

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.

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.

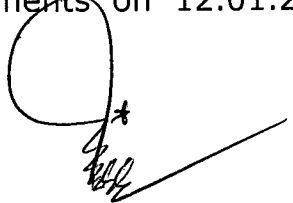

(Rozina Rehman)
Member (J)

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.- 2390 /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. 2390/2021

ABDUL LATEEF

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. Abdul Lateef, PST (BPS-12),
GPS Adda Umar, District Tank.

..... **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 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. 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


ABDUL LATEEF

THROUGH:


NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

SHAHZULLAH YOUSAFZAI

&


AFRASIAB KHAN WAZIR
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

ABDUL LATEEF

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

ABDUL LATEEF

THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATE,

High Court Peshawar

Answer A

6

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, SCHOOLS & LITERACY TANK

ORDER:

Consequent upon the recommendation of Departmental Selection Committee, the following candidates, being qualified, are hereby appointed as PST(Male) in the schools noted against their names on District Open Merit in BPS-07 (2555-140-6755) plus usual allowances as admissible under the existing recruitment policy on regular basis in the interest of public service w.e.f. 01-12-2006 on the following terms & conditions.

DISTRICT OPEN MERIT. (25%)

S.No	Name of Candidate	Father's Name	Address	Domi:	Merit Posi:	Place of Posting	Remarks
1	Masood Khan	Zahidullah Khan	Darraki	Tank	61.88%	GPS Laki Michen Khel	Newly Created Post
2	Sanaullah Khan	Saifullah Khan	Darraki	Tank	61.18%	GPS Tajori No.1	Vacant Post
3	Sikandar Hayat	Abdullah Khan	Gara Baloch	Tank	59.88%	GPS Abakhel	Vacant Post
4	Shabir Ahmad	Hussain Ahmad	Tank City	Tank	58.88%	GPS No.3 Tank	Newly Created Post
5	Jehanzeb Khan	Bahadar Khan	Gharib Abad	Tank	58.51%	GPS Tajori No.2	-do-
6	Ahmad Ali	Hussain Ali	Amakhel	Tank	58.34%	GPS Faqir Abad	Vacant Post
7	Abdul Lateef	Abdul Aziz	Tank City	Tank	57.56%	GPS Adda Umar	Vacant Post
8	Khursheed Alam	Sardar Alam	Gul Imam	Tank	57.42%	GPS Kot Kat	Vacant Post
9	Habib-ur-Renman	Sarfraz Khan	Ranwal	Tank	57.40%	GPS NO.2 Tank	Vacant Post
10	Samiullah	Mosam Khan	Tank City	Tank	57.28%	GPS No.3 Tank	Newly Created Post
11	Faiz Hussain	Iqbal Hussain	Ranwal	Tank	57.23%	GPS Raghza	Vacant Post
12	Said Rahim	Abdul Rahim	Mulazai	Tank	56.39%	GPS Salar Abad	Vacant Post

Note: Further adjustment will be made by the Dy: DO (M) S & L Tank.

TERMS & CONDITION

1. Their service will be considered as regular but without pension/gratuity in term of section-19 of the NWFP Civil servant Act-1973 as amended by NWFP civil servant act-2005.
2. They will contribute CPF @ 10% of the min. or pay and @ 10% contribution will be made by the Govt.
3. They will governed by such rules and regulation as may be prescribed by the Govt. from time to time for category of Govt. servant to which they belong.
4. Their appointments of the candidates mentioned above are subject to the condition that they are having domicile of Tank District.
5. Their service will be liable to termination on one-month notice or resignation with the prior notice, one month pay shall be forfeited.
6. They are required to produce Health and Age certificate from Medical Superintendent concerned before the taking over charge.
7. They shall required to furnish copies of all their certificate/degrees along with original receipts and their photo copies, they are pertaining to the verification fee of concerned examine body board/university through concerned District Officer, who later shall arrange verification of all certificate/degrees of the appointee of their respective District and will issue clearance certificate to each appointee for release of here pay.
8. The declaration of assets should be obtained from them immediately & placed on record.
9. Charge should not be given to overage candidates.
10. Charge Report should be submitted to all concerned.

Executive District Officer,
Schools & Literacy Tank.

Encl: No. 13029-31

Dated

Tank

the 01/12/2006.

