21.07.2022

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.5800/2021 titled "Syed Anwar Shah Vs. Government of Khyber Pakhtunkhwa" on 28.09.2022 before D.B.

(Fareena Paul) Member(E) (Rozina Rehman) Member (J)

28.09.2022

Junior to counsel for the appellant present.

Nascer Ud Din Shah, learned Assistant Advocate General alongwith Muhammad Shah, for respondents present.

File to come up alongwith connected Service Appeal No. 5800/2021 titled "Syed Anwar Shah Vs. Government of Khyber Pakhtunkhwa" on 14.12.2022 before D.B

(Farceha Paul) Member (E) (Rozina Rehman) Member (J) 15.09.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

Chairman

03.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.05.2022 for the same as before.

Reader

16.05.2022

Junior of learned counsel for the appellant present. Mr. Naseer ud Din Shah, Assistant Advocate General for the respondents present.

File to come up alongwith connected Service Appeal No.5800/202 titled "Syed Anwar Shah Vs. Education Department" on 21.07.2022 before the D.B.

(Rozina Rehman) Member (J) (Salah-Ud-Din) Member (J) 02.08.2021

Counsel for the appellant present. Preliminary arguments heard.

After hearing the preliminary submissions of learned counsel for the appellant, a question because due for examination whether the condition of at least second class Bachelor Degree provided in the notification dated 24.07.2014 setting down the method of recruitment for the positions in the said notification with particular reference to the phrase "at least" used with the said academic qualification apparently giving expression of minimum; and in extension its effect when the education is improved by acquiring degree in 2nd Division or above in the higher examination. Obviously, the question formulated above relates to interpretation of the policy and the notification related therewith having prospect even to prevent the litigation in future, if the question is finally settled by this Tribunal. Therefore, this appeal is The appellant is directed admitted for regular hearing. 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, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 28.09.2021 before the D.B.

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FORM OF ORDER SHEET

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Cons. No.	500	/2021
Case No		/2021

	Case No	<u> </u>
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/06/2021	The appeal resubmitted today by Mr. Noor Muhammad Khatta Advocate may be entered in the Institution Register and put to the Worth Chairman for proper order please.
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>orlogical</u>
		CHAIRMAN
•	-	

The appeal of Mr. Naib Ali SCT GHS Kirman, District Kurram received today i.e. on 28.05.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order is not attached with the appeal which may be placed on it.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Annexures-B, D and F of the appeal are illegible which may be replaced by legible/better
- 4- Annexures of the appeal may be attested.
- 5- Appeal has not been flagged/marked with annexures marks.
- 6- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 915 /S.T.

Dt. 28/05 /2021

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **PESHAWAR**

NAIB ALI

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VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Impugned notification dt: 24.07.2014	В	8-13
4.	Judgment dt: 28.01.2016 & 05.04.2016	C & D	14-19
5.	Notification	E	20
6.	Departmental appeal	F	21
11.	Vakalat nama		22

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **PESHAWAR**

Kingher Pakirtukhwa Service Prisunal

APPEAL NO. /2020

Mr. Naib Ali, SCT (BPS-16),

GHS kirman, District Kurram Parachinar...... APPELLANT

VERSUS

- 1-The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
- 2-The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3-The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4-The Director Elementary & Secondary Education Department, Khyber Pakhtunkhwa Peshawar.
- 5-The District Education Officer, (male) District Kurram Parachinar.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE PAKHTUNKWA SERVICE TRIBUNAL ACT, 1974 AGAINST INACTION OF THE RESPONDENTS CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF S.S.T (BPS-16) ON THE BASIS HAVING BACHELOR DEGREE IN 3RD DIVISION AND AGAINST THE SERVICE RULES NOTIFIED ON 24.7.2014 WHEREBY THE CONDITION OF BACHELOR 2ND DIVISION HAS BEEN INSERTED IN SERIAL NO.1B, COLUMN NO.3(i) OF THE TABLE AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTY DAYS

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PRAYER:

That on acceptance of this appeal the impugned service Rules dated 24.7.2014 may kindly be modified to the extent that the condition of Second Division/Class be expunged/deleted from Column No.3 (i), serial No.1B of the table and the respondents may kindly be directed to consider the appellant for promotion to the post of Secondary School Teacher (BPS-16) from the date when his Colleagues and junior colleagues were promoted with all consequential back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

R/SHEWETH: ON FACTS:

Brief facts giving rise on the present appeal are as under:

- 1- That appellant was initially appointed as certified teacher and than promoted to SCT and right from appointment till date the appellant is serving the respondents department quite efficiently and of to the entire satisfaction of his superiors.
- 3- That it is pertinent to mention here that the respondents issued the impugned notification dated 24/07/2014 whereby the post of secondary school teacher was restructured and 20 % promotion quota to the aforementioned post was reserved for certified Teacher. That according to the said notification required qualification for initial recruitment as well as promotion was mentioned as second class bachelor degree. Copy of impugned notification dated 24/07/2014 is attached as annexure.
- 4- That it is pertinent to mention here that the respondents denied promotion to some colleagues of the appellant to the post of SST due to having third class bachelor degree. That feeling aggrieved some colleagues filed writ petitions which were allowed in favor of petitioners vide judgment dated 05/04/2016 and 28/01/2016 and consequently they were promoted to the post of SST. Copies of the judgments dated 28/1/2016 and 05/04/2016 are attached as annexure. C & D
- 5- That it is worth mentioning that appellant was also denied promotion due to having third class bachelor degree despite the fact that appellant is having second division in higher qualification i.e. master in Arts and Pashto.
- 6- That appellant being a similar placed employee approached the respondents to extend him the benefits of above mentioned judgments, but still in vain.

