

31.05.2016

Counsel for the appellant, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Re-arguments heard and record perused.

SCANNED
KPST
Peshawar

Vide our detailed judgment of today in connected service appeal No. 1343/2012 titled "Javed Iqbal-vs-Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department, Peshawar and others", this appeal is also disposed of as per detailed judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

ANNOUNCED
31.05.2016


MEMBER


MEMBER

Vide order sheet dated 5.4.2013 in connected appeal No. 1323/2012,
this appeal is adjourned to 26.12.2013.

READER

Vide order sheet dated 5.4.2013 in connected appeal No. 1323/2012,
this appeal is adjourned to 19-2-14.

READER

Vide order sheet dated 5.4.2013 in connected appeal No. 1323/2012,
this appeal is adjourned to 24-4-14.

READER

Vide order sheet dated 5.4.2013 in connected appeal No. 1323/2012,
this appeal is adjourned to 24-6-14.

READER

Vide order sheet dated 5.4.2013 in connected appeal No. 1323/2012
this appeal is adjourned to 20-10-14.

READER

Vide order sheet dated 5.4.2013 in connected appeal No. 1323/2012
this appeal is adjourned to 6-1-15.

READER

Vide order sheet dated 5.4.2013 in connected appeal No. 1323/2012
this appeal is adjourned to 13-4-15.

READER

26.02.2013.

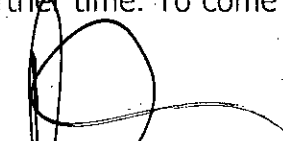
Counsel for the appellant, Khurshid Ali, SO and Muhammad Aqeel, Assistant with AAG for the respondents present and requested for time. To come up for written reply on 14.03.2013.


MEMBER


MEMBER

14.3.13

Counsel for the appellant and AAG with Khursheed Ali, SO, Mosam Khan, AD and Muhammad Aqeel Assistant for the respondents present and requested for further time. To come up for written reply positively on 5.4.2013.


MEMBER

5.04.2013

Vide order sheet dated 4.4.2013, this appeal is adjourned to 2.5.2013 alongwith main appeal No. 1323/2013.


READER

Vide order sheet dated 5.4.2013, this appeal is adjourned to 18-6-13 alongwith main appeal No. 1323/2013.


READER

Vide order sheet dated 5.4.2013, this appeal is adjourned to 19-7-13 alongwith main appeal No. 1323/2013.


READER

Vide order sheet dated 5.4.2013, this appeal is adjourned to 10-10-13 alongwith main appeal No. 1323/2013.


READER

10.1.2013.

Counsel for the appellant and Mr. Arshad Alam, AGP for the respondents present. The learned AGP is directed to ensure attendance and submission of written reply and arguments on stay application on 17.1.2013.

MEMBER

MEMBER

17.01.2013

Counsel for the appellant and AAG with Khursheed Ali SO and Mashal Khan, AD and Muhammad Aqeel, Assistant and Sultan Shah, Assistant for the respondents present. Representatives of the respondents stated that written reply prepared and placed before the respondents for signature, and requested for short adjournment. Request is accepted. To come up written reply on main appeal as well as reply arguments on stay application on 22.1.2013.

MEMBER

MEMBER

23.01.2013.

Counsel for the appellant and AAG with Khursheed Ali, SO, Mosam Khan, AD and Muhammad Aqeel, Assistant for the respondents present. Respondents need further time for submission of written replies. Arguments on stay application at length heard and record perused. Counsel for the appellant raised many objections inter-alia that promotion chances of the appellant would be violated but he could not make out his case for staying proceedings on the impugned order/notification. As such application is dismissed. The case would be decided on merit. To come up for written reply on main appeal on 26.2.2013.

MEMBER

MEMBER

Appeal No. 1335/2012.
Mr. Tahir Shah.

3. 17.12.2012

Counsel for the appellant present and heard. Contended that the appeal of the appellant was filed by the Tribunal which was returned by the primary bench to put up the same to the Chairman for further order in view of notification being issued on 13.11.2012 and not waiting for 90 days, the statutory period for filing of appeal. Counsel for the appellant stated that the point was argued before the Chairman, relying on 1994-SCMR-1033 and 2009-SCMR-1042. The Chairman accepted his point of view i.e. in case of notification the appellant can come in appeal before the Tribunal without filing of a departmental appeal under the Service Tribunals Act. Counsel for the appellant stated that the appellant was appointed as PST and at the time of appointment the basic qualification for the post was Matric and PST Certificate. The Education Department issued a Notification dated 13.11.2012 wherein the basic qualification for PST Teachers has been enhanced to F.A. Furthermore, ~~even after promotion~~ the qualification for promotion to BPS-15 and PST, BPS-14 now requires enhanced qualification of intermediate alongwith 5 and 10 years service respectively but the change in notification for promotion will affect the right of all the PST Teachers and now all of their chance for further promotion will be demolished due to none of their fault. As such the appellant will be deprived of his due right of promotion for ever. So the respondents may be directed to set aside the condition/term for promotion. i.e. having qualification of F.A/F.Sc; for promotion. It is observed that it would have been proper to have given a chance to the appellant for enhancing of his qualification as has been done in such cases. Counsel for the appellant has also submitted an application for suspension of the impugned notification. Notice of application be sent to the respondents. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 26.2.2013 for submission of written reply on main appeal as well as reply/arguments on application on 10.1.2013.

4. 17.12.2012



This case be put before the Final Bench for further proceedings.

Member.
Chairman.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1335/2012


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12/12/2012	<p style="text-align: center;">As per direction of the worthy Chairman the appeal filed by Mr. Tanvir Shah through Mr. Ghulam Nabi Advocate be entered in the institution register and put up to the Primary Bench for preliminary hearing, reader concerned is directed to fix the date of hearing according to court diary.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14-12-2012.	<p style="text-align: center;">To come up for preliminary hearing on <u>17-12-2012</u>.</p> <p style="text-align: center;">Notice shall be issued to appellant and his counsel.</p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mr. Tanveer Shah PST, received today i.e. on 10/12/2012 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:-

- 1- Copy of departmental appeal against the impugned Notification and its rejection order are not attached with the appeal which may be placed on it.
- 2- Annexure-C/I of the appeal are illegible which may be replaced by legible one.
- 3- Annexures of the appeal may be attested.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1453 /S.T.

