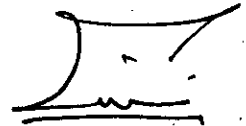


29.09.2022

Learned counsel for the appellant present. Mr. Muhammad Kamran, ADEO alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondent No. 4.

Comments on behalf of official respondents No. 1 to 3 have already been submitted.

Previous date was changed on Reader Note; therefore, notice be issued to private respondent No. 4 for submission of reply/comments. Adjourned. To come up for submission of reply/comments on behalf of private respondent No. 4 on 27.10.2022 before the S.B at Camp Court D.I.Khan.



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

28.10.2022

Appellant in person present.

Kabir Ullah Khattak, learned Additional Advocate General for official respondents No.1 to 3 present. Nemo for private respondent No.4.

Reply on behalf of official respondents No.1 to 3 has already been submitted. Despite notices, reply on behalf of private respondent No.4 is still awaited. Therefore, right of private respondent No.4 for submission of reply/comments is hereby struck off. To come up for arguments on 24.11.2022 before D.B at Camp Court, D.I.Khan.



(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

28.06.2022

Learned counsel for the appellant present. Mr. Muhammad Kamran ADEO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondent No. 4.

Reply/comments on behalf of official respondents 1 to 3 have already been submitted, while reply/comments on behalf of private respondent no. 4 is still awaited, therefore, notice be issued to private respondent No. 4 and his counsel for submission of reply/comments before the S.B on 28.07.2022 at Camp Court, D.I.Khan.



(Mian Muhammad)  
Member (E)  
Camp Court, D.I.Khan

28-7-2022

Due to Summer vacation to come  
up for the same as before on 29/9/2022



26.01.2022

Tour is cancelled, therefore, case is adjourned to 26.05.2022 for the same as before.

  
Reader.

26.05.2022

Learned counsel for the appellant present. Mr. Muhammad Kamran, ADEO (Litigation) alongwith Mr. Farhaj Sikandar, District Attorney for official respondents No. 1 to 3 present. None present on behalf of private respondent No. 4.

Comments on behalf of official respondents No. 1 to 3 have already been submitted, while reply/comments on behalf of private respondent No. 4 is still awaited.

Previous date was changed on Reader Note, therefore, notice be issued to private respondent No. 4 through registered post and last chance given for submission of reply/comments. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant, failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by private respondent No. 4. Adjourned. To come up for submission of written reply/comments on behalf of private respondent No. 4 on 28.06.2022 before the S.B at Camp Court D.I.Khan.



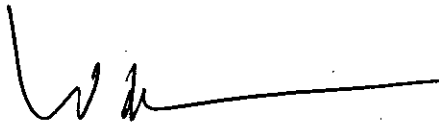
(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

28.09.2021

Nemo for the appellant. Mr. Usman Ghani, District Attorney for official respondents No. 1 to 3 present. Written reply/comments on behalf of official respondents No.1 to 3 have already been submitted.

Previous date was changed on Reader Note, therefore, notice be issued to private respondent No.4 as well as his counsel with the directions to furnish reply/comments. To come up for comments of private respondent No.4 as well as arguments before the D.B on 24.11.2021 at Camp Court D.I Khan.

Notice for prosecution of the appeal be also issued to appellant as well as his counsel for the date fixed.

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)  
CAMP COUR D.I KHAN

24.11.2021

Junior to counsel for the appellant, Mr. Muhammad Rasheed, DDA for respondents No. 1 to 3 present written reply/comments on whose behalf have already been submitted. Mr. Bilal Khan, Advocate for respondent No. 4 present and requested for further time to submit reply/comments.

Last opportunity is granted to respondent No. 4 for submission of written reply/comments on 26.01.2022 before S.B at camp court, D.I.Khan.

In case the last chance as given above is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant failing which the case shall be fixed before D.B for arguments without reply/comments deeming the same as waived off by the said respondents.

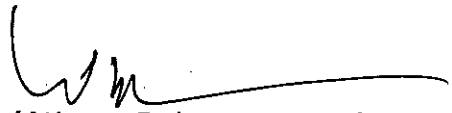
  
Chairman  
Camp Court, D.I.Khan

24.02.2021

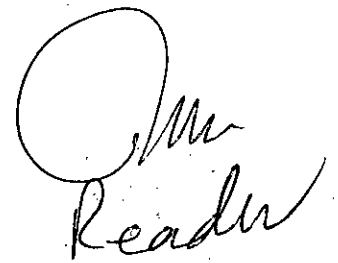
Junior to counsel for the appellant present.

Muhammad Riaz Khan Painsdakhel learned Asst. AG alongwith Muhammad Kamran Khan ADO for official respondents No. 1 to 3 present. None present on behalf of private respondent No.4.

Written reply/comments on behalf of official respondents No. 1 to 3 submitted which is placed on file. Reply/comments on behalf of private respondent No.4 not submitted, therefore, notice be issued to private respondent No.4 for submission of reply/comments. To come up for reply/comments on behalf of private respondent No.4 on 25.05.2021 before S.B at Camp Court D.I. Khan.

  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, D.I.Khan

Due to COVID, 19 therefore to  
come up for the same on 25/9/21



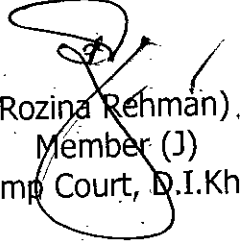
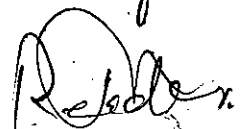
  
Mr.  
Reader

Form- A

FORM OF ORDER SHEET

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

Case No.- 10518 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/09/2020	<p>The appeal of Mr. Muhammad Samiullah Saad received today by post through Mr. Muhammad Abdullah Baloch Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	11-11-2020	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>24-11-2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	24.11.2020	<p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 26.01.2021 before S.B at Camp Court, D.I.Khan.</p> <p style="text-align: right;"> (Rozina Rehman), Member (J) Camp Court, D.I.Khan</p>
	26.01.2021	<p>Due to Covid-19, case is adjourned to 24.02.2021 for the same as before.</p> <p style="text-align: right;"></p>

Appellant Deposited Security Process Fee  
01/12/20

**BEFORE THE KPK SERVICES TRIBUNAL, KPK PESHAWAR**

In Service Appeal No. 10518 /2020

Muhammad Sami Ullah Saad  
(Appellant)

Versus

Govt Of KPK, etc  
(Respondents)

**SERVICE APPEAL**  
**INDEX**

S.No.	Description of document	Annexure	Pages
1	Memo and grounds for appeal	--	1-6
2	Memo of Addresses	--	7
3	Copies of CNIC and education testimonials of appellant	A & B	8-10
4	Copy of notification No. 1931-2056 dated 08/01/2020	C	11-15
5	Copy of impugned order No.10942-51 dated 20/05/2020	D	16
6	Copy of the departmental appeal with original postal receipts	E & E/1	17-20
7	Acknowledgment receipts of departmental appeal at the office DEO & SDEO	F & G	21-22
8	Attested copies of Writ Petition No. 350-D/2014 and Writ Petition No. 408-D/2014	H	23-42
9	Copies of letter No 2166 and 2324	I	43-44
10	Copy of corrigendum endst No. 3619-45	J	45
8	Vakalatnama	--	46

Dated: 9 /09/2020

Your Humble Appellant

*Sami*  
Muhammad Sami Ullah Saad  
Through Counsel  
*Muhammad Abdullah Baioch*  
Muhammad Abdullah Baioch  
Advocate High Court

**BEFORE THE HONOURABLE SERVICES TRIBUNAL,**  
**KPK. PESHAWAR**

Service Appeal No. 10518 /2020

**Muhammad Sami Ullah Saad** son of Saad Ullah Caste R/O  
Ratha Kulachi.

Presently working Primary School Head Teacher BPS(15) at  
GPS Jhoke Mohana No.1 Dera Ismail Khan.

.....(**APPELLANT**)

**VERSUS**

1. Governmet of KPK through secretary Education  
Department KPK, Peshawar.
2. Director, Elementary and Secondary Education  
Department, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Male) Dera Ismail Khan.
4. Mujeeb Ur Rehman (PET) Government Middle School  
Mirbazi Dera Ismail Khan.

.....(**RESPONDENTS**)

Service Appeal under section 04 of KPK Service Tribunal  
Act, 1974, against the impugned order No. 10942-51  
dated 20/05/2020, issued by the District Education  
Officer (Male) Dera Ismail Khan (Respondent No.3),  
whereby and finally against the indecision of  
departmental appeal of the appellant.

**PRAYER**

On acceptance of the instant service appeal, to declare  
impugned order against the law, illegal and to set aside the



2

impugned order No. 10942-51 dated 20/05/2020 issued by the District Education Officer (Male) Dera Ismail Khan and department may kindly be directed to promote the appellant as PET (BPS-15) being the senior most PSHT possessing requisite qualification for promotion.

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellants as against respondents with costs.

**Respectfully Sheweth,**

1. That appellant is a permanent resident of District Dera Ismail Khan and possess qualification of M.Sc (HPE) and SDPE. Copies of CNIC of appellant and educational testimonials are annexed as **Annexure-A & B**.
2. That appellant was promoted as primary school head teacher (PSHT BPS-15) vide notification Endst No. 1931-2056 dated 18/01/2020. Appellant is the senior most "PSHT" possessing requisite qualification/eligibility for the promotion of PET, as stood on seniority list No. 156 of the list of PSHT's, while private respondent No. 5 stood at seniority list No. 174 of the said list. Copy of notification is annexed as **Annexure-C**.
3. That private respondent No. 4 Mr. Mujeeb Ur Rehman, PSHT( Government Primary School No.2) Madi has been promoted as PET (BPS-15) vide impugned order No. 10942-51 dated 20/05/2020, who is much junior to the appellant and stood at seniority list No. 174 of the seniority list. Copy of the impugned order No. 10942-51 dated 20/05/2020 is annexed as **Annexure-"D"**.
4. That appellant submitted his department appeal/representation against the impugned order on 03/06/2020. Copy of department appeal/representation is annexed as **Annexure-"E"** and original postal receipt is annexed **Annexure-"E/1"**. Acknowledgment receipts of

Chancellor

departmental appeal at the office of District Education Officer (Male) and SDEO are also annexed as **Annexure- "F and G"**

5. That up-till now the departmental appeal of the appellant remains undecided and after the laps of statutory period, the appellate jurisdiction of this worthy tribunal is being invoked inter alia on following grounds.

