

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.

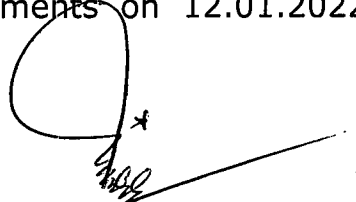

(Rozina Rehman)
Member (J)

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.

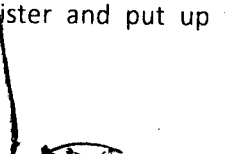




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 2394 /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> <p>2-</p>	12.04.2021	<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> <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> <p>20.07.2021</p> <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. 2394/2021

SHAMS UR RAHMAN

VS

EDUCATION DEPTT

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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. Shams Ur Rahman, PST (BPS-12),
GPS Leganai, District Buner.

..... **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. PST 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. PST 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 felling 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. PST (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

Shams
SHAMS UR RAHMAN

THOROUGH: *g*
NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

SHAHZULLAH YOUSAFZAI

&

AK
AFRASIAB KHAN WAZIR
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

SHAMS UR RAHMAN

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 PST 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

SHAMS UR RAHMAN

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE,

High Court Peshawar

Annexure "A"

6

Page No.

1-5

OFFICE OF THE EXECUTIVE DISTRICT OFFICER ELEMENTARY & SECY, EDU, BUNER.

NOTIFICATION.

Consequent upon the recommendation of the departmental selection committee (D.S.C) held on 20/09/2012, as contained in the minutes of the meeting issued vide this office No. 2077-81 dated 20/09/2012.

As approved by the competent authority the Executive District Officer Elementary & Secondary Education Buner is pleased to order the appointment of the following PST male teachers against the vacant posts in schools, mentioned against their names, in BPS- 12 (7000-500-22000) plus usual allowances as admissible to them under the rules, with effect from the date of taking over charge subject to the terms and condition given at the end in the interest of public service.

PST (Male)100 % Deceased Candidate:

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	AJMAL KHAN	FAZAL WAHAB	KHAN PUR	02/04/1993	GPS ZAR MALKA	U/C AMAZI
2	TANZEEL UR RAHMAN	FAIZ UL HADI	KAWGA	20/03/1986	GPS NAMDAR	U/C KAWGA
3	ZEBULLAH	QAMAR ZAMAN	GUMBAT	10/04/1992	GPS RAMZAI	U/C GULBANDI
4	ASHRAF ALI	ABDUL HASSAN	KARAPA	02/04/1986	GPS BUGHDARA	U/C KARAPA

2 % Disable Candidates Quota:

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	IRSHAD AMIN	MAIN MULA	NAWAGAI	04/03/1984	GPS ATAULLAH BANDA	U/C NAWAGAI
2	ANWAR HUSSAIN	GUL MASHID	PACHA KALAY	02/03/1985	GPS BATAI NO.2	U/C PACHA

100 % U/C Wise Candidates Open Merit:U/C NAWAGAI

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	ZAFAR ALI	AMIR SULTAN	KANGAN	03/10/1988	GPS YASIN BANJA	

U/C KAWGA

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	SHAHID ZAHEER	BAKHTI AFSEER	AGARAI	20/02/1989	GPS AGARAI NO.1	
2	SHAH BAHADAR	ALI BAHADAR	KOWGA	11/01/1985	GPS MANEZAI KAWGA	
3	HAZRAT USMAN	ABDUL MAT WAZIR	AGARAI	05/03/1986	GPS AMBELA DARA	
4	ALI KAM UDDIN	ZUHAR JAMIL	AGARAI	06/06/1986	GPS JICA AGARAI	
5	MOMIN ZADA	BAKHT ULLAH	AGARAI	02/02/1988	GPS AGARAI NO.1	
6	SHER RAHMAN	GOGA	AMBELA DARA	20/03/1985	GPS LALOO	
7	SIYAR HAKIM	SULTAN HAKIM	KOWGA	19/05/1985	GPS KANKOWAY	
8	AMJAD AKHTAR	BAKHT ZAMIN	AGARAI	01/02/1987	GPS AGARAI NO.2	
9	AJEED ULLAH	YAQOOB KHAN	AMBELA	05/01/1988	GPS AMBELA	