Dt. 10/12 /2012.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. GHULAM NABI ADV. PESH.

Sir,

Rules, policy or Notification are treated as Final order in various judgments of the Superior Court, including 1991 SCMR 1041 and 1994 SCMR 1033 which are directly amenable in Service Appeal before the Service Tribunal without any departmental appeal being preferred against them.

The appeal is re-submitted after completion and may be pleased placed before a bench for a hearing.


Ghulam Nabi Adv,
Peshawar.

12/12/12

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

Service Appeal No. 1335 /2012

Tanvir Shah PST
GPS Nandi Kiari Tehsil Ghazi District Haripur

.....Appellant

Versus

Govt. of K.P.K., through Secretary Schools & Literacy
Department, Peshawar & others.....Respondents

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Appellant

Through



Ghulam Nabi
Advocate, Peshawar.

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

Service Appeal No. 1335 /2012

~~1335~~
~~1347~~
~~10-12-12~~

Tanvir Shah PST
GPS Nandi Kiari Tehsil Ghazi District Haripur

.....Appellant

Versus

1. Govt. of K.P.K., through Secretary Elementary & Secondary Education, Peshawar.
2. Secretary to Govt. of K.P.K., Finance Department, Civil Secretariat, Peshawar.
3. Secretary to Govt. of K.P.K., Establishment Department Civil Secretariat, Peshawar
4. Director Elementary & Secondary Education K.P.K., Peshawar.

.....Respondents

Appeal u/s 4 of NWFP Service Tribunal Act, 1974 to the effect that the newly inducted condition of FA/FSc for the promotion to BPS-14/15 of the PST Teachers may please be set-aside and the promotion may please be granted on seniority-cum-fitness basis purely.

~~Filed to~~

~~10/12/12~~

~~Re-submitted to~~
~~and filed.~~

~~12/12/12~~

2

Prayer in Appeal:

On acceptance of this appeal the condition of FA/FSc from the above noted notification for the promotion of the PST Teachers may please be removed and the promotion may please be granted on seniority-cum-fitness basis.

Respectfully Sheweth:

1. That the appellants are belonging to the Education Department, all serving on the posts as mentioned against their names in the heading of the appeal.
2. That all the appellants have got at their credit on the above said post a long tenure of service extending over 20 to 40 years.
3. That previously the basic qualification for the appointment at the post of PST was fixed as Matric Certificate alongwith the PST Certificate from a recognized Institution and all the appellants were appointed on the above said posts having the said qualification as was the requirement at the time of the appointment of the appellants.
4. That the basic qualification for the post of PST was duly enhanced with basic qualification from Matric to

F.A./F.Sc in the year 2011 and many other colleagues of the appellants were then appointed on the same posts of PST having their qualification as F.A./F.Sc alongwith the PST Certificate.

5. That in the year 2007 a policy of upgradation was promulgated by the than Provincial Government, whereby the PTC, Teachers were upgraded from BPS-07 to BPS-12 on the basis of the length of the service. (Copy of the Notification issued by the Government is attached herewith as Annexure-'A').
6. That again a similar summary was formulated at the initial stage by the Education Department that the PST Teachers will be upgraded to BPS-15 having 22 years service, whereas the teachers having 15 years service will be upgraded to BPS-14.
7. That the above said policy was just as according to the justice and demand of the teachers community, however lateron the said policy was converted from time scale to the education scale, whereby the promotion policy for the PST Teachers was formulated as under:

"Primary School Head Teacher
(PSHT) (BPS-15)

By promotion, on the basis of seniority-cum-fitness from amongst senior primary school teachers with at least

10 years service and having qualification prescribed for initial recruitment of primary school teacher.

Primary School Teacher
BPS-14

By promotion on the basis of seniority-cum-fitness' from amongst school teachers with at least 05 years service as such and having qualification prescribed for initial recruitment of primary school teachers.

8. That thereby all the fresh appointed F.A/PST have been given the BPS-12, whereas the holders of F.A. Certificate with 10 years length of service may be upgraded/promoted to BPS-15 and the PSTs with the F.A. qualification having 05 years service may be upgraded to BPS-14. (Copy of the Notification dated 13.11.2012 is attached herewith as Annexure-'B').
9. That the appellant alongwith his other hundreds of the colleagues having their services extending from 20 to 40 years have been totally ignored and have not been given any chance of upgradation/promotion throughout

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their professional career inspite of having such a long spotless tenure of service.

10. That this attitude of the respondent department to give benefit to the PST teachers with the F.A./F.Sc qualification over the teachers with the Matric qualification has been formulated without any cogent/legal grounds but just to give benefit to the blue eyed teachers of the respondent department, whom have been appointed in their tenure.
11. That all the appellants are also equally entitled to be upgraded on the basis of his tenure of service and be given the same benefit as it has been given to the other PSTs teachers having the F.A. Certificates, as the higher qualification of F.A. can not by any means made the basis for giving any sort of above said benefit to the teachers.
12. That in this respect the appellants have also moved their representation to the concerned authorities, thereby explaining their grievance, however no response whatsoever has yet been received by the appellants till the filing of this Service Appeal.
13. That the appellants having got no other efficacious/adequate now approaches this Honourable Tribunal on the following grounds amongst the others.

Grounds

- a) That act of the respondent department, thereby depriving the appellants from the above said benefit of upgradation is illegal unlawful without authority/jurisdiction, as well as being based on the malafide intentions of the respondent department is liable to be set-aside.

- b) That since hundred and hundreds of the teachers have been treated in a discriminatory manner and have been deprived of the above said benefit mere on the ground that they are not having the qualification of FA/FSc is an act unjust and without any reasonable ground, as the basic qualification at the time of the appointment of the appellant was Matric with PST and the basic qualification at the time of the appointment of the benefited teachers were FA/FSc with PST, hence no privilege can be granted to the persons, whom have been appointed on the prescribed qualification.

