

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4875

Dated 14/4/2023

Service Appeal No: 152/2023

Gul Rukh Arabic Teacher, Govt Girls Middle School, Saminabad, Mardan.

(Appellant)

Versus


The Secretary of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

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Respondent No 3


District Education Officer
Dud (Female) Mardan

19/4/2023

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No: 152/2023

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(Appellant)

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The Secretary of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

Para Wise Comments On Respondents 1 to3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has concealed the material facts from this Honorable Tribunal, hence the appeal is liable to be dismissed.
5. That the instant appeal is based on malafide intention, hence the appeal is liable to be dismissed.

FACTS:

1. Para No 1 pertains to record, hence needs no comments.
2. Para No 2 pertains to record, hence needs no comments.
3. Para No 3 pertains to record, hence needs no comments.
4. Para No 4 is incorrect, baseless as the seniority list was prepared and the promotion order is issued. as per Seniority-Cum-Fitness. The appellant's qualification is F.A and the required qualification for promotion SAT is at least Second class Master Degree in Arabic OR at least Second class Bachelor Degree from a recognized University with Shahadatul Alamia Fil Uloomul Arabia Wal Islamia, from a recognized Tanzimuatul Wafaqul Madaris, and the appellant qualification is less due to which she is not eligible, for SAT Promotion, hence denied. **(Copy of Notification 2018 is as Annexure -A)**
5. Para No 5 Pertains to record, hence need no comments.

The detail grounds as under:

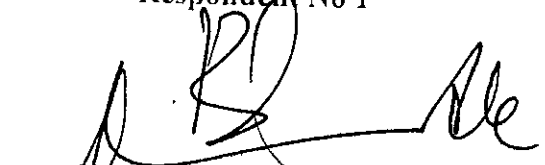
GROUND:

- A. Para No A is incorrect, baseless as the appellant was treated according to law and rules, hence denied.

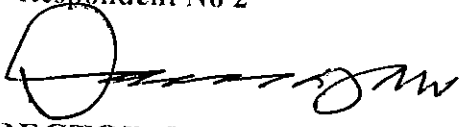
- B. Para No B is incorrect, baseless as the seniority list was prepared and the promotion order is issued, as per Seniority-Cum-Fitness, the qualification of the appellant is less and the appellant has not eligible for SAT Promotion, hence denied.
- C. Para C is incorrect, baseless as the respondent has not been discriminated to the appellant, the promotion order is issued on basis of requisite qualification and as per Seniority-Cum-Fitness, but the qualification of the appellant is less and the appellant has not eligible for SAT Promotion, hence denied.
- D. Para D is incorrect, baseless, is incorrect, baseless as the appellant has been treated according to law and rules, hence denied
- E. Para E is incorrect, baseless as, the appellant is not fit and eligible under the Service Rules for promotion to the post of SAT'9BPS-16) and the appellant has not been deprived, hence denied. (Copy of Notification is as Annexure -A)
- F. That the respondents seek permission to raise additional grounds at the time of arguments.

It is therefore humbly prayed that in the light of above facts, the appeal may please be dismissed with cost.


Respondent No 1


SECRETARY (E & SED)
KPK, PESHAWAR

Respondent No 2


DIRECTOR OF (E & SED)
KPK, PESHAWAR

Respondent No 3


District Education Officer
(Female) Mardan

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

NOTIFICATION

Peshawar, dated the 30th January, 2018.

No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department, in consultation with the Establishment Department and the Finance Department hereby directs that, in this Department's Notification No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated 13-11-2012, the following further amendments shall be made, namely:-

AMENDMENTS

In the Appendix,-

- (i) against Serial No.1, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree or four (4) years BS Degree in the relevant subject; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	21 to 35 years";

- (ii) against Serial No.1B, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) At least Second Class Bachelor's Degree from a recognized University from the following groups with two subject on need basis. (a) Chemistry, Botany or Zoology; or	19 to 35 years";

Attached
[Signature]

<p>(b) Physics, Maths or Statistics; or (c) Humanities and other equivalent groups at degree level with English as subject; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	
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(iii) against Serial No. 10, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

<p style="text-align: center;">3.</p> <p>(i) At least Second Class Master's Degree in Arabic from a recognized University; or at least Second Class Bachelor's Degree from a recognized University with Shahadatul 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 Government from time to time; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	<p style="text-align: center;">4. 19 to 35 years";</p> <p style="text-align: center;">AT</p>
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(iv) against Serial No. 11, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

<p style="text-align: center;">3.</p> <p>(i) At least Second Class Master's Degree in Islamiyat from a recognized University; or at least Second Class Secondary School Certificate from a recognized Board with Shahadatul Alamia 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 Government from time to time; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).</p>	<p style="text-align: center;">4. 19 to 35 years";</p> <p style="text-align: center;">TT</p>
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(v) against Serial No. 13, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years";

(vi) against Serial No. 17, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years";

(vii) against Serial No. 18, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years";

(viii) against Serial No. 21, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3.	4.
(i) Bachelor's Degree from a recognized University; and (ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	19 to 35 years"; and

(a) against Serial No.22, in columns No.3 and 4, for the existing entries, the following shall be substituted, namely:

3	4
(i) Bachelor's Degree from a recognized University and Qirat Sanad from registered Institution; and	19 to 35 years".
(ii) nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE).	

**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, 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 (E&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officers (M&F) in Khyber Pakhtunkhwa. *Mardan*
14. All District Accounts Officers in Khyber Pakhtunkhwa.
15. All Agency Education Officers/ Agency Accounts Officers in FATA.
16. PS to Governor Khyber Pakhtunkhwa, Peshawar.
17. PS to Chief Minister Khyber Pakhtunkhwa, Peshawar.
18. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
19. PS to Minister E&SE Khyber Pakhtunkhwa, Peshawar.
20. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.



SECTION OFFICER (Primary)

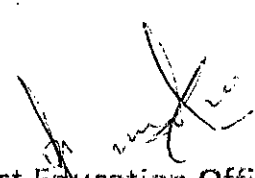
OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) MARDAN

No. 2057

DATED 5/11/2023

AUTHORITY LETTER

I, District Education Officer (Female) Mardan do hereby authorize Mr. Sajid Khan Legal representatives of the District Education Officer (Female) Mardan to Deal with the issues regarding Litigation, Represent & to attend the Hon, ble Service Tribunal Regarding Litigation.


District Education Officer

(Female) Mardan

05/11/23

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TRIBUNAL PESHAWAR

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(Appellant)

Versus

The Secretary of (E & SE) Education, KPK Peshawar, & Others.

(Respondents)

AFFIDAVIT

I, Mr. Sajid Khan Legal Representative Education Department Mardan do hereby solemnly affirm and declare that the contents of Para Wise Comments submitted on behalf of respondents are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



Deponent

Sajid Khan
Sajid Khan

16101-6005318-5