U/C MAKHRANAI

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	ABDUR RASHID	MUNTAZIR SHAH	AHMAD ALI DHERI	05/06/1984	GPS JEHANGER/ Y	
2	MUSTAKIM SHAH	GUL HAMAD	KATAKOT	10/02/1988	GPS KALA KHEL	
3	BAKHT MARIN KHAN	ZARIN KHAN	DANAD MAIRA	06/06/1982	GPS DAND MAIRA	
4	TARIQ HUSSAIN	SAID FARIQ	KORYA	15/04/1988	GPS KORYA DARA	
5	AMJAD KHAN	MULA DAD KHAN	KANDOWPATAY	10/04/1985	GPS SHALIZARA	

ATTACHED

Signature
21/9/12

7

WAJID ALI	MOATABAR SHAH	CHEENA	20/03/1990	GPS CHANAR NO.1
BAKHT AMIN	ZARAM KHAN	BARKALAY	01/01/1987	GPS KAREZAI

U/C REGA

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	SAID QADIM KHAN	MEHTAB	REGA	01/04/1985	GPS REGA NO.1	

U/C GOKAND

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	UMAR FAROOQ	AMIR KHAN	BARIMAL	13/04/1989	GPS TAGHAN	
2	MUHAMMAD IRFAN	ABDUL HALIM	KHAIDARA	12/04/1988	GPS RAJGALIA	
3	RAFI ULLAH	MAL YAR	KOZ GOKAND	04/01/1989	GPS KALAIL	

U/C DAGGAR

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	MUHAMMAD AZIYAR UD DIN	PARJUL KHAN	HISAR	10/10/1979	GPS HISAR	
2	SAMI UR RAHMAN	JAMAR ALI KHAN	DAGGAR	01/04/1988	GPS DAGGAR NO. 2	
3	ZAHIDULLAH	AMINULLAH	DAGGAR	01/01/1988	GPS KALPANI DAGGAR	
4	AMJAD ALI	GUL MUHAMMAD	KHAIL DAGGAR	01/04/1991	GPS RAGO KHUWA	
5	UMAR ALI	SHAMSUT TAHIR	DAGGAR	15/03/1988	GPS HISAR BANILA	
6	IBRAR ZAMIN	SHAH ZARIN KHAN	BAGRA	22/05/1986	GPS GIRO	
7	SAJJAD ALI KHAN	KAMEEN KHAN	DAGGAR	03/04/1987	GPS RAGO KHUWA	
8	NISAR ALI	HAMISH KHAN	TOPDARA	01/04/1985	GPS BAR HISAR	

U/C TORWARSAK

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	BAKHTI RAWAN	MUHAMMADA SHAH	TORWARSAK	03/04/1989	GPS GHAKHAI	
2	TARIQ SHAH	REHAN SHAH	TORWARSAK	24/02/1987	GPS JANG DARA	

U/C ELAI

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	KALIM ULLAH	MATI ULLAH	ELAI	01/03/1986	GPS ANCHAPUR NO.1	
2	GUL CHANI	GULAB NOOR	ELAI	15/02/1984	GPS ASHEZO MALIA	
3	WAHID IQBAL	ABDUL GHAFFAR	SHINGAT ELAI	02/03/1986	GPS ASHEZO NAWAKALAY	

U/C KARAPA

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	ALI AKBAR	RASOOL DAD	BANDA	01/01/1985	GPS BUGH DARA	
2	ZAFAR KHAN	ASHTAR KHAN	NAWAKALY	21/03/1991	GPS INZARGAI	
3	MUHAMMAD TARIQ	MUHAMMAD SAJJAD	KARAPA	04/04/1988	GPS INZARGAI	

U/C MALI KHAIL

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	SHAMSUR RAHMAN	SAIF UR RAHMAN	JOWAR	01/01/1981	GPS LEGANAI	

U/C AAB KHAIL

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	ADNAN	MOHD NISAR	BAMPOKHA	01/04/1984	GPS CHORBANDA	
2	DAWA KHAN	TAJ MUHAMMAD KHAN	BAZARGAI	10/03/1985	GPS SARBANDA	