- 8- That appellant feeling aggrieved filed Departmental appeal before the appellate authority but of no avail. Copy of the departmental appeal is attached as annexure F.
 - 9- That feeling aggrieved and having no other remedy the appellant filed the instant appeal on the following grounds amongst the others.

GROUNDS:

- A- That the impugned notification dated 24/07/2014 to the extent of second class bachelor degree for promotion is against the law facts and judgment of Peshawar high court, hence not tenable and liable to be modified and the words second class be expunged only for promotion purpose.
- B- That the petitioner 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 appellant is entitled to be promoted to the post of SST from due date in light of judgments of Peshawar high court by attracting principle of consistency as mentioned in 2009 SCMR 1.
- D- That appellant has second division in higher qualification i.e master and entitle to be promoted from due date in light of notification dated 15/12/2011.
- E- That as per sedction-9 of the Civil servant Act, 1973 read with rule 7 of the appointment, promotion and transfer rules, 1989 the appellant is fully entitle for promotion to the post of SST (BPS-16).
- F- 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: 28/5/2021

APPELLANT Mails

NAIB ALI

THROUGH:

NOOR MOHAMMAD KHATTAK

ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

NAIB ALI

VS EDUCATION DEPTT: & OTHERS

<u>AFFIDAVIT</u>

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.

DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

CERTIFICATION

Anibersity of Peshabat

(PAKISTAN)

SESSION AMOUNT 1996

KURRAM ASENCY

held in April 1997

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Master of Arts

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University of Aeshawar

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(PAKISTAN)
Passed/Re-appeared Compartment

DETAILED MARKS CERTIFICATE

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Roll No., 5.2.5.3.

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widu	15.0	71	seventy one	
Economics	150	59	Fifty nine	
Pak. Studies	40	16	Sixteen	
Islamignt	60	39	Thirty nine	
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Total	1550	1234	Two hundre	

The Examination was taken as a-whole/in parts.

No.

Dated ...35

CONTROLLER OF EXAM

sett: District Education Officer
pper Kurram at Parachinar



OFFICE OF THE DISCTRICT EDUCATION OFFICER KURRAM AT PARACHINAR

SERVICE CERTIFICATE

Certified that Mr A cub Ali	S/O <u>/</u>	Merdan Ali is regular Govt
Servant working in Education Department as	SCT	at CHS Kirman District
Kurram since 11-04-1987		

. His/Her basic Pay Rs. 53 870/ -

Dated 20/2/2020

District Education Officer
Kurram at Parachinar

GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th july, 2014.

NOTIFICATION:-

NO.SO(PE)4-5/SSRC/Meeting/2013/Teaching cadre:-in pursuance of the provision contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa civil servants' (appointment ,promotion and transfer)rules, 1989,the elementary & secondary education department in consultation with the establishment department and the finance department hereby direct that in this department 's notification 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 13.11.2003and notification 5/SSRC/meeting/2012/teaching cadre,dated,13.11.2012,the following further amendments shall be made, snamely:

AMENDMENTS

IN THE APPENDEX,-

(i) Serial no.1shall be renumbered as 1b and before serial no.1b, as so renumbered ,the following new entries shall be inserted in respective col-

1 2	a vew chitres shall be inserted in respective columns, namely:				
"1 Subject specialist (BPS-17) I. at last second class master's degree or four years BS degree in the relevant subject; and ii. Bachelor of education or master of education (industrial art or business education) or M.A education or equivalent from a recognized university	4 23 to 35 years	(a)fifty percent by promotion on the basis of seniority-cum-fitness, for the relevant subject from the amongst the secondary schoolteacher (BP-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 recruitment; and (b) fifty percent by initial recruitment			

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		from a recognized university		basis of seniority-cum-
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		**		education teachers
				(BPS-16), with at least
				five years service as
				senior physical
				education teacher and
				having qualification
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Against serial No 1B as so renumbered for the existing entries, the following shall be substituted in respective columns,

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		basis of seniority- cum-fitness, from qaaris at least five years service as such and having qualification
		mentioned in column No .3 (f) Twenty percent from amongst the primary school if teachers (BPS-16)
:		With at least seven years service as primary school head teachers and senior primary school teacher and primary school and having
	;	qualification mentioned in column No.3 Provided that if no available candidate is available from amongst.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT.

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre: - In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No SO(G)S&LD/1-28/2003/Vol-11 dated, 09-04-2004, and Notification No.SO(PE) Notification No.SO(G)\$&L/1-69/06/Vol=1/DPE/LIB dated, 13-11-2007, 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13:11:2012, the following further amendments shall be made, namely:

AMENDMENTS

Serial No. I shall be renumbered as IB and before Serial No. 1B, as so renumbered, the following new entries shall be In the Appendix,-

(i)·.	- Serial No. 1 shall	be renumbered as 10 and 09		5
. 132 1 	inserted in respec	tive columns, namery	4	(a) Fifty per cent by promotion, on the basis
"1.	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and		of seniority-cum-fitness, for the read- subject from amongst the Secondary School subject from amongst the Secondary School
		ii. Buchelor of Education or Master el Education (Industrial Art or Business Education) or MA Education or equivalent gualification from a recognized University.		Teachers (BPS-10), and having qualification seringe 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 promotions quota shall be filled by initial