- c) That the appellants have been serving on the above said since long, whereas the minimum tenure of the service amongst the appellant is 18 years and the maximum tenure amongst the appellant is extended to 40 years and since long all the appellants have been waiting for their turn

to be promoted/upgraded to some higher scale, however after having a tenure of such a long legitimate expectations the appellants have been treated unlawfully without any cogent/solid grounds.

d) That it is very respectfully submitted it has never happened that in the cases of upgradation/promotion the factor of seniority should be abolished/ignored totally and the grounds of upgradation/promotion should be made mere educational qualification, whereas the upgradation/promotion has always been made on the basis of seniority-cum-fitness and have never at the basis of higher qualification whatsoever it may be. Furthermore still it is not the higher qualification for the teachers whom have been going thorough get benefit for the above said notification, but with the passage of time as the basic qualification has been raised, hence they have been appointed on the basis of F.A./F.Sc Certificate, which said factor cannot be made a ground for their upgradation to BPS-14/15.

e) That the said act of the respondent department is not merely illegal as well as unlawful, but is also against the very clear Articles of Constitution of

Islamic Republic of Pakistan as engraved in the basic rights of said constitution.

- f) That the appellant has got every right to be treated equally with his other colleagues and closing all the ways of upgradation/promotion for the appellant is against all the norms of justice as it has been done in the above mentioned notification dated 13.11.2012.
- g) That it will be pertinent to bring into the notice of this Honourable Tribunal that the above said benefit has also been extended to the Clerk's community, whereby the clerk's even with the Matric Certificate have been upgraded from BPS-09 to BPS-16 and similarly according to other notification dated 24th April, 2012 the Federal Government has been pleased to upgrade the PST Teachers from BPS-09 to BPS-14 including the Matriculate Teachers. (Copies of the above said both the notifications are attached herewith as Annexure-'C' & 'C/1').


It is, therefore, prayed that on acceptance of this Service Appeal the respondents may please be directed to set-aside the term of

"having qualification prescribed for initial recruitment of primary school teachers"


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and the appellants may please be considered equally for the above said promotion/upgradation with the other colleagues, whom have been appointed on F.A./F.Sc basis and the above said conditions being illegal unlawful, unconstitutional and discriminatory may please be deleted from the conditions of promotion of the PST teachers to the BPS-14/15.

Any other remedy to which appellant is found entitled, in the peculiar circumstance of the case may also be granted.


Appellant

Through


Ghulam Nabi
Advocate, Peshawar

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BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

Service Appeal No. _____/2012

Tanvir Shah PST
GPS Nandi Kiari Tehsil Ghazi District Haripur

.....Appellant

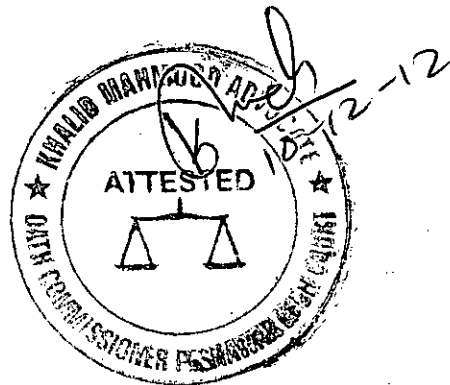
Versus

Govt. of K.P.K., through Secretary Schools & Literacy
Department, Peshawar & others.....Respondents

AFFIDAVIT

I, Tanvir Shah PST GPS Nandi Kiari Tehsil Ghazi District Haripur do hereby solemnly affirm and declare on oath that contents of the accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.


Deponent



11

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

C.M.No. _____/2012

In

Service Appeal No. _____/2012

Tanvir Shah PST

GPS Nandi Kiari Tehsil Ghazi District Haripur

.....Appellant

Versus

Govt. of K.P.K., through Secretary

Elementary & Secondary Education,

Peshawar & othersRespondents

Application for temporary injunction to the effect that respondent may kindly be restrained from taking any action for the promotion of PSTs to BPS-14/15 as according to the procedure mentioned in the impugned rules/notification dated 13.11.2012

Respectfully Sheweth:

1. That the appellant has filed the above titled service appeal before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That respondent vide notification dated 13.11.2012 with regard to the fresh education policy has promulgated a new method of promotion which has violated the

promotion right of thousands of teachers including the appellant

3. That the applicant/appellant has very prima facie cause of action and is very hopeful for its ultimate success of his appeal.
4. That all the three ingredients i.e. prima facie case, balance of convenience and irreparable loss as per spirit of the rule for granting injunction is in favour of the applicant/appellant are present in the said appeal.
5. That in case the injunction as prayed for above is denied, the applicant/appellant will suffer with irreparable loss as the impugned vacancies will be fill up and there would be no chance for appellant accommodation. Therefore, it is in the interest of justice to stay further proceedings on the impugned notification till the final decision of this Honourable Tribunal.
6. That there is no legal bar in granting the injunction as prayed for above.
7. That the facts and grounds taken in the memo of appeal may kindly be considered as part and parcel of the instant application.

It is, therefore, humbly prayed that in the light of the above said submissions this Honourable Tribunal may please be kind enough to restrained the concerned respondents from taking any action in promoting the PSTs teachers on the basis of the above noted notification, thereby depriving the appellants from the right of promotion.

Tanvir Shah

Appellant

Through

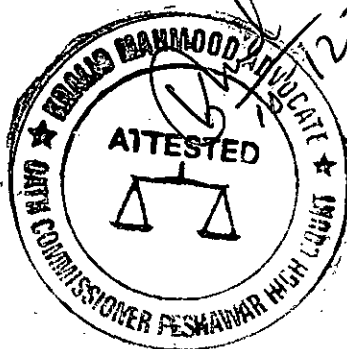
Ghulam Nabi

Ghulam Nabi

Advocate, Peshawar

AFFIDAVIT

I, Tanvir Shah PST GPS Nandi Kiari Tehsil Ghazi District Haripur do hereby solemnly affirm and declare on oath that contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honourable Tribunal.



Tanvir Shah
Deponent

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ATTEST
F
A

Better Copy

Government of NWFP
Finance Department
No. SO (FR) 10-22(B)/2005
Dated: 01.10.2007

A
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To

The Secretary to Govt. of NWFP,
Schools & Literacy Department.

Subject: UPGRDATION OF VARIOUS POSTS OF TEACHING/
CAREER STRUCTURE IN SCHOOLS AND LITERACY
DEPARTMENT GOVERNMENT OF NWFP.

Sir,

I am directed to refer to your letter No. SO(G)104/2007 dated 01.10.2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to upgraded various posts of teachers in Schools and Literacy Department NWFP as per details given below in respect of those incumbents mentioned against each with immediate effect.

