


12.09.2022


Counsel for the appellant present.

Asif Masood Ali Shah, Deputy District Attorney
alongwith Arshad Ali, ADEO for respondents present.

Written reply on behalf of respondents No. 1, 4 & 5
submitted which is placed on file. A copy of the same is
handed over to the learned counsel of the appellant. No one
present on behalf of respondents No. 2 & 3, therefore,
notice be issued to them for submission of written
reply/comments. To come up for written reply/arguments
on 24.11.2022 before D.B.

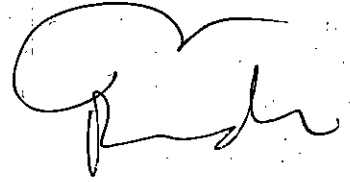
Respondent 2 &
3 were put
on notice.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

24/11/22

Due to deletion of the
case to come up on 31/1/23

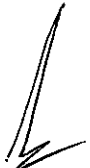



31st Jan, 2023

None for the appellant present. Mr. Muhammad Adeel
Butt, Addl: AG for respondents present.

Like on 12.09.2022 there is no body on behalf of
respondents No. 2 and 3 while learned AAG seeks time to
file comments. He may do so within a week positively. To
come up for written reply/arguments on 10.05.2023 before
the D.B.

SCANNED
K. S. T
Peshawar


(Muhammad Akbar Khan)
Member(Executive)


(Kalim Arshad Khan)
Chairman

24.12.2021

Due to winter vacations, case is adjourned to
11.03.2022 for the same as before.

11-3-22

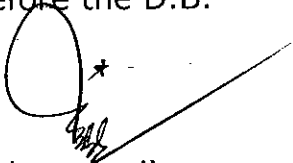
*Due to Retirement of The Honble Chairman
the case is adjourned to come up for the same
as before on 23-6-22*


Reader

Reader
Reader

23.06.2022

Learned counsel for the appellant present. Mr. Arshad Ali, ADEO (Litigation) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Last chance given. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 10000/- to the appellant. Adjourned. To come up for submission of reply/comments as well as arguments on 12.09.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

Tahira Yasmeen, 4817/2021

14.09.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the Service Rules notified on 24.07.2014 have shut the door of promotion on the appellant due to the reason that atleast 2nd division Bachelor Degree is prescribed for promotion to the post of SST (BS-16). The appellant has, however, also acquired higher qualification i.e Master in 2nd Division. Initially, a degree if acquired in 3rd Division and higher qualification or Degree acquired in 2nd Division then the higher Division in a higher degree will prevail and the 3rd Division in an earlier examination will have to be overlooked. In support of his arguments, he relied on Peshawar High Court Bannu Bench judgement dated 28.01.2016 in writ petition No. 73-B/2014, Peshawar High Court Abbottabad Bench judgement dated 05.04.2016 in writ petition No. 1041-A/2015 and PMS Rules (2007) further amended vide Establishment Department notification dated 15.12.2011. The appellant, therefore, submitted departmental appeal on 17.12.2020 against the inaction of the respondents to promote the appellant which was not responded or decided within the stipulated statutory period, hence, the instant service appeal filed in the Service Tribunal on 08.04.2021. He contended that keeping in view the "principle of consistency", the appellant may also be treated at par with other employees including PMS so far as the question of promotion of 3rd Division degree holder is concerned. Moreover, service appeals of similar nature involving the same question of law and principle of consistency, have already been admitted for regular hearing in the Service Tribunal and are presently under the process of adjudication.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 24.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee

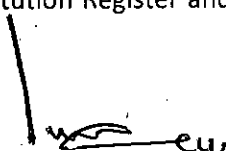



(Mian Muhammad)
Member(E)

Form-A

FORM OF ORDER SHEET

Court of _____

Case No.- 4817 /2021

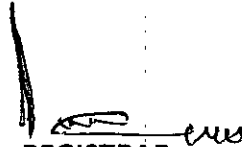
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/04/2021	<p>The appeal of Mst. Tahira Yasmeen resubmitted today by Mr. Mir Zaman Safi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	07.06.2021	<p>The Worthy Chairman is on leave, therefore, case to come up for preliminary hearing on 14.09.2021 before S.B.</p> <p style="text-align: right;"> Reader</p>

The appeal of Miss. Tahira Yasmin SCT GGHS Jogiwara Peshawar City received today i.e. on 08/04/2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexure-G of the appeal is illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.

No. 677 /S.T,

Dt. 08/04 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mir Zaman Safi Adv. Pesh.

Notes:

Sir,

*All objections have been removed
hence re-submitted today dated 12/4/2021.*

Mir Zaman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

TAHIRA YASMIN

VS

EDUCATION DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Appointment order	A	4- 7.
3	Educational testimonials	B	8- 10.
4	Impugned Notification	C	11- 15.
5	Judgments	D & E	16- 22.
6	Departmental appeal	F	23.
7	Notification dated 15.12.2011	G	24.
8	Wakalat nama	25.

APPELLANT

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Miss. Tahira Yasmin, SCT (BPS-16),
GGHS Jogiwara, Peshawar City.

..... 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 Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT 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 NINETY DAYS

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 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:

APPOINTMENT/

Consequent upon their Selection by the Departmental Selection Committee, the Divl; Director of Education (S) Peshawar has been pleased to appoint the following trained CT (Female) at the school noted against their names in EPS (9) at Rs: 1605-97-3060/-) plus usual allowances as admissible under the rules with immediate effect subject to the following existing terms and conditions.

