


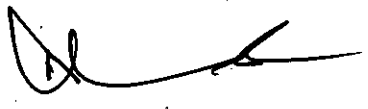
08<sup>th</sup> May, 2023

1. Learned Counsel for the appellant present. Mr. Fazal Shah Mohamand, Additional Advocate General for the respondents present.

2. Vide our detailed order of today placed in service appeal No. 1382/2019 titled "Usman Ghani Vs Government of Khyber Pakhtunkhwa through Secretary Education and others" (copy placed in this file), this appeal is also disposed of. Cost shall follow the event. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 08<sup>th</sup> day of May, 2023.*

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman.

\*Kaleem Ullah\*

SCANNED  
KPST  
Peshawar

13<sup>th</sup> April, 2023

Today this and connected appeals were brought by the Incharge of the pending files Branch. I was astonished to note that for what purpose the Reader had given such a long date in these appeals, which has caused quite long delay in disposal of these appeals. This act on the part of Reader has also paved way for a number of other aspersions on the reputation of the Tribunal, therefore, Mr. Pir Muhammad, Superintendent/working as Reader at the relevant point of time is called upon to explain his position as to why such acts of negligence, carelessness, inefficiency, irresponsible conduct <sup>were</sup> ~~was~~ done by him and for the above acts why he should not be proceeded against under the relevant rules. His reply should reach the undersigned on 17.04.2023, the date given by him in the matters.

SCANNED  
KPSST  
Peshawar



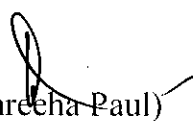
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, PA\*


17<sup>th</sup> April, 2023

1. Counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Zahid Khan, SDEO for the respondents present.
2. Arguments heard. Learned senior counsel for the appellant wants to make some more submission. He may do make on 08.05.2023 before the D.B. P.P given to the parties.

SCANNED  
KPSST  
Peshawar



(Fareeha Paul)  
Member (E)




(Kalim Arshad Khan)  
Chairman

\*\*Adnan Shah, PA

25<sup>th</sup> July, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Hussain Ali, Litigation Officer for respondents present.

It was pointed out that a number of other appeals on the same subject matter were fixed on different dates. It was, therefore, requested that all such appeals might be clubbed and heard together. This case is thus adjourned to 17/04/2023 before the D.B. Learned counsel for the appellant is directed to submit an application to the Registrar of this Tribunal mentioning the details of all such appeals alongwith dates fixed therein within a week so that all such appeals could be fixed together with this appeal. On receipt of the application containing details of all similar appeal, the Registrar shall fix all those for the above date.



(Salah Ud Din)  
Member(Judicial)



(Kalim Arshad Khan)  
Chairman

27.07.2021

Counsel for the appellant present.

Mr. Javed Ullah, Learned Assistant Advocate General  
alongwith Mr. Hussain Ali, Litigation Officer for  
respondents present.

Learned counsel for the appellant seeks adjournment  
as he has not prepared the brief. Granted. To come up for  
arguments on 13.12.2021 before D.B.



(Rozina Rehman)  
Member(J)

  
Chairman

13-12-21

DB is on Tour case to come up  
For the same on Dated 29-3-22

Reader

29-3-2022

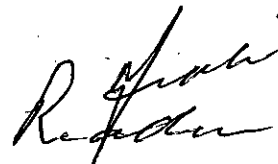
Proper DB not available the case  
is adjourned to come up for the same  
as before on 11-5-2022



Reader

11-5-22

Proper DB not available the case is  
adjourned on 25-7-22

  
Reader

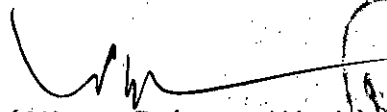
01.04.2021

*Noted  
AK*

Nemo for parties.

Kabir Ullah Khattak learned Additional Advocate General present.

Preceding date was adjourned on a Reader's note, therefore, both the parties be put on notice for 14/7 2021 for arguments, before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)


  
(Rozina Rehman)  
Member (J)

14.07.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General alongwith Hussain Ali Litigation Assistant for respondents present.

File to come up alongwith connected Service Appeal #.1230/2019 tilted Shamshad Khan Vs. Education Department on 27.07.2021 before D.B.

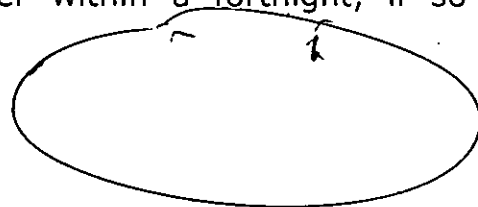
  
(Rozina Rehman)  
Member (J)

  
Chairman

06.08.2020

Junior counsel for the appellant is present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hussain Ali, Litigation Officer for the respondents are also present.

Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 3 which are placed on file. To come up for arguments on 26.10.2020 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.



(MUHAMMAD JAMAL KHAN)  
MEMBER

26.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 30.12.2020 for hearing before the D.B.



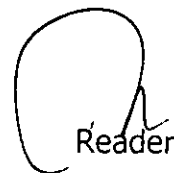
(Atiq-ur-Rehman Wazir)  
Member



Chairman

30.12.2020

Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.



Reader

25.02.2020 Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present.

Learned Additional Advocate General requests for time to contact the respondents and furnished reply/comments on the next date of hearing. Adjourned. To come up for written reply/comments on 31.03.2020 before S.B.



(Hussain Shah)  
Member

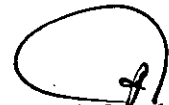
31.03.2020 Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.



**Reader**

23.06.2020 Counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General on behalf of the respondents present.

The later requests for time to submit written reply/comments. Last chance is given. To come up for written reply/comments on 06.08.2020 before S.B.



Member

26.11.2019

Counsel for the appellant present.

Contends that essentially the appellant was in the promotion zone for SST (BPS-16) at the time when Regularization Act, 2009 was promulgated. The Hon'able Peshawar High Court, Peshawar also observed, while disposing of C.O.C No. 105-P/2011 in writ petition No. 355/2011, that any employee/teacher was not promoted by the time when Act 2009 was enforced while he was in the promotion zone, was a question of fact to be determined in individual cases.

To resolve the controversy, instant appeal is admitted to regular hearing. 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 on 20.01.2020 before S.B.