S.No	Designation/ existing Pay Scale	Qualification	Revised Pay Scale
1	Primary School Teacher PST BPS-09	F.A / FSc at least 2 nd Division with PTC/ Diploma in Education	09
2	PST with requisite experience renamed as Head Teacher/ head Mistress of Rprimary School BPS-07	On the basis of 10 years service experience as Primary School Teacher in BPS-09	12
3	C.T BPS-09	B.A . BSc at least 2 nd Division with Diploma in Education/CT	15
4	AWICT Technical Industrial Arts/ Home Economics BPS-09	B.A/ BSc at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curriculum and Teachers Education NWFP Abbottabad in Agro Tech/ Industrial Arts Home Economics.	15
5	D.M BPS-09	B.A/ B.Sc at least 2 nd Division with Drawing Master Course.	15
6	PET BPS-09	B.A/ BSC at least 2 nd Division with JDPE	15

gnd

	Qari/Qaria BPS-07	Hafiz-e-quran with SSC at least 2 nd Division and Sand in Qirat.	12
8.	SST/SST Teacher/Agri with requisite experience rename Sr. SST/Sr. SST Teacher/Sr. SST Agri BPS-16	M.A./M.Sc at least 2 nd Division with B.Ed. M.Ed/M.A. Education equivalent qualification	17
9.	DPE BPS-16	M.Sc. at least 2 nd division in (HPE)	17

2. The promotion/direct Promotion against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of NWFP Civil Servants (appointments, Promotion and Transfer) 1989 read with the NWFP Civil Servants Act, 1973 in the light of the meeting held on 26.09.2007 of the committee constituted vide Schools & Literacy Department Notification No. SO(G)S&L/1-4/2007 dated 01.08.2007.

Audit copy may please be prepared and sent to the Department for authentication/signature.

Section Officer (FR)

Endst of even No. & date.

Copy for information & necessary action to:-

1. Accountant General NWFP.
2. Director Schools & Literacy NWFP, Peshawar.
3. Director of Education FATA NWFP, Peshawar.
4. PSO to Chief Minister NWFP.
5. PSO to Chief Secretary NWFP.
6. PS to Secretary Finance Department NWFP.
7. All District/agency Accounts Officers in NWFP.

Alter SHEIK AMMAD
AOR: Supreme Court Pak.

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"B"

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Handwritten marks and signature

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.



NOTIFICATION

Peshawar, dated the November 13, 2012.

Handwritten signature

No. SO(PE)4-5/SSRC/Meeting/2012/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 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

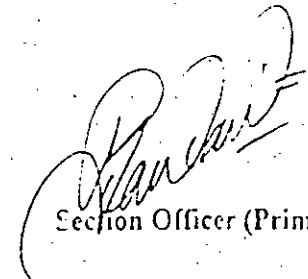
Encl. No. & Date as above.

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.

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Director Curriculum & Teachers Education Abbottabad.
Director (PITE) Khyber Pakhtunkhwa Peshawar.
Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
Deputy Director Database(EMIS) E&SE Department.
District Coordination Officers in Khyber Pakhtunkhwa.
Executive District Officers-Elementary & Secondary Education in Khyber Pakhtunkhwa.
District Accounts Officers in Khyber Pakhtunkhwa /Agency Accounts Officers FATA.
Agency Education Officers FATA.
Governor, Khyber Pakhtunkhwa.
Chief Minister, Khyber Pakhtunkhwa.
Chief Secretary, Khyber Pakhtunkhwa.
Minister E&SE Khyber Pakhtunkhwa Peshawar.
Secretary E&SE Department.
File.



Section Officer (Primary)

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APPENDIX

enclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
2.	3.	4.	5.
Secondary School Teacher BPS 10.	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3;

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			<p>(iv) one per cent from amongst the Instructional Material Specialists, with atleast five years service as such and having qualification mentioned in column No. 3; and</p> <p>(v) one per cent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and</p> <p>(b) fifty per cent by initial recruitment.</p>
Senior Arabic Teacher (SAT) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Arabic Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
Senior Theology Teacher (STT) (B-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
Senior Certified Teacher (SCT) (General) -16)			By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (General), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

Certified Teacher (Industrial Arts) (BPS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
Senior Certified Teacher (Agriculture) (BPS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).
Senior Drawing Master (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
Senior Certified Teacher (Home Economics) (BPS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
Senior Physical Education Teacher (BPS-16)		By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

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Arabic Teacher (AT) BPS-15.	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University.	20 to 35 years.	By initial recruitment.
Theology Teacher (TT) BPS-15.	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamiyat from a recognized University.	20 to 35 years.	(a) Seventy-five per cent by initial recruitment; and (b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher: <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
Senior Qari BPS-15.			By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment.
Certified Teacher (General) (BPS-15).	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	(a) Forty per cent by initial recruitment; and

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	<p>Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p>		<p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General): Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>Certified Teacher (Industrial Arts) BPS 15)</p>	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or (b) Bachelor's Degree from a recognized</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by initial recruitment; and (b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher</p>

Certified Teacher
(Agriculture)
-15.
B.N.

<p>University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).</p>		<p>(Industrial Arts):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for Promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Industrial Arts).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>(i) Bachelor's Degree from a recognized University with one year training in Agriculture from any Government institute or center with nine months training from Government Agro Technical Teacher Training Center of the level of Certified Teacher Agro Technical (Agriculture); or</p> <p>(ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or</p> <p>(iii) Bachelor's Degree from a recognized</p>	<p>18 to 35 years.</p>	<p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers, with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture):</p> <p>Provided that if no suitable candidate is available amongst the</p>

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	any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro-technical (Agriculture).		<p>promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>CEA (Life Economics) BPS 15)</p>	<p>Teacher (Home Economics)</p> <p>(i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or</p> <p>(ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or</p> <p>(iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or</p> <p>(iv) Bachelor's Degree, from a recognized</p>	18 to 35 years.	<p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion; on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of</p>

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University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).		Certified Teacher (Home Economics). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
Bachelor's Degree from a recognized University (one year Drawing Master (DM) course) etc.	18 to 35 years.	(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master: Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master. <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.

2/12/22

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<p>Physical Education (BPS-15).</p>	<p>Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.</p>	<p>18 to 35 years.</p>	<p>(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher. Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher. <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>
<p>Senior Primary School Head (PSHT)</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.</p>
<p>Senior Primary School (BPS-14).</p>			<p>By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers</p>

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				with at least five years service as such as having qualification prescribed for initial recruitment of Primary School Teacher.
21.	Primary School Teacher (BPS-12).	(i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University.	18 to 35 years.	By initial recruitment on merit at Union Council level: provided that if no suitable candidate within the Union Council is available, then from the adjacent Union Councils on merit.
22.	Qari (BPS-12).	Intermediate with Hifz-e-Quran and Qirat Sanad from a recognized Institution.	18 to 35 years.	By initial recruitment.