S/No; Name & Address	Age	No; in M/List, Marks.	School	Remarks
1. Shakila Begum D/O Mohammad Zahir Madina Col; Rashid Abad Peshawar City.	10.1.73.	1/90	GGHS Yaka Toot Peshawar,	Vice Abida Tabasum terminated as not selected on merit.
2. Tahamul D/O Masheraf Khan. Moh; Charakha Khel Utmanzai.	21.8.72	2/88	GGHS, Shabqadar,	against vacant post.
3. Zahida Naz D/O Gul Badi. Tariq Photo stat Jehangira Nowshera.	26.8.68	3/86	GGMS, Khairabad Nowshera.	Vice Abida Begum terminate as not selected on merit.
4. Shabana Bibi D/O Saeed Ali Moh; Mian Basat Gul Hasan Sb; H/No; 3359 Shaheen Bazar Pesh;	20.6.70	4/86	GGMS, Jehangir Pura	vice Razia Tabasum terminated as not selected on merit.
5. Sarwat Shaheen D/O Sharif Khan Vill: & P.O. Chamkani. Peshawar.	20.5.71	5/86	GGMS, Budni,	Vice Rehat Sultana terminated as not selected on merit.
6. Naveeda D/O Mohammad Abdullah Vill: & P.O. Prang Charsadda.	1.4.73	6/86	GGHS, Charsadda	vice Razia terminated as not selected on merit.
7. Naheed Akhtar D/O Abdul Wahab Village & P.O. Khesighai Pagan.	15.7.64	7/81	GGHS, No; 2 Nowshera Kanan;	Vice Hamida Khatoon terminated, as not selected on merit.
8. Samina D/O Mohammad Zafar DET GGHS, Charsadda.	7.2.69	8/80	GGMS, Tarnab Chd;	Vice Taskeen terminated as not selected on merit.
9. Gul Samina Naz D/O M. Fozia Gull Vill; Eazi Khel PTC GGPS Chari Hamid Gul Charsadda.	19.2.64	10/78	GGHS Charsadda,	vice Khalid terminated as not selected on merit.
10. Tabasum Begum D/O Hidayatullah Village Rajjar Charsadda.	6.5.68	11/78	GGHS, Bari Band	Vice Musro Begum terminated as not selected on merit.
11. Farida Bano D/O Ghulam Hussain GGPS Din Bahar Colony Pesh; City.	5.2.58	13/74	GGHS, Nakagi Peshawar	Vice against vacant post.
12. Shakila Bano D/O Abdul Hanan Kocha Nasrullah Khan Bano Mari.	2.6.64	14/74	GGHS, Badabair Peshawar	Vice Shaheen Begum terminated as not selected on merit.

(Page 2 Contd;...)

13. Baserat Bano D/O Ghulam Hussain 16/74 GGHS Tarnab Form vice
Rehat Jehan terminated as
not selected on merit.
14. Dilshad Begum D/O Abdul Litif 15.3.65 17/73 GGHS No; 2 Nowshera Kal
PTC GGPS Risalpur Cantt NSR;
Vice Hamida Khatun ter
as not selected on merit.
15. Gulnaz D/O Habibur Rehman 11.10.73 19/73 GGMS No; 1 Hazar Khawani
Shaheen Muslim Town Pesh; City.
Vice Fozia Majeed termin
ated as not selected on
merit.
16. Nighat Hussain D/O M. Hussain. 1.8.72 20/72 GGMS, Bari Band Vice Nasee
Wapda Col; Tangi Chd; Road.
Begum terminated as not
selected on merit.
17. Saeeda Shahnaz D/O Ghulam 24.5.72 21/70 GGHS No; 2 Pesh; Cantt; vic
Ahmad. QH Rter No; 57 B C/Qtr;
Peshawar.
Usma Nosheen terminated
as not selected on merit.
18. Zainib Jehan D/O Faiz Mohammad 4.12.74 23/70 GGMS Tariq Abad vice
Moh; Mian. Ban Baba Utmanzai.
Shaheen Begum terminated
as not selected on merit.
19. Ishrat Begum D/O Rahadin Khan 28.10.68 24/69 GGMS, Bariband Charsadda
Moh; Mirzai Charsadda.
Vice Shakira Begum termi
ated as not selected on
merit.
20. Nusrat Bano D/O Gul Mohammad 22.5.50 26/72 GGMS, No; 2 Hazar Khawani
C/O SDEO (F) Peshawar.
against vacant OT post.
21. Taskeen Tabsum D/O Safdar Ali 26.2.71 27/68 GGMS, Behlola, vice Shahzi
Moh; Sadu Khel Prang Charsadda.
Faiz terminated as not
selected on merit.
22. Najma Shahid D/O Ghulam Shahid 1.3.65 28/66 GGHS, Nothia Peshawar Vic
Irrigation Colony Peshawar.
Farzana Zahid terminated
as not selected on merit.
23. Sanjeeda D/O Ali Gohar. 3.8.71. 29/66 GGMS, Khattak Building NS
Vill; & P.O. Akora Khattak NSR;
Vice Riasat Amin termina
as not selected on merit.
24. Seema Bibi D/O Kakhkol Khan 15.4.68 31/65 GGMS, Budni, Vice Siraj
Moh; Zarin Abad Chamkani.
Begum terminated as not
selected on merit.
25. Nusrat Ara D/O Sardar Khan 8.7.70 32/65 GGHS, Lady Griffith vice
Moh; Bariz Khan H. No; 3616
Inside Asiya Gate, Dabgari.
Kalsoom Mukhtiar termin
ated as not selected on
merit.
26. Zul Qamar Awan D/O Ghulam 5.1.73 33/65 GGMS City Railway Static
Jan Awan 21 Zarin Colony
Near Shanwary Sarai Dilazak
Road Pesh; City.
vice Shakira Gulnaz ter
minated as not selected
on merit.
27. Qasirat Begum D/O Amhabi Malik 4.4.70 34/64 GGMS, Dagi Nowshera
Vill; Dek Ismail Khel Nowshera.
against vacant post.
28. Tabira Yasmin D/O Inam Mohammad 29.8.70 33/64 GGMS, Wadpaga, against
H/No; 10 Sarwar Col; Shahi Bagh
Road Peshawar City.
vacant post.

- 5
77. Amila Khan D/O Hashim Khan 16.12.74 88/56 GGHS, Nishtar Abad vice
H. No; 2156, Behind Amin Hotel
Peshawar City. Amtiaz Kakar terminated
as not selected on merit.
78. Saina Naz D/O Mohammad Shafi 14.12.76 90/56 GGHS, Tarnab Form Peshawar
Vill; Pushtoon Ghari Nowsh; vice Dilshad Begum termin-
ated as not selected on
merit.
79. Khairun Nisa D/O Shahbaz Khan 2.4.65 91/55 GGMS, Gul Badshah Jee vice
H. No; 4871/618 Moh; Babbanj Dass Abida Bibi terminated as
Bazar Jehan Sir, Pura Peshawar. not selected on merit.
80. Zahnaz Begum D/O Ghulam Mehdi 8.6.66 92/55 GGMS, Wadpaga, vice Robina
PTC GGPS Vill; & P.O. Pabbi Nowshera. Bashir terminated as not
selected on merit.
81. Gul Nasreen D/O Abdul Latif 7.9.63 93/55 GGMS Dakki Munawar Shah
PTC GGPS Rehman Baba Colony Vice Bilgees Tabasum term-
Peshawar. inated as not selected
on merit.
82. Gul Shad Begum D/O Ghafranud 22.2.69 94/55 GGMS Hajizai vice Safia
Din C/O TT GGMS Kahi Nowshera. Noreen terminated as not
selected, on merit.
83. Shaista Khatoon D/O Mahboob Ali 1.4.69 96/55 GGMS, Pura Peshawar, vice
Lahori Gate Bano Stop Jani Gas Store Sajawalian terminated.
Peshawar City.