20/12/19  
Appointment Deposited  
Security & Process Fee

  
Chairman

20.01.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for time to contact the respondents and furnish reply/comments on the next date of hearing. Adjourned to 25.02.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

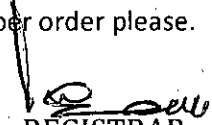
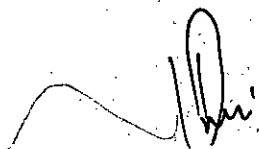


Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1235/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2019	<p>The appeal of Mr. Muhammad Liaiq presented today by Mr. Noor Muhammad Khattak 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 7/10/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/11/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

APPEAL No. 1235 /2019

**MUHAMMAD LAIQ**

**V/S**

**EDUCATION DEPTT:**

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**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK,  
ADVOCATE**

ROOM NO. 3, UPPER FLOOR,  
NEW ISLAMIA CLUB BUILDING,  
KHYBER BAZAR, PESHAWAR CITY

**0345-9383141**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

APPEAL NO. 1235 /2019

Diary No. 1398

Dated 7-10-2019

Mr. Mohammad Laiq Khan, PSHT (BPS-15),  
GPS Janoo Khwazakhela, District Swat ..... **APPELLANT**

**VERSUS**

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Swat.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT GRANTING/ALLOWING PROMOTION TO THE APPELLANT TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) FROM THE DATE WHEN THE PROMOTION QUOTA WAS FILLED BY THE RESPONDENTS THROUGH INITIAL RECRUITMENT OR FROM THE DATE OF COMMENCEMENT OF THE ACT NO.XVI OF 2009 COMMONLY KNOWN AS REGULARIZATION OF SERVICES ACT, 2009 NOTIFIED IN THE OFFICIAL GAZETTE ON 24.10.2009 WITH ALL BACK BENEFITS INCLUDING SENIORITY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYERS:**

That on acceptance of this appeal 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 the promotion quota have been filled by the respondents through initial recruitment or from the date of Commencement of the Act No.XVI of 2009 commonly known as Regularization of Services Act, 2009 Notified in the official gazette on 24.10.2009 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:-**

- 1- That initially the appellant was appointed as PST in the respondents Department vide order dated 01.06.1991 and later on the appellant was appointed as PSHT (BPS-15) in the respondent Department vide order dated 01.07.2017. Copy of the service book is attached as annexure ..... **A.**

Filed to-day  
*[Signature]*  
Registrar  
7/10/19

- 2- That during service as certified teacher the appellant was in the promotion zone to the post of SST (BPS-16) but the respondents instead promoting the appellant advertised the said posts of SST (BPS-16) on adhoc/contract basis. Copy of the advertisement is attached as annexure ..... **B.**
- 3- That under protest the appellant and his colleagues applied for the said post through initial recruitment but the same was also refused to the appellant and colleagues of the appellant on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus appellant and his colleagues were deprived from prospects of promotion. That it is pertinent to mention that at the time of above mentioned advertisement the post/cadre of PSHT (BPS-15) to which the appellant belong have no prospects of promotion.
- 4- That in light of the said advertisement new appointments were made by the respondents on adhoc basis and even the promotion quota was also filled by the respondents though initial recruitment.
- 5- That in the meanwhile the Provincial Government Promulgated the employees regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which the appellant belongs. That the promotion quota for which the appellant and his colleagues have waited for decades has been washed by operation of the said Act of 2009. Copy of the Act is attached as annexure ..... **C.**
- 6- That feeling aggrieved the appellant and his colleagues knocked the door of the Peshawar High Court through various writ petitions including writ petition No.2905/2009. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:  
**(i)- The act.XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.**  
**(ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruit.**  
**Copy of the Judgment is attached as annexure ..... D.**
- 7- That the respondents assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after the appellant and his colleagues time

and again visited the respondents for their promotion to the next higher scale but the respondents instead of redressing the grievance of the appellant and his colleagues advertised the posts through initial recruitment through various advertisements. Copies of the judgment and advertisements are attached as annexure ..... **E & F.**

- 8- That it is pertinent to mention that appellant is the senior most PSHT (BPS-15) of the respondent department and also eligible in all respect for promotion to the post of SST (BPS-16). Copies of the seniority list, service rules and educational testimonials are attached as Annexure ..... **G, H & I.**
- 9- That feeling aggrieved the appellant and his colleagues knocked the door of august Peshawar high Court, Peshawar in various COC Petitions numbers including COC Petition No.105-P/2018 and the same has been disposed of vide judgment dated 8.11.2018 with directions to approached the august Service Tribunal for claiming of promotion and seniority. Copy of the judgment is attached as annexure ..... **J.**
- 10- That feeling aggrieved the appellant preferred Departmental appeal but no response has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure ..... **K.**

**GROUND:**

- A- That the inaction of the respondents by not allowing/granting ante dated promotion to the appellant to the post of SST (BPS-16) is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondents by not allowing/granting ante dated promotion to the appellant to the post of SST (BPS-16) is based on mala fide and arbitrary intentions and as such the same is violative of the principle of natural justice.
- D- That, the respondents acted in a malafide manner by not promoting the appellant to the post of SST (BPS-16) inspite of eligibility, seniority and fitness.

- E- That the respondents acted in arbitrary and malafide manner by not ante dated promotion to appellant to the post of SST (BPS-16) despite the fact that the appellant was not allowed in the initial recruitment process because of the fact that he is in regular promotion zone and will soon be promoted to the post of SST (BPS-16).
- F- That the inaction of the respondents by not allowing/granting promotion to the appellant to the post of SST (BPS-16) is violative of section-9 of the Civil Servant Act 1973 read with Rule-7 of the (Appointment, Promotion & Transfer) Rules 1989.
- G- That as per Rules and regulation the appellant is entitle for promotion to the post of SST (BPS-16) with all consequential benefits including seniority.
- H- That according to Article 38(e) of the Constitution of Pakistan, 1973 the state is bound to reduce disparity in the income and earnings of individual including persons in the services of Federation.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 11.9.2019

**APPELLANT**



**MUHAMMAD LAIQ KHAN**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**&**



**MIR ZAMAN SAFI  
ADVOCATES**

(For use in Police Department only).

A-5

Heirs,

1.