U/C GADEZI

S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	ABDUL HAO	MUHAMMAD FAZIL	KALAKHELA	21/03/1983	GPS BHAI KALALY	
2	MUHIUBULLAH	SHIN GUL	SULTANWAS	16/10/1992	GPS KHAWARA	

ATTESTED

8

SYED IBBRAH	MAIN SAID FAROSH	GHAZI KHANAY	28/04/1986	GPS BARIO KANVA
IAKHTI RAHMAN	GUL MAJEED	SULTANWAS	07/04/1981	GPS CHARAMAR
MOOR UL AMIN	GHULAM RABBANI	BHAKALAY	15/09/1977	GPS BHAI KALAY

U/C PACHAKALAY						
S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	KHUIRRAM SHEHZAD	KAMIL	PACHA KALAY	10/04/1990	GPS HAKEMA	
2	FAKHRE ALAM	GHULAM AKBAR	PACHA KALAY	24/09/1981	GPS HAKEMA	
3	ATTA UR RAHMAN	HABIB UR RAHMAN	LATAI	10/01/1987	GPS KALABAT	

U/C MALAKPUR						
S.No	Name	Father Name	Residence	D.O.B	School Where Posted	Remarks
1	MUHAMMAD ISLAM	ABDUR RAHIM	BESHONI	13/01/1987	GPS KOWAR SAF	
2	SYED ALI SHAH	ABDUL AHAD	BESHONI	05/04/1983	GPS KOWAR SAF	
3	HAMAYOUN UR RASHID	HARROON UR RASHID	BESHONI	05/10/1984	GPS MORA POLA ID	

Terms and Conditions:-

- Their services will be considered regular but without Pension & Gratuity in terms of Section -19 of the NWFP Civil Service Act, 1973 as amended vide NWFP Civil Services (Amendment) Act, 2005. they will however be entitled to Contributory Provident fund in such a manner and at such rates as per prescribed by the Govt.
- In case, they are already in Government service and working against pensionable post on regular basis before 1st day of July 2001, without service break, on application to this office through proper channel and selection by this office, is appointed and allowed choice of option either to return benefit of pension & gratuity as allowed to them under their previous terms of appointment or to avail the benefit of Contributory Provident fund allowed to them under new appointment.
- Their services are liable to termination on one month's notice from either side. In case of resignation without notice their one month payallowances shall be forfeited to the Government.
- They should join their post within 15 days of the issuance of this notification. In case of failure to join their post within 15 days of the issuance of this notification, their appointment will expire automatically and no subsequent appeal etc shall be entertained.
- They would be on probation for a period of one year extendable for another one year.
- They are required to produce health and age certificate from the concerned Medical Superintendent before taking over charge.
- They are not allowed to take over charge, if their age is less than 18 years and more than 35 years.
- The Principals / Head Masters / Head mistresses concerned may not hand over the charge to the appointee, if there is no vacant post in the school.
- They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- These services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed from time to time.
- They are directed to furnish copies of all sort of certificates/degrees/diplomas etc along with their original receipt and photocopies of testimonials pertaining to the verification fee of concerned examination bodies (Board/universities etc) to the Executive District Officer Elementary & Secondary Education Buner. If any certificate/ degree / domicile etc of any candidate found fake or bogus in verification process, so he will be terminated with out further notice.
- The appointing authority shall arrange verification of all the certificates / degrees (Academic / Professional) etc of the appointee and will issue the clearance certificate of each appointee to D.A.O Buner for the release of pay, further more the Drawing and Disbursing Officer will not draw their salaries till the completion of verification process.
- The Head Teachers / HODs concerned would furnish a certificate to the effect that the candidate has joined the post or otherwise after 15 days of the issuance of his posting orders.
- Charge report should be submitted to all concerned.
- No TA/DA will be allowed to the appointee for joining their duty.