TERMS & CONDITIONS/

1. They will be governed by such rules and regulations as may be prescribed by the Govt: from time to time for the category of the Govt: Servants to which they belong.
2. Their services will be liable to termination on one month notice, from either side. In case of resignation without notice one month, pay will be forfeited in lieu thereof.
3. They should join the posts within one month of the issue of this, Notification.
4. Their inter-se-seniority will be determined in accordance with the merit of Departmental Selection Committee.
5. Charge reports should be submitted to all concerned.
6. They shall be on probation for a period of two years and will have to pass Departmental Examination. In case a candidate fails to qualify the Departmental exam: he will be given one more chance if he fails again the his services will be terminated. On arrival/availability of trained teacher the services of untrained teacher occupies the post will be terminated.
7. Their original certificates Degree should be checked and verified from the concerned University/BISE/RDE & Islamic Madrassas concerned before, handing over charge.
8. Services Books of the teachers must be prepared complete in all respect before handing over charge.
9. The declaration of Assets should be obtained from them immediately and placed on record.
10. They are required to produce health and age certificates from Medical authorities before taking over charge.
11. Charge should not be given to the over age candidate. His case for age relaxation be sent to the concerned quarters.

- 12. Efforts for transfer before the completion of tenure will disqualify him from the Service.
- 13. No TA/DA etc is allowed.

(GHULAM MUSTAFA)
 DIVL: DIRECTOR OF EDUCATION (GENERAL),
 PESHAWAR DIVISION PESHAWAR

Endst; No: 10051-10227 / Dated Peshawar the 26/6/1997

Copy to the:-

- 1. PS to Minister for Education NWFP Peshawar.
- 2. PS to Secy; Education NWFP Peshawar.
- 3. AG, NWFP/DAO Charsadda/Nowshera.
- 4. DEO(P) Secy; Peshawar/Nowshera/Charsadda.
- 5. Principals/Headmistresses, concerned.
- 6. DA to DSE NWFP Peshawar.
- 7. PA to DDE(S) Peshawar Divn; Peshawar.
- 8. Supt, I/Branch.
- 9. I/File.

[Handwritten Signature]

Divl: Director of Education (General)
 Peshawar Division Peshawar

Jehanzeb/
 Yousafzai

[Handwritten Signature]

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

NOTIFICATION

Consequent upon the placement of services at the disposal of this office by the Director (E&SE)

Khyber-Pakhtunkhwa Vide Notification No. 4000/67 Dated: 21/2/2013, the following Senior CTs are

here by adjusted in the schools mentioned against each their names in the interest of public service

with immediate effect on the terms and conditions already framed in the above mentioned notification.

S#	Name of Official	Present Place of Posting	Adjusted at	Remarks
1	BISMILLAH JAN	GGHSS Begum Shahab-ud-Din	GGHSS Begum Shahab-ud-Din	Against CT post already occupied by her
2	GULSHAN ARA	GGHSS Comprehensive	GGHSS Comprehensive	Against CT post already occupied by her
3	TAHIRA JABEEN	GGHS Gul Bahar	GGHS Gul Bahar	Against CT post already occupied by her
4	TANVEER FATIMA	GGHS No1. Cantt.	GGHS No1. Cantt.	Against CT post already occupied by her
5	KHALIDA PARVEEN SEEMAB	GGHSS Begum Shahab-ud-Din	GGHSS Begum Shahab-ud-Din	Against CT post already occupied by her
6	RIFFAT PARVEEN	GGHSS JOGIWARA	GGHSS JOGIWARA	Against CT post already occupied by her
7	WAJIDA NASREEN	GGCMHS Tehkal Bala	GGCMHS Tehkal Bala	Against CT post already occupied by her
8	TAYYABA SHAHEEN	GGHSS Lady Griffith	GGHSS Lady Griffith	Against CT post already occupied by her
9	RUBINA TILLAT SIDDIQI	GGHS Landi Arbab	GGHS Landi Arbab	Against CT post already occupied by her
10	RIFAT JAMIL	GGMS Gul Bachah Jee	GGHSS Lady Griffith	Vice Farzana Shoukat. CT
11	SHABINA BIBI	GGHSS Chamkani	GGHSS Chamkani	Against CT post already occupied by her
12	FARIDA BANO	GGHS Passani	GGHS Passani	Against CT post already occupied by her
13	NIGHAT SHAHEEN	GGMS Shahi Bala	GGHSS Mathra	Vice Sadia CT not promoted
14	FOUZIA SHAHZADI	GGHSS University Town	GGHSS University Town	Against CT post already occupied by her
15	FARKHANDA JABEEN	GGHSS Lady Griffith	GGHSS Lady Griffith	Against CT post already occupied by her
16	NAZ NISAR SIDDIQE	GGHSS Comprehensive	GGHSS Comprehensive	Against CT post already occupied by her
17	GULRAIZ	GGHSS Chamkani	GGHSS Chamkani	Against CT post already occupied by her
18	FARIDA BANO	GGHS Badaber	GGHS Badaber	Against CT post already occupied by her
19	IREEN MARKS	GGMS No.3 Cantt.	GGCMHS Nauthia	Vice Aneela Noor CT not promoted
20	RUKHSANA ASLAM	GGHSS No.2 Cantt.	GGHSS No.2 Cantt.	Against CT post already occupied by her
21	NAIMA SALEEM	GGHSS University Town	GGHSS University Town	Against CT post already occupied by her
22	SAMINA GUL	GGHS Islamia Collegiate	GGHS Islamia Collegiate	Against CT post already occupied by her
23	SHAHEEN BEGUM	GGHSS Comprehensive	GGHSS Comprehensive	Against CT post already occupied by her
24	NISHAT UL QAMAR	GGMS Bara Sheikhan	GGHS Civil Quarter	Vice Razia CT retired Vice Shaista Jehangir CT
25	HASINA BIBI	GGMS No.3 Cantt.	GGHS No1. Cantt.	Against CT post already occupied by her
26	NOSHABA JABEEN	GGHSS Comprehensive	GGHSS Comprehensive	Against CT post already occupied by her
27	MARYAM BIBI	GGCMHS Nothia	GGCMHS Nothia	Against CT post already occupied by her
28	SHAMSHAD BEGUM	GGHSS Comprehensive	GGHSS Comprehensive	Against CT post already occupied by her
29	NIGHAT SHAHEEN	GGHS Civil Colony	GGHS Civil Colony	Against CT post already occupied by her
30	KALSOOM SHAMS	GGHSS Begum Shahab-ud-Din	GGHSS Begum Shahab-ud-Din	Against CT post already occupied by her