3.

pass<sup>2</sup>. Med from Al-Khais Univ.  
December-203 Exam under  
Verification Roll No. dated  
Roll No 3670, obtained 607 marks  
placed in 1st division. 100  
R.D. on 16-4-204.

received back

Sub Divnl: Edu: Officer (M)  
Saidu Sharif Sub Division, 2. Left thumb-impression.

pass of MA 2 Bangla  
from Pesh Univ  
599 marks  
R.D. on 2/5/2002  
Roll No 2370

**Academic**

passed SSC (A) EXAME under  
Qualification Date  
Roll No: - 23397 from BISE.  
Peshawar in 1985 securing 412  
English Marks. Result declared on: 850  
Pashta 8.8.85  
Sub Divisional Edu: Officer,  
Saidu Sharif, Sub Division, 2

Urdu  
Passed F.A (S) EXAME under Roll No.  
15985 from BISE, Peshawar in  
Plan-Ifawing  
1987 securing 520 Marks  
1100

Finger print  
Result declared on: 1

Drill instructing

Court duties  
Sub Divisional Edu: Officer,  
Saidu Sharif, Sub Division, 2

**Professional**

Qualifications Date  
Passed P.T.C Exam from  
First P.T.C. - Deptt under R.No  
177 Marks obtained 276  
B Result declared on 500  
22/11/92

Pleadership examination

Training School, Union Board, Peshawar

Other qualifications ✓  
Passed C.T EXAMS in 1996 (Spurs)  
from AIOU ISLAM ABAD under  
R. No - D-6934879 and  
placed in the 2nd Div  
Result declared on 30-6

passed BTA EXAMS 1993(A) from Univ  
Reserve duties  
City of Peshawar under R. No 61604 securing  
287/550 marks and placed in the 2nd Div  
R.D. on 17-03-1994  
Sub Divnl: Edu: Officer (M)  
Saidu Sharif Sub Division, 2

Sub Divnl: Edu: Officer (M)  
Saidu Sharif Sub Division, 2

Passed B.Ed Examination from  
University of Peshawar under Roll No 66352249  
Islamabad 1998 out of 900  
issued 31.7.99

passed in A pashta  
Exams 1996(A) from University of Peshawar  
under R. No 11455 - securing 574/1100 marks  
and placed in the 2nd Div

Sub Divnl: Edu: Officer (M)  
Saidu Sharif Sub Division, 2

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name *Mohammad haig Khan* ✓ P. No # 75973

2. Race *Afghan*

(6)

3. Residence *village Jarno p.o. Khawazatchela, Swat*

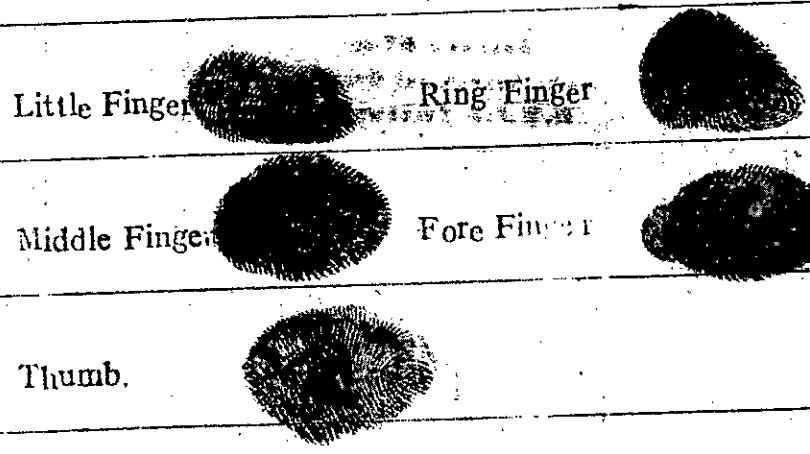
4. Father's name and residence *Saran Zab, village Jarno p.o. Khawazatchela, Swat*

5. Date of birth by Christian era as nearly as can be ascertained *Second April N.H. & sixty nine. (2-4-1969)* ✓

6. Exact height by measurement *5-5*

7. Personal marks for identification *nil*

8. Left hand thumb and Finger impression of (non-gazetted) officer



9. Signature of Government servant.

*Mr. Haig*  
*24/10/69*

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Sub Divisional Edn. Officer,  
Saidu Sharif, Sub Division, *AS*

ATTESTED



1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term 'Pay'	7 Date of appointment	8 Signature of Government servant
P.T.C G.M.P.S. Nawaya Kalay (Khangzokhela)	Sub. Per		750/- fixed			3-3-88	
- do -	- do -	D.O.S. No 7-1095	1095	60	1995		
- do -	- do -	1095	1215/- fixed			6/91	
<p><u>Note</u> The following overpayment made may please be recovered.</p> <p>120/- of M.F.A. 1/91 to 30/11/91</p> <p>→ P.O. 720/-</p> <p>Also overpaid</p> <p>P.T.C</p> <p>G.M.P.S. Nawaya Kalay</p> <p>Sub/Per</p> <p>1185/-</p> <p>1185/-</p> <p>1185/-</p> <p>1257/-</p>							
		1095	60	1995			
			Rs 1095/-			22/92	
			1185-72	2265		22/92	
			Rs 1185/-			1/92	
			Rs 1185/-			1/92	
			Rs 1257/-			1/93	

Order of the Accountant General  
A. V. P. Pashawa  
Pay Band in the Revised Pay Series 1981  
of Rs. 1095/- **FIXED**  
G.O. 1095/1995  
With Next Increment on 1-12-1995

Accountant General  
A. V. P. Pashawa

Sig  
Head  
of  
Office  
S: E  
S: Sa  
S: E  
S: I  
Sai

9	10	11	12	13	14	15	
				Leave		Reference to any recorded punishment or censure, or reward or praise of the Government Servant.	
				Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which debit		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer				
S. D. E. O. Saidu Sharif	Appointment 31/91	Scale revised	S. D. E. O. Saidu Sharif	Appointed as P.T.C. teacher at G.M.P.S. Naway Kalay (Kharogachela) vide DEO (M) Swat order NO. 7729-31/			
S. D. E. O. Saidu Sharif	R.P. Scale	Dashed P.T.C.	S. D. E. O. Saidu Sharif	date - 2-3-88			
S. D. E. O. Saidu Sharif	21/92	Earnings Side alteration	S. D. E. O. Saidu Sharif			Sub Divisional Edu. Officer, Saidu Sharif, Sub Division, Swat	
Tracked pay scale allowed w.e.f. 22/92 vide DEO (M) Swat order Swat No 6267-696 dated 9/12/92				pay fixed in B-7 on point to point basis w.e.f. 7-6-91 as under pay in BPS No 7 = Rs. 750/- pay fixed in Modified P.S. 755/- pay fixed in RPS = Rs. 1215/- fixed		Service Verified w.e.f. 3-3-88 to 31-12-88 from acq. Rolls & other Record of this Office.  Sub Divisional Edu. Officer, Saidu Sharif, Sub Division, Swat	
D. E. O. Saidu Sharif	B.P. No 9 allowed due to F.A.II	Dix. Ann. 9mc not allowed	S. D. E. O. Saidu Sharif			Sub Divisional Edu. Officer (M) Saidu Sharif Sub Division, Swat	
S. D. E. O. Saidu Sharif	30/92		S. D. E. O. Saidu Sharif			Service Verified w.e.f. 1-1-89 to 31-12-93 from acq. Rolls & other Record of this office.	
S. D. E. O. Saidu Sharif	30/93	Ann. 9mc	S. D. E. O. Saidu Sharif			Sub Div. Edu. Officer (M) Saidu Sharif Swat	
S. D. E. O. Saidu Sharif	31/94	Scale revised	S. D. E. O. Saidu Sharif				