Copy forwarded for information to:

1. The Director S & L NWFP Peshawar.
2. The District Nazim, Tank.
3. The District Coordination Officer Tank.
4. The District Account Officer, Tank
5. District Officer (M) S&L Tank
6. The Dy: District Officer (F) S & L Tank.
7. All Teachers Concerned.

ATTESTED

Executive District Officer,
Schools & Literacy Tank.

Answer "B" (7)

SG. No. 93115

Board of Intermediate & Secondary Education

BANNU

DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination
(SCIENCE GROUP)



Session 200 (Annual/Supplementary)

Name Abdul Latif
Father's Name Abdul Aziz Roll No. 64099

SUBJECT	Total Number of marks allotted	MARKS OBTAINED			
		Theory	Practical	Total	In words
1. English	150			102	Five hundred and thirty-four
2. Urdu	150			97	
3. Islamiyat Comp:	75			50	
4. Pakistan Studies	75			49	
5. Mathematics	100			50	
6. Physics	100	65	17	82	
7. Chemistry	100	36	16	52	
8. Biology	100	35	17	52	
Total	850			534	

Note: This certificate is issued errors and omissions excepted.

Prepared by: [Signature]

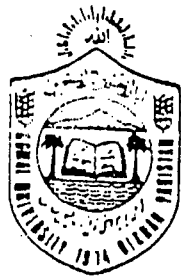
Checked by: [Signature]

Date 6/6/200

Controller of Examinations
Board of Intermediate & Secondary Education
Bannu

RECEIVED

GOMAL UNIVERSITY



DERA ISMAIL KHAN

8

Passed/Re-appear/Failed in Agg/Failed

DETAILED MARKS CERTIFICATE

B.Sc. EXAMINATION PART II

Session 2004 (Annual)

Roll No 969

Mr / Miss Abdul Latif

The candidate secured the following marks

SUBJECTS	Total Number of Marks allotted	MARKS OBTAINED	
		In figures	In words
1. English.	75		
2. Botany	75		
3. Physics.	75		
4. Chemistry.	75	51	Fifty one
5. Computer Science. ✓	75		
6. Zoology.	75	47	Forty seven
7. A Course of Maths. ✓	75		
8. B Course of Maths.	75	37	Thirty seven
9. Statistics. ✓	75		
10. Geography.	75		
11. Economics.	75		
12. Pak. Study (Comp) ✓	40	23	Twenty three
13. Computer Science.	75		
14. Aggregate of Part-I	285	211	Two hundred & eleven
TOTAL		369	Three hundred & sixty nine

No 8378

08 SEP 2004

Dated _____ 19

Signature
Add: CONTROLLER OF EXAMINATIONS,
GOMAL UNIVERSITY, DERA ISMAIL KHAN.

ATTESTED

GOMAL UNIVERSITY



DERA ISMAIL KHAN

(N.W.F.P. PAKISTAN)

No 007245

9

DETAILED MARKS CERTIFICATE

M.A ISLAMIYAT FINAL

Held in April-May 2006

Session 2004-2005/Annual

Roll No: 5434

Name: Abdul Latif

The Candidate secured the following marks & has been placed in 2nd Division

SUBJECT	Total No of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
Al-Fiqah	100	60	Sixty
Usool-e-Fiqah	100	40	Forty
Taqable Adyan	100	74	Seventy Four
Islam and Other System	100	66	Sixty Six
Essay	100	50	Fifty
Viva Voce	100	54	Fifty Four
Aggregate Previous	500	250	Two Hundred and Fifty
Total Marks	1100	594	Five Hundred and Ninty Four

The Examination was taken as a **Whole**

Result Declaration Date 17/11/2006

Additional Controller of Examination
City Campus, Gomal University,
Dera Ismail Khan.

ATTACHED

Serial No. GU 04124

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

10

GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



(Session 2004) ANNUAL

ABDUL LATIF son of ABDUL LATIF and
a student of GOVT. COLLEGE, JAMU
having passed the prescribed examination in JUNE/JULY 20 04,
is this day admitted by the GOMAL UNIVERSITY to the DEGREE of
BACHELOR OF SCIENCE
in the FIRST Division Passed also in as an
Additional Optional Subject/Pakistan Studies and Islamiyat as Compulsory Subjects.