7

14/3/13

S#	Name of Official	Present Place of Posting	Adjusted at	Remarks
31	AZRA BEGUM	GGHSS Comprehensive	GGHSS Comprehensive	Against CT post already occupied by her
32	BIBI RAZIA	GGHSS No.2 Cantt	GGHSS No.2 Cantt	Against CT post already occupied by her
33	ASMA UL HUSNA	GGHSS No.2 Cantt	GGHSS No.2 Cantt	Against CT post already occupied by her
34	FOUZIA BASHIR	GGHS Khyber Colony	GGHS Khyber Colony	Against CT post already occupied by her
35	SHAZIA KARIM	GGHS Nishter Abad	GGHS Nishter Abad	Against CT post already occupied by her
36	SARWAT JABEEN	GGHSS Nishtarabad	GGHSS Nishtarabad	Against CT post already occupied by her
37	MUNIRA SULTANA	GGHS Civil Colony	GGHS Civil Colony	Against CT post already occupied by her
38	PARVEEN KHAN	GGHSS Hayat Abad	GGHSS Hayat Abad	Against CT post already occupied by her
39	SAIRA BANO	GGCMHS Tehkal Bala	GGCMHS Tehkal Bala	Against CT post already occupied by her
40	SAMINA REHMAN	GGMS Pakha Ghulam	GGHS Wadpagga	Vice Rashida Khatoon CT
41	MUNAWAR SULTANA	GGPMS BUDNI.PESHAWAR (JICA)	GGHS Budhni	Vice Hafsa CT
42	NEELOFAR SHABNUM	GGHS Achini Payan	GGHS Achini Payan	Against CT post already occupied by her
43	KOUSAR NAYAB	GGMS New karim Pura	GGCMHS Nauthia	Vice Faima Yasmeen CT
44	FOZIA AWAN	GGMS Jehangir Pura	GGHS Dabgari Gate	Vice Tehraj CT
45	KOUSAR PARVEEN	JICA MODEL HAYAT ABA	GGHS Shaheen Camp	Vice Farida Hassan CT
46	FARHAT ARA	GGMS No.3 Cantt	GGHS Bara Line	Vice Rozina Shaheen CT
47	SHAH GUL	GGMS Jehangir Pura	GGHS Dabgari Gate	Vice Yusra Najma CT
48	GHAZALA YASMIN	GGHS Jogiwara	GGHS Jogiwara	Against CT post already occupied by her
49	AQEELA JABEEN	GGHSS Chamkani	GGHSS Chamkani	Against CT post already occupied by her
50	NUSRAT SEEMA	GGHSS No.2 Cantt	GGHSS No.2 Cantt	Against CT post already occupied by her
51	SALMA NAHEED	GGHS No1. Cantt	GGHS No1. Cantt	Against CT post already occupied by her
52	RANA GUL	GGHSS Hayat Abad	GGHSS Hayat Abad	Against CT post already occupied by her
53	TEHZEEB AKHTAR	GGHS Yaka Toot	GGHS Yaka Toot	Against CT post already occupied by her
54	SAJIDA BEGUM	GGHS Badaber	GGHS Badaber	Against CT post already occupied by her
55	SHAZIA TABASUM	GGHS Gul Bahar	GGHS Gul Bahar	Against CT post already occupied by her
56	SHAGUFTA NASEEM	GGHSS Begum Shahab-ud-Din	GGHSS Begum Shahab-ud-Din	Against CT post already occupied by her
57	DILSHAD BEGUM	GGHSS Begum Shahab-ud-Din	GGHSS Begum Shahab-ud-Din	Against CT post already occupied by her
58	RIFFAT PARVEEN	GGHSS Hayat Abad	GGHSS Hayat Abad	Against CT post already occupied by her
59	ABIDA BEGUM	GGHSS Hayat Abad	GGHSS Hayat Abad	Against CT post already occupied by her
60	STEELA PERVEZ	GGHS Landi Arbab	GGHS Landi Arbab	Against CT post already occupied by her
61	NASREEN AKHTAR	GGHSS Comprehensive	GGHSS Comprehensive	Against CT post already occupied by her
62	TAHIRA YASMIN	GGMS New karim Pura	GGHS Jogiwara	Vice Manjona CT
63	SHAMIM AKHTAR	GGHSS University Town	GGHSS University Town	Against CT post already occupied by her
64	TAHIRA JABEEN	GGHS Dabgari Gate	GGHS Dabgari Gate	Against CT post already occupied by her

14/12/11

7/A

S#	Name of Official	Present Place of Posting	Adjusted at	Remarks
133	SHAHEEN AKHTAR	GGHS Civil Quarters	GGHS Civil Quarters	Against CT post already occupied by her
134	ZEEENAT BEGUM	GGHS Sheikh Abad	GGHS Sheikh Abad	Against CT post already occupied by her
135	ZAITOON BEGUM	GGHSS Begum Shahab-ud-Din	GGHSS Begum Shahab-ud-Din	Against CT post already occupied by her
136	FAHIM AKHTAR	GGHSS Begum Shahab-ud-Din	GGHSS Begum Shahab-ud-Din	Against CT post already occupied by her
137	DILRUS	GGHS Mian Gujar	GGHS Mian Gujar	Against CT post already occupied by her
138	ASMA AYUB	GGHS Tarnab Farm	GGHS Tarnab Farm	Against CT post already occupied by her
139	FARZANA BANO	GGMS Zaryab Colony	GGHS No.1 Cantt	Vice Kousar Begum CT

consequentional postings/tranfer of the following B-15 CTs are also ordered to the places as mentioned against their names.