7

ATTESTED

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 if officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other enrolment falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant
<b>BPS 14 (8000-610-23600)</b>							
						Rs. 20200/-	5 <sup>12</sup> / <sub>2014</sub> ✓
<b>BPS 14 (10340-790-34040)</b>							
						Rs. 26140/-	7 <sup>7</sup> / <sub>2015</sub> ✓
						Rs. 26930/-	1 <sup>12</sup> / <sub>2015</sub> ✓
<b>BPS 15 (10685-905-38135)</b>							
						Rs. 27275/-	1 <sup>14</sup> / <sub>15</sub> ✓
<b>BPS 15 (13510-1120-47110)</b>							
						Rs. 33670/-	7 <sup>7</sup> / <sub>2016</sub> ✓
						Rs. 34790/-	1 <sup>12</sup> / <sub>2016</sub> ✓

Office of the Accountant General  
Khyber Pakhtunkhwa Peshawar  
Pay Fixed in the Revised Basic Pay Scales  
10340-790-34040 ✓ 14  
96140-610-23600 ✓ 14  
R.B.P.S 13510-1120-47110 ✓ 15  
Pay Fixed @ Rs. 33670 ✓ 15  
Date of Next Increment is on 01-12-2016

M. [Signature]  
Accounts Office  
Khyber Pakhtunkhwa Peshawar

ANNEXED

9	10	11	12	13		14	15	
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Allocation of period of leave or average pay upto four months for which leave salary is debit to another Government	Government to which debit to		
					Period			

S.D.E.O(M) Pry. Swat. 30/6/15 S/Rev

S.D.E.O(M) Pry. Swat. 30/11/15 A/w

S.D.E.O(M) Pry. Swat. 1/12/15 to 15/12/15

S.D.E.O(M) Pry. Swat. 30/6/2016 S/Rev

S.D.E.O(M) Pry. Swat. 30/11/2016 A/w

S.D.E.O (M) Saidu Sharif 30/6/17 S/Rev

*option*  
 I do hereby opt for  
 relaxation of my pay  
 w.e.f. 1/12/2015  
 30/6/2015

Sub Divn. Edu. Officer (M)  
 Saidu Sharif Swat.

Service Verified w.e.f. 1-1-2011  
 To 31-12-11 From acc. Roll &  
 Other Record of this office.

Sub Divn. Edu. Officer (M)  
 Kx Primary, Swat.

Service Verified w.e.f. 1-1-12  
 To 31-12-13 From acc. Roll &  
 Other Record of this office.

Sub Divn. Edu. Officer  
 Kx Primary.

**ATTENDED**

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
G.P.S Landaines	Sub /per	BPS 15 (16120-1330-56020)	Rs. 41390/-			12/2017	
-do-	-do-		Rs. 42720/pm			01/12/2017	
<p>Entries revised due to award of next stage + premature inc. in promotion where service is less than 3 years.</p>							
		BPS NO 14 @ RA (10340-790-34040)	01/07/0015 Rs. 26140/pm				
		BPS NO 15 @ RA (10985-905-38135)	01/07/0015 Rs. 27275/pm				
Option			01/12/015 Rs. 28180/pm				
		BPS NO 15 @ RA (13510-1120-47110)	01/07/016 Rs. 34790/pm			33676	
			01/12/016 Rs. 35910/pm			34780	
		BPS NO 15 @ RA (16120-1330-56020)	01/07/017 Rs. 42720/pm			41380	
			01/12/017 Rs. 44050/pm			42720	
<p>Office of The Accountant General Khyber Pakhtun Khwa Pay Fixed in The R.B.F.S 2017</p>							
<p>RBPS At Rs. 41390/- P.M. W.E.F. 10/12/2017 With Next increment on</p>		<p>Sub Divl. Bdn. Officer (P) Khwazakhela, Swat</p>					
<p>Accounts Officer Pay Fixation Party Khyber Pakhtun Khwa Peshawar</p>							

9	10	11	12	13		14	15
				Natural duration of leave taken	Leave Allocation of period of leave or average pay upto four months for which leave salary is debit to another Government		
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Period	Government to which debit to	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
<i>J.A.M.</i> S.D.E.O (M) Khwazakhsela, Swat	30/11/07	Annual Sick	<i>J.A.M.</i> S.D.E.O (M) Khwazakhsela, Swat			<i>J.A.M.</i> Service Verified w.e.f. 1-1-2014 To 31-12-2014 From acq. Rof & Other Record of this office.	
<i>J.A.M.</i> S.D.E.O (M) Khwazakhsela, Swat			<i>J.A.M.</i> S.D.E.O (M) Khwazakhsela, Swat				<i>J.A.M.</i> Sub Divnl. Edu. Officer (M) I.C.U. Primary, Swat.
						<i>J.A.M.</i> Service Verified w.e.f. 1-1-2006 To 31-12-16 From acq. Rof & Other Record of this office.	
							<i>J.A.M.</i> Sub Divnl. Edu. Officer I.C.U. Primary, Swat.

2017

Office Of The Accountant General  
Khyber Pakhtun Khwa Peshawar

Pay Fixed in The R.B.P.S 2017

RBPS 16/20-1330-360

At Rs. 41,290/- P.M. J.E.E 1-07-2017

With Next Increment On 1-12-2017

Accounts Officer  
Pay Fixation Party Khyber Pakhtun Khwa  
Peshawar

**ATTESTED**

*Dr. Arsal*  
correct  
D



C (12)

THE <sup>3</sup>[KHYBER PAKHTUNKHWA]  
EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009.  
(<sup>4</sup>[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

*[First published after having received the assent of the Governor of the <sup>5</sup>[Khyber Pakhtunkhwa] in the Gazette of <sup>6</sup>[Khyber Pakhtunkhwa] (Extraordinary), dated the 24<sup>th</sup> October, 2009]*

AN  
ACT

*to provide for the regularization of the services of certain employees appointed on adhoc or contract basis:*

**WHEREAS** it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.**---(1) This Act may be called the <sup>7</sup>[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.

(2) It shall come into force at once.