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ecriutment and and reciruitment. (a) Fifty percent by promotion, on the basis of seniority-cum-filness, from amongst Senior Physical Education Teachers (BPS-16), with physical Education Teacher and Physical Education Teacher and Physical Education Teacher and Physical Education Teacher and having qualification Teacher and having qualification Teacher and having qualification mentioned in column No. 3:	provided that if no suitable person is available from amongst Senior Physical Edication Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from basis of seniority-cum-fitness, amongst the Physical Education Teachers, amongst the Physical Education Teachers, and unith at least five years service as such and having qualification mentioned in column housing qualification mentioned in column	Note:- If no suitable candidate is avoilable in the relevant cadres of the above teachers the post falling in their promotion quota shall be filled by initial recruitment; and the filly percent by initial recruitment; and
22-35 years		}
At least second class Master's Degree in Physical Education from a recognized University.		
Director Physical Education (BPS-17)		
X	· · · · · · · · · · · · · · · · · · ·	

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

"1B. Secondary School Teacher (BPS-16) 1. At least second class packed years. Degree's from a recognized years. University on need basis from the following groups with two subject (a) (Chemistry, Botany or Zoology), Or five years served.	cent by promotion, on the y-cum-fitness, from the in the following manner: from amongst the Senior
(c) (Humanities and other equivalent groups at degree level with English as compulsory subject;	ers (BPS-10); which wice as Senior Certified Certified Teacher and fication mentioned in I that if no suitable available from amongst I Teachers for promotion
and 11. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University. (b) four per cent Erawing Maste Five years ser	tall be filled by promotion, of seniority-cum-fitness, Certified Teachers, with cars service as such and fication mentioned in ters(BPS-16), with at leasing Drawing Masters and ification mentioned in fication mentioned in

	Provided that if no sintal candidate is available from tamont	93113
	candidate is available points Senior Drawing Masters for promoti then the post shall be filled by promotio on the basis of seniority-cum-filme from amongst Drawing Masters with least five years service as such a having qualification mentioned column No. 3;	on. Ess, al
	(c) four per cent from amongst the Sen Arabic Teachers(BPS-16), with at le five years service as Senior Ara Teachers and Arabic Teachers, C having qualification mentioned column No.3: Provided that if no suite	ibje and in ible igst
	Sentor Arabic Teachers for promotion the post shall be filled promotion, on the basis of senior cum-fitness, from Arabic Teachers to at least five years service as such having qualification mentioned column No. 3:	by ity- iith and in
	(d) four per cent from amongst the Ser Theology Teachers(BPS-10), with at h five years service as Senior Theol Teachers and Theology Teachers having qualification mentioned column	logy and

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Provided that it 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



SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst : of even No & date:



- The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
- The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
- The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
- The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
- The Accountant General Khyber Pakhtunkhwa Peshawar.
- The Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
- The Director of Education (FATA) Peshawar.
- The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
- 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 Peshowar.
- 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 Pakhtunkhua. Peshawar.
- 🗠 Master file

(ZAMIN KHAN MOMAND) SECTION OFFICER (PRIMARY)

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PESHAWAR HIGH COURT BANNU BENCH

FOR OF ORDER SHEET

(- -	
Date of order	Order or other proceedings with signature of judge(s)
or other	
proceedings	\\
(1)	(2)
28/01/2016	W.P No. 73-B-2014,
	Present: Mr. Ali Jan Khan advocate for petitioner
	MUHAMMAD GHAZANFAR KHAN (J):- The
	petitioner namely Mumtaz Khan S/O Guli Jan, through the
	instant Constitutional petition under Article 199 of the
	Constitution of Islamic Republic of Pakistan 1973, seeks
ľ	issuance of directions to the respondents/department to
	consider him for promotion in the post of SST in BPS-16 in
	view of the Departmental Promotion Committee meeting
	held on 18.01.2014.
	2 We have board learned served for the matter
	2. We have heard learned counsel for the petitioner and
	gone through the available record of the case.
	3. Perusal of record transpires that the petitioner has passed
	BA in third division while as per Notification bearing No.
	SO(III)S/SSR(Y)III, dated 18.1.2011, the minimum
	qualifications for the post of SST (BPS-16) are Second
	Class Bachelor's degree or MA in Education or Bachelor's
	Degree in Education. The record further shows that the
	petitioner has also passed M.Ed during the year 2000 in
	second division and M.A History and Pak Study during the
	session 2003 in second division and M.A. History and Pak
	Study during the session 2003 in second division.
	4. In wake of the above, we direct the respondents to
	consider the petitioner for promotion to the post of SST
	(BPS-16) in the next Departmental Promotion Committee
	meeting on the basis of his degree in MA. History and Pak
	Study coupled with M.ED qualifications. The writ petition
	is disposed of in the above terms.
	ANNOUNCED
	28.01.2016



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FORM OF ORDER SALEET

Date of order,	Order or other proceedings with signature of hidge(s)
or others.	
proceedings :	
(I)	
in Gira ann an	WP No.73-B-2014.
28/01/2016	Present: Mr. Ali Jan Khan advacate for petitioner.
	MITHAMMAD KIHAZARRAK KILAN KERMINALIKAN
	petitioner, namely, Maintal Alienskontol Calcilan,
1	petitioner, namely application of the first the second distribution of the
	through the instant Constitutional peritions inter-
i.	dirongs the instance Congression in the congression
11	Article 199 of the Constitution of Islamic Republic
	of Pakistan 1973, seeks issuance of directions to the
1;	
	respondents/department to consider him was
	promotion to the post of SST in BPS-16-in wien of
	the Departmental Promution Committee meeting
1	
	held on 18-01-2014.
	2 We have heard learned counsel for the
	The many of the state of the st
ATT NOTH !	petitioner and gone through the available recorded
35/1	pentioner and gone thiongs are a series
(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	the case.
	13. Perusal of record transpires that the
	petitioner has passed WA in third division whiteas
	The Statistical Denting No.SO(Plant)
	Sparse by anti- dated 1901/2011, the minimum
Signal Commen	The method as the Bus-16 high
Collins of the Land	qualifications for the post of SST (BPS-10) and
	A Secretary of the Secr
	second chan Inchelor's degree, or MA is it
	Education or Uncheben's degree in Education. Tile
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the petitioner has year 2000 in sand Pak Study d

passed M.r.d during the year 2000 in second division and M.A. History and Pak Study during the session 2003 in second division.

respondents: to consider the petitioners for promotion to the post of SST (BPS-16) in the next.