1	FARZANA SHOUKAT	GGHSS Lady Griffith	GGMS Gul Badshahjee	Against vacant post
2	SADIA	GGhHSS-Mathra	GGMS Shahi Bala	Against vacant post
3	ANEELA NOOR	GGCMHS Nauthia	GGMS No3 Cantt	Against vacant post
4	SHAISTA JEHANGIR	GGHS No.1 Cantt.	GGMS No.3 Cantt	Against vacant post
5	RASHIDA KHATOON	GGHS Wadpagga	GGMS Pakha Ghulam	Against vacant post
6	HAFSA BIBI	GGHS Budhni	GGPMS BUDNI PESHAWAR (JICA)	Against vacant post
7	FAIMA YASMEEN	GGCMHS Nauthia	GGMS New karim Pura	Against vacant post
8	TEHRAJ BEGUM	GGHS Dabgari	GGMS Jehangir Pura	Against vacant post
9	FOUZIA ANWAR	GGHS Khyber Colony	JICA HAYAT ABAD	Against vacant post
10	ROZINA SHAHEEN	GGHS Bara Line	GGMS No.3 Cantt.	Against vacant post
11	YUSRA NAJMA GILLINI	GGHS Dabgari	GGMS Jehangir Pura	Against vacant post
12	MAMOONA	GGHSS Jogiwara	GGMS New karim Pura	Against vacant post
13	JAMILA BANO	GGHS Yaka Toot	GGMS Lahori Gate	Against vacant post
14	SAMINA AKHTAR	GGHS Dabgari	GGMS Jehangir Pura	Against vacant post
15	AJMIN IQBAL	GGHS Achini Payan	GGPMS HAYAT ABAD - I (JICA)	Against vacant post
16	SEEMA GUL	GGHS BASHIR ABAD PESHAWAR	GGMS No.1 Cantt	Against vacant post
17	BIBI TAHIRA	GGHS Dabgari	GGMS QAUID ABAD KAKASHAL	Against vacant post
18	SHAZIA ANEES	GGHSS Lady Griffith	GGMS Gul Bachah Jee	Against vacant post
19	SHAZIA IRUM	GGHSS Lady Griffith	GGMS Sattar Shah Col	Against vacant post
20	FARZANA KOUSAR	GGHS No.1 Cantt.	GGMS No.3 Cantt.	Against vacant post
21	SHEREEN BIBI	GGHS Gul Bahar	GGMS Gulbahar No.2	Against vacant post
22	SALMA SARDAR	GGHSS Comp:	GGMS Daki Munawar	Against vacant post
23	MEHAR NIGAR	GGHS No.1 Cantt	GGMS MALAKANDHER	Against vacant post
24	NEELAM BEGUM	GGHS C/R/Station	GGMS Zaryab Colony	Against vacant post
25	MEENA GUL	GGHSS Nishtarabad	GGMS New karim Pura	Vice S.No.41

[Handwritten signature]

[Handwritten signature]

S#	Name of Official	Present Place of Posting	Adjusted at	Remarks
26	MUIAZ BEGUM	GGHS Landi Arbab	GGMS Bara Gate	Against vacant post
27	BIBI ZAINAB	GGHSS Isl. Collegiate	GGMS Hayatabad	Against vacant post
28	ABIDA KHATOON	GGHS Landi Arbab	GGMS Swati Gate	Against vacant post
29	ASMA HAYAT	GGHS City Railway Station	GGMS Gulabad	Against vacant post
30	SANJEEDA YASMEEN	GGHS Dabgari	GGMS Gul Bachah Jee	Against vacant post
31	SADAQAT BEGUM	GGHSS Chamkani	GGMS Chamkani	Against vacant post
32	FARZANA SHAHEEN	GGHSS Hayat Abad	GGMS Hayatabad	Against vacant post
33	NAVEEDA	GGHS Isl. Collegiate	GGMS Sufaid Dheri	Against vacant post
34	SHABANA NAZ	GGHS Achini Payar	GGMS Sufaid Dheri	Against vacant post
35	AFROZ JEHAN	GGHSS Begum Shahab-ud-Din	GGMS New karim Pura	Against vacant post
36	SAIRA BANO	GGHSS Lady Griffith	GGMS Gul Bachah Jee	Against vacant post
37	ROZINA NAZ	GGHS Qasab Khana	GGMS Jehangir Pura	Against vacant post
38	ROOMI GUL	GGHS Budhni	GGPMS BUDNI-PESHAWAR (JICA)	Against vacant post
39	SALEEMA PARVEEN	GGHSS Chamkani	GGMS Chamkani	Against vacant post
40	KOUSAR BEGUM	GGHS No.1 Cantt	GGMS Zaryab Colony	Against vacant post
41	SHABNAM HANIF	GGMS New karim Pura	GGMS Sarbilandpura	Against vacant post
42	FARIDA HASSAN	GGHS Shaheen Camp	GGHS Khyber Colony	Vice S.No.9

(SOFIA TABASSUM)

District Education Officer
Female Peshawar

Endst: 2437-2802 Date Peshawar the 15 / 3 / 2013

Copy of the above is forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Director (E&SE) Khyber Pakhtunkhwa Peshawar
3. Principal/Headmistress concerned
4. Teachers concerned
5. Cashier Local Office

District Education Officer
Female Peshawar

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar

(Pakistan)

Session ANNUAL 1993

TANIRA YASMIN DAUGHTER of INAM MOHAMMAD and a student
of GOVT FRONTIER COLLEGE FOR WOMEN PESHAWAR having passed the prescribed Examination
held in AUGUST 19 93, is this day admitted by the University of Peshawar,

to the Degree of
Bachelor of Arts

in the THIRD Division

The Examination was taken as a whole / in parts

Serial No. 011670

Registered No. 09-W-7135

Roll No. 30824

Result Declared on 15TH JANUARY 1994

Attested
Self: B
Principal
GCHSS Jogiware
Peshawar City



Shakil Ahmad

Registrar

Countersigned

Shamir
Vice-Chancellor



University of Peshawar

(Pakistan)

Session ANNUAL 1994

TAHIRA YASMIN

DAUGHTER of

INAM MUHAMMAD

and a student/Private Candidate of DISTRICT PESHAWAR
having passed the prescribed examination held in DECEMBER 1994 is this day
admitted by the University of Peshawar to the Degree of
Bachelor of Education

In SECOND Division in Theory

In SECOND Division in Teaching practice

In SECOND Division in Aggregate

He/She Passed also in GENERAL SCIENCE as an OPTIONAL subject

The Examination was taken as a whole/in parts

Serial No. 0024470

Registration No. 89-47125

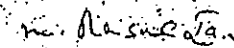
Roll No. 333

Result declared on MAY 21, 1995




Registrar

Countersigned


Vice-Chancellor



University of Peshawar (Pakistan)

10

Session ANNUAL 1996

TAHIRA YASMIN DAUGHTER of INAM MUHAMMAD and a student
of DISTRICT PESHAWAR having passed the prescribed examination
held in APRIL, 1997, is this day admitted by the University of Peshawar

to the Degree of Master of Arts

in the SECOND Division.