The Examination was taken as a whole/in parts:

Registered No. 2048-T-2002

Roll No. 99

RESULT DECL. ON SEPTEMBER 8, 20 04

Countersigned

Controller of Examinations

Vice-Chancellor

ATTESTED



11

Serial No 124602

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD
PROVISIONAL RESULT CARD

Name ABDUL LATIF
Father's Name ABDUL AZIZ
Address MOHALLAH QAZIAN WALA GALI
QABAR WALI HOUSE NO 2036/99
Tehsil TANK
District TANK

Roll No Q602488
Registration 04NTK0321
Final Semester SPRING 2005

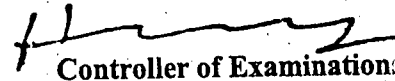
has successfully completed P.T.C Programme.

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUTUMN-04	0613	PRINCIPLES OF EDUCATION	100	62
AUTUMN-04	0614	EDUCATIONAL PSYCHOLOGY	100	68
AUTUMN-04	0615	SCHOOL ORGANIZATION & MANAGEMENT	100	62
AUTUMN-04	0616	SCHOOL COMMUNITY & PRACTICAL ARTS	100	67
SPRING -05	0611	PRACTICAL WORKSHOP & TEACHING PRACTICE	100	72
SPRING -05	0617	TEACHING OF URDU	100	67
SPRING -05	0618	TEACHING OF MATHEMATICS	100	75
SPRING -05	0619	TEACHING OF SCIENCE & PHYSICAL EDUCATION	100	68
SPRING -05	0620	TEACHING OF ISLAMIAT & SOCIAL STUDIES	100	67

Total Credit AIOU 5
Result Declared on January 9, 2006
Date of issue February 7, 2006

Total Marks./Obtained 900 / 608
Percentage./Grade 68 / B


Controller of Examination

Disclaimer:

This result card 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.

ATTENDED

Serial No. GU 03289

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

12

GOMAL UNIVERSITY

DERA ISMAIL KHAN

(N.W.F.P) PAKISTAN



(Session 2005)
ANNUAL

ABDUL LATIF. SON of ABDUL AZIZ and
a student of TANK, DISTRICT.

having passed the prescribed examination in APRIL/MAY 20 06,
is this day admitted by the GOMAL UNIVERSITY to the DEGREE of

MASTER OF ARTS

in the SECOND Class

The subject of examination being ISLAMIYAT

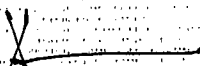
The Examination was taken as a whole/in parts

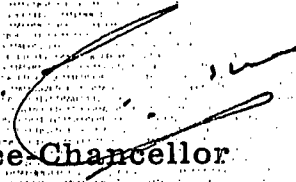
Registered No. 2048-1-2002

Roll No. 5434

RESULT DECL. ON NOVEMBER 17, 20 06

Countersigned


Controller of Examinations


Vice-Chancellor

ATTESTED

(13)

Allama Iqbal Open University Islamabad



Serial No. 191020

Certified that Mr. / Ms. ABDUL LATIF

Son / Daughter of ABDUL AZIZ

Registration No: 04NTK0321

Roll No: 608139112

having successfully completed the prescribed requirements
in semester SPRING 2009 is awarded the degree of

Bachelor of Education (B.Ed)

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


CONTROLLER OF EXAMINATIONS




VICE-CHANCELLOR

Result declared on: February 10, 2010

Date of Issue: December 24, 2013


ATTESTED

14

Allama Iqbal Open University Islamabad



Serial No. 48432

Certified that *Mr. / Ms.* **ABDUL LATIF**

Son / Daughter of **ABDUL AZIZ**

Registration No: **04NTK0321**

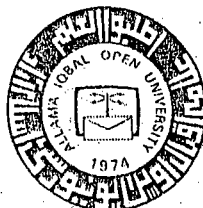
Roll No: **AS654008**

*having successfully completed the prescribed requirements
in semester **SPRING 2014** is awarded the degree of*

Master of Education (M.Ed.)

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

Mam
CONTROLLER OF EXAMINATIONS
Chief



Syed
VICE-CHANCELLOR

Result declared on: **March 25, 2015**

Date of Issue: **September 24, 2016**

ATTESTED

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



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

15

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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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.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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A

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 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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SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

21

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)

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
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/LT/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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<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)


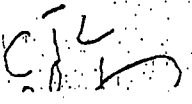
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SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

ATTESTED

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

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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 (Dist.) 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 Mushqat, Assistant (R-I) E&AD Department.