Departmental Promotion Committee meeting on the basis of his degree in MA-Elstory and Pale.

Study counted with M.Ed qualifications. The wait petition is disposed of in the above terms.

Sal- Ikraniuliah Khania

ANISOUNCEDE 28/01/2016. Sill-Mulannand Charanter Khan, I

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH

JUDICAIAL DEPARTMENT

Write Petition No. 1014-A/2015

JUDGMENT

Date of hearing:

05.04.2016

Petitioner:

Mohammad bari by for Abdul sohail Advocate

IKRAMULLAH KHAN, J.- Through the instant Writ petition under Article 199 of the Islamic Republic of Pakistan, 1973 the petitioner se4eks declaration to the effect that the act of respondent No.03 Whereby the promotion notification dated 28-10-2014 was withdrawn vide impugned notification dated 24-04-2014 on the ground of having qualification of B.Sc (3rd division) is illegal and without lawful authority and against the judgment of this court passed in W.P.No.58-B of 2014.

- In essence, the petitioner was initially appointed as Certified Teacher and as per entitlement, later on promoted to the post of Senior Certified Teacher (BPS-16) vide notification dated 28.10.2014 where after the petitioner assumed the charge of the said post on 30-10-2014 and after performing his duties to the satisfaction of his competent authority, on 24-04-204-15 respondent No.03 has passed the impugned notification and, as such, the promotion order of the petitioner was withdrawn on the ground of having B.Sc in third division.
- 3. Comments were called from respondent No.03 who filed the same, averring therein that through petitioner was promoted to the post of SST vide notification dated 28-10-2014 by respondent No.2 but on scrutinizing his qualification documents, it was found that petitioner was not eligible for promotion to the post of SST being B.Sc third divisioner, hence, his promotion order was de-notified by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and on the direction of Director the promotion order of the petitioner was withdrawn vide impugned notification dated 24.04.2015.
- 4. It has further been averred in the comments that promotion order of the petitioner was withdrawn on the ground of B.Sc third division and it was done in light of policy circulated vide Notification No.SO(PE)4-5/SSRC/meeting/ 2013 / teaching cadre dated 24.7.2014 according to which the method of recruitment fo SST was specified with a



first condition of at least second class BA/B.Sc from a recognized university on need basis wht tow relevant subject along with second condition of MA education or B.Ed from the recognized university further averred that it is the prerogative of the government enhance, modify or after the promotion of rules of his own choice.

- 6. the main contention of learned counsel for the petitioner is that this court has already declared the condition of having third division as null and void in its judgment dated 4.6.2015 and the case of the petitioner is on better footing for the reason that in the referred judgment the petitioner had not been appointed but so far as the case of the petitioner is concerned, he was duly promoted rather received its benefits from 28.10.2014 to 24.4.2015 and thus, the impugned order is illegal, without lawful authority and jurisdiction.
- 7. Admittedly, the petitioner was duly promoted to the post in question of 28.10.2014 after the departmental promotion committee evaluated his case/PERs.
- 8. now the question for the termination before this court would be that when the petitioner actually performed his duties on the promoted post and that two for six long moths then who the respondent No.3 could withdrawn earlier promotion order on the pretext of having B.Sc third division.
- 8. it appears form the record that a division bench of this had already declared the condition of having third division as null and void in its judgment dated 4.6.2015 which fact has also been affirmed by the respondent No.3 in his comments by stating that they were not aware of that judgment at the time of withdrawal of the impugned promotion of the petitioner and when the case of the present of the petitioner is at per with date of the petitioner there rather on better footing because the petitioner was not only promoted to post in question but he performed his duties for six long months and received its benefits, the impugned past by respondent NO.3 is required set at naught.
- 9. it is also avail settle principal of law that once benefit is granted to a civil servant, cannot be take in back from him and, if so very stringent from reasons are required for the same, which are not available in the case in hand more so, when the promotion order of the similarly placed teacher having B.Sc third division have not been so far withdrawn which is clearly violation of article 25 of the constitution of Pakistan.
- 10. for the reasons mentioned above, this petitioner is accepted and the impugned notification dated 24.4.2015 issued by respondent No.3 whereby the promotion order the petitioner was withdrawal is declared to be



without lawful authority and, as such the promotion notification dated 28.10.2014 is hereby restored.

Announced.

05.04.2016



Anxounce!



Judgment Sheet

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH. TUDICKAL DEPARTMENT

Writ Petition No. 1041-4/2015.

JUDGMENT

Date of Irearing_		C- 11-11	ζ		
Petitioner	17-1.0-120	d Baral	ac von	A Section	Posta
					A 2150
Respondents.	1-6/-10/5(1)	//=/F D			

under Article 199 of the Islamic Republic of Pakistan, 1973 the petitioner seeks declaration to the effect that the act of respondent No.3 whereby the promotion notification dated 28.10.2014 was withdrawn vide impugned notification dated 24.04.2014 on the ground of having qualification of B Sc (3rd division) is illegal and without lawful authority and against the judgment of this court passed in W.P.No. 58-B of 2014

2. In essence, the petitioner was initially appointed as Certified Teacher and, as per entitlement, later on promoted to the post of Senior Certified Teacher (BPS-16) vide notification dated 28.10.2014 whereafter the petitioner assumed the charge of the said post on 30.10.2014 and after performing his duties to the satisfaction of his competent authority, on 24.04.2015 respondent No.3 has passed the impugned!notification and, as

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J. J.



such, the promotion order of the petitioner was withdrawn on the ground of having B-Sc in third division.