The Subject of Examination being URDU

The Examination was taken as a whole / in parts

Serial No. 026443

Registration No. 69-W-7125

Roll No. 6611

Result declared on OCTOBER 18, 1997

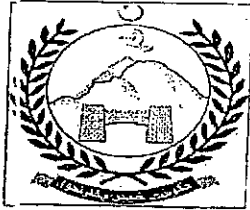


Attested
Sd/- B
Principal
GSHS Jeshwara
Peshawar City

[Signature]
Registrar

Countersigned

[Signature]
Vice-Chancellor



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, 1982, 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&L/1-69/06/Vol-1/DPE/LIB dated 13.11.2007 and No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

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

1	2	3	4	5
1	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	25 to 35 years	(a) Fifty per cent by promotion on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualifications mentioned in column No. 3. Note: If no suitable candidate is available in the relevant subject the post falling under the promotion quota shall be filled by direct recruitment.

10

11

Annex 'A'

(11) [Signature]

12

				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3; Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3; Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and (b) fifty percent by initial recruitment"; and

Annex "A"

13

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

13

1	2	3	4	5
1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="text-align: center;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

for
CIC

14

				<p>Provided that if no suitable candidate is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No.3;</p>
--	--	--	--	--

21

101

				<p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(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:</p> <p>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;</p> <p>(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:</p> <p>Provided that if no suitable candidate is available from amongst</p>
--	--	--	--	---

M. B.

CTC

15/A

				<p>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</p> <p>(ii) twenty Five percent by initial recruitment.</p> <p>Note:</p> <p>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</p>
--	--	--	--	--

M. P.

(S)

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

15/B

Endst : of even No & date:

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

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

(7)

Better copy- D

PESHAWAR HIGH COURT BANNU BENCH
FORM OF ORDER SHEET

16


Date of order or other proceedings	Order or other proceedings with signature of Judge (S)
(1)	(2)
28.01.2016	<p>WP No.73-B-2014 Present Mr. Ali Jan Khan Advocate for petitioner: MUHAMMAD GHAZANFAR KHAN :-</p> <ol style="list-style-type: none">1. the petitioner namely Mumtaz Khan son of the Gull Jan, through the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeks issuance of directions to the respondents/department to consider him for promotion in the post of SST in BPS-16 in view of the department promotion committee meeting held on 18.01.2014.2. we have heard learned counsel for the petitioner and gone through the available record of the case.3. Perusal of the record transpires that the petitioner has passed B.A in third division while as per notification bearing No. dated 18.1.2011 the minimum qualification for the post of SST BPS-16 are Bachelor's degree or MA in education bachelor 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.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. <p>ANNOUNCED 28.01.2016.</p> <p>Sd/- ikramullah Khan Sd/-Muhammad Ghazanfar Khan, J</p>

M-Ghazanfar

FORM OF ORDER SHEET

16
8

Date of order or other proceedings (1)	Order or other proceedings with signature of judge(s) (2)
28/01/2016	<p>AYP No-75-B-2014</p> <p>Present: Mr. Anjum Khan Advocate for petitioner</p> <p><u>MURTEZA AHMED ALI SHAZAD</u> Advocate for respondents</p> <p>petitioner, namely, <u>Muhammad Azeem</u> son of <u>M. Ghani</u> through the instant Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeks issuance of directions to the respondents/department to consider and promote him to the post of SSA in A.P.S. Range No. 01 of the Department of Police in Government of Punjab held on 18-01-2014.</p> <p>2. We have heard learned counsel for the petitioner and go through the material record of the case.</p> <p>3. Learned counsel for respondents/petitioner has pressed 01A and 01B division which are in operation as the posts of SSA in A.P.S. Range No. 01 of the Department of Police in Government of Punjab are vacant. The petitioner has submitted the information in the form of SSA (01A & 01B) and the special class certificate of A.P.S. Range No. 01 of the Department of Police in Government of Punjab.</p>

STAMP

 JUDGE
 PE. SHERAZI HIGH COURT
 BANNU JUDICIAL OFFICE

ATTEST



2
22
17

record further shows that the petitioner has also passed M.Ed. during the year 2000 in second division and M.A. History and Public Study during the session 2003 in second division.

4. In view of the above, we direct the respondents to consider the petitioner for promotion to the post of SSM (BPS-16) in the next Departmental Promotion Committee meeting on the basis of his degree in M.A. History and Public Study coupled with M.Ed. in the above terms. Petitioner is disposed of in the above terms.

ANNOUNCED
28/07/2015

Sd/- Kamal K. Khan

Sd/- M. M. Chaudhary

Handwritten signature and date
12/7/15

CERTIFIED TRUE COPY

Handwritten signature

Secretary, Government of Punjab
Lahore

TESTED

Handwritten signature

2

E - 10 13

Answer

BETTER COPY- E

Judgment Sheet
IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH JUDICIAL DEPARTMENT
Writ Petition No.1041-A/2015

JUDGMENT

- 1. IKRAMULLAH KHAN, J:-** Through the instant writ petition under article 199 of the Islamic republic of Pakistan, 1973 the petitioner seeks declaration to the effect that the act of respondent NO, 3 where by the promotion notification dated 28.10.2014 was withdrawn vide impugned notification 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. 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 24.04.2015 respondent No,3 has passed the impugned notification and, as such, the promotion order of the petitioner was withdrawn on the ground having B.SC in third division.
3. 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 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 is 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 24.07.2014 according to which the method of recruitment of SST was specified with a first condition of at least second class BA/Bsc from a recognized university on need basis with two relevant subjects along with second condition of MA education or B.ed from the recognized university further averred that it is the prerogative of the government to enhance, modify or alter the promotion 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.
5. 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 where as the withdrawal order of the petitioner was passed on 24.04.2015, prior to the announcement of the judgment.
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 04.06.2015 and the case of the petitioner is on better footing for reason that in 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.