**2. Definitions.**---(1) In this Act, unless the context otherwise requires,-

- (a) "Commission" means the <sup>8</sup>[Khyber Pakhtunkhwa] Public Service Commission;
- (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

<sup>3</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>4</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>5</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>6</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>7</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011  
<sup>8</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

**ATTESTED**



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- (c) "Government" means the Government of the <sup>9</sup>[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the <sup>10</sup>[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.

(2) The expressions "ad hoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the <sup>11</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (<sup>12</sup>[Khyber Pakhtunkhwa] Act No. XVIII of 1973).

**3. Regularization of services of certain employees.**---All employees including recommendees of the High Court appointed on contract or ad hoc basis and holding that post on 31<sup>st</sup> December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

**4. Determination of seniority.**---(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

<sup>9</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>10</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>11</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

<sup>12</sup>Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

**ATTESTED**

14

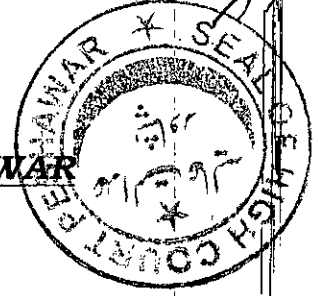
Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. **Overriding effect.**---Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. **Repeal.**---The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

ATTESTED

D-5 57/36



**JUDGMENT SHEET**

**PESHAWAR HIGH COURT, PESHAWAR**  
**(JUDICIAL DEPARTMENT)**

Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERS.....PETITIONERS.

VERSUS.

THE CHIEF SECRETARY KPK ETC....RESPONDENTS..

**JUDGMENT.**

Date of hearing 26.01.2015

Appellant/Petitioner by Ghulam Nabi Khan Advocate.

Respondent by Sardar Ali Raza Advocate & Waqar Ahmad Khan AAG.

**WAQAR AHMAD SETH, J:-** Through this single

judgment we propose to dispose of the instant Writ Petition

No.2905 OF 2009 as well as the connected Writ Petition

Nos.2941, 2967,2968,3016. 3025,3053,3189,3251,3292 of

2009, 496,556,664,1256,1662,1685,1696,2176,2230,2501,2696,

2728 of 2010 & 206, 355,435 & 877 of 2011 as common

question of law and fact is involved in all these petitions.

**ATTESTED**

**ATTESTED**

Peshawar High Court

08 MAR 2015

2- The petitioners in all the writ petitions have approached this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following relief:-

*"It is, therefore, prayed that on acceptance of the Amended Writ Petition the above noted Act No.XVI 2009 namely 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24<sup>th</sup> October, 2009' being illegal unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for obliging their own person.*

*It is further prayed that the notification No.A-14/SET(M) dated 11.12.2009 and Notification No.A-17/SET(5) Contract-Apptt:2009 dated 11.12.2009, as well as Notification No.SO(G)ES/1/85/2009/SS(Contract) dated*

**ATTESTED**

**ATTESTED**  
EXAMINER  
Peshawar High Court

08 MAR 2018

(17)

*31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submissions, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners.*

*Any other relief deemed fit and proper in the circumstances and has not been particular asked for in the noted Writ Petition may also be very graciously granted to the petitioners”.*

3- *It is averred in the petition that the petitioners are serving in the Education Department of KPK working posted as PST,CT,DM,PET,AT,TT, Qari and SET in different Schools; that respondents No.9 to 1359 were appointed on adhoc/contract basis on different times and later on their service were regularised through the North West Frontier Province Employees (Regularization of Services) Act, 2009; that almost all the petitioners have got the required qualifications and also got at their credit the length of service; that, as per notification No.SO(S)6-2/97 dated 03/06/1998*

**ATTESTED.**

ATTESTED  
District  
08 MAR 2018

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S.A.

the qualification for appointment/promotion of the SET Teachers BPS-16 was prescribed that 75% SETs shall be selected through Departmental Selection Committee on the basis of batchwise/yearwise open merit from amongst the candidates having the prescribed qualification and remaining 25% by initial recruitment through Public Service Commission whereas through the same notification the qualification for the appointment/promotion of the Subject Specialist Teachers BPS-17 was prescribed that 50% shall be selected by promotion on the basis of seniority cum fitness amongst the SETs possessing the qualification prescribed for initial recruitment having five years service and remaining 50 by initial recruitment through the Public Service Commission and the above procedure was adopted by the Education Department till 22/09/2002 and the appointments on the above noted posts were made in the light of the above notification. It was further averred that the Ordinance No.XXVII of 2002 notified on 09/08/2002 was promulgated under the shadow of which some 1681 posts of different cadres were advertised by the Public Service Commission.

**ATTESTED****ATTESTED**  
EXAMINER  
Peshawar High Court

06 MAR 2015

(19)

~~SECRET~~

That before the promulgation of Act No.XVI of 2009, it was practice of the Education Department that instead of promoting the eligible and competent persons amongst the teachers community, they have been advertising the above noted posts of SET (BPS-16) and Subject Specialist (BPS-17) on the basis of open merit/adhoc/contract wherein it was clearly mentioned that the said posts will be temporary and will continue only for a tenure of six months or till the appointment by the Public Serviced Commission or Departmental Selection Committee That after passing the KPK Act No.XVI of 2009 by the Provincial Assembly the fresh appointees of six months and one year on the adhoc and contract basis including respondents no.9 to 1351 with a clear affidavit for not adopting any legal course to make their services regularized, have been made permanent and regular employees whereas the employees and teaching staff of the Education Department having at their credit a service of minimum 15 to maximum 30 years have been ignored. That as per contract Policy issued on 26/10/2002 the Education Department was not authorised/entitled to

**ATTESTED**

ATTESTED  
09 MAR 2018

(20)

S.A.V.

make appointments in BPS-16 and above on the contract basis as the only appointing authority under the rules was Public Service Commission. That after the publication made by the Public Service Commission thousands of teachers eligible for the above said posts have already applied but they are still waiting for their calls and that through the above Act thousands of the adhoc teachers have been regularized which has been adversely effected the rights of the petitioners, thus having no efficacious and adequate remedy available to the petitioners, they have knocked the door of this Court through the aforesaid constitutional petitions.

4- The concerned official respondents have furnished parawise comments wherein they raised certain legal and factual objections including the question of maintainability of the writ petitions. It was further stated that Rule 3(2) of the N.W.F.P. Civil Servants (Appointment, Promotion & Transfer) Rules 1989, authorised a department to lay down method of appointment, qualification and other conditions applicable to post in consultation with Establishment & Administration Department and the Finance Department.