- Comments were called from respondent No.3, who filed the same, averring therein that though petitioner was promoted to the post of SST vide notification dated 28:10:2014 by respondent No.2 but on scrutinizing his qualification documents, it was found that petitioner was not eligible for promotion to the post of SST being B.Sc third divisioner, hence, his promotion order was de-notified by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar and on the direction of Director the promotion order of the petitioner was withdrawn vide impugned notification dated 24:04:2015
- promotion order of the petitioner was withdrawn on the ground of B.Sc third division and it was done in light of policy circurated vide Notification No.SO(PE)4-5 / SSRC / meeting / 2013 / teaching cadre dated 24.07.2014 according to which the method of recruitment of SST was specified with a first condition of at least second class BA / B.Sc from a recognized University on need basis with two relevant subjects alongwith second condition of MA Education or B.Ed from the recognized University Further avered that it is the prerogative of the government to enhance, modify or after the promotion

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criteria / policy for the civil servants and a civil servant is not supposed to be treated with a set of rules of his own choice.

- In response to Para-6 of the petition, respondent No.3 averred in the comments that the judgment of this court was announced on 04.06:2015 whereas the withdrawal order of the petitioner was passed on 24.04.2015, prior to the announcement of the judgment.
 - of learned counsel for the petitioner is that this court has already declared the condition of having third division as null and void in its judgment dated 04.06.2015 and the case of the petitioner is on better footing for the reason that in the referred judgment the petitioner had not been appointed but so far as the case of the petitioner is concerned, he was duly promoted rather received its benefits from 28.10.2014 to 24.04.2015 and thus, the impugned order is illegal, without lawful authority and jurisdiction.

Admittedly, the petitioner was duly promoted to the post in question on 25.10.2014 after the departmental promotion committee evaluated his case / PERs.

Now the question for determination before this court would be that when the petitioner actually performed his duties on the premoted post and that too for six long months, then how the respondent No.3 could withdraw the earlier promotion order only on the prefer of having P. Schurt division.

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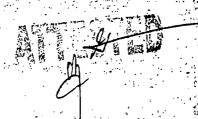
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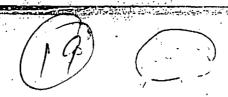


im lawful

- S. It appears from the record that a Division Bench of this had already declared the condition of having third division as null and void in its judgment dated 04.06.2015 which fact has also been affirmed by the respondent No.3 in his comments by stating that they were not aware of that judgment at the time of withdrawal of the impugned promotion of the petitioner and when the case of the present petitioner is at par with that of the petitioner therein, rather on better footing because the petitioner was not only promoted to the post in question but he performed his duties for six long months and received its benefits, the impugned notification passed by respondent No.3 is required to be set at naught.
- benefit is granted to a civil servant, cannot be taken back from him and, if so, very stringent strong reasons are required for the same which are not available in the case in hand, moreso, when the promotion order of the similarly placed teachers having B.Sc third division have not been so far withdrawn which is clearly violation of Article 25 of the Constitution of Fakistan.
 - 10. For the reasons mentioned above, this petition is accepted and the impugned notification dated 24.04.2015. issued by respondent No.3 whereby the promotion order of the petitioner was withdrawn is declared to be without lawful







authority and, as such, the promotion notification dated 28.10.2014 is hereby restored.

Announced: 05.04,2016.

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GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT Dated Peshawar the December, 15 of 2011

NOTIFICATION

No. SOE-II (ED) 2(14)2011:-In exercise of the powers conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Chief MINISTER OF THE Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Provincial Management Service Rules 2007, the following further amendment, shall be made, namely:

AMENDMENT

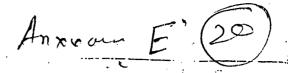
In Schedule-I, against Sr. No.1, in Column No.3, the full stop appearing at the end shall be replaced by colon and thereafter that following proviso shall be added, namely:

"Provided that a candidate who has obtained a 3rd Division or D-Grade in Bachelor's Degree will be eligible for the examination in cases where he/she has obtained a higher Division in Master's Degree".

CHIEF SECRETARY KHYBER PAKHTUNKHWA

9





GOMERNMENT OF KHYBER PARTITUMKHWA ESTABLISHMEAT DEPARTMENT

Oated hoshawar the December, 15,2011

NOTIFICATION

No. SOEJI (5D) 2014/2011.— In exercise of the powers conferred by Section 26 of the Khyber Pakhtunkowa Civil Servants 2ct, 1973 (Khyber Pakhtunkowa Act No. XVIII of 1973), the Civil Minister of the Flipher Pakhtunkowa is pleased to direct that in the Khyber Pakhtunkowa Prov.o. ial Management Service Rilles, 2007, the following further araendment, shall be usade, namely:

AMENDMENT

In Schedule-1, against Sr. No 1, in Column No. 3, the full stop appearing at the end shall be replaced by colon and thereafter the full awing provise shall be added, namely:

"Provided that a candidate who has about d a 3th Division or D-Grade in Bachelor's Degree will be eligible for the examination in cases where he/she has obtained a higher Division in Mister's Degree."