Indst: No. 12247-52
Copy to the:-

- Director (E&SE) Khyber Pakhtunkhwa Peshawar
- District Coordination Officer Buner
- District Accounts Officer Buner
- Deputy District Officer (M) Primary Buner
- All Concerned.
- Master file.

(RAJ MUHAMMAD KHAN)
 EXECUTIVE DISTRICT OFFICER
 ELEMENTARY & SECY, EDU, BUNER.
 Dated 22/9/2012.

[Signature]
 EXECUTIVE DISTRICT OFFICER
 ELEMENTARY & SECY, EDU, BUNER

ATTACHED

Answer 'B'

9

S.No V

17571

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No 225332

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



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

INTERMEDIATE EXAMINATION
PRE-ENGINEERING Group

SESSION 2001 (ANNUAL/SUPPLEMENTARY)

THIS IS TO CERTIFY THAT SHAMSUR RAHMAN

Son/Daughter of SAIFUR RAHMAN

and a student of GOVT: DEGREE COLLEGE DAGGAR, BUNER

Registration No 107-B/DG-99 has passed the Intermediate Examination of the Board of Intermediate & Secondary Education, Saidu Sharif, Swat held in MAY as a Regular/Private candidate. He/She obtained 543

Marks out of 1100 and has been placed in Grade D Representing Fair

The Examination was taken as a whole/in parts.

Asstt. Secretary

A

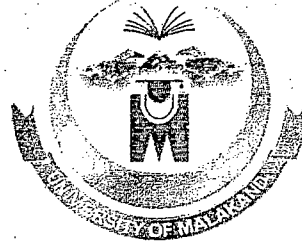
This certificate is issued without alteration or erasure.

Secretary

ATTESTED

UNIVERSITY OF MALAKAND
PAKISTAN

Serial No. 049950




Session 2002-2004

SHAMS UR RAHMAN Son of SAIF UR RAHMAN Registration No. 2002550028 Student of Govt. Degree
College Daggar Buner having passed the prescribed examination held in Feb, 2005 under Roll No. 340180 is
admitted by the University of Malakand to the degree of

Bachelor of Science

in Second Division

The examination was taken in parts.


Controller of Examinations

Countersigned


Vice Chancellor

Result Declared on 27-Apr-2005

Issuance Date 03-Feb-2020

REGISTERED

UNIVERSITY OF MALAKAND
PAKISTAN

7565
S.No. _____

11



G.D.C Daggar Buner

DETAILED MARKS CERTIFICATE
B.Sc Part-II, SUPPLY, 2004

Name SHAMS UR RAHMAN

Father's Name SAIF UR RAHMAN

Registration No 2002550028

Roll Number 340180

Subject Code	SUBJECT NAME	TOTAL MARKS	MARKS OBTAINED	REMARKS
BS001	COMPUTER SCIENCE	75	42	PASSED
BS002	MATH-A	75	25	PASSED
BS005	MATH-B	75	31	PASSED
G0003	PAK. STUDY	40	26	PASSED
ZBS003	B.Sc PART-I	285	164	PASSED
		550	288	

Errors and Omissions are subject to subsequent rectification
Examination Held in February 2005

Examination was taken as a whole/in Parts

Result Declared on 27-APRIL-2005

Date of Issue 29-04-05

Controller of Examinations
University of Malakand

Signature

ATTESTED

Alama Iqbal Open University
Islamabad

12

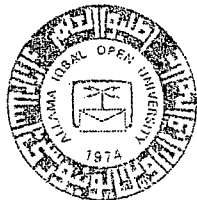


Serial No. 206440

Certified that *Mr/Ms* SHAMSUR RAHMAN
Son/Daughter of SAIFUR RAHMAN
Registration No 10-NBR-00909 *Roll No* AI608947
Semester SPRING 2011 *having met all the requirements under*
the semester system is this day awarded the