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SCHEDULE

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Selection criterion and other conditions for direct recruitment against the below mentioned posts shall be as under:-

Arabic Teacher

Educational Qualification	Total Marks: 100
SSC	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
M.A Arabic / Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris	Marks obtained X 20 / total marks = ____
Other MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____
MPhil/Pr.D	Marks = 05

Theology Teacher

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
MA/MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks = ____
M.A Islamiat / Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris	Marks obtained X 15 / total marks = ____
MPhil/PhD	Marks = 05

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Qari/Qaria

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = ____
Qirt Sonad from a recognized Institution.	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
MA/MSc / M.Ed / MA Edu	Marks obtained X 15 / total marks = ____
MPhil/PhD	Marks = 05

*Certified Teacher
(General, Industrial Arts, Agriculture, Home Economics)*

Handwritten mark

Category of Qualification	Total Marks 100 For Humanities group at Intermediate/Graduation - Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
CT Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = ____	
MA/MSc / M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PHD	Marks = 05	

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Drawing Master

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
DM Certificate	Marks obtained X 20 / total marks = ____	
MA/M.Sc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

Physical Education Teacher

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for F.Sc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
JDPE or Equivalent Certificate	Marks obtained X 20 / total marks = ____	
MA/M.Sc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

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Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group at Intermediate Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 10 / total marks = ____	
B.A/BSc	Marks obtained X 25 / total marks = ____	
PST Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = ____	
M.A/M.Sc/M.Ed/M.A.Eds	Marks obtained X 20 / total marks = ____	
M.Phil/Ph.D	Marks = 05	

Other conditions:-

1. The concerned Appointing Authority will scrutinize and verify the documents and make the appointments as per prescribed rule and the will get the documents verified after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days.
2. The merit list prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/appeals, if any, and shall issue the final merit list after making necessary corrections while addressing the observations/objections/appeals, followed by requisite appointment orders.
3. In case a document(s) is/are found fake/ forged/ bogus upon scrutiny/ verification, the service of the teacher concerned shall be terminated and the amount paid to him as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery/fraud under the relevant law.
4. Deni Asnad from recognized Tazemat-ul-Wafaqul Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be acceptable for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be.

Islamabad, the 24th April 2012OFFICE ORDER

In continuation of Federal Directorate of Education's office order of even number dated 18.05.2011, consequent upon one time waiver in the conditions of qualification/experience granted by the Prime Minister vide U. O. No. 3759/PSPM/2012 dated 24.02.2012, as conveyed by the Capital Administration & Development Division vide No.F.4-23/2011-(Education) dated 23.04.2012 and on the recommendations of Departmental Promotion Committee meeting held on 24.04.2012, the following Matric Trained Teachers (BS-09) are promoted to the upgraded post of Elementary School Teacher (BS-14) w.e.f. 01.01.2011:

S.#	NAME	DATE OF BIRTH	INSTITUTION
1	ZAINAB BIBI	01.02.1953	IMS (I-V) G-6.1/2, IBD.
2	RUKHSANA JABEEN	08.12.1954	IMSG.G-6-7/4, IBD.
3	RIFAT RAANA	01.07.1953	IMSG (I-X).DHOKE GANGAL
4	KAUSAR PARVEEN	04.04.1954	IMSG (I-X). DHOKE GANGAL
5	ABIDA PARVEEN	22.10.1955	IMS (I-V). HOON DHAMIAL
6	FUKHRAJ BEGUM	01.07.1956	IMSG (I-X). DHOKE GANGAL
7	SAJIDA BIBI	05.02.1956	IMSG (I-X). G-9/1, IBD
8	GHULAM FIZA	30.03.1954	IMS (I-V) No.2, G-6/1
9	FARHANDA MASOOD	13.05.1953	IMSG (I-V).HOON DHAMIAL.
10	SAEEDA KHATOON	15.05.1953	IMSG (I-X). I-10/4, IBD.
11	GHULAM SAKINA	13.04.1954	IMSG (I-V).DHOKE HASHU (FA)
12	NAJMA BIBI	22.06.1953	IMSG (I-V) G-5/4, IBD
13	AMINA BEGUM	23.07.1953	IMS (I-V). KOT HATHIAL
14	KHURSHID AKHTAR	15.05.1952	IMS (I-V). PIND PARACHA
15	KAUSAR SULTANA	02.01.1956	IMS (I-V).G-7. 3/1,IBD.
16	SURRAIYA BANO	02.06.1954	IMS (I-V). NO.51, G-10/2 IBD.
17	MASOODA AZIZ	06.06.1954	IMS (I-V). DOORA BANGIAL
18	GULFOOZ AKHTAR	14.03.1953	IMS (I-V). UPPRA GHORA
19	GUL-E-NASREEN	04.12.1953	IMSG (I-X). SANG JANI (FA)
20	SHAMSHAD BEGUM	02.09.1954	IMSG (I-VIII).S. P-7.4, IBD.
21	PARVEEN AKHTAR	01.08.1956	IMSG (I-VIII) No.49, I-10/1
22	RUKHSANA TANVIEER	14.05.1953	IMSG (I-V). MOHRI MUGHAL (FA)
23	ZAHIDA PARVEEN	03.02.1957	IMSG (I-V). MOHRI MUGHAL (FA)
24	SHAGUFTA SHAHEEN	02.06.1956	IMSG (I-X). UNIVERSITY COLONY
25	NASIM AKHTAR	15.02.1954	IMS (I-V) No. 3, E-3
26	NAJMA YASMEEN	11.10.1955	IMS (I-V). NO.3, IBD.
27	RASHIDA YASMEEN	01.04.1953	IMS (I-V). G-7.1, IBD.
28	RUKHSANA TARIQ	03.09.1955	IMS (I-V).NO.49, I-10/1, IBD
29	SHAHIDA PARVEEN	01.01.1956	IMS (I-V). KOT HATHIAL (FA)
30	SYEDA NASREEN AKHTAR	20.08.1959	IMS (I-V).NO.40, I-10/1
31	SAMIA HANAN	15.12.1959	IMS (I-V).G-7. 3/1, IBD
32	SABIRA ASHFAQ KAZMI	12.12.1953	IMSG (I-X).PIND PAROCHA (FA)
33	FADIRA BEGUM	13.02.1957	IMS (I-V).G-5.1, IBD.
34	NASIM AKHTAR	06.01.1957	IMS (I-V).NO.49, IBD.
35	BUSHRA KHANUM	15.10.1952	IMS (I-V).G-6.1-2, IBD.
36	JOSPHIN YOUNIS	04.01.1953	IMS (I-V) No.7, G-7/3-3
37	AZMAT UN NISA	16.10.1953	IMSG (I-V). DHALLALA (FA)
38	SAFIA SULTANA	10.05.1959	IMS (I-X). G-S.4, IBD.
39	MUNAZA GUL	20.05.1955	IMS (I-V).PIND SHALALA (FA)
40	GHAZALA YASMEEN	15.04.1958	IMS (I-X). MOORPUR SHAHAN (FA)
41	RAZIA ZAMAN	16.12.1959	IMS (I-V).G-7.2, IBD.
42	RUKHSANA YASMEEN	02.05.1962	FIMS (I-V).NO.30, IBD.