CHIEF SECRETARY
KHYBER PARHTUNKHWA

Endst. No. & dalo even

Copy of the above is furwarded to:-

- . Adamonal Chief Secretary, Klyyber Pakintunkhwa.
- 2. Secretary to Governor, Khyber Pakhtunkhwa.
- 3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 4. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 5. All Administrative Secretaries, Khyber Pakhtunkhwa.
- 6. Secretary (Administration & Coordination) Civil Secretariat FATA.
- Shairman, Khyber Palintunkhwa Fublic Service Commission.
- 8. Accountant Ceneral, Khyber Pakhtimbinya, Peshawar
- 9. Director 371, riceA Department.
- 10. Secretary Khyber Pakhtiankhwa Pubne Service Compussion.
- 11. PS to Chief Secretary, Khyber Pakhandanwa
- 17. PS to Theory to a but distribution of
- PAS to Additional Secretary (Est)/Deputy Secretary(Est) Establishment Department.
- 14. Office arder life

(FARYAL KAZINI) SECTION OFFICER (E.H)

23/22/2022

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To.

The Secretary, E&SE Department.

Khyber Pakhtunkhwa. Peshawar

Subject:

DEPARTMENTAL APPEAL AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF SST (BPS-16) ON THE BASIS OF HAVING BACHELOR DEGREE IN 3RD DIVISION AND AGAINST THE SERVICE RULES NOTIFIED ON 24.07.2014 WHEREBY THE CONDITION OF BACHELOR 2ND DIVISION HAS BEEN INSERTED IN SERIAL NO.1B, COLUMN NO.3(i) OF THE TABLE.

Respected Sir,

With due respect it is stated that I was initially appointed as Certified School Teacher in the respondent Department and right from the date of my 1st appointment I am performing my duties quite efficiently and up to the entire satisfaction of his superiors. During service, later on I was promoted to the post of SCT. That I have the higher qualification of Master in Arts in 2nd Division but the authorities issued the impugned Notification dated 24.07.2014 whereby the post of SST was restricted and 20% promotion quota to the aforementioned post was reserved for Certified Teachers. That according to the said Notification required qualification for initial recruitment as well as promotion was mentioned as second class bachelor degree. That the concerned authority denied promotion of my some colleagues to the post of SST due to having third class bachelor degree. They were feeling aggrieved filed writ petitions which were allowed in favor of petitioners vide judgment dated 05.04.2016 and 28.01.2016 and consequently they were promoted to the post of SST. That I was also denied from promotion due to having third class bachelor degree despite the fact that I am having second division in higher qualification of Master in education. That being a similar placed employee approached the concerned authority to extend the samebenefit of the above mentioned judgments but in vain. That the establishment Department issued a Notification dated 15.12.2011 whereby amendment has been made in PMS rules 2007 by providing that a candidate who has obtain 3rd division in bachelor degree will be eligible for the examination in cases where he/she has obtained a higher division in Master's degree. That feeling aggrieved from the inaction of the concerned authority by not considering me for promotion to the post of SST (BPS-16) filed the instant Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Department appeal I may very kindly be considered for promotion to the post of SST (BPS-16) from the date when my colleagues and junior colleagues were promoted with all consequential benefits including seniority. Any other remedy which your good self deems fit that may also be awarded in my favor.

Dated: 30.01.2021

APPLICANT

NAIB ALL SCT (BPS-15).

GHS Kirman, District Kurram Parachainar



VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

	0	F 2021
Naib Ali		(APPELLANT) (PLAINTIFF) (PETITIONER)
	<u>VERSUS</u>	
Education I/We Naib		(RESPONDENT) (DEFENDANT)
I/We Narb Do hereby appoint an KHATTAK, Advocate, compromise, withdraw my/our Counsel/Advoc without any liability for engage/appoint any oth I/we authorize the said receive on my/our behadeposited on my/our acceptance.	Peshawar to or refer to arbitilate in the about the about the about the about the advocate Court Advocate to depart all sums and a sums a sums a sums a sums a sum a s	appear, plead, act, ration for me/us as ove noted matter, with the authority to usel on my/our cost. posit, withdraw and amounts payable or
Dated//202	G_ .	ib Ali naib IENT ACCEPTED
	Jan	HAMMAD KHATTAK
		IAB KHAN WAZIR
		IAIDER ALI ADVOCATES

OFFICE:

Flat No.4, 2nd Floor, Juma Khan Plaza, near FATA Secretariat, Warsak Road, Peshawar. Mobile No.0345-9383141

• .

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 5806/2021.	
Naib Ali	Appellant.
Versus	
Secretary E 9 SE Khyber Bekhtunkhye 8 others	Paenandente

INEDX

S.NO Description of Documents		Annexure	Pages	
1	Comments / Affidavit		1-3	
2 Promotion policy 2014		A	4-10	

District Education Officer (Male) Distt: Kurram

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 5806/2021.

Naib Ali.....Appellant

Versus

Secretary E & SE Khyber Pakhtunkhwa & others......Respondents

Comments on behalf of Respondent No.14 & 5.

Preliminary objections.

- That the appellant has got no cause of action, locus standi to file the instant appeal.
- That the appellant has not come to this Tribunal with clean hands.
- That the appeal is not maintainable in the present form.
- That the appellant is estopped by his own conduct to bring the instant appeal.
- That the appeal is badly time barred as there is no record of the appeal of the appellant in the Respondent Department.
- That the appellant has concealed material facts from the Honorable Service Tribunal.
- That the appellant is lacking the prescribed qualification i.e "At least second class Bachelor's Degrees from a recognized University on need basis from the Humanities and other equilant groups at degree level with English as Compulsory Subject" and Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equilant qualification from a recognized University, however, the appellant has third division and not eligible for promotion under the in-vogue Rules / policy.

ON FACTS.