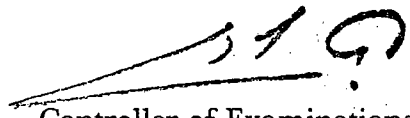
Primary Teaching Certificate

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



Result declared on: **February 28, 2012**

Date of issue: **May 27, 2012**


Controller of Examinations

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

APPROVED

Serial No. BC 001816

Allama Iqbal Open University
Islamabad

13



Certified that Mr. / Ms. SHAMSUR RAHMAN

Son / Daughter of SAIFUR REHMAN

Registration No. 10NBR00909

Roll No. AS650981

Semester AUTUMN 2013

having met all the requirements

under the semester system is this day awarded the

Certificate of Teaching

He / She has secured 70 % marks

and has been placed in A grade

ATTACHED



Result declared on: July 03, 2014

Date of Issue: January 15, 2020

CONTROLLER OF EXAMINATIONS

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

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar Pakistan

This certifies that

Shams-Ur-Rahman son of **Saif-Ur-Rahman**

having fulfilled all the requirements is hereby admitted to the degree of

Bachelor of Education (DE)

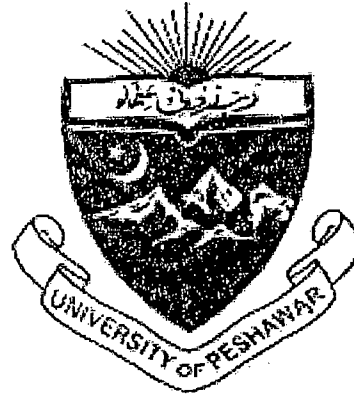
and is entitled to all the rights, honours and privileges thereunto appertaining.

Given this 5th day of January, 2015.


Roll No: 5581


Session: Annual 2014

Reg. No: 2013-DE-71



172437


Registrar


Vice Chancellor

ATTACHED

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Serial No. 439090

15

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
TRANSCRIPT



DMC No. 217080 Roll No. BR651825
Registration No. 10NBR00909
Name SHAMS UR RAHMAN Enrollment Semester SPR-2018
Final Semester AUT-2018
Father's Name SAIF UR REHMAN
Address VILL. P/O JOWAR MOH. QAMBOKHEAIL
Tehsil DAGGAR
District BUNIR



has successfully completed MASTER OF EDUCATION (M.ED One Year)

The detail of passed courses is as under

Semester	Course Code	Title of Courses	Marks	
			Maximum	Obtained
SPR- 18	0837	EDUCATIONAL RESEARCH	100	65
SPR- 18	0838	CURRICULUM DEVELOPMENT & INSTRUCTIONS	100	71
SPR- 18	0840	EDUCATIONAL PSYCHOLOGY	100	57
SPR- 18	6505	ISLAMIC SYSTEM OF EDUCATION	100	58
SPR- 18	6507	EDUCATIONAL MEASUREMENT & EVALUATION	100	71
AUT- 18	0831	FOUNDATIONS OF EDUCATION	100	77
AUT- 18	0826	ELEMENTARY EDUCATION	100	61
AUT- 18	0827	SECONDARY EDUCATION	100	68
AUT- 18	0828	HIGHER EDUCATION	100	58
AUT- 18	0829	TEACHER EDUCATION IN PAKISTAN	100	59
AUT- 18	6552	TEXTBOOK DEVELOPMENT-I	100	70
AUT- 18	6553	TEXTBOOK DEVELOPMENT-II	100	63

ATTESTED

Major Area: TEACHER EDUCATION
Total Credit Hours 36
Result Declared on OCTOBER 15, 2019
Date of Issue NOVEMBER 04, 2019

Total Marks/Obtained 1200 / 778
Percentage/Grade 65 / B

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.

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th 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 MA 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

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IA	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.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.
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."

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(22)

**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

ATTESTED

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

Annxure D

23

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII

G A Z E T T E

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)	<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 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 Secondary School Teacher-IT with at least five years service; and</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>

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1542 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 24th APRIL, 2018

<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 (i), 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

ATTESTED

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

ATTESTED
[Signature]

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C/L



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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. Shahzad Khan Bangash, Secretary E&SE Department (In Chair)
2. Mr. Qaisar Alam, Special Secretary (Est.) E&SE Department.
3. Mr. Muhammad Rafiq Khattak, Director E&SE, Peshawar.
4. Mr. Muhammad Shoab, 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 Mushtaq, 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 (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:-