Principal

I.M. 3 for Girls (I-X)
Pind Syedan (FA) Islamabad

	K BASHIR	24.2.1974	IMS (I-V), G-8/1
	NA KAUSAR	6.6.1975	IMSG (I-X), NOORPUR SHAH.
	MA BIBI	14.5.1985	IMS (I-V) G-6/2
	SUMAIRA CHOCHAN	18.4.1984	IMS (I-V), G-11/1
	SADIA HAYAT	28.12.1983	IMSG (I-X), Pungran
588	AMTIYAZ AKBA	3.7.1979	IMSG (I-X), P.E. G-5
589	GHULAM SUGHRA	03-07.1975	IMSG (I-X), PIND MALKAN
590	RASHIDA PARVEEN	2.5.1986	IMSG (I-X), CHAKSHEHZAD
591	QUDSIA RAJAB TUNTO	1.1.1981	IMSG (I-V), DHOK JERANI
592	TAHIRA JABEEN	14.01.1984	IMSG (I-V) PIND BEGWAL
593	NAZIA NARGIS	13.8.1971	IMSG (I-X), BADAI QADIR BAKHSIP
594	FARZANA NASRULLAH KHAN	01.04.1974	IMSG (I-X) JAGIOT (FA)
595	GHULAM FATIMA	17.04.1974	IMSG (I-V) Severa
596	UZMA KHAN	14.10.1976	IMS (I-V) G-7/4
597	MUSSARAT SHAMEEN	06.08.1985	IMSG (I-X) GAGRI
598	ZAIB UN NISA	05.04.1982	IMSG (I-V) Kot Hatyal
599	TASLEEM AKHTAR	04.04.1959	IMSG (I-V), MOHRIAN (FA)
600	ASMA ASHFAQ	18.03.1981	IMS (I-V) E-7/4
601	BUSHRA AZIZ	12.07.1974	IMSG, Pind Pracha (FA)
602	SHAISTA BIBI	10.11.1975	IMSG (I-X) Dhok Gangal
603	SHEEBA NAZ	02.03.1984	IMSG (I-X) Humak
604	FOZIA SIDDIQUE	01.01.1973	IMSG (I-X) Humak
605	MUKHTIAR BEGUM	01.04.1976	IMSG (I-V) Peija
606	SAMINA SALEEM AWAN		IMSG (I-V) Peija

2. The teachers working on deputation to other Departments from FDE will be considered for promotion on joining their parent department i.e. FDE.

3. The seniority of EST (BS-14) will be determined as per Civil Servants (Seniority) Rules, 1993.

4. This issues with the approval of Director General, FDE.

(Dr. Syeda Tajannul-Mussain Shah)
Director Schools (Female)

Distribution:

- i. AGPR, Islamabad
- ii. PS to Secretary, CA&DD
- iii. PA to Joint Educational Advisor, CA&DD
- iv. PS to DG, FDE
- v. Director (A&C), FDE
- vi. All AEO's
- vii. All Heads of Institution
- viii. Teachers concerned
- ix. Personal Files

(Riasat Ali)
Administrative Officer (Female)

Principal
M.S for Girls (I-X)
Syedan (FA) Islamabad

(38) "C-11"

Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar

Notification

Consequent upon the approval of the Departmental Promotion Committee (DPC) meeting held on 07.8.2012, the following Assistants/Stenographers of Elementary & Secondary Education Department are hereby promoted/adjusted as regular Superintendents/Budget & Accounts Officers (B-16) in the interest of public service with immediate effect.

S.#	Name & Designation	From	Promoted as	Remarks
1	Almac Khan Stenographer.	Directorate E&SE, Khyber Pakhtunkhwa	Supdt East Directorate E&SE, Khyber Pakhtunkhwa	Already occupied
2	Sher Malik Assistant	AEO Muhammad	Services placed at the disposal of DE (PATA) Peshawar for further adjustment.	
3	Muhammad Ashiq Assistant.	EDO (E&SE) Abbottabad	EDO (E&SE) Battagram	Against Vacant Supdt Post B-16
4	Amanullah Assistant	EDO (E&SE) Tank	EDO (E&SE) Hangu	Against Vacant Supdt Post B-16
5	Muhammad Ilyas Assistant.	EDO (E&SE) Haripur	EDO (E&SE) Kohistan	Against Vacant Supdt Post B-16
6	Nauman ud Din Assistant.	RITE (F) Bannu	EDO (E&SE) Hangu	Against Vacant Supdt Post B-16
7	Ataf Hussain Assistant.	EDO (E&SE) Abbottabad	EDO (E&SE) Battagram	Against Vacant Supdt Post B-16
8	Muhammad Ismail Assistant.	RITE (F) D.I.Khan	EDO (E&SE) Karak	Against Vacant Supdt Post B-16
9	Ibrahim Assistant.	EDO (E&SE) Nowshera	DDO (F) Dir Upper	Against Vacant Supdt Post B-16
10	Abdul Tamim Assistant.	Directorate E&SE, Khyber Pakhtunkhwa	DDO (M) Buner.	Against Vacant Supdt Post B-16
11	Saidul Israr Assistant.	RITE (MO) Thana	EDO (E&SE) Swat.	Against Vacant Supdt Post B-16
12	Khadim Shah Assistant.	EDO (E&SE) Charsadda	DDO (F) Timargara	Against Vacant Supdt Post B-16
13	Sanaullah Assistant.	DDO (F) Swabi	EDO (E&SE) Swabi	Against Vacant Supdt Post B-16
14	Habibullah Assistant.	EDO (E&SE) Mardan	EDO (E&SE) Kohistan	Against Vacant Supdt Post B-16
15	Rahim Khan Assistant.	EDO (E&SE) Swat	EDO (E&SE) Swat	Against Vacant Supdt Post B-16
16	Jamshod Khan	EDO (E&SE) Swabi	DDO (M) Timargara	Against Vacant Supdt Post B-16