**ATTESTED**

**ATTESTED**  
EXAMINER  
Peshawar High Court  
08 MAR 2013



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~~503~~

That to improve/uplist the standard of education, the Government replaced/amended the old procedure i.e. 100% including SETs through Public Service Commission KPK for recruitment of SETs B-16 vide Notification No.SO(PE)4-5/SS-RC/Vol-III dated 18/01/2011 wherein 50% SSTs (SET) shall be selected by promotion on the basis of seniority cum fitness in the following manner:-

(i) Forty percent from CT (Gen), CT(Agr), CT(Indust: Art) with at least 5 years service as such and having the qualification mentioned in column 3.

(ii) Four percent from amongst the DM with at least 5 years service as such and having qualification in column 3.

(iii) Four percent from amongst the PET<sup>2</sup> with at least 5 years service as such and having qualification mentioned in column 3.

(iv) One percent amongst Instructional Material Specialists with at least 5 years

**ATTESTED**

ATTESTED  
 BY  
 08 MAR 2010

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service and having qualification mentioned  
in column 3."

It is further stated in the comments that due to the degradation/fall of quality education the Government abandoned the previous recruitment policy of promotion/appointment/recruitment and in order to improve the standard of teaching cadre in Elementary & Secondary Education Department of KPK, vide Notification dated 09/04/2004 wherein at serial No. 1.5 in column 5 the appointment of SS prescribed as by the initial recruitment and that the (North West Frontier Provincial) Khyber Pakhtunkhwa Employees(Regularization of Services)Act, 2009 (ACT No.XVI of 2009 dated 24<sup>th</sup> October, 2009 is legal, lawful and in accordance with the Constitution of Pakistan which was issued by the competent authority and jurisdiction, therefore, all the writ petitions are liable to be dismissed.

5- We have heard the learned counsel for the parties and have gone through the record as well as the law on the subject.

**ATTESTED****ATTESTED**  
EXAMINER  
Peshawar High Court  
08 MAR 2018

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6- The grievance of the petitioners is two fold in respect of Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009 firstly, they are alleging that regular post in different cadres were advertised through Public Service Commission in which petitioners were competing with high profile carrier but due to promulgation of Act *ibid*, they could not made through it as no further proceedings were conducted against the advertised post and secondly, they are agitating the legitimate expectancy regarding their promotion, which has been blocked due to the in block induction / regularization in a huge number, courtesy Act, No. XVI of 2009.

7- As for as, the first contention of advertisement and in block regularization of employees is concerned in this respect it is an admitted fact that the Government has the right and prerogative to withdraw some posts, already advertised, at any stage from Public Service Commission and secondly no one knows that who could be selected in open merit case, however, the right of competition is reserved. In the instant case KPK, employees

**ATTESTED****ATTESTED**  
EXAMINER  
District Court  
08 MAR 2019

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~~24~~

(Regularization of Services) Act, 2009, was promulgated, which in-fact was not the first in the line rather N.W.F.P (now Khyber Pakhtunkhwa) Civil Servants (Regularization of Services) Act, 1988, NWFP (now Khyber Pakhtunkhwa) (Regulation of Services) Act, 1989 & NWFP (now Khyber Pakhtunkhwa) Adhoc Civil Servants (Regularization of Services) Act, 1987 were also promulgated and were never challenged by anyone.

8- In order to comment upon the Act, *ibid*, it is important to go through the relevant provision which reads as under:-

**S.2 Definitions.** (1)---

a)----

aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment.

b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge

**ATTESTED**

ATTESTED  
Postmaster  
06 MAR 2010

(25)

SRA

basis or who are paid out of contingencies;  
----- whereas,

S. 3 reads:-

Regularization of services of certain employees.---- All employees including recommendee of the High Court appointed on contract or adhoc basis and holding that post on 31<sup>st</sup> December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post;

9- The plain reading of above sections of the Act, *ibid*, would show that the Provincial Government, has regularized the "duly qualified persons", who were appointed on contract basis under the Contract Policy, and the said Contract Policy was never ever challenged by any one and the same remained in practice till the commencement of the said Act. Petitioners in their writ petitions have not quoted any single incident / precedent showing that the regularized employees under the said Act, were not qualified for the post against

**ATTESTED**

ATTESTED  
EVAL  
Peshawar  
28 MAR 2013

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which they are regularized, nor had placed on record any documents showing that at the time of their appointment on contract they had made any objection. Even otherwise, the superior courts have time and again reinstated employees whose appointments were declared irregular by the Government Authorities, because authorities being responsible for making irregular appointments on purely temporary and contract basis, could not subsequently turned round and terminate services because of no lack of qualification but on manner of selection and the benefit of the lapses committed on part of authorities could not be given to the employees. In the instant case, as well, at the time of appointment no one objected to, rather the authorities committed lapses, while appointing the private respondent's and others, hence at this belated stage in view of number of judgments, Act, No. XVI of 2009 was promulgated. Interestingly this Act, is not applicable to the education department only, rather all the employees of the Provincial Government, recruited on contract basis till 31<sup>st</sup> December 2008 or till the commencement of this Act have been

**ATTESTED****ATTESTED**EXAMINER  
Peshawar High Court

08 MAR 2018

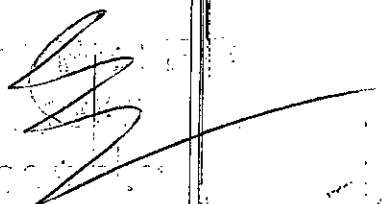


regularized and those employees of to other departments who have been regularized are not party to this writ petition.

10- All the employees have been regularized under the Act, *ibid* are duly qualified, eligible and competent for the post against which they were appointed on contract basis and this practice remained in operation for years. Majority of those employees getting the benefit of Act, *ibid* may have become overage, by now for the purpose of recruitment against the fresh post.

11- The law has defined such type of legislation as "**beneficial and remedial**". A beneficial legislation is a statute which purports to confer a benefit on individuals or a class of persons. The nature of such benefit is to be extended relief to said persons of onerous obligations under contracts. A law enacted for the purpose of correcting a defect in a prior law, or in order to provide a remedy where non previously existed. According to the definition of *Corpus Juris Secundum*, a remedial statute is designed to correct an existence law, redress an existence grievance, or introduced regularization conducive to the public goods. The challenged

**ATTESTED**



Act, 2009, seems to be a curative statute as for years the then Provincial Governments, appointed employees on contract basis but admittedly all those contract appointments were made after proper advertisement and on the recommendations of Departmental Selection Committees.

12- In order to appreciate the arguments regarding beneficial legislation it is important to understand the scope and meaning of beneficial, remedial and curative legislation.