[Handwritten signature]

7. Admittedly, the petitioner was duly promoted to the post of question on 28.10.2014, after the departmental promotion committee evaluated his case /PERs.

8. Now the question for determination before this court would be that when the petitioner actually performed his duties on the promoted post and that too for six long months, then how the respondent No.3 could withdraw earlier promotion order only on the pretext having B.Sc third division.

9. It appears from the record that a division Bench of this had already declared the condition of having third division as null and 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 it par with that of the petitioner there in, 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.

9. It is also a well settled principle of law that once a benefit is granted to a civil servant, cannot taken back from him and, if so, very stringent strong reason are required for the same, which are not available in the case in hand, more so, when the promotion order of 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 Pakistan.

10. For the reasons mentioned above, this petition is accepted and the impugned notification dated 24.04.2015 issued by respondent No.3 where by 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.

M. Chaudhary

Judgment No. 1000
IN THE PESHAWAR HIGH COURT
PUBLIC RELIEF

Writ Petition No. 1000 of 2014

Date of hearing

Petitioner

Respondents

IKRAMUL AEMIN

under Article 199 of the Islamic Republic of Pakistan, the petitioner seeks declaration that the act of

respondent No. 3 whereby the impugned promotion dated 28.10.2014 was withdrawn vide impugned order dated

24.04.2015 on the ground of having an irregularity in the division) is illegal and without any legal basis.

← judgment of this court passed in W.P. No. 1000 of 2014

2. In essence, the petitioner was originally appointed as Certified Teacher and, as per entitlement, was promoted to the post of Senior Certified Teacher on 28.10.2014. On 28.10.2014, whereafter the petitioner assumed the charge of the said post on 29.10.2014 and discharged his duties to the satisfaction of his competent authority on 24.04.2015. Respondent No. 3 has passed the impugned order and as

certified
10-50
11

ATTES

[Handwritten signatures]

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

(Handwritten marks and signatures)

3. Comments were called from respondents No. 3 who filed the same, averring therein that though petitioner was promoted to the post of SST vide notification dated 23.10.2014 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, Chiyar, Paktunkhwa 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) 15/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 B.A / B.Sc from a recognized University on need basis with two relevant subjects along with second condition of MA Education or B.Ed from the recognized University. Further averred that it is the prerogative of the government to enhance, modify or alter the promotion

(Handwritten signatures and initials)

criteria / policy for the civil servants and the civil servant who is supposed to be treated with a set of rules of his own choice.

5. 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.

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 04-06-2015 and the case of the petitioner is better looking 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 and he received his benefits from 28-10-2014 to 24-04-2015 and thus the impugned orders are illegal, without lawful authority and jurisdiction.

7. Admittedly, the petitioner was duly promoted to the post in question on 28-10-2014 after the departmental promotion committee evaluated his case / PERs.

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

Genl Secy
2015
2015

2015
2015

8. It appears from the records that the petitioner had already declared the impugned promotion order null and void. It is also stated that the petitioner has also been awarded a certificate of merit for the year 1970-71, stating that the petitioner was not aware of the withdrawal of the impugned promotion of the petitioner and when the case of the petitioner came before the court, the petitioner therein matter of betterment. The petitioner was not only promoted to the post in question but he performed his duties for six long months and received his benefits. The impugned notification passed by respondent No. 1 is a clear violation of Article 23 of the Constitution of Pakistan.

9. It is also a well settled principle of law that once a benefit is granted to a civil servant, it cannot be taken back from him and, if so, very stringent and strong reasons are required of the same, which are not available in the case of the petitioner 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 23 of the Constitution of Pakistan.

10. For the reasons mentioned above, the petition is accepted and the impugned notification is hereby annulled. Issued by respondent No. 3, whereby the promotion order of the petitioner was withdrawn. It is also stated that the petitioner has been awarded a certificate of merit for the year 1970-71.

29

authority and as such

28.10.2014

Announced

05.04.2016

MS/17/2

REPUBLIC OF
INDIA
GOVERNMENT OF
INDIA

Handwritten signature

Handwritten initials

To,

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

F - 23

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 Teacher in the respondent Department vide order 26.06.1997 and right from the date of my 1st appointment I am performing my duties quite efficiently and upto the entire satisfaction of his superiors. During service I was promoted to the post of SCT (BPS-16). That I am a highly qualified and having Master degree in Arts in second 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 Primary School 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 Arts. That being a similar placed employee approached the concerned authority to extend the same benefit 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: 17.12.2020

APPLICANT

Tahira
TAHIRA YASMIN, SCT (BPS-16),
GGHS Jogiwara, Peshawar City



GOVERNMENT OF PUNJAB
ESTABLISHMENT

Date: _____

NOTIFICATION

ANNOUNCEMENT In exercise of the powers conferred by sub-section (1) of section 2 of the Punjab Public Service Commission Act, 1953, the Chief Minister of Punjab, in accordance with the Punjab Public Service Commission Act, 1953, hereby announces that the following further amendments shall be made in the

ANNOUNCEMENT

Schedule I, paragraph 5, No. 1, in Column (A) of the said Act, shall be replaced by rules and regulations to be made in this behalf.

Provided that a candidate who has obtained a Bachelor's Degree will be eligible for the said post if he/she has obtained a higher education with credit.