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17	Sheikh Amanullah	EDO (E&SE) D.L.Khan	EDO (E&SE) D.L.Khan	Against Vacant Supdt: Post B-16
18	Irshad Muhammad	EDO (E&SE) Swabi	EDO (E&SE) Feroz Uppar	Against Vacant Supdt: Post B-16
19	Abdul Wajood	EDO (E&SE) Chitral	EDO (E&SE) Chitral	Against Vacant Supdt: Post B-16
20	Abdul Wajood	EDO (E&SE) Swabi	EDO (E&SE) Karak	Against Vacant Supdt: Post B-16
21	Zubair Muhammad	EDO (E&SE) Swabi	EDO (E&SE) Shangla	Against Vacant Supdt: Post B-16
22	Mukamil Khan	Directorate E&SE, Khyber Pakhtunkhwa	DDO (M) Wari Dir.	Against Vacant Supdt: Post B-16
23	Shamair Rahman	Directorate E&SE, Khyber Pakhtunkhwa	EDO (E&SE) Kohat	Against Vacant Supdt: Post B-16

Note:

1. Charge report should be submitted to all concerned

(Muhammad Rafiq Khattak)
DIRECTOR

Enclat: No. 60257/A-23/MS/Promotion/Asst/2012 Dated Peshawar the 07/08/2012.
Copy of the above is forwarded to the:

1. PS to Minister for Elementary & Secondary Education Department Khyber Pakhtunkhwa.
2. PS to Secretary, Govt of Khyber Pakhtunkhwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad.
4. Director of Education (EATA) Peshawar.
5. Director Provincial Institute of Teachers Edu: Khyber Pakhtunkhwa Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.
7. District Accounts Officers concerned.
8. Agency Accounts Officers concerned.
9. Executive District Officers (E&SE) concerned.
10. Agency Education Officers concerned.
11. Deputy District Officers (E&SE) concerned.
12. Superintendents concerned.
13. PA to Director Elementary & Secondary Edu: Khyber Pakhtunkhwa Peshawar.
14. PA to Additional Directors (B&T) & (Dev) Local Office.
15. Master File.

Deputy Director

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUN KHWA, PESHAWAR

BETTER COPY

Notification

Consequent upon the approval of the departmental promotion committee (DPC) meeting held on 07/08/2012, the following assistants/stenographers of Elementary & Secondary Education Department are hereby promoted/adjusted as regular superintendents/budget & Accounts Officers (B-16) in the interest of Public Service with immediate effect. C-1

S/No	Name & Designation	From	Promoted as	Remarks
1	Almas Khan Stenographer	Directorate E&SE, Khyber Pakhtun Khwa	Supdt: Estt: Directorate E&SE, K/Pakhtun Kha	Already Occupied
2	Sher Malik Assistant	AEO Mohammad	Services Placed at the disposal of DE (FATA) Peshawar for further.	
3	Mohammad Ashiq Assistant	EDO (E&SE) Abbotta Abad	EDO (E&SE) Batagraam	Against Vacant Supdt post B-16
4	Amanullah Assistant	EDO (E&SE) Tank	EDO (E&SE) Hangu	Against Vacant Supdt post B-16
5	Mohammad Ilyas Assistant	EDO (E&SE) Haripur	EDO (E&SE) Kohistan	Against Vacant Supdt post B-16
6	Nauman Ud Din Assistant	RITE (F) Bannu	EDO (E&SE) Hangu	Against Vacant Supdt post B-16
7	Altaf Hussain Assistant	EDO (E&SE) Abbotta Abad	EDO (E&SE) Battagraam	Against Vacant Supdt post B-16
8	Muhammad Ismail Assistant	RITE (F) D.I. Khan	EDO (E&SE) Karak	Against Vacant Supdt post B-16
9	Ibrahim Assistant	EDO (E&SE) Nowshera	DDO (F) Dir Upper	Against Vacant Supdt post B-16
10	Abdul Tamim Assistant	Directorate (E&SE) Khyber Pakhtun Khwa	DDO (M) Buner	Against Vacant Supdt post B-16
11	Saidul Israr Assistant	RITE (MO Thana)	EDO (E&SE) Swat	Against Vacant Supdt post B-16
12	Khadim Shah Assistant	EDO (E&SE) Charsadda	DDO (F) Timargara	Against Vacant Supdt post B-16
13	Sanaullah Assistant	DDO (F) Swabi	EDO (E&SE) Swat.	Against Vacant Supdt post B-16
14	Habib Aslam Assistant	EDO (E&SE) Mardan	EDO (E&SE) Kohistan	Against Vacant Supdt post B-16
15	Rahim Khan Assistant	EDO (E&SE) Swat	EDO (E&SE) Swat	Against Vacant Supdt post B-16
16	Jamshed Khan	EDO (E&SE) Swat	DDO (M) Timargara	Against Vacant Supdt post B-16

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17	Sheikh AmanUllah	EDO (E&SE) D.I Khan	EDO (E&SE) D.I Khan	Against Vacant Supdt post B-16
18	Irshad Muhammad	EDO (E&SE) Swat	EDO (E&SE) Dir Upper	Against Vacant Supdt post B-16
19	Abdul Wadood	EDO (E&SE) Chitral	EDO (E&SE) Chitral	Against Vacant Supdt post B-16
20	Abdul Wadood	EDO (E&SE) Swat	EDO (E&SE) Karak	Against Vacant Supdt post B-16
21	Zubair Muhammad	EDO (E&SE) Swat	EDO (E&SE) Shangla	Against Vacant Supdt post B-16
22	Mukamil Khan	Directorate (E&SE) K/Pakhtun Khwa	DDO (M) Wari Dir	Against Vacant Supdt post B-16
23	Shamsur Rahman	Directorate (E&SE) K/Pakhtun Khwa	EDO (E&SE) Kohat	Against Vacant Supdt post B-16