**GROUND:**

- i. That the impugned order dated 20/05/2020 was issued in violation of service law, rules, promotion policy and and vividly based on nepotism. Promotion of junior is the sheer violation of seniority right of the appellant for promotion as PET (BPS-15) has been infringed. Hence the impugned orders are against service law and rules, against natural justice and are not sustainable on any ground and are therefore liable to be set aside.
- ii. That worthy courts has already given verdicts that SDPE is higher qualification than JDPE. The candidate possessing qualification as SDPE cannot be deprived or denied for promotion or appointment, where qualification for promotion or appointment, as JDPE is required. Moreover, as per subject analysis, both JDPE and SDPE merged into M.Sc (HPE). The honorable Peshawar High Court has also decided the same controversy vide

**I.** Writ Petition No. 350-D/2014 titled Maria Hina Vs Govt Of KPK decide on 21/02/2017.

**II.** Writ Petition No. 408-D/2014 titled Mst Nadia Sweet Vs Govt Of KPK and others decide on 24/01/2017.

AG  
CRIMINAL

- III. Writ Petition No. 652-D/1999 titled Muhammad Azam etc Vs Govt Of NWFP etc decide on 02/05/2000.
- IV. Writ Petition No. 719-D/2002 titled Muhammad Sarwar Vs Govt Of NWFP etc decide on 04/10/2002.
- V. Writ Petition No. 266-D/2015 titled Liaqat Hussain Vs Govt Of KPK etc decide on 24/01/2017.

Attested copies of Writ Petition No. 350-D/2014 titled Maria Hina Vs Govt Of KPK and Writ Petition No. 408-D/2014 titled Mst Nadia Sweet Vs Govt Of KPK and others are annexed as

**Annexure-"H".**

- iii. That DPC and promoting/competent authority was also very much aware from these facts and were acquainted with the decisions of worthy apex courts. Even then, by not following the policy and decision of apex courts creates doubts which clearly lead toward the involvement of element of nepotism.
- iv. That vide letter endst: No 2166 dated 01/02/2020 Sub Division Education Officer (M) Dera Ismail Khan sent two certificates of appellant to Sarhad University Science and Information Technology Peshawar for verification and later on vide letter Endst: No 2324 dated 02/05/2020 Sub Division Education Officer (M) Dera Ismail Khan again requested for verification of certificates of the appellant, which is crystal clear that working paper of the promotion of appellant were in process but astonishingly impugned order dated 20/05/2020 was issued and private respondent No.4 was promoted against service law and rules. Copies of both the letters are annexed as **Annexure-"I".**

*AG  
Khan*

5


- v. That promotion of the appellant was admitted and sure even by the conduct of the respondents themselves. This fact can be explained vide respondents issued corrigendum endst No. 3619-45 dated 01/02/2020 which is relating to the place of posting of PSHT's. One Farid Ullah at serial No. 12 of the corrigendum was posted at GPS No.1 Jhok Mohana. GPS No.1 Jhok Mohana is a school where appellant is posted as PSHT. Thus in column of remarks it is written that "He will resume the charge after promotion as PSHT to PET". This clearly shows that after the promotion of the appellant from PSHT to PET, Farid Ullah will be posted as PSHT at GPS No.1 Jhok Mohana. Letter No. 3619-45 dated 01/02/2020 is annexed as **Annexure-"J"**.

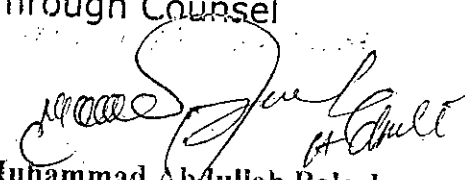
***It is therefore humbly request that On acceptance of the instant service appeal, to declare impugned order against the law, illegal and to set aside the impugned order No. 10942-51 dated 20/05/2020 issued by the District Education Officer (Male) Dera Ismail Khan and department may kindly be directed to promote the appellant as PET (BPS-15) being the senior most PSHT possessing requisite qualification for promotion.***

***Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellants as against respondents with costs.***

Dated: 09/09/2020

Your Humble Appellant

  
Muhammad Sami Ullah Saad  
Through Counsel

  
Muhammad Abdullah Balock  
Advocate High Court

6

**BEFORE THE KPK SERVICES TRIBUNAL, KPK**  
**PESHAWAR**

In Service Appeal No. \_\_\_\_\_/2020

Muhammad Sami Ullah Saad  
(**Appellant**)

Versus

Govt of KPK, etc  
(**Respondents**)

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Date: 09/09/2020

Appellant

*Sami*

**AFFIDAVIT**

I, **Muhammad Sami Ullah Saad** son of Saad Ullah Caste R/O Ratha Kulachi, appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

Dated: 09/09/2020



*Sami*

Deponent

7

**BEFORE THE KPK SERVICES TRIBUNAL, KPK  
PESHAWAR**

In Service Appeal No. \_\_\_\_\_ /2020

Muhammad Sami Ullah Saad  
**(Appellant)**

Versus

Govt of KPK, etc  
**(Respondents)**

**ADDRESSES OF PARTIES**

**APPELLANT**

**Muhammad Sami Ullah Saad** son of Saad Ullah Caste R/O  
Ratha Kulachi.

Presently working Primary School Head Teacher BPS(15) at  
GPS Jhoke Mohana No.1 Dera Ismail Khan.

.....**(APPELLANT)**

**VERSUS**

5. Government of KPK through secretary Education  
Department KPK, Peshawar.
6. Director, Elementary and Secondary Education  
Department, Khyber Pakhtunkhwa, Peshawar.
7. District Education Officer (Male) Dera Ismail Khan.
8. Mujeeb Ur Rehman (PET) Government Middle School.....

.....**(RESPONDENTS)**

Your Humble Appellant



**Muhammad Sami Ullah Saad**  
Through Counsel

**Muhammad Abdullah Baloch**  
Advocate High Court

(3)

**PAKISTAN** National Identity Card  
ISLAMIC REPUBLIC OF PAKISTAN

Name: **Muhammadi Sami Ullah Saad**

Father's Name: **Saadi Ullah**

Gender: **M** Country of Stay: **Pakistan**



Identity Number: **121017672077-9** Date of Birth: **10:04:1982**

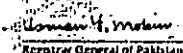
Date of Issue: **04:07:2019** Date of Expiry: **04:07:2029**

Holder's Signature

*For copy*

12101-7672077-9

  
 Ministry of Interior  
 Registrar General of Pakistan

101051246515  
149-82-743434

*مشددہ کارڈ ملنے پر قریبی پوسٹ آفس میں ڈال دیں*  
*For copy*



9

Annex (B)

Attested to be true copy  
Sami



# Sarhad University

UNIVERSITY OF SCIENCE AND INFORMATION TECHNOLOGY PESHAWAR

Serial Number SUIT-10-PRO-150111-04

Date issued: January 15, 2011

## Provisional Certificate

This is to certify that Mr./Ms. Muhammad Sami Ullah Saad  
son / daughter of Mr. Saad Ullah Khan  
registration number SUIT-09-02-69208  
is a regular student of the Sarhad University of Science and Information Technology,  
Peshawar in the session 2009-2010

Mr./Ms. Muhammad Sami Ullah Saad has according to the result notification,  
issued by the University, passed the Senior Diploma in Health & Physical Education - (SDPE)  
Examination, Annual/Supplementary held in Jan - Feb, 2010 and secured 1<sup>st</sup>  
division, obtained 704 marks out of 1050. He/she has already been issued  
a DMC by the Controller of Examinations. He/she will receive his/her diploma in  
relevant convocation (if desire).

Mr./Ms. Muhammad Sami Ullah Saad bears good moral character and his/her  
conduct during his/her stay at the University from January 2009 to April 2010  
has been Very Good

*Attested*  
*1/2*

*Attested*  
*1/2*

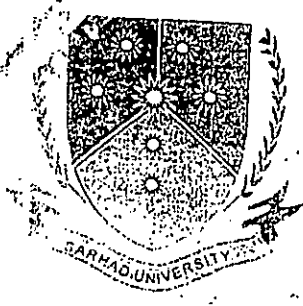
Director  
Distance Education

**HAFIZ UD DIN**  
Subject Specialist nes-17  
GUSS, Shar Kat Dik



10

Attested to be  
True copy  
Sami



# Sarhad University

OF SCIENCE & INFORMATION TECHNOLOGY PESHAWAR

Serial Number SUIT-2013-PRO-2293

Date issued: 31 May, 2014

## Provisional Certificate

This is to certify that Mr./Ms. Muhammad Sami Ullah Saad  
son / daughter of Mr. Saad Ullah Khan  
registration number SUIT-10-02-60157  
is a regular student of the Sarhad University of Science and Information Technology,  
Peshawar in the session 2010 - 2011

Mr./Ms. Muhammad Sami Ullah Saad has according to the result notification,  
issued by the University, passed the Master of Health & Physical Education - MSc.(HPE)  
Examination Annual/Supplementary held in 25 Jan - 22 Feb 2014 and secured 2nd  
division, obtained 357 marks out of 1850. He/she has already been issued  
a DMC by the Controller of Examinations. He/she will receive his/her degree in  
relevant convocation (if desired).

Mr./Ms. Muhammad Sami Ullah Saad bears good moral character and his/her  
conduct during his/her stay at the University from 08 Feb, 2010 to 15 May, 2014  
has been Very Good

*Attested*  
*10*  
**HAFIZ UD DIN**  
Subject Specialist UPS-17  
CHSS, S for Kot DIK

*Accepted*  
*10*  
**Director**  
Distance Education

(11)

Annex (C)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)**  
**DERA ISMAIL KHAN**

Toll: 09669280128-09669280131. Email: emisdkhan@gmail.com

**NOTIFICATION**

*Attested to  
be True copy  
Jam*

Consequent upon the recommendation of the Departmental Promotion Committee meeting held on 02.11.2019 and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education department Notification issued vide No.SO(PE)4-5/SSRC/Meeting/2012/Teaching cadre dated: 13/11/2012 and No:SO(PE)4-5/SSRC/Meeting/2012/Teaching cadre/2017 Peshawar dated:30/01/2018. The following (119) Senior Primary School Teachers (SPST) are hereby promoted to the post of Primary School Head Teacher (PSHT) BPS-15 (Rs.16120-1330-56020) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government in Teaching Cadre on the terms & conditions given below and are hereby adjusted at the stations noted against their names with immediate effect.