2. The forum was informed that E&SE Department vide Notification No. SOG/E&SED/1-86/SS.FT/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 -

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Nomenclature of the post	Minimum Qualification for appointment by initial recruitment or by transfer.	Age Limit	Method of recruitment
1. 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-IT 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.
2. 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. ATTESTED

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

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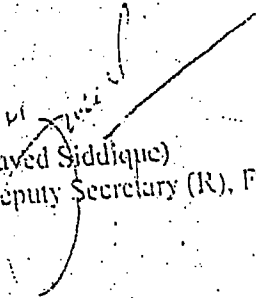
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Decisions:


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.

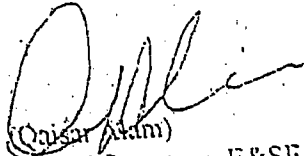

 (Javed Siddique)
 Deputy Secretary (R), Finance Department

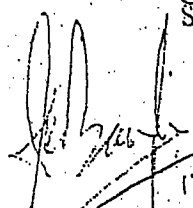

 (Mohsin Mushtaq)
 Assistant (R-1), E&AD Deptt.


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


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


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


 (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**

Dated: Peshawar, the August 15, 2018

27

SANCTION

No. SGRB/A/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
*15059-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	
*16051-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. 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

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

Endst. of even number & date.
Copy forward for information to tier:-

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.

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[Signature]
**(MURTAZA KHAN)
SECTION OFFICER (BUDGET)**

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S.NO 1	Nomenclature of the post 2	Minimum qualification for appointment by initial recruitment transfer 3	Age Limit 4	Method of recruitment 5
1	Subject specialist- Information Technology (SS-IT) (BPS-17) <i>SST</i>	<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 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) 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</p> <p>Provided that if no suitable candidate is available for promotion then by initial recruitment:</p> <p>(b) Twenty percent by promotion on the basis of seniority-cum-fitness from amongst the Senior Certified Teachers (BPS-16) with at least five years' service as Senior Certified Teacher and Certified Teacher and having the qualification mention in Column No.3:</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>(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:</p> <p>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:</p>

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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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				<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> <ol style="list-style-type: none"> 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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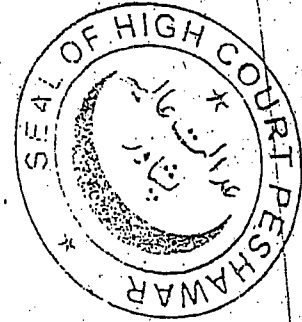
JUDGMENT SHEET
PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

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.

HAZ 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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(3)

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

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Compute Science, are not included in the
feed cadre for the post of Senior Science
Teacher (BPS-16):

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

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

ATTESTED
EXAMINER
Peshawar High Court

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

33

Announced
Dt: 03.09.2020

JUDGE

JUDGE

(DD) Hon'ble Justice Khramulgh Khan and Hon'ble Mr. Justice Hat Anwar

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6285
 Date of Presentation of Application: 3/9/2020
 No of Pages: 117
 Copying:
 Total: 174
 Date of Preparation of copy: 7/9/2020
 Date of Delivery of copy: 7/9/2020
 Received By: [Signature]

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 CERTIFIED TO BE TRUE COPY
 Authorised Signatory, Section 57 of
 the Ordinance, National Order 1997
 07 SEP 2020

ATTESTED

[Signature]

To,

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

35

Answer "F"

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).

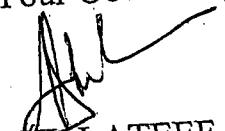
Respected Sir,

Most respectfully it is stated that I am the employee of your good self-Department and performing my duty as PST at GPS Adda Umar, Tank 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


ABDUL LATEEF, PST
GPS Adda Umar, Tank

ATTACHED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2021

Abdul Lateef

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

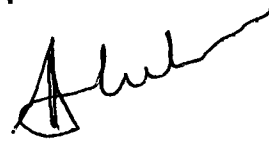
Education Dept

(RESPONDENT)
(DEFENDANT)

I/We Abdul-Lateef


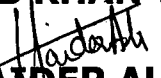
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate 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



CLIENT(S)

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

KAMRAN KHAN

AFRASIAB KHAN WAZIR

HAIDER ALI
ADVOCATES

OFFICE:
Flat No.4, Upper Floor,
Juma khan plaza near (FATA) Secretariat
Warsak road Peshawar.
Mobile No. **0345-9383141**