FOR INFORMATION

Copy of this notification is forwarded to

- 1. Secretary to Government, Punjab
- 2. Secretary to Government, Punjab
- 3. Secretary to Government, Punjab
- 4. Secretary to Government, Punjab
- 5. Secretary to Government, Punjab
- 6. Secretary to Government, Punjab
- 7. Secretary to Government, Punjab
- 8. Secretary to Government, Punjab
- 9. Secretary to Government, Punjab
- 10. Secretary to Government, Punjab
- 11. Secretary to Government, Punjab
- 12. Secretary to Government, Punjab
- 13. Secretary to Government, Punjab
- 14. Secretary to Government, Punjab
- 15. Secretary to Government, Punjab
- 16. Secretary to Government, Punjab
- 17. Secretary to Government, Punjab
- 18. Secretary to Government, Punjab
- 19. Secretary to Government, Punjab
- 20. Secretary to Government, Punjab

[Handwritten Signature]

[Handwritten Signature]

ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2021

Tahira Yasmeen (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt. (RESPONDENT)
(DEFENDANT)

I/We Tahira Yasmeen

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021




CLIENT


ACCEPTED

MIR ZAMAN SAFI
ADVOCATE

OFFICE:

Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0323-9295295


Afrasiab Wajid
Advocate

BETTER COPY PAGE-24

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated: Peshawar the December, 15, 2011

NOTIFICATION

No. SOE.II (ED) 2/1-1/2011:- In exercise of the powers conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servant Act, 1974 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister Provincial Management Service Rules 2007 the following further amendments 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 the following proviso shall be added namely:-

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

**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 12450 /2016

Mr. Muhammad Shuaib, PSHT (BPS-15),
GPS Shinkat, District Dir-Lower.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11321

Dated 07/10/2020

..... **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 Mardan.

..... **RESPONDENTS**

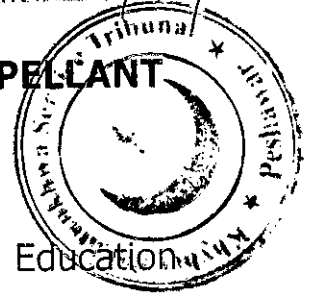
APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF S.S.T (BPS-16) ON THE BASIS HAVING BACHELOR DEGREE IN 3RD DIVISION AND AGAINST THE SERVICE RULES NOTIFIED ON 24.7.2014 WHEREBY 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 NINETY DAYS

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 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:



EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

30.11.2020

Mr. Mir Zaman Safi, Advocate, for appellant is present.

Appellant has sought modification in impugned Service Rules dated 24.07.2014 to the extent that the stipulated condition of 2nd Division/Class may be deleted from column No. 3 (i) B as highlighted in the respective table by directing respondents to consider appellant for promotion to the post of Secondary School Teacher with effect from that very date when his comrades and juniors were promoted with all consequential back benefits including seniority

The points so agitated at the bar need consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 03.04.2021 before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

01.03.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is on leave, therefore, the case is adjourned. To come up for the same before S.B on 06.04.2021.

Reader

06.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 14.07.2021 for the same as before.

READER

Certified to be true copy

MINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PUKHTUNKHWA, PESHAWAR**

Service Appeal No: 4817/2021

Miss Tahira Yasmine

Versus

Secretary, Elementary & Secondary Education, Peshawar.

REPLY ON BEHALF OF THE RESPONDENT No.
1, 3, 4 & 5.

Preliminary objection:

1. That the appellant has got no cause of action / locus standi.
2. That the appellant has concealed material facts from this Hon'ble Tribunal.
3. That the appellant has been estopped by her own conduct to file the instant appeal before this Hon'ble Tribunal.
4. That the instant Appeal is badly time barred.
5. That the instant Appeal is not maintainable in its present form.
6. That the instant Appeal is bed for mis joinder and non joined of the necessary and proper parties
7. That the appellant has not come with clean hands to this Hon'ble Tribunal.
8. That the instant appeal is barred by law.

ON FACTS

1. Para No 1 & 2 pertain to record.
3. That in reply to prara No. 3, it is submitted that the Government issued notification on dated 30/01/2018 regarding the promotion from different cadre of teacher to SST post. According tot eh said notification the teacher who posses second class bachelor's decree plus professional degree fro example M.A (Education) or B.Ed can promote to SST teacher. *(Copy of notification / rules are attached as Annexure "A")*.
4. That in reply to para No. 4, it is submitted that the appellant is not eligible for promotion and the criteria for promotion and appointment against SST post is that the candidates / employes must have BA/BSc in second division, while the appellant has BA degree and 3rd Division and according to the rules she cannot be promote to SST while rest of the para pertains to record.

5. That Para No.5 is incorrect, misleading and against the facts. The criteria for appointment to SST is that BA (Second division) and the appellant have third division in B.A degree, so she is not eligible for the post of SST teacher according to rules.

6. That in reply to Para No.6, it is submitted that the appellant is third division BA degree holder; therefore she is not eligible for promotion from S.CT to SST under the rules.

7. That Para No.7 is pertaining to record . Detail reply is given in Para No.3 above.

8. That reply to Para No.8, it is submitted that the Appellant has no cause of action to file the instant appeal in the Hon'ble Tribunal.

GROUND

A. That Ground-A is incorrect and misleading and against the facts. The notification dated 24/07/2014 is according to law / rules.

B. That Ground-B is incorrect and misleading. The detailed reply has been given the above paras. Moreover the respondents have not violated any article of the constitution of Pakistan 1973.

C. That Ground-C is also incorrect and misleading. The detailed reply has been given in the proceeding paras.

D. That Ground-D is also incorrect and misleading and against the facts. The appellant have third division BA degree, therefore he is not eligible for promotion under the rules and the notification dated 15/12/2011 is no more applicable.

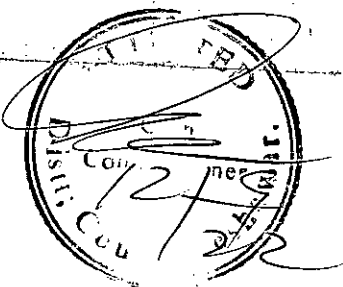
E. That Ground -E is also incorrect and misleading. The detail reply has been given in the above paras.

F. That the Respondents also seek permission to submit other grounds and record at the time of arguments.

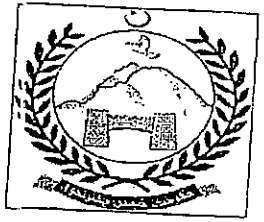
It is therefore, very humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost..

District Education Officer
(F) Peshawar

Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar



Secretary (E & S) P
12/12
Abdullah



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-II dated, 09-04-2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE) 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

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

1	2	3	4	5
1	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3. Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

(i)

MA
CIC

Annex 'A'

[Handwritten signature]

Pr

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

10

1	2	3	4	5
1B.	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology), Or (b) (Physics, Maths "A" or "B" or Statistics) Or (c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p style="text-align: center;">and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>1. Seventy Five per cent by promotion, on the basis of seniority-cum-fitness, from the district concerned in the following manner:</p> <p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p style="padding-left: 40px;">Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

[Signature]

[Signature]
CTC