S. No	S/List No	Name of Teacher	Present Posting of School	Place of Posting	Remarks
1.	36	Haq Navaz	GMPS Gara Patt Khel	GPS No.3 Maddi	Against Vacant Post
2.	67	Mujeeb Ur Rehman	GPS Kot Dualt	GPS Jahan Khani	Against Vacant Post
3.	119	Allah Bekhsh	GPS Kotla Habib	GPS Garz Alam Khan	Against Vacant Post
4.	120	Allah Bekhsh	GPS Din Pur	GPS yara Mangi Khel	Against Vacant Post
5.	121	Muhammad Imran Khan	GPS Wanda Jamal	GPS Ghulam Abad	Against Vacant Post
6.	122	Muhammad Rafi	GPS No.1 Pantala	GPS Wafda Gandoer	Against Vacant Post
7.	123	Saif Ullah Khan	GPS No.1 Dhallah	GPS No.2 Umray Wali	Against Vacant Post
8.	124	Muhammad Iqbal	GPS Bhutasar Sherqi	GPS Bhutasar Sherqi	Against Vacant Post
9.	128	Sheikh Muhammad Younas	GPS Mohalla Mala Khel	GPS No.2 Daraban Kalan	Against Vacant Post
10.	129	Qaiser Abbas	GPS No.9 DIKhan	GPS Jewaya Sal	Against Vacant Post
11.	133	Asad Jaw Khan	GPS Behlol Khel	GPS Kot Attal Sharif	Against Vacant Post
12.	134	Shaina Rehman	GPS Looni	GPS No.3 Kulachi	Against Vacant Post
13.	137	Hafiz-Ur-Rehman	GPS No. 2 Paroa	GPS No.4 Paroa	Against Vacant Post
14.	138	Kazim Fustain	GPS Kachi Kath Jarh	GPS Sardar Ullah	Against Vacant Post
15.	140	Muhammad Bilal	GPS Basti Kamal Khel	GPS Kotla Lodhian	Against Vacant Post
16.	142	Karam Zaman Khan	GPS Himmat Wala	GPS Kot Rab Nawaz	He will actualize his promotion at GPS. Cor. Wait & He will take charge PSHT at GPS Kot Rab Nawaz after promotion of PSHT to SST
17.	146	Imran Aamad Khan	GPS Faizullah Korona	GPS Faiz Ullah Korona	Against Vacant Post
18.	147	Ashiq Ali	GPS Jhoke Quraishian	GPS Kat Kachi Paind Khan	Against Vacant Post
19.	148	Ghulam Abbas	GPS Awan	GPS Gara Qalander	Against Vacant Post
20.	149	Javed Iqbal Shah	GPS Muryali	GPS Jhoke Quraishian	Against Vacant Post
21.	153	Mamon Ur Rashid	GPS No.4 Daraban	GPS No.2 Kot Essa Khan	Against Vacant Post
22.	154	Syed Abbas	GPS Hassa	GPS Sadra Sharif	Against Vacant Post

12

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)**

**DERA ISMAIL KHAN**

Tel: 09669180128- 09669280131. Email: en.isdikhan@gmail.com

S. No	S/List No	Name of Teacher	Present Posting School	Place of Posting	Remarks
23.	156	Muhammad Sami Ullah Sand	GPS Jhoke Bilal	GPS Jhoke Mohana No.1	Against Vacant Post
24.	162	Aziz Ur Rehman	GPS Wanda Mehr Dil	GPS Burz Wali	Against Vacant Post
25.	165	Qamar Ud Din	GPS Zahir Abad	GPS Jhoke Amin	Against Vacant Post
26.	166	Muhammad Farooq	GPS No.1 Paroa	GPS Gish Kori	Against Vacant Post
27.	169	Sher Ali Khan	GPS No.2 Yarik	GPS-No.2 Takwara	Against Vacant Post
28.	171	Sultan Akbar	GPS Sardari Wala Shumali	GPS Umer Khel Shargi	Against Vacant Post
29.	172	Malik Saad Akhter	GPS Haji Abad	GPS Wanda Khokar	Against Vacant Post
30.	174	Mujeeb Rehman	GPS No.2 Maddi	GPS No.2 Maddi	He will dualize his promotion at GPS Kiri & he will take charge of SHIT at GPS No.2 Maddi after promotion of PSIT to SST
31.	181	Abdus Salam	GPS Chah Said Munawar	GPS Chah Mapal	Against Vacant Post
32.	183	Shafi Ullah	GPS No.3 Yarik	GPS Gara Udhal	Against Vacant Post
33.	184	Syed Nazir Hussain Shah	GPS Bait Maithia	GPS Bait Kalu Khan	Against Vacant Post
34.	185	Ghulam Raza	GPS Sheikh Mali	GPS Bait Dhawwa Kacha	Against Vacant Post
35.	187	Ghulam Abbas	GPS Gara Mohabat	GPS New Abadi Gara Mohabat	Against Vacant Post
36.	189	Bashir Ahmad	GPS Jal Wala Shumali	GPS Hayat Bochra	Against Vacant Post
37.	190	Tariq Adullah	GPS Dhanay Wali	GPS Wanda Shesha	Against Vacant Post
38.	191	Inayatullah	GPS Daraban Khurd	GPS Jhoke Jhedha	Against Vacant Post
39.	192	Muhammad Zahir Naseem	GPS No.1 Umray Wali	GPS Bhud Khel	Against Vacant Post
40.	193	Nazir Ahmad	GPS Jhoke Mozaan	GPS Wanda Shah Nawaz	Against Vacant Post
41.	196	Muhammad Ramzan	GPS Ameer Shal	GPS Rasool Abud	Demerged School
42.	197	Rehmatullah	GPS Kundi Abac	GPS Kohra Balochan	Against Vacant Post
43.	203	Sajjad Hussain	GPS Jhoke Hayat	GPS Jhoke Hayat	Against Vacant Post
44.	204	Ihsan Ullah	GPS Bhukki	GPS Ali Muhammad Rahwal	Against Vacant Post
45.	205	Abdul Jalceem	GPS Wanda Ablu	GPS Gara Nawabi	Against Vacant Post
46.	206	Mushtaq Ahmad	GPS No.2 Wanda Muazzam	GPS No.2 Wanda Muazzam	Against Vacant Post
47.	207	Saeed Ullah Jan	GPS Faqeer Abud	GPS Kaddam Khel	Against Vacant Post
48.	208	Fazal Rahman	GPS No.1 Ramak	GPS Ghumsan	Against Vacant Post
49.	215	Khalid Mahmood	GPS Saggu South	GPS Gara Mahmood	Against Vacant Post
50.	216	Farooq Ali	GPS Jhoke Gorlah	GPS Rora Nau	Against Vacant Post
51.	218	Gohar Zaman	GPS Ejaz Abac	GPS Gara Ashiq	Against Vacant Post
52.	223	Muhammad Ramzan	GPS Wanda Belochan Noon	GPS No.1 Sikander Jarubi	Against Vacant Post
53.	224	Sheik Ejaz Ahmad	GPS No.1 Paherpur	GPS Muaza Muhammad Hussain	Demerged School
54.	225	Abdu Qayyum	GPS No.1 Mangal	GPS No.2 Mangal	Against Vacant Post
55.	226	Qayyum Nawaz	GMPS Kiri Larki	GPS Mirbazi	Against Vacant Post

Noted to be face copy  
Done



13

GOVERNMENT OF PUNJAB  
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

Tel: 09669280128- 09669280131. Email: emisdikhan@gmail.com

S. No	S/List No	Name of Teacher	Present Posting of School	Place of Posting	Remarks
56.	228	Ghulam Mustafa	GPS Ghulamly Wala	GPS No.1 Budh	Against Vacant Post
57.	231	Qazi Aziz Ullah	GPS No. 2 Dhallah	GPS Kot Siggar	Against Vacant Post
58.	232	Muhammad Ashraf	GPS Gur nani	GPS Jhoke Makha	Against Vacant Post
59.	233	Mohsan Ali	GPS Noon	GPS Dewan Sahib	Against Vacant Post
60.	239	Abdul Qayyum Khan	GPS Cheikan	GPS Kikri Mallla Khel	Against Vacant Post
61.	240	Asmat-Ullah Khan	GPS Bacha Abad	GPS Kot Sultan	Against Vacant Post
62.	242	Muhammad Javed Iqbal	GPS Saggu Janubi	GPS Wanda Manjhi	Against Vacant Post
63.	250	Muhammad Iqbal	GPS Chal Khan Wala	GPS Jhoke Lal Khan	Against Vacant Post
64.	251	Muhammad Fazil Tabassum	GPS Ratta Kulachi	GPS Fazzal Abad	Against Vacant Post
65.	256	Mulazim Hussain	GPS Kacha Malana No.2	GPS Ghulam Koti	Against Vacant Post
66.	257	Ghulam Fareed	GPS Chah Mapal	GPS Tilokar	Against Vacant Post
67.	266	Ir ayat Ullah	GPS Wandi Bochra	GPS Jhoke Jabana	He will actualize his promotion at GPS Gara Sheikh & He will take charge PSHT at GPS Jhoke Jabana after promotion of PSHT to SST
68.	270	Muhammad Ramzan	GPS No.2 Rori	GPS Kot Kundian	Against Vacant Post
69.	273	Alah Nawaz	GPS Wanda Mochian Wala	GPS Khokhar Sharqi	Against Vacant Post
70.	274	Khalid Mehmood	GPS Wanda Mochian Wala	GPS Ijaz Abad	He will actualize his promotion at GPS Chitra Pind Gharbi & He will take charge PSHT at GPS Ijaz Abad after promotion of PSHT to SST
71.	278	Wazir Hussain Shah	GPS Kot Musa	GPS Kot Musa	Against Vacant Post
72.	282	Inam Ullah	GPS Gara Madda	GPS No.1 Haroon Abad	Against Vacant Post
73.	286	Ajaz Hassan	GPS Kotla Habib	GPS Pahor	Against Vacant Post
74.	288	Shah Alam Khan	GPS No.1 Khanu Khel	GPS Bahadari	Against Vacant Post
75.	291	Atdur Rehman	GPS Jatta	GPS Gara Rashid	Against Vacant Post
76.	292	Syed Zahir Hussain Shah	GPS Wandi Nadir Shah	GPS Kot Rasool	Against Vacant Post
77.	293	Saifullah	GPS Jhoke Muhammad Ramzan	GPS Basti Malik Mir	Against Vacant Post
78.	294	Faiz Ullah	GPS Singhar Sharif	GPS Wanda Balochana GU	He will actualize his promotion at GPS Jhoke Rind & He will take charge PSHT at GPS W Balochana GU Abad after promotion of PSHT to SST
79.	295	Muhammad Saleem	GPS Mehar Abad	GPS Kacha Dabari	Against Vacant Post
80.	297	Muhammad Farooq	GPS Rakh Mangon	GPS Dulat Pur Mundi	Against Vacant Post
81.	302	Muhammad Hanif	GPS Basti Sadiq Abad	GPS No.2 Jhoke Mohana	Against Vacant Post
82.	304	Nak Ali Shah	GPS Wanda Balochan CRBC	GPS Zarkanni	Against Vacant Post
83.	309	Syed Inayat Hussain Shah	GPS Zafarabad Colony, DIF Khan	GPS Gara Mureed Shah	Against Vacant Post