Previously these words have been explained by N.S Bindra in interpretation of statute, tenth edition in the following manners:-

**"A statute which purports to confer a benefit on individuals or a class of persons, by relieving them of onerous obligations under contracts entered into by them or which tend to protect persons against oppressive act from individuals with whom they stand in certain relations, is called a beneficial legislations....In interpreting such a statute, the principle established is that there is no room for taking a narrow view but that the court is entitled to be generous towards the persons on whom the benefit has**

**ATTESTED**

**ATTESTED**  
 [Signature]  
 08/04/2011



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551

*been conferred. It is the duty of the court to interpret a provision, especially a beneficial provision, liberally so as to give it a wider meaning rather than a restrictive meaning which would negate the very object of the rule. It is a well settled canon of construction that in constructing the provision of beneficent enactments, the court should adopt that construction which advances, fulfils, and furthers the object of the Act, rather than the one which would defeat the same and render the protection illusory..... Beneficial provisions call for liberal and broad interpretation so that the real purpose, underlying such enactments, is achieved and full effect is given to the principles underlying such legislation."*

*Remedial or curative statutes on the other hand have been explained as:-*

*"A remedial statute is one which remedies defect in the pre existing law, statutory or otherwise. Their purpose is to keep pace with the views of society. They serve to keep our system of jurisprudence up to date and in*

**ATTESTED**

**ATTESTED**  
 EXAMINER  
 Rajasthan High Court  
 08 MAR 2018

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*harmony with new ideas or conceptions of what constitute just and proper human conduct. Their legitimate purpose is to advance human rights and relationships. Unless they do this, they are not entitled to be known as remedial legislation nor to be liberally construed. Manifestly a construction that promotes improvements in the administration of justice and the eradication of defect in the system of jurisprudence should be favoured over one that perpetuates a wrong".*

Justice Antonin Scalia of the U.S. Supreme Court in his book on Interpretation of Statute states that:

*"Remedial statutes are those which are made to supply such defects, and abridge such superfluties, in the common law, as arise from either the general imperfection of all human law, from change of time and circumstances, from the mistakes and unadvised determinations of unlearned (or even learned) judges, or from any other cause whatsoever."*

13- The legal proposition that emerges is that generally beneficial legislation is to be given liberal interpretation, the beneficial legislation must carry curative or remedial content.

**ATTESTED**

CONFIDENTIAL  
 [Signature]

(31)

Such legislation must therefore, either clarify an ambiguity or an omission in the existence and must therefore, the explanatory or clarificatory in nature. Since the petitioners does not have the vested rights to be appointed to any particular post, even advertised one and private respondents who have being regularized are having the requisite qualification for the post against which the were appointed, vide challenged Act, 2009, which is not effecting the vested right of anyone, hence, the same is deemed to be a beneficial, remedial and curative legislation of the Parliament.

14- This court in its earlier judgment dated 26<sup>th</sup> November 2009 in WP No. 2905 of 2009, wherein the same Khyber Pakhtunkhwa (Regularization of Servers ) Act, 2009, vires were challenged has held that this court has got no jurisdiction to entertain the writ petition in view of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, as an Act, Rule or Notification effecting the terms and conditions of service, would not be an exception to that, if seen in the light of the spirit of the ratio rendered in the case of

**ATTESTED****ATTESTED**EXAMINER  
Peshawar High Court

08 MAR 2018

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I.A. Sherwani & others Versus Government of Pakistan,

reported in 1991 SCMR 1041 Even otherwise, under Rule 3

(2) of the Khyber Pakhtunkhwa (Civil Servants) (appointment), promotion and transfer) Rules 1989, authorize a department to lay down method of appointment, qualification and other conditions applicable to the post in consultation with Establishment & Administrative Department and the Finance Department. In the instant case the duly elected Provincial Assembly has passed the Bill/Act, which was presented through proper channel i.e Law and Establishment Department, which cannot be quashed or declared illegal at this stage.

15- Now coming to the second aspect of the case, that petitioners legitimate expectancy in the shape of promotion has suffered due to the promulgation of Act, *ibid*, in this respect, it is a long standing principle that promotion is not a vested right but it is also an established principle that when ever any law, rules or instructions regarding promotion are violated then it become vested right. No doubt petitioners in the first instance cannot claim promotion as a vested right

**ATTESTED**

ATTESTED  
 EXAMINER  
 Public Service Commission  
 08 MAR 2008

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but those who fall within the promotion zone do have the right to be considered for promotion.

16- Since the Act, XVI of 2009 has been declared a beneficial and remedial Act, for the purpose of all those employees who were appointed on contract and may have become overage and the promulgation of the Act, was necessary to given them the protection therefore, the other side of the picture could not be brushed a side simply. It is the vested right of in service employees to be considered for promotion at their own turn. Where a valid and proper rules for promotion have been framed which are not given effect, such omission on the part of Government agency amounts to failure to perform a duty by law and in such cases, High Court always has the jurisdiction to interfere. In service employees / civil servants could not claim promotion to a higher position as a matter of legal right, at the same time, it had to be kept in mind that all public powers were in the nature of a sacred trust and its functionary are required to exercise same in a fair, reasonable and transparent manner strictly in accordance with law. Any transgression from such

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EXAMINER  
Peshawar High Court

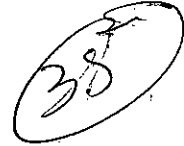
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principles was liable to be restrained by the superior courts in their jurisdiction under Article 199 of the Constitution. One could not overlook that even in the absence of strict legal right there was always legitimate expectancy on the part of a senior, competent and honest carrier civil servant to be promoted to a higher position or to be considered for promotion and which could only be denied for good, proper and valid reasons.

17- Indeed the petitioners can not claim their initial appointments on a higher post but they have every right to be considered for promotion in accordance with the promotion rules, in field. It is the object of the establishment of the courts and the continue existence of courts of law is to dispense and foster justice and to right the wrong ones. Purpose can never be completely achieved unless the in justice done was undone and unless the courts stepped in and refused to perpetuate what was patently unjust, unfair and unlawful. Moreover, it is the duty of public authorities as appointment is a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions as

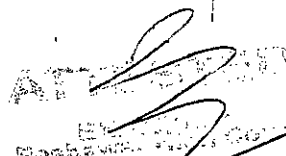
**ATTESTED****ATTESTED**  
EXAMINER  
Peshawar High Court  
08 MAR 2018



trustee with complete transparency as per requirement of law, so that no person who is eligible and entitle to hold such post is excluded from the purpose of selection and is not deprived of his any right.