Note

1. Charge report should be submitted to all concerned.

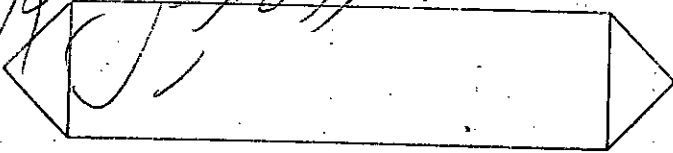
(Muhammad Rafiq Khattak)
DIRECTOR

Endst: No. 612.52/A.23/MS/Promoted/Adjuste/2012, detail Peshawar the 02/08/2012 copy of the above forwarded to the:

1. PS to Minister for Elementary & Secondary Education Department K/Pakhtun Khwa.
2. PS to Secretary Govt of Khyber Pakhtun Khwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtun Khwa Abbatta Abad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Educ: Khyber Pakhtun Khwa Peshawar.
6. Accountant General Khyber Pakhtun Khwa Peshawar.
7. District Accounts Officers Concerned:
8. Agency Accounts Officers Concerned:
9. Executive District Officers (E&SE) Concerned.
10. Agency Education Officers Concerned:
11. Deputy District Officer (E&SE) Concerned.
12. Superintendents Concerned.
13. PA to Director Elementary & secondary Edu: Khyber Pakhtun Khwa Peshawar.
14. PA to Additional Director (Estt) & (Dey) local office.
15. Master file.

Deputy Directory (E&SE)

بعدالت سرور



26/12ء منجانب
سورجیاں بنام سرور

10 دسمبر

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کیلئے صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخنتہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 12 ماہ 20

الع
وا
الع
مقام
کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHATUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO: 1335/2012.

Tanvir Shah PST GPS Kandi Kiari District Haripur.Appellant

VERSUS

Secretary, Elementary & Secondary Education Department, Govt: of Khyber Pakhtunkhwa
& others.Respondents.

PARAWISE COMMENTS /REPLY FOR ON BEHALF OF THE RESPONDENTS.

Respectfully Sheweth :-

Preliminary Objections.

- 1 The appellant has no cause of action/locus standi.
- 2 The instant appeal is badly time barred.
- 3 The appellant has concealed the material facts from this Hon! able Tribunal,
hence liable to be dismissed.
- 4 The appellant has not come to this Hon! able court with clean hands.
- 5 The present appeal is liable to be dismissed for non joinder/ mis-joinder for necessary parties.
- 6 That appellant has filed the instant appeal on malafide motives.
- 7 The instant appeal is against the prevailing law & rules.
- 8 The appellant is estopped by his/her own conduct to file the instant appeal.
- 9 The instant appeal is not maintainable in the present form & also in the resent circumstances of the issue.

On facts.

- 1 This Para pertains to record hence, no comments.
- 2 Incorrect. According to the notification 13/11/2012(annexure-"B") of the appeal BPS-1 is allowed to Senior post by promotion on the basis of seniority cum fitness amongst PSTs.
- 3 Incorrect & ^{not} admitted. This para has no concern with the respondents.
- 4 Incorrect. The mentioned notification was issued in presence of the provisions contained in Sub: rule-2 of rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & transfer) rules, 1989, in consultation with establishment and Finance Department, by the competent authority.
- 5 It was observed by the Supreme Court of Pakistan that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for a promotion for a particular grade and it is also with in the domain of

government to change the policy from time to time as no body can claim vested right in the policy. Hence the competent authority framed the qualification, experience for the appointment/promotion of PSTs, to maintain the efficiency in service.

- 6 Incorrect. The statement of appellant in this para is baseless, against the facts and norms of natural justice and also based on malafide motives.

Moreover it was also held by the Apex court that the govt: has the right to enhance the qualification and standard of recruitment and promotion in order to maintain efficiency in service.

- 7 Incorrect & not admitted the appellant does not fall the meaning of aggrieved person and has no cause of action. And no final order in original or appellate has made by departmental authority. Neither the appellant has challenged the relevant rules well in time not filed on departmental representation against the mentioned notification. Hence the appeal in hand is liable to be dismissed inter alia on following grounds.


On grounds

- A Incorrect & not admitted. The government has the legal right to enhance the qualification and standard if recruitment in order to maintain efficiency in service. Moreover, the appellant does not posses the required qualification for promotion, neither the appellant enhanced his own qualification during the log tenure of his service, hence denied.
- B Incorrect & not admitted. The statement of the appellant is without any legal support, against norm of natural justice. How it can ~~not~~ be possible to treat SSC on equal footing with intermediate, other higher qualifications as well as 3rd division with Ist: division. Hence the whole para is denied.
- C Incorrect & not admitted. The experience of PSTs are not ignored as evident/obvious from the calmn-5 on Serial No: 19 & 20 of the (Annexure-“B”) of the appeal. Hence the whole para is denied.
- D Incorrect & not admitted. In education department all the employees are allowed to enhance their academic & professional qualification. While the appellant has added nothing to his qualification and also teaching skills.
- E Incorrect & not admitted. The appellant is not discriminated, moreover the rules of other Provinces which are not applicable in province Khyber Pakhtunkhwa.
- F Incorrect. Rules of other departments are also not applicable in the education department.
- G Incorrect. The statement of the appellant is misleading one. In the said letter dated 1/10/2007 of Finance department on Serial No: 1 colmn-3 the required qualifications for the PST post is FA/F.Sc at least 2nd division with PTC/ Diploma in Education, hence the statement of the appellant is false, baseless, based on malafide intentions, against fact and rules and justice.

H Incorrect. The department has issued the said notification dated 13/11/2012 in accordance with Law & Constitution.

I That the respondents seek the permission of this Hon! able Tribunal to adduce more grounds and proofs at the time of hearing.

In view of the above made submissions, it is humbly requested that this Hon! able Tribunal may very graciously be pleased to dismiss the instant appeal with cost in favor of the respondents Department.


Director

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.


Secretary

Elementary & Secondary Education
Department Khyber Pakhtunkhwa,
Peshawar.


Secretary

Finance Department Khyber
Pakhtunkhwa, Peshawar.