Wanted to be PSC copy from

14

GOVERNMENT OF KHYBER PAKHTUNKHW  
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

Tel: 09669280128- 09669280131. Email: emisdikhan@gmail.com

Attested to be True copy  
Jame

S. No	S/List No	Name of Teacher	Present Posting of School	Place of Posting	Remarks
84.	311	Nazir Ahmad	GPS No. 1 Paroa	GPS Jhoke Tahir Khel	Against Vacant Post
85.	312	Ameer Hussain Shah	GPS Said Alljan	GPS Said Alljan	Against Vacant Post
86.	314	Asmatullah	GPS Makkar	GPS Malakhi	Against Vacant Post
87.	315	Zulfiqar Ali	GPS Wanda Dhoorh	GPS Wanda Khaji	Against Vacant Post
88.	316	Gulzar Hussain	GPS Rakh Civil Band Kurai	GPS Asif Abad	Against Vacant Post
89.	317	Muhammad Arif	GPS Kohwar	GPS Gandi Ashiq	Against Vacant Post
90.	318	Gulam Saddique	GPS Gara Abdullah	GPS Gara Abdullah	Against Vacant Post
91.	319	Zia Ud Din	GPS No. Chowdwan	GPS Gattar	Against Vacant Post
92.	320	Muhammad Jamal-Ud-Din	GPS Fateh Mandoo Gara Abdullah	GPS Basti Lang	Against Vacant Post
93.	324	Farhat Ali	GPS Rulnow	GPS Khiara Fathe Muhammad	Against Vacant Post
94.	325	Sami Ullah	GPS Biq wani Shaumai	GPS No.2 Wanda Dau	Demerged School
95.	326	Hameed Ullah	GPS No. 1 Ramak	GPS Mochani	Against Vacant Post
96.	327	Rehmat Ullah	GPS Karrar	GPS Rori	Against Vacant Post
97.	328	Khalil Ahmad	GPS Pahore	GPS Adil Sipra	Against Vacant Post
98.	329	Muhammad Imtiaz	GPS K ilachi Wala	GPS Tilker	Against Vacant Post
99.	330	Muhammad Ramzan	GPS Band Kurai	GPS Risaldar Abad	Against Vacant Post
100.	331	Malik Muhammad Rafiq	GPS Noon	GPS Wanda Balochan Noon	Against Vacant Post
101.	332	Ghafoor Ahmad	GPS Jhoke Machi	GPS Jhoke Mahaj	Against Vacant Post
102.	333	Muhammad Hanif Rehmani	GPS Gara Muhammad Akbar	GPS No.2 Gara Bakhtiar	Against Vacant Post
103.	335	Meharban	GPS No.1 Musa Khar	GPS Wanda Kali	Against Vacant Post
104.	336	Imam Bakhsh	GPS Gara Ghaus Shah	GPS Jhoke Muhammad Rarizan	Against Vacant Post
105.	337	Allah Nawaz	GPS No. 1 Mahra	GPS Lunda Para	Against Vacant Post
106.	338	Allah Dad Khan	GPS No.3 Chowdwan	GPS Gara Matt	Against Vacant Post
107.	339	Ihsanullah	GPS Ahmad Abad	GPS Zaman Tilokar	Against Vacant Post
108.	340	Abdul Latif	GPS Saidu Wali	GPS Wanda Shoru	He will actualize his promotion at GPS Mir Alam & He will take charge PSHT at GPS Wanda Slieru after promotion of PSHT to SST
109.	341	Mubashir Hussain	GPS No.1 Paharpur	GPS Khushrana	He will actualize his promotion at GPS Thalfan & He will take charge PSHT at GPS Khushrana after promotion of PSHT to SST
110.	343	Hamid Ullah	GMPS Arabia Hashmia Band Kurai	GPS Ghebhi	Against Vacant Post
111.	345	Shahzada Kamran Saleem	GPS-Chah. Bare Wala	GPS Sheikh Raju	He will actualize his promotion at GPS Chira Pind Sharfi & He will take charge PSHT at GPS Sheikh Raju after promotion of PSHT to SST

15

**GOVERNMENT OF KHYBER PAKHTUNKHW**  
**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)**  
**DERA ISMAIL KHAN**


Tell: 09659280128- 09669280131. Email: emisdikhan@gmail.com

*Attested to  
be true copy  
Jami*

S. No	S/List No	Name of Teacher	Present Posting of School	Place of Posting	Remarks
112.	346	Muhamniad Pervez Khan	GPS Kamboh Sharif	GPS Thata Balochan	Against Vacant Post
113.	347	Syed Akhtar Abbas Shah	GPS Kachi Khaisore	GPS Kirri Khaisore	Against Vacant Post
114.	349	Muhamniad Hanif	GMPS Muhammadia Rangpur	GPS Shah Hassan Khel.	Against Vacant Post
115.	350	Muhamniad Ramzan	GPS No.2 Rehmani Khel	GPS Kata Khel	Against Vacant Post
116.	351	Muhamniad Imran Farooqi	GPS Dhandla	GPS Dhorra Solhan	Against Vacant Post
117.	354	Asif Ali Khan	GPS Kacha Malana No.2	GPS Buchri	Against Vacant Post
118.	355	Syed Altaf Hussain Shah	GPS No.2 Paharpur	GPS Chah Pai Wala	Demerged School
119.	356	Mazhar Hussain	GPS Bilot Sharif	GPS Wanda Yarik	Against Vacant Post

**Terms & Conditions:**

1. On their promotion, the teacher concerned will be on probation for a period of one year in terms of section-6(2) of Khyber Pakhtunkhwa civil servant act 1973 read with rule 15 (1) of civil servant (Appointment, promotion & Transfer) rules 1989.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their service can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded under the rules from time to time.
4. Their inter-se-seniority on lower post will remain intact.
5. They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to them in the light of this order will be recovered and if they are wrongly promoted they will be reversed.
6. They should join their post within 15 days of the issuance of this notification. In case of failure to join their posts within 15 days of the issuance of this notification, their promotion will expire automatically and no subsequent Appeals will be entertained.
7. Necessary entry should be recorded in their original service books.
8. Charge report should be submitted immediately to all concerned.
9. Before handing over charge, the concerned DDOs must check their original documents.
10. No. TA/DA is allowed.

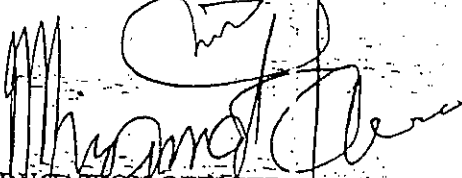
  
(MUSSARAT HUSSAIN)  
DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

Endst: No. 1931-2056

Date: 18 / 1 / 2020

Copy is forwarded for information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Peshawar.
3. District Comptroller of Accounts DIKhan.
4. District Monitoring Officer (IMU) District DIKhan.
5. All Sub Divisional Education Officers (Male) in District DIKhan.
6. Officials concerned.
7. Master File.

  
DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

16

Annex <sup>10</sup>  
D

Attested to  
be True Copy  
Jinn



OFFICE OF THE DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN  
Tel: 7900-9280128-8280131  
Email: imiedkhan@gmail.com

ORDER

Consequent upon the recommendation of the Departmental Promotion Committee and in pursuance of the Director Elementary and Secondary Education KPK Notification No.SO/(B&A)/1-1 & B&A/E/2012 dated 11/07/2012 the following PSHT/SPST are hereby promoted in the post of P.E.T (BPS-15) (R+16120-1330-56020) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government. In teaching cadre with effect from the date of taking over charge:-

PROMOTION PSHT/SPST TO P.E.T (BPS-15)

SN	S.L.#	Name of Official	Present place of posting	Date of Birth	Poste / at	Remarks
1	173	Mujeeb-ur-Rehman, PSHT	GPS No.2 M. idd -	11-03-1972	GMS Mirbaqi DIKhan	A.V.P

Terms and Conditions:-

1. They would be on probation for a period of one year extendable for another one year
2. He will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time in case their performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Promotion is subject to the condition that the certificates of B.A/P.E.T must be verified from the concerned authorities by the DDO (concerned). Any one found producing bogus certificate will be reported to the law enforcing agencies for further action.
5. Charge reports should be submitted to all concerned.
6. Their Inter-se-seniority on lower post will remain intact.
7. No. TA/DA etc is allowed.
8. They will give an under taking to be recorded in their service book to the effect that if over payments is made to him in the light of this order will be recovered and if he is wrong promoted he will be reversed.
9. Before handing over charge once again their original documents may be checked if have not the required relevant qualifications as per rules, they may not be handed charge of the post.

Sd/-  
DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

Idst: No. 10942-51 /AE-III/Promotion/PET Dated D.I.Khan the 20 / 5 /20:

Copy forwarded for information and necessary action to the:-

- Director, E&SE Khyber Pakhtunkhwa Peshawar.
- District Comptroller of Accounts D.I.Khan.
- PS to the Secretary to the Govt: of KPK E&SE, Department Peshawar.
- Principals/Headmasters, GHSS/GHS/GMS concerned.
- District Monitoring Officer, (IMU) D.I.Khan.
- All the Sub Divisional Education Officers (M) District D.I.Khan
- Accountant Middle Male Schools local office.
- Candidate concerned.
- Master file.

DISTRICT EDUCATION OFFICER  
(MALE) DERA ISMAIL KHAN

(17)

Annex (E)

To

The Director,  
Elementary and Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

(E)

Through Proper Channel

Attested to  
be True copy

*Janne*

Subject: **DEPARTMENTAL APPEAL/REPRESENTATION  
AGAINST THE IMPUGNED PROMOTION ORDER  
ENDST: NO 10942-51 DATED 20/05/2020.**

Respected Sir,

Applicant humbly submits as under,

1. That the appellant is serving as PSHT BPS(15) at GPS Jhoke Mohana No.1 Dera Ismai Khan.
2. That appellant possesses the qualification of M.Sc(HPE) and SDPE. Documents attached.
3. That as per Government policy, there exists 20% quota for promotion as PET(BPS-15) from amongst the primary school head teachers on the basis of Seniority-cum-fitness. The requisite qualification is Bachelor's degree with one year Junior Diploma in Physical Education course or Army equivalent or other equivalent qualification.
4. That appellant is the senior most PSHT who possesses the requisite qualification and placed at S.No. 23 (S/list No. 156) of notification No. 1931-2056 dated 18/01/2020. Copy attached.
5. That one, Mr. Mujeeb Ur Rehman, (PSHT) GPS No.2 Maddi has been promoted as PET who ranked at S/list No. 174, much junior to the appellant, vide impugned order No. 10942-51 dated 20/05/2020.