ATTESTED

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Age	Method of recruitment	Minimum Qualification for appointment by initial	Minimum Qualification for recruitment or by transfer	Age	Method of recruitment	Minimum Qualification for appointment by initial	Minimum Qualification for recruitment or by transfer
21-35	<p>a) Fifty percent by promotion on the basis of seniority-cum-fines from amongst the Secondary School Teacher-II with at least five years' service (AMU)</p> <p>b) Fifty percent by initial recruitment</p> <p>Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment</p>	<p>i) Master Degree in Computer Science/IT at least in 2nd Division or equivalent qualification from any recognized University.</p> <p>ii) Bachelor Degree of Education (B.Ed) at least in 2nd Division from any recognized University.</p>	<p>i) Bachelor Degree with the subject of Computer Science at least in 2nd Division equivalent qualification from any recognized institution.</p> <p>ii) Bachelor Degree of Education (B.Ed) at least in 2nd Division from any recognized institution.</p>	21-35	<p>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.</p> <p>b) Fifty percent by initial recruitment.</p> <p>Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment.</p>	<p>i) Bachelor Degree with the subject of Computer Science at least in 2nd Division equivalent qualification from any recognized institution.</p> <p>ii) Bachelor Degree of Education (B.Ed) at least in 2nd Division from any recognized institution.</p>	<p>Intermediate or equivalent qualification from any</p> <p>IT/Computer Science from any recognized institution with one-year Diploma in Certified Teacher or Certificate/Diploma or equivalent qualification from any recognized institution.</p>
18-35	<p>By initial recruitment.</p>	<p>Junior Teacher-Information Technology (JT-IT) (B-12)</p>	<p>Govt. High/Highest Secondary Schools</p>	18-35	<p>Govt. High/Highest Secondary Schools</p>	<p>Govt. High/Highest Secondary Schools</p>	<p>Govt. High/Highest Secondary Schools</p>

The committee members discussed the proposed amendments in the service rules/practice 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 Mushtaq)
Assistant (R-I), E&AD Deptt:

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

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

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

(Qaiser Akram)
Special Secretary, E&SE Deptt:

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

ATTESTED



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

28

Dated: Peshawar, the August 15, 2018

SANCTION

No. SO/B&A/11-18/2018/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
*150359-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-I/II)	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. BOV/FD/2-38/2018-19

Dated Pesh: 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/E).
3. The Project Manager-IT/Deputy Director (EMIS), E & S Education Department.
4. All the Deputy Commissioners in Khyber Pakhtunkhwa.
5. Master File.

ATTESTED

(MURTAZA KHAN)
SECTION OFFICER (BUDGET)

29

S.NO	Nomenclature of the post	Minimum qualification for appointment by initial recruitment transfer	Age Limit	Method of recruitment
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 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 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: (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 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.

ATTESTED

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 filed 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 filed 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 filed 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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qualification mentioned in column No.3:

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:

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

(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. 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.

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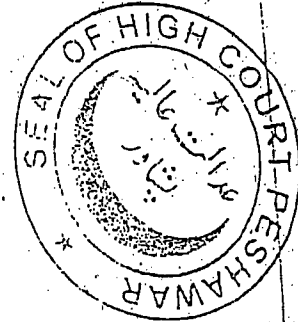
(32)

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.

IAZ 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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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.

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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 records 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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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 "LA 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

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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.

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Announced
Dt: 03.09.2020

JUDGE

JUDGE

(001) Hon'ble Justice Ikramullah Khan and The Hon'ble Justice Hasnain

20200903-04042

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Date of Presentation of Application 3/9/2020
No of Pages 11-7
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Total 14
Date of Preparation of copy 7/9/2020
Date of Delivery of copy 7/9/2020
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CERTIFIED TO BE TRUE COPY
07 SEP 2020

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Answer F

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 PST at GPS Leganai, District Buner 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


SHAMS UR RAHMAN, PST
GPS Leganai, District Buner

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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2021

Shams-Ur-Rahman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt

(RESPONDENT)
(DEFENDANT)

I/We Shams-Ur-Rahman

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

Shams

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**