18- Considering the above settled principles we are of the firm opinion that Act, XVI of 2009 is although beneficial and remedial legislation but its enactment has effected the in service employees who were in the promotion zone, therefore, we are convinced that to the extent of in service employees / petitioners, who fall within the promotion zone have suffered, and in order to rectify the inadvertent mistake of the respondents/Department, it is recommended that the promotion rules in field be implemented and those employees in a particular cadre to which certain quota for promotion is reserved for in service employees, the same be filled in on promotion basis. In order to remove the ambiguity and confusion in this respect an example is quoted, " If in any cadre as per existence rules, appointment is to be made on 50/50 % basis i.e 50 % initial recruitment and 50 % promotion quota then all the employees have been

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regularized under the Act in question be calculated in that cadre and equal number i.e remaining. 50 % are to promoted from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness."

19- In view of the above, this writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

*Muzam Ali Khan*  
*Maharaj K. Hillu T*

Announced.  
26<sup>th</sup> January 2015

JUDGE

JUDGE

*Jan 27/15*

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**ATTESTED**

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court Peshawar  
Authorized Under Article 27 of  
The Court Officers and Clerks Order 1984

08 MAR 2015



IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

E - (37)

PRESENT:  
MR. JUSTICE EJAZ AFZAL KHAN,  
MR. JUSTICE SH. AZMAT SAEED,  
MR. JUSTICE IJAZ UL AHSAN.

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015.  
(Against the judgment dated 26.1.2015 of the  
Peshawar High Court, Peshawar passed in Writ  
Petition No. 2905 of 2009, 3025-P-2009, 2241-P-2010)

The Chief Secretary, Govt. of KPK, Peshawar and others. ...Petitioner(s)  
(in all cases)

Versus  
Attallah and others.  
Nasruminullah and others.  
Mukhtar Ahmad and others.

...Respondent(s)

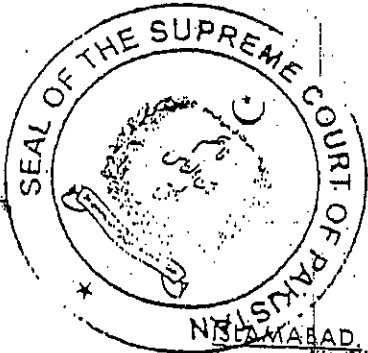
For the petitioner(s): Mr. Mujahid Ali Khan, Addl. A.G. KPK

For the respondent(s): Mr. Ghulam Nabi Khan, ASC  
Mr. Abdul Qayyum Sarwar, AOR

Date of Hearing: 20.09.2017.

ORDER

Ejaz Afzal Khan, J.- The learned Additional Advocate General  
appearing on behalf of the Govt. of KPK stated at the bar that as per  
instructions of the Government he does not press these petitions. Dismissed  
as such.



ISLAMABAD  
20.09.2017  
M. Azhar Malik  
25/9/17

Sd/-Ejaz Afzal Khan, J  
Sd/-Sh. Azmat Saeed, J  
Sd/-Ijaz ul Ahsan, J.  
Certified to be True Copy.

*[Signature]*  
29/9/17  
Court Associate  
Supreme Court of Pakistan  
Islamabad

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*[Signature]*

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خیبر پختونخوا ایجوکیشن، پوسٹنگ اور ٹرانسفر آف ٹیچرز ریگولیشنز 2011 کے سیکشن نمبر 4 کے تحت عمل درآمد کرنے والی اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا کے زیر انتظام (مردانہ و زنانہ) سکولوں میں درج ذیل آسامیاں پر کرنے کے لئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 30 ستمبر 2016 تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (http://www.nts.pk) پر دستیاب ہے۔ مقررہ تاریخ گزارنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔

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نمبر شمار	نام آسامی	تالیف	عمر
1	سیکنڈری سکول ٹیچر بیاٹوچی/کیسٹری BPS. 16	کسی بھی تسلیم شدہ ویونیورسٹی سے سیکنڈ ڈیگری پچھلے ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں: (i) کیسٹری/بیالوجی (ڈیوائس یا بائی) (ii) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پچھلے ڈگری۔	35±21 سال
2	سیکنڈری سکول ٹیچر فونکس ایجنٹس BPS. 16	(1) کسی بھی تسلیم شدہ ویونیورسٹی سے سیکنڈ ڈیگری پچھلے ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فونکس ایجنٹس A یا (ii) فونکس ایجنٹس B یا (iii) فونکس ایجنٹس (2) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پچھلے ڈگری۔	35±21 سال
3	سیکنڈری سکول ٹیچر (SST) جنرل BPS. 16	(1) کسی بھی تسلیم شدہ ویونیورسٹی سے سیکنڈ ڈیگری پچھلے ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی، ہونٹنٹن گروپ یا دیگر مساوی گروپ۔ (2) کسی بھی تسلیم شدہ ویونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پچھلے ڈگری۔	35±21 سال

سلیکشن کریٹیریا: اساتذہ کے سلیکشن کیلئے کریٹیریا درج ذیل ہے۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی۔

(a) - سکریننگ ٹیسٹ بذریعہ NTS = 100 نمبر (ب) - تعلیمی قابلیت = 100 نمبر جس کی مزید تقسیم اس طرح ہوگی

تعلیمی قابلیت	کل نمبر
ایس ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
ایف اے / ایف ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
بی اے / بی ایس سی	حاصل کردہ نمبر 20x تقسیم کل نمبر
ایم اے / ایم ایس سی	حاصل کردہ نمبر 15x تقسیم کل نمبر
بی ایڈ / ایم اے ایجوکیشن	حاصل کردہ نمبر 15x تقسیم کل نمبر
ایم ایڈ / ایم اے ایجوکیشن	حاصل کردہ نمبر 05x تقسیم کل نمبر
ایم فل / بی ایچ ڈی	حاصل کردہ نمبر 05x تقسیم کل نمبر

بی ایس چار سالہ کورس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ حاصل کردہ نمبر 35x تقسیم کل نمبر جبکہ پیش اور ان ایم اے ایجوکیشن کی صورت میں نمبر کی تقسیم اس طریقہ سے کی جائیگی۔ ایم اے ایجوکیشن حاصل کردہ نمبر 20x تقسیم کل نمبر

**نوٹ:** (1) ہر سکول کی آسامی کے لئے علیحدہ علیحدہ میرٹ لسٹ مرتب کی جائیگی جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو ملحوظ رکھا جائے گا۔ (2) ہر امیدوار سے NTS کی درخواست فارم 300 روپے چارج کیا جائے گا۔ اگر ایک امیدوار 5 سکولوں کے لئے درخواست دیکر تو اس سے 800 روپے ہی NTS چارج کریں گے۔ جو کہ امیدوار خود برداشت کریں گے۔ (3) NTS ٹسٹ میں 40 فیصد نمبر لے کر ضروری ہے