6. That impugned order was issued in violence of service laws, rules, promotion policy and vividly based on nepotism. Promotion of junior is the sheer violation of seniority and service right of the appellant for promotion as PET has been infringed.

7. That worthy courts has already given verdicts that SDPE is higher qualification than JDPE. The candidate possessing qualification as SDPE cannot be deprived or denied for promotion or appointment, where qualification for promotion or appointment, as JDPE is required. Moreover, as per subject analysis, both JDPE and SDPE merged into M.Sc (HPE). The honorable Peshawar High Court has also decided the same controversy vide

- I. Writ Petition No. 350-D/2014 titled Maria Hina Vs Govt Of KPK decide on 21/02/2017.
- II. Writ Petition No. 652-D/1999 titled Muhammad Azam etc Vs Govt Of NWFP etc decide on 02/05/2000.
- III. Writ Petition No. 719-D/2002 titled Muhammad Sarwar Vs Govt Of NWFP etc decide on 04/10/2002.
- IV. Writ Petition No. 408-D/2014 titled Mst Nadia Sweet Vs Govt Of KPK and others decide on 24/01/2017.
- V. Writ Petition No. 266-D/2015 titled Liaqat Hussain Vs Govt Of KPK etc decide on 24/01/2017.

8. That DPC and promoting/competent authority was also very much aware from these facts and were acquainted with the decisions of worthy apex courts. Even then, by not following the policy and decision of apex courts creates doubts which clearly lead toward the involvement of element of nepotism.

**It is, therefore, most humbly prayed that on acceptance of instant departmental appeal the impugned promotion order of Mujeeb Ur Rehman Endst No. 10942-51 dated 20/05/2020 may kindly be set-aside**

*Requested to be  
True copy  
Domic*

20  
No. 509

RGL12608862

Anne E. E. / 1

For Insurance Notices see reverse.  
Stamps affixed except in case of  
insured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgment is due.

Rs. 1.05  
50

Received a registered letter addressed to \_\_\_\_\_ Date-Stamp \_\_\_\_\_

Initials of Receiving Officer \_\_\_\_\_  
\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) \_\_\_\_\_ (in words) \_\_\_\_\_

If insured.

Insurance fee Rs. \_\_\_\_\_ P. \_\_\_\_\_ (in words) \_\_\_\_\_ Grams \_\_\_\_\_

Name and address of sender \_\_\_\_\_  
3 \_\_\_\_\_

19

and appellant, being senior most PSHT possessing the requisite qualification, may kindly be promoted as Physical Education Teacher(PET)

Dated: 03/06/2020

Yours' humble Appellant

*Sami*

Muhammad Sami Ullah Saad  
PSHT EPS(15) at GPS  
Jhoke Mohana No.1 Dera  
Ismail Khan.  
Mob No. 0346-7845001

*Requested to  
be True copy  
Sami*

(21)

Annex (F)

To

The Director,  
Elementary and Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

No # 3246  
Received

Through Proper Channel

02/01/2020  
District Education Officer  
(Male) Dera Ismail Khan

Subject: **DEPARTMENTAL APPEAL/REPRESENTATION**  
**AGAINST THE IMPUGNED PROMOTION ORDER**  
**ENDST: NO 10942-51 DATED 20/05/2020.**

Respected Sir,

Applicant humbly submits as under, \_

1. That the appellant is serving as PSHT BPS(15) at GPS Jhoke Mohana No.1 Dera Ismail Khan.
2. That appellant possesses the qualification of M.Sc(HPE) and SDPE. Documents attached.
3. That as per Government policy, there exists 20% quota for promotion as PET(BPS-15) from amongst the primary school head teachers on the basis of Seniority-cum-fitness. The requisite qualification is Bachelor's degree with one year Junior Diploma in Physical Education course or Army equivalent or other equivalent qualification.
4. That appellant is the senior most PSHT who possesses the requisite qualification and placed at S.No. 23 (S/list No. 156) of notification No. 1931-2056 dated 18/01/2020. Copy attached.
5. That one, Mr. Mujeeb Ur Rehman, (PSHT) GPS No.2 Maddi has been promoted as PET who ranked at S/list No. 174, much junior to the appellant, vide impugned order No. 10942-51 dated 20/05/2020.

22

Amex 'G'

To

The Director,  
Elementary and Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.


Through Proper Channel

Subject: **DEPARTMENTAL APPEAL/REPRESENTATION**  
**AGAINST THE IMPUGNED PROMOTION ORDER**  
**ENDST: NO 10942-51 DATED 20/05/2020.**

Respected Sir,

Applicant humbly submits as under,

1. That the appellant is serving as PSHT BPS(15) at GPS Jhoke Mohana No.1 Dera Ismail Khan.
2. That appellant possesses the qualification of M.Sc(HPE) and SDPE. Documents attached.
3. That as per Government policy, there exists 20% quota for promotion as PET(BPS-15) from amongst the primary school head teachers on the basis of Seniority-cum-fitness. The requisite qualification is Bachelor's degree with one year Junior Diploma in Physical Education course or Army equivalent or other equivalent qualification.
4. That appellant is the senior most PSHT who possesses the requisite qualification and placed at S.No. 23 (S/list No. 156) of notification No. 1931-2056 dated 18/01/2020. Copy attached.
5. That one, Mr. Mujeeb Ur Rehman, (PSHT) GPS No.2 Maddi has been promoted as PET who ranked at S/list No. 174, much junior to the appellant, vide impugned order No. 10942-51 dated 20/05/2020.

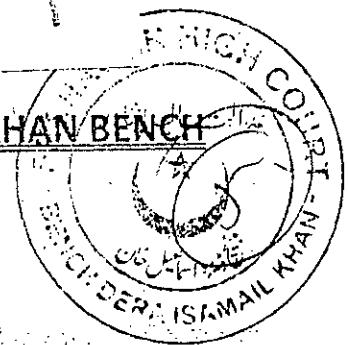
  
Sub-Divisional Education  
Officer (M) Pw: D.I. Khan  
10/6/2020

(23)

2

Annex 4A

**BEFORE THE PESHAWAR HIGH COURT DIKHAN BENCH**



Writ Petition No. 350 /2014

1. **Maria Hina** daughter of Muhammad Bilal (Late), wife of Ansar Jamil, Caste Hargan resident of Jamil House, New Bannu Chungi Falak Abad, Kachi iend Khan, DIKhan.

..... (PETITIONER)

**VERSUS**

1. Government of KPK, through chief secretary, Peshawar.
2. Secretary education KPK, Peshawar.
3. The Director E&SE (Elementary and secondary Education) KPK, Peshawar.
4. DEO (District Education Officer) Female, D.I.Khan.

..... (RESPONDENTS)

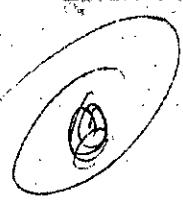
PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973

**Note:** Addresses given above shall suffice the object of service and all necessary and proper parties have been arrayed as respondents.

Filed today 14/5/14  
At: Registrar  
14/6/14

*Chaudhry Jaleel Ahmad*

ATTESTED  
*[Signature]*  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan



Respectfully Sheweth:

1. The petitioner is a permanent resident of D.I.khan and is well educated, skilled, honest and efficient citizen. Copies of the educational documents are annexed as Annexure "A".
2. The respondent No.3 (DEO, D.I.Khan) issued advertisement which was published on 1<sup>st</sup> January, 2014. The petitioner applied for the post of PET BPS-15 mentioned at serial No. 3 of the advertisement. The minimum required qualification for the post of PET was mentioned as BA/B.Sc or equivalent along with 01 year **Junior Diploma in Physical Education** (hereinafter referred as JDPE). Copy of the advertisement is annexed as Annexure "B".
3. That petitioner having Qualification as SSC, HSSC, Graduation, Master in health & Physical education, Senior Diploma in Physical Education (hereinafter referred as S<sup>B.Ed</sup> DPE), applied for the post of PET. The test was conducted by NTS. The petitioner scored good passing marks. Copy of Result slip is annexed as Annexure "C".
4. The National testing services declared its result, wherein at serial No. 262 petitioner's name was shown. Consequently vide appointment order No. 5029-35 dated 28.05.2014, petitioner was appointed as PET and posted at GGMS Panaila. Copy of short list and appointment order is enclosed as Annexure "D & E", respectively.
5. That soon after petitioner submitted her arrival report and took charge in GGMS Paniala, District D.I.Khan. Copies of arrival report and charge certificate are enclosed as Annexure "F".
6. That vide impugned order No. 5289-95 dated 29.05.2014, the appointment order of petitioner was cancelled by respondent No. 3 on the ground that eligibility criteria for the post of PET was BA and JDPE. Copy whereof is Annexed as Annexure "G".

Filed today 4/5/14

Add: Registrar 14/6/14

Attested & Filed

ATTESTED  
 EXAMINOR  
 Peshawar High Court Bench,  
 Dera Ismail Khan

7. Thereafter, the petitioner moved an application to the respondent No. 3 for clarification of her educational status which brought no fruit to her. Copy of the application is enclosed as Annexure "H".
8. That the present petitioner is left with no option but to invoke the constitutional jurisdiction of this august Court in the matter for the annulment of orders dated 29.05.2014 by respondents No.3, on inter alia, following grounds:

**G R O U N D S**

- a. That the impugned cancellation order No. 5289-95/PET/F in dated 29.05.2014 is against law, without jurisdiction and is violative of the principles of justice and the rules of equity as well.
- b. That Respondent No.3 misconceived either by error or by malades the two courses i.e. JDPE and S. DPE. The former is junior diploma in health and physical education while later is senior diploma in health and physical education. In order to take admission in JDPE, the required eligibility for a student is SSC (Post materic diploma) whereas eligibility requirement for admission in S. DPE is Graduation (Post graduate Diploma). Course outlines of both the courses are one and the same. Copies of course outline of both the diplomas is annexed as "annexure H"
- c. That Senior Diploma in Health and physical education (SDPE) is equivalent to M.Sc Health and physical education Part-I.  
Prospectus of Sarhad University and Gomal university are annexed as "Annexure J & K"
- d. That whenever any post is advertised in any national press, the minimum required qualification is desired from the candidates. The candidates, who possess more qualification,

Filed today

4159

At: District

14/6/14

Examined & cleared

ATTESTED  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan





are always given preference but order in question dated 29.05.2014 is against law, fact, rules and justice. Having higher degree i.e master in health and physical education and senior diploma in health and physical Education did entitle her to earn benefit on any pretext whatsoever, and respondent No. 3 could not be allowed to place a ridiculous and absurd construction upon the word "JDPE". The minimum qualification against the post of PET was B.A and JDPE. The petitioner is master in health and physical education.

e. That petitioner, being the citizen of this State, deserves to be treated in accordance with law and the discrimination meted out to her without any rhyme or reason, deserves a matching judicial response. That so many citizens have been appointed as PET on the basis of S DPE.

That counsel for the petitioner may please be allowed to raise additional grounds during the course of arguments.

Filed today 14/5/14  
 Addl: Registrar.  
 14/6/14

*Attested*

It is thus humbly prayed that on acceptance of this petition, the impugned order No. 5289-95/PET/F dated 29.05.2014 of respondent No. 3 be declared as illegal, sans jurisdiction and devoid of lawful authority; and respondents/functionaries, especially respondent No. 3 be directed to consider petitioner for appointment against the post of Physical Education Teacher in BPS-15, and petitioner be allowed to continue her services, with such further relief as deemed appropriate in attendant circumstances of the case with costs.

ATTESTE  
 14-5-2014  
 EXAMINOR  
 Peshawar High Court Bench,  
 Dara Ismail Khan

6.

27

8

13/06/2014

Your humble petitioner,

*Maria Jinnah*  
Maria Hina

Through counsel:-

*Muhammad Abdullah Baloch*  
Attorney

Muhammad Abdullah Baloch

CERTIFICATE

Certified that petitioner has not filed a writ petition regarding the subject controversy, earlier in this august Court.

Filed today

*u/s 59*

Add: Registrar.

*14/6/14*

13/06/2014

*Maria Jinnah*  
Petitioner

LIST OF BOOKS

1. The Constitution of Islamic Republic of Pakistan, 1973.
2. Judicial Precedents, to be cited at the time of hearing, if required.

13/06/2014

*Muhammad Abdullah Baloch*  
Petitioner's counsel

NOTE

Writ petition with annexures along-with three sets thereof being presented in separate file covers.

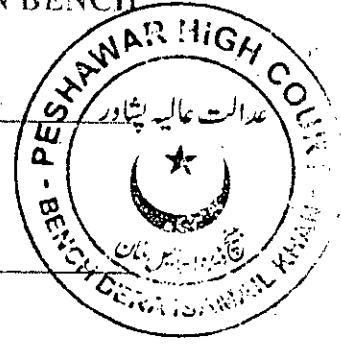
13/06/2014

ATTESTED  
*[Signature]*  
EXAMINOR  
Punjab High Court Bench,  
Gura Ismail Khan

*Muhammad Abdullah Baloch*  
Petitioner's counsel

JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH  
(Judicial Department)

wP No. 350-D of 2014



JUDGMENT

Date of hearing 21-2-2017

Appellant-petitioner (Maria Hina) by

M/s Jehanzeb Ahmad Chughtai & Muhammad Abdullah Baloch Advocates

Respondent (Govt. of KPK Workers) by

Mr. Kamran Hayat Mianthel AAG

MUHAMMAD AYUB KHAN, J. Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner Mst. Maria Hina seeks the following relief:-

*Handwritten signature/initials on the left margin.*

"It is thus humbly prayed that on acceptance of this petition, the impugned order No.5289-95/PET/F dated 29.5.2014 of respondent No.3 be declared as illegal, sans jurisdiction and devoid of lawful authority; and respondents/functionaries, especially respondent No.3 be directed to consider petitioner for appointment against the post of Physical Education Teacher in BPS-15, and petitioner be allowed to continue her services."

2. As per contents of the petition, respondent No.3 advertised certain posts in the year 2014. The petitioner applied for the post of PET BPS-15 for which minimum required qualification was mentioned as BA/B.Sc or equivalent alongwith one year Junior

ATTESTED  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

Diploma in Physical Education. The petitioner having qualifications of SSC, HSSC, Graduation, Master in Health & Physical Education, Senior Diploma in Physical Education and B.Ed applied for the post of PET. After conduct of test, the NTS declared result, wherein the petitioner's name appeared at serial No.262 and consequently, she was appointed as PET vide order dated 28.5.2014 and posted at GGMS, Panyala. On the following day i.e. on 29.5.2014, appointment order of the petitioner was cancelled on the ground that eligibility criteria for the post of PET was B.A and JDPE, hence the instant petition.

*Handwritten notes:*  
 1  
 2  
 3

3. It is the stance of respondent No.4 in her comments that the petitioner lacks the requisite minimum qualification of JDPE for the post of PET and thus she is not entitled to be appointed as PET.

4. We have heard the arguments of learned counsel for the parties and have gone through the available record.

5. This Court time and again held that possessing higher qualification than the required minimum qualification would not be sufficient to deprive a candidate from appointment provided the candidate

*Signature*  
 EXAMINOR  
 High Court Bench,  
 Dera Ismail Khan

successfully got through the screening test. Reliance in this respect can safely be placed on the judgments of this Court rendered in W.P.No.652 of 1999 (Muhammad Azam etc. Vs. Govt: of NWFP etc decided on 02.5.2000, W.P.No.719 of 2002 (Muhammad Sarwar etc. Vs. Govt: of NWFP etc. decided on 04.10.2002, W.P.No.408-D/2014 (Mst. Nadia Sweet. Vs. Govt: of Khyber Pakhtunkhwa and others) decided on 24.01.2017 and W.P.No.266-D/2015 (Liaqat Hussain. Vs. Government of KPK etc) decided on 24.01.2017).

Amir

6. Admittedly, the petitioner is possessing Senior Diploma in Physical Education (SDPE) alongwith degree of Master in Health & Physical Education which is higher qualification than the Junior Diploma in Physical Education (JDPE), required for appointment to the post of PET and on this ground alone, the petitioner could not be denied appointment. The qualifications mentioned by the petitioner in the petition have not been denied by the respondents in their comments. It is also not denied that the petitioner has not got through the screening test. In such view of the matter, the petitioner was entitled to be appointed as PET.

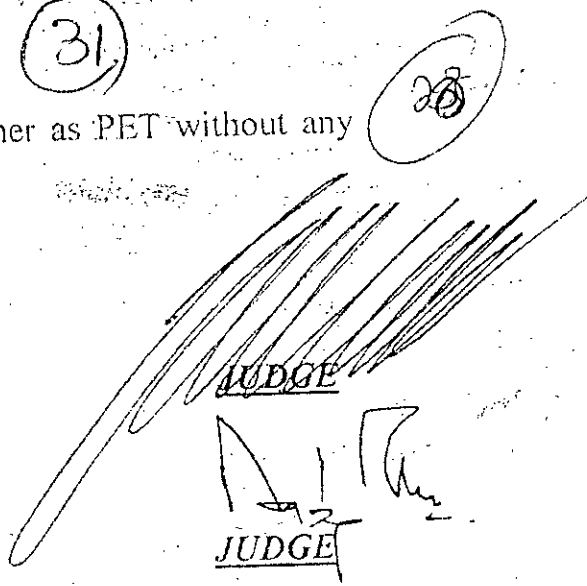

7. For the reasons mentioned above, we allow the instant petition and direct respondent No.4 to issue

EXAMINOR  
High Court Bench,  
Dera Ismail Khan

(31)

appointment order of the petitioner as PET without any  
delay.

Announced:  
Dt: 21.02.2017.  
Habib/\*

  
JUDGE  
  
JUDGE



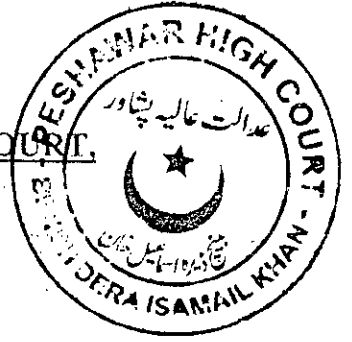
*2/3*

3487

G.P.No. \_\_\_\_\_  
Application Received on 05-02-2017  
Copying Fee deposited Rs \_\_\_\_\_  
No of Papers 10-Page  
Copying Fee 04  
Urgent Fee \_\_\_\_\_  
Total Fee 40  
Copy ready for delivery 05-09-2017  
Copy delivered on 05-09-2017  
Signature of Examiner \_\_\_\_\_  
05-09-2017

05-09-2017  
Certified to be true Cop.  
EXAMINOR  
Peshawar High Court Bench D I Khan  
Authorized Under Section 97 of  
Gandhi-Sadar-Act

BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
DERA ISMAIL KHAN BENCH.



Writ Petition No. 1/08 -D of 2014

Mst. Nadia Sweet daughter of Inayatullah, caste Bamuzai, wife of Muhammad Shamas-ud-Din resident of Mohallah, resident of Mohallah Kirri Alizai, D.I.Khan.

Petitioner

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Peshawar.
3. Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Female), Education Department, D.I.Khan.
5. National Testing Service (NTS) through Chief Executive Officer, Headquarter Office. 96, Street No. 4, Sector H-8/1, Islamabad.
6. In-charge, NTS Regional Office, Rahatabad Colony, Peshawar.
7. Mst. Shumaila daughter of Muhamamd Shafi, resident of D.I.Khan, care of respondent No.4, appointed as PET at GGMS Basti Dir Khan Wali, D.I.Khan.
8. Mst. Humera Nausheen daughter of Javed Is'Haq, resident of D.I.Khan, care of respondent No.4, appointed as PET at GGMS Ejaz Abad, D.I.Khan.
9. Mst. Anam Noor daughter of Mushtaq Ahmad, resident of D.I.Khan, care of respondent No.4, appointed as PET at GGMS Nad Ali Shah, D.I.Khan.
10. Mst. Kanwal Mehrin daughter of Kamil Nawaz, resident of D.I.Khan, care of respondent No.4, appointed as PET at GGMS Chah Mughal, D.I.Khan.
11. Mst. Rashida Bibi daughter of Muhammad Shareef, resident of D.I.Khan, care of respondent No.4, appointed as PET at GGMS Sarhi Faqir, D.I.Khan.

Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF

ATTESTED  
EXAMINOR  
Peshawar High Court Bench  
Dera Ismail Khan

PAKISTAN, 1973 TO DECLARE THE APPOINTMENTS OF RESPONDENTS NO.7 TO 11 ON THE POST OF 'PHYSICAL EDUCATION TEACHER' VIDE LETTER NO.5029-35/PET/F DATED 28/05/2014 ISSUED BY THE RESPONDENT NO.4 AS WITHOUT JURISDICTION, WITHOUT LAWFUL AUTHORITY, AGAINST MERITS AND INEFFECTIVE UPON RIGHTS OF THE PETITIONER ACCRUED TO HER BY DINT OF HIGH MERIT POSITION.

*Respectfully Sheweth,*

1. That the petitioner is permanent and bona-fide resident of District D.I.Khan and she is also qualified for the post of Physical Education Teacher because of having "Senior Diploma in Physical Education (S.D.P.E)" along with higher qualification of M.Sc. Health & Physical Education. Copies of professional Degree (SDPE) and Academic Certificates of the petitioner are enclosed as Annexure A & B.

2. That the respondent No.4 through an advertisement dated 06/01/2014, placed in the national dailies, invited applications from interested candidates for appointment on the vacancies of various teaching cadres including Physical Education Teacher (PET). Passing of NTS Test by the candidate was an essential requirement and a candidate could apply to five schools for a vacancy of same cadre. The required qualification was mentioned as "BA/BSc or equivalent degree from recognized University with 01 year Junior Diploma in Physical Education or Arme etc. Copy of the Advertisement is enclosed as Annexure C.

3. That the petitioner being eligible for the post of PET owing to higher education i.e. Senior Diploma in Physical Education with M.Sc.

ATTESTED:  
 05 EXAMINOR  
 Dera Ismail Khan  
 Dera Ismail Khan High Court Bench



Health & Physical Education applied for five posts of Physical Education Teacher (PET) i.e. at 1.GGMS Basti Dirkhan Wali, 2.GGMS Ejaz Abad 3.GGMS Nad Ali Shah, 4.GGMS Chah Mughal Wala and 5.GGMS Sarhi Faqir, D.I.Khan.

4. That the petitioner appeared in the NTS, passed the test and in the final merit list, she secured 105.78 Marks. The petitioner is/was on merit for her appointment against the post of PET at all the five schools i.e. for GGMS Basti Dirkhan Wali, GGMS Ejaz Abad, GGMS Chah Mughal Wala and GGMS Sarhi Faqir the petitioner was at Merit No.2 on all these four school whereas for GGMS Nad Ali Shah the petitioner was on merit No.3. Copies of the NTS Roll Number Slip and NTS Merit List are enclosed as Annexure D & E respectively.
5. That the respondents No.1 to 4 due to malafide, favouritism and political victimization did not include the name of petitioner in the GGMS Basti Dirkhan Wali, GGMS Nad Ali Shah and GGMS Sarhi Faqir. Thus petitioner as required by the letter No.4193-A dated 15/05/2014. (Annexure F) moved an application/objection (Annexure G) to include her name in the said schools. But respondents refused the said application/objection and made appointment of below merit candidates i.e. respondents No.7 to 11 on all the five schools vide appointment letter No.5029-35/PET/F dated 28/05/2014 (Annexure H) issued by the respondent No.4; and thereby discriminated the petitioner due to malafide, favouritism, nepotism and political victimization.
6. That the petitioner obtained 105.78 Marks on all the five school and the merit comparison of petitioner with impugned appointees i.e. respondents No. 7 to 11 is given as under:

TESTER  
 05 EXAMINOR  
 High Court Bench,  
 Dera Ismail Khan

Rspdt No.	Name	Sl. No. in impugned Appointment letter	School	Marks Obt.
7	Shumaila	8	GGMS Basti Dirkhan Wali	103.19
8	Humera Nosheen	9	GGMS Ejaz Abad	102.62
9	Anam Noor	11	GGMS Nad Ali Shah	99.33
10	Kanwal Mehrin	16	GGMS Chah Mughal Wala	93.91
11	Rashida Bibi	19	GGMS Sarhi Faqir	92.87

The respondents due malafide and by misusing their official authority/capacity appointed below merits candidates being blue eyed cherish. Therefore, aggrieved of the impugned appointment letter to the extent of appointment of respondents No. 7 to 11 and having no other remedy, the petitioner wants to invoke constitution jurisdiction of this Honourable Court to declare impugned appointment as illegal, unlawful, void, and to direct the respondents No. 1 to 6 to appoint the petitioner being high merit candidate on. inter alia, the following grounds:

**GROUNDS:**

- i. That, depriving the petitioner from appointment besides her competency, eligibility and high merit, amounts deprivation of petitioner of her fundamental, legal and Constitutional rights.
- ii. That the impugned appointments of the respondents No.7 to 11 are against law, in violation of the merit and transparency, without jurisdiction, without lawful authority and having no binding effect upon rights of the petitioner accrued to her by high merit position for all the five schools i.e. 1.GGMS Basti Dirkhan Wali, 2.GGMS Ejaz

ATTESTED:  
 05 EXAMINOR  
 Jeshwar High Court Bench,  
 Dera Ismail Khan

Abad 3.GGMS Nad Ali Shah, 4.GGMS Chah Mughal Wala and 5.GGMS Sarhi Faqir, D.I.Khan.

- iii. That the petitioner obtained 105.78 Marks on all the five school and the merit comparison of petitioner with impugned appointees i.e. respondents No. 7 to 11 is given as under:

Rspdt No.	Name	Sl. No. in impugned Appointment letter	School	Marks Obt.
7	Shumaila	8	GGMS Basti Dir Khan Wali	103.19
8	Humera Nosheen	9	GGMS Ejaz Abad	102.62
9	Anam Noor	11	GGMS Nad Ali Shah	99.33
10	Kanwal Mehrin	16	GGMS Chah Mughal Wala	93.91
11	Rashida Bibi	19	GGMS Sarhi Faqir	92.87

Official respondents due malafide and by misusing their official authority/ capacity appointed below merits candidates being blue eyed cherish. Hence, a great injustice has been done to the petitioner.

- iv. That the petitioner despite having superior merit position, higher education and Senior Diploma in Physical Education has been discriminated due to malafide and without any lawful justification. This fact itself is sufficient to prove that how the respondents have ignored high merit just to award their favourite candidates. The impugned appointment are as such are liable to be cancelled.

- v. That the impugned appointments are contrary to the policy of provincial government and are made just to oblige political figures of the area.

INTERESTED  
 EXAMINOR  
 Dera Ismail Khan  
 High Court Bench

- vi. That the impugned appointments of below merits candidates are unconstitutional and are wanton aggression upon rights of the petitioner.
- vii. That the counsel for petitioner may be allowed to argue additional grounds at the time of arguments.

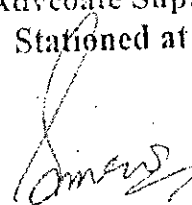
It is, therefore, humbly prayed that on acceptance of this Writ Petition and by declaring the appointments of respondents No. 7 to 11 as illegal, unlawful and void, the same may please be cancelled with the direction to official respondents No. 1 to 6 particularly the respondent No.4 to issue appointment letter to the petitioner being high merit holder. Any other appropriate relief, which this Honourable Court deems fit in the circumstances of case, may please be granted to the petitioner.

Yours Humble Petitioner

(Mst. Nadia Sweet)  
Through Counsel



AHMAD ALI  
Advocate Supreme Court,  
Stationed at D.I.Khan.

  
MISS SHUMAILA AWAN  
Advocate High Court, D.I.Khan

Dt. 02/06/2014

REGISTERED  
EXAMINER  
Gushawar High Court Bench,  
Dera Ismail Khan

Filed today

Advt. Registrar

2/01/14

JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
D.I.KHAN BENCH

(Judicial Department)

W.P.No.408-D/2014

Mst. Nadia Sweet

Versus

Government of K.P.K and ten others

JUDGMENT

Date of hearing: 24.01.2017

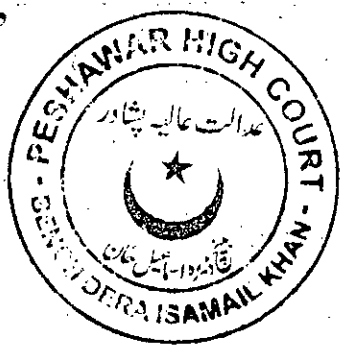
Appellant-petitioner By Mr. Ghulam Ali Khan  
& Miss Shumila Anam, Advocates

Respondent By Mrs. Muhammad Asid, Yasir  
Zakia Advocates & Kamran Hayat Mianhel  
AAQ

ISHTIAQ IBRAHIM, J.- Through the present petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner Mst. Nadia Sweet seeks the following relief:-

*"It is, therefore, humbly prayed that on acceptance of this Writ Petition and by declaring the appointments of respondents No.7 to 11 as illegal, unlawful and void, the same may please be cancelled with the direction to official respondents No.1 to 6 particularly the respondent No.4 to*

Imran/\*



ATTESTED  
*[Signature]*  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

issue appointment letter to the petitioner being high merit holder. Any other appropriate relief, which this Honourable Court deems fit in the circumstances of case, may please be granted to the petitioner".

2. It was the petitioner's case that she had applied for her appointment as Physical Education Teacher (PET) through National Testing Service on the basis of 'Senior Diploma in Physical Education (S.D.P.E)', in response to an advertisement dated 06.01.2014, published by respondent No.4. As per averments in the writ petition, in advertisement the required qualification for the post was mentioned as 'B.A./B.Sc' or equivalent degree from recognized University with 01 year Junior Diploma in Physical Education Course or Army etc and the petitioner being eligible for the post applied against five posts. She appeared in test and interview and secured 105.78 marks and was on-merit for her appointment but the respondents No.1 to 4 did not include her name in merit list. The petitioner moved an application/objection with request to

Iniran P.S/\*

ATTESTED  
 05-08-2020  
 EXAMINOR  
 Guwahati High Court Bench,  
 Dibrugarh

include her name in the merit list but they refused the same and made appointment of below merit candidates i.e. respondents No.7 to 11 vide appointment letter No.5029-35/PET/F dated 28.5.2014, therefore, the petitioner left with no other option but to invoke constitutional jurisdiction of this Court by filing the present writ petition.

3. Respondent No.4 submitted comments according to which the petitioner did not have Junior Diploma in Physical Education (JDPE) which is basic requirement for the post of PET, therefore, her appointment was not made by the District Selection Committee.

4. We have heard the arguments of learned counsel for the parties and have gone through the record.

5. The record reveals that as per certificates annexed with the writ petition and relied upon by the petitioner, she is holder of certificate/Senior Diploma in Physical Education (SDPE) with M.Sc. Health & Physical Education which is higher qualification than the Junior

Imran P.S/\*

TESTED  
EXAMINOR  
High Court Bench,  
Dera Ismail Khan

Diploma in Physical Education (JDPE), therefore, the candidate possessing higher qualification could not be deprived of appointment as PET for which the minimum required qualification is F.A./F.Sc. with JDPE while the petitioner is holding M.Sc. degree with SDPE. Admittedly, the petitioner appeared in test and interview and secured 105.78 marks while appointed candidates i.e. respondents No.7 to 11 secured 103.19, 102.62, 99.33, 93.91, 92.87 marks respectively.

6. In judgment dated 02.5.2000 in W.P.No.652 of 1999 titled '*Muhammad Azam etc Vs. Govt. of NWFP etc*, and judgment dated 04.10.2002 in W.P.No.719 of 2002 titled '*Muhammad Sarwar etc Vs. Govt. of NWFP etc*', this Court has already held that in view of higher qualification possessed by the candidate than the required minimum qualification for the post of PET and he/she successfully got through the screening test, he/she could not be deprived from his/her appointment.

Imran P.S/\*

TESTED  
EXAMNOR  
High Court Bench,  
Dera Ismail Khan



42

50

7. In view of the fact that the qualification possessed by the petitioner is higher than the one required for the post of Physical Education Teacher (PET), we allow this writ petition and direct respondent No.4 to issue appointment order of the petitioner without any delay. Learned Addl: A.G. and representative of official respondents stated at the bar that certain posts of PET are lying vacant, therefore, in the circumstances the appointment of the petitioner be made against vacant post of PET and the appointment of respondents No.7 to 11 shall not be affected.

Announced.  
Dt:24.01.2017.

*[Handwritten signature]*  
JUDGE  
*[Handwritten signature]*  
JUDGE

*File  
 No 08/2/17*

Certified to be true Copy  
 05-09-2020  
 EXAMINER  
 Peshawar High Court Bench D.I.K  
 Authorized Under Section 9, Act  
 Qanoon-e-Shahadat, A.C

Imran P.S.\*

G.R.No. 3486  
 Application Received on 05-09-2020  
 Copying Fee Deposited Rs ---  
 No of Papers 11 Page  
 Copying Fee ---  
 Urgent Fee ---  
 Total Fee 441  
 Copy ready for delivery on 05-09-2020  
 Copy delivered on 05-09-2020  
 Signature of applicant [Signature]  
05-09-2020



OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (MALE) DERA ISMAIL KHAN

No. 2166

Date: 01/2/2010

The Controller of Examinations  
G.O. D. S. D. 10/1/2010  
Dera Ismail Khan

Attested to be  
True  
Jami

Subject: VERIFICATION OF CERTIFICATE/DEGREE  
Memo

Enclosed please find here with the photocopies of the certificate / degree. Kindly verify the original degree / diploma / certificate of the following teachers for the verification and return to the office at your earliest.

S.No.	Name of the Teacher	Designation	Particulars
1	محمد الیاس	PS HT	M.C. (HPE) Fall 2009
	محمد الیاس	EPS	P.O. No. 10-SP-31712
			SDHP (Education) Fall 2009
			P.O. No. 09-SP-12723
			-18303

Jami  
Sub-Divisional Education Officer  
(Male) Dera Ismail Khan

No. 2324

(44)

Dated: 02/5/2020

From;

Sub Division Education Officer (M)  
Dera Ismail Khan.

ATTACHED to  
BE TRUE COPY

*Sam*

To;

Sarhad University Science & Information Technology  
Peshawar.

Subject:

**VERIFICATION OF TWO CERTIFICATES IN R/O MUHAMMAD SAMI ULLAH (PSHT) GPS JHOKE MOHANA-1 DIKHAN**

Memo;

It is stated that two certificates for verification was sent to your office vide Endst: No. 2166 Dated 01-02-2020 in R/o Muhammad Sami Ullah Saad (PSHT) GPS Jhoke Mohana-1 DIKhan but yet not received from your end, while the case of promotion of the said teacher is ready.

Hence it is requested that the verification may be sent to the undersigned please.

Endst: 2324

1. Photo copy of the letter already sent.
2. Photocopy of Bank receipt
3. To photocopy of certificates
4. Receipt No. 12428598 dated:30-01-2020 Allied Bank Circular Road DIKhan.
5. Receipt No. 12428599 dated:30-01-2020 Allied Bank Circular Road DIKhan.

*SA*  
Sub Division Education Officer (M)  
D.I.Khan

**Copy forwarded to:**

1. Concerned teacher for information.

*Sam*  
Sub Division Education Officer (M)  
D.I.Khan  
Sub-Divisional Education Officer (M) P/o: D.I.Khan

(45)

Annex (J)

CER (MALE)



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

Tel: 09669280128-09669280131. Email: euntdikhan@gmail.com

**CORRIGENDUM**

In partial modification of this office order Endst: No.1921-2056 dated: 18/01/2020 the competent authority is pleased to revise the place of posting of PSHTs BPS -15 as mentioned against each:

S. No	Promotion Order S. No.	Name of Teacher	Instead of	Read as	Remarks
1.	18	Ashiq Ali	GPS Kat Kachi Palud Khan	GPS Jhoke Quralshian	
2.	30	Javed Iqbal Shah	GPS Jhoke Quralshian	GPS Fatch Mandu	
3.	33	Qamar Ull Din	GPS Jhoke Muhammad Amin	GPS Wanda Balochan Noon	
4.	34	Ghulam Raza	GPS Nali Dhawa Kacha	GPS Gara Mureed Shah	He will resume the charge after promotion from PSHT to SST
5.	41	Muhammad Rainzan	GPS Rasool Abad	GPS Kushrana	
6.	43	Abdul Haleem	GPS Qarn Nawahl	GPS Wanda Kali	He will resume the charge after promotion from PSHT to SST
7.	47	Saeed-Ullah Jan	GPS Kaddam Khel	GPS Shalkh Raju	
8.	54	Abdul Qayyum	GPS No.2 Mangal	GPS Gur Wali	He will resume the charge after promotion from PSHT to CT
9.	60	Abdul Qayyum	GPS Kikri Malla Khel	GPS Bigwani Janubi	He will resume the charge after promotion from PSHT to SST
10.	70	Khalid Mehmood	GPS Ijaz Abad	GPS No.2 Ramak	
11.	71	Wazir Hussain Shah	GPS Kat Musa	GPS Thallan	He will resume the charge after promotion from PSHT to PET
12.	78	Farid Ullah	GPS Wanda Balochan GU	GPS No.1 Jhoke Mohana	
13.	82	Naik Ali Shah	GPS Zarkanni	GPS Kat Kachi Palud Khan	
14.	83	Syed Inaynt Hussain Shah	GPS Gara Mureed Shah	GPS Kanjal	
15.	100	Malik Muhammad Rafiq	GPS Wanda Balochan Noon	GPS Wanda Balochan GU	He will resume the charge after promotion from PSHT to SST
16.	103	Mehrbab	GPS Wanda Kali	GPS Thatha Balochan	He will resume the charge after promotion from PSHT to CT
17.	106	Allah Dad Khan	GPS Gara Matt	GPS Jandi Bahar	
18.	109	Syed Mubashir Hussain Shah	GPS Kushrana	GPS Risaldar Abad	He will resume the charge after promotion from PSHT to CT
19.	111	Shahzada Kamran Saieem	GPS Shalkh Raju	GPS Ijaz Abad	He will resume the charge after promotion from PSHT to SST

Method to  
Toulo copy  
Jan

This corrigendum is effective with effect from the date of issue of promotion order of above named officials bearing Endst: No.1921-2056 dated: 18/01/2020.

**Note:**

1. Corrigendum order issued vide this office No.3387-3417 dated: 31/01/2020 is hereby withdrawn.
2. Charge report should be submitted immediately to all concerned.
3. No. TAVDA is allowed.

Sd-

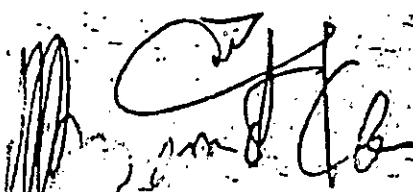
DISTRICT EDUCATION OFFICER (MALE)  
DERA ISMAIL KHAN

Endst: No. 3619-45 F/PSHT/Corrigendum

Dated: 01/02/2020


Copy is forwarded for information to:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Comptroller of Accounts DIKhan.
3. District Monitoring Officer (IMU) District DIKhan.
4. All Sub Divisional Education Officers (Male) concerned in District DIKhan.
5. Officials concerned.
6. Master File.

  
 DISTRICT EDUCATION OFFICER (MALE)  
 DERA ISMAIL KHAN

**M.W.F.P. BAR COUNCIL**

**MUHAMMAD ABDULLAH**  
 Advocate High Court  
 N.C. 12101-0988149-7  
 S.No. 1288



Islamic Authority

46

وکالت نامہ

کورٹ  
فیس

Before the KPK Service Tribunal KPK Peshawar

Appellant

Muhammad Samiullah Saad Govt of KPK etc

Service Appeal

باعث تحریر آنگہ

Muhammad Abdullah Baloch AHC Dikhan

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دی برائے پیشی یا تفسیر مقدمہ نامہ  
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا ہوں گا اور ہر وقت نکالنے والے مقدمہ وکیل صاحب  
 موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی ذمہ سے کسی طور میرے خلاف ہو گیا تو صاحب  
 موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف مقدمہ تمام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل  
 بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جبکہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے  
 پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے نہ  
 کو کس ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذمیری  
 نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ ایضاً بر حلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے  
 تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوفی ذمیری ایک طرف یا درخواست حکم امتحانی یا قرتی  
 یا گرفتاری قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادا نگلی علیحدہ عن بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ  
 از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مقررہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی  
 اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے  
 اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانب اجراء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر  
 صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت  
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔  
 مورخہ 08 مارچ 2020

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Sami

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

TB

Appeal No. .... 10518 ..... of 2020

..... Muhammad Sami ..... Appellant/Petitioner  
Versus

..... Through Secy. Edus. Dept. Pesh. ..... Respondent  
Respondent No. .... 4 .....

Notice to: -

Mujeeb ur Rehman, (PET) Govt. Middle School Mirbazi Dera Ismail Khan.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 25-5-2020 at 8.00 A.M. If you wish to urge anything against the appeal/petition you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 5 Day of March 2021

at Camp Court D.I. Khan

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

*Regd*

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

*TB DIK*

No.

Appeal No. 10518 of 20 ..

Muhammad Sami Appellant/Petitioner

Versus

Through Secretary Education KPK Peshawar Respondent

Respondent No. 04

Notice to: — MUJEEB UR REHMAN (PET) Govt Middle School Mirbazi  
Dera Ismail Khan.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....24.11.2021.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....13th.....

Day of.....October.....20 21

(AT Camp Court)  
D. I. Khan

for Eubhan  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. *Regd*

*TB DIL*

Appeal No. *10518* of 20 *21*

*Muhammad Sami Dilch* Appellant/Petitioner.

Versus

*Through Secy = (F&SE)* Respondent

Respondent No. *1*

Notice to: *Mirjeek ur Rehman (PET) GMS*  
*Mirbaizi Dilchan*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this...*10*.....

Day of *at camp court* *6* *21*

*DILCH*

*[Signature]*

*[Signature]*  
Registrar,

Khyber Pakhtunkhwa Service Tribunal  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.