- 1. That para-1 pertains to record, hence no further comments.
- 2. That para-2 pertains to record, hence no further comments.
- 3. That para-3 is correct to the extent (40%) forty percent promotion quota was reserved out of (75 %) seventy five percent for promotion to the post of SST from the eligible SCT /CT Teacher, policy attached as (Annex-A).
- 4. That the appellant is misleading this Honorable Tribunal and exerting illegal pressure through instant appeal. The Respondent Department is bound to abide by the Rules / Policy In-vogue, the policy dated 24-7-2014 for promotion to the post of SST General is reproduced herein.



- i. "At least second class Bachelor's Degrees from a recognized University on need basis from the Humanities and other equivalent qualification at degree level with English as Compulsory Subject" and
- Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University, attached as (Annex-A).

 In view of the said policy, the appellant is with third division, so he is not eligible for promotion.
- 5. That the appellant is not eligible as he has not fulfilling required criteria, i.e having third division in Bachelor degree.
- 6. That the appellant is not eligible as he does not fulfill the required criteria as mentioned above. Furthermore, there is no appeal of the appellant in the Respondent Department.
- 7. That detail reply has already been submitted under para-4 above while the Respondent Department has its own Rules/ policy for promotion and induction, which is attached as (Annex-A).
- That the appellant is not eligible as he has not fulfilling required criteria, i.e for having third division in bachelor degree, so he is not entitle / eligible under the invogue policy / rules. Furthermore, there is no appeal of the appellant in the Respondent Department.
- 9. Legal, the respondent also submits on following grounds inter alia.

GROUNDS

- A. <u>Incorrect and denied</u>, the appellant is exerting illegal pressure on the respondent department through instant appeal and the responded department has acted according to the Rules / Policy.
- B. <u>Incorrect and denied</u>, the respondent department did not violate Article 4 & 25 of the constitution of Islamic Republic of Pakistan 1973 and has been acted according to the Rules and policy.
- C. <u>Incorrect and dined</u>, the Respondent Department is bound to abide by the law / rules and policy, as elucidated above that the appellant was not eligible for promotion under the Rules / policy.



- D. <u>Incorrect and denied</u>, detail reply has already been submitted above under para4 above on facts.
- E. <u>Incorrect and denied</u>, detail reply has already been submitted above under para4 on facts above.
- **F.** Legal, Respondent Department also seek permission of this Honorable Tribunal to produce additional grounds at time of hearing.

Prayer:

Therefore, it is humbly requested that this Honorable Service Tribunal may graciously be pleased to dismiss the instant appeal in favor of the Respondent Department.

Director E & SE Khyber Pakhtunkhwa (Respondent No'4)

District Education Officer
District Kurram
(Respondent No. 2-5)

سلاهم

AFFIDAVIT

I Mr. Abbas Khan District Education Officer District Kurram do hereby solemnly affirm and declare that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

District Education Officer
District Kurram





Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(RE)4:5/SSRC/Meeting/2013/Feaching Cadive: - In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khybei Rakhtunkhwa Civil Servants (Appointment, Promotion and Fransfer) 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 Northcations. No SO(G)S&LD/1-28/2003/Vol-II dated, 09-04-2004, Notification. No SO(G)S&L/1-69/06/4/01-1/DPE/LIB. dated, 13-11-2007, and Notification. No SO(PE) 4-5/SSRC/Meeting/2012/Teaching Cadivi, dated, 13-11-2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,

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

•	1	2	3	4	5
•		Subject Specialist	i. At least second class Master's Degree or	23 to 35	
٠	1.	(BPS-17)	four years BS Degree in the relevant	years	of seniority-cum-fitness, for the relevant
.1			subject; and		subject from amongst the Secondary School
1				1	Teachers (BPS-16), with at least five years
1.		1	ii. Bachelor of Education or Master of		sarinee as such and having analification
ŀ.	- 1		Education (Industrial Art or Business		mentioned in column No. 3.
:			Education) or M.A Education or		
		A STATE OF THE STA	equivalent gualification from a		Note: If no suitable candidate is avoilable in the
	.; }:		recognized University		relevant subject the post falling in their
•					promotion quota shall be filled by initial
	ا نر				Promotions duois same of Initial

