OFFICE:

Flat No.4, Upper Floor,
Juma Khan plaza near (FATA) Secretariat
Warsak road Peshawar.

Mobile No. **0345-9383141**