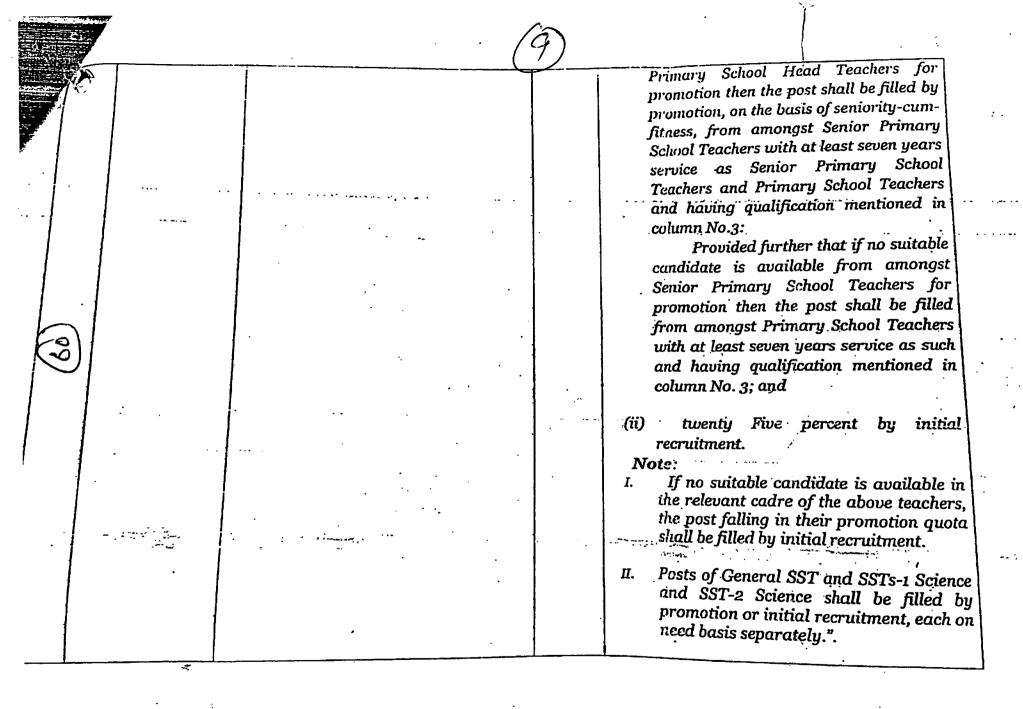
		7 = c						
	unent	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst. Senior Physical Education Teachers (BPS-16), with	al least five years service as Seinor Physical Education Teacher and Physical Education Teacher and having qualification mantioned in column No. 3:	able person or Physical on then the ion, on the ss, from Teachers,	in column in column in column in anaitable is teachers	nent; and		
	mitial Pegruitinen	oinotion, or ss, from an Teachers (I	rrvice as Sei and Physica having 1 No. 3:	provided that if no suitable person is available from amongst Senioc Physical Edication 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 free years service as such and franjug qualification mentioned in column No. 35 Note:- If no suitable candidate is available in the relement cadres of the above teachers in the relement cadres of the above teachers.	shall be filled by mittal recruitment; and lifty percent by mittal recruites at am		
	percent bif n	y-cum-fitue y-cum-fitue (Fatucation	at least five years service a Education Teacher and Ph Feacher and having name in the pring name in column No. 3:	Provided that be from a constant from the filled of semiority of the Physical the Physical the Physical constant from the Physica	kast free yet qualification Surenble denont cadre t falliny or t	shall be filled by mitial recruits. (b) Jifty percent by mitial recruits:		
	recivitinent (b)*** Jifiy j	ra) Fifty per semarity Physical	al least Education Teacher mention	rs quall Educati post sl basis amonys	with at having No. 3; Note:- If in the re	shall be. Or Jiffy pe		
		22-35 years			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1		
		Master's Degree in from a recognized						(2)
		1 1						
		At least second class Physical Education University.		:		•		
大学 かんかん		Director Physical Education BPS-17)					1	
		A Director F Education (BPS-17)			- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1			
			V. V.					



against Serial No. 1B, as somenumbered, for the existing entries, the following Shall be substituted, in respective columns, hamely

1	2	3			
27, 17	Secondary School			4.	· · · · · · · · · · · · · · · · · · ·
"1B.	Teacher (P.D.)	1. At least second	class Bachelor	21 10 35	1. Seventy Five per cent by promotion, on the
	Teacher (BPS-16)	Degree's from	a recognized	years.	basis of seniority-cum-fiffiess, from III
		University on need	basis from the $rac{3}{2}$		district concerned in the following manner.
	· · · · · · · · · · · · · · · · · · ·	following groups w			
		(a) (Chemistry, Botany			(a) forty per cent from amongst the Senior
1		O.	200.0997,]	Certified Teachers (BPS-16), with at least
		(b) (Physics, Maths "A" of	""" on Chapterian	.	ニー・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・
,	_	The second secon	n. or signstics)		five years service as Senior Certified
1				· - · ·	Teacher and Certified Péacher and
				1	having qualification mentioned in
1		(c) (Humanities and o		I	column No.3:
1.		groups at degree led		· · · · · · · · · · · · · · · · · · ·	ministrations and the feet the feet of the feet of
- 1		ás compulsory subjec	:1;		Provided that if no suitable
1			1	!	candidate is available from amongst
મં		and and			Schior Certified Teachers for promotion
1		II. Bachelor of Education			then the post shall be filled by promotion,
· .		Education (Indust			on the basis of seniority-cum-fitness,
1.		Business Educatio		1.2	from amongst Cartified Teachers, with
		Educátion or	equivalent	• • •	at least five years service as such and
. "	•	qualifications from	a recognized	• •	having qualification mentioned in
.		University.		:	column No. 3;
1		•		,	
1		·	· .		(h) four per cent from amongst the Senior
	. 1	••			Drawing Masters (BPS-16), with at least
- J				' '	five years service as Senior Drawing
. 1 %				. -	Masters and Drawing Masters and
					· · · · · · · · · · · · · · · · · · ·
					having qualification mentioned in
					column No.3
47 33	one with the first term of th		1		

Browleded. Ital 18 30 suitable candidate is available from amongst Senior-Heeloogy, Fearliers 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 horing qualification -ritentioned in column No. 3; (a) three per cent from amongst the Senior Qoris (BPS-16), with at least five years service as Senior Qori and Qari and having qualification, inentioned in column No. 3; Provided that if no suitable condidate is available from amongst the Senior Qaris then the past shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at heast five years service as primary school thead Teachers (BPS-16), with at heast service as primary School thead Teachers and Senior Primary School Head Teachers and Senior Primary School Teachers and Benior School Teachers and Benior Primary School Teachers and Benior School Teachers and Benior School Teachers and Benior Primary School Teachers and Benior School Teachers and Bening School Teachers and Benior School Teachers and Benior School Teachers and Benior School Teachers and Benior School Teachers an						
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SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst: of even No & date:

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

(ZAMIN KHAN MOMAND) SECTION OFFICER (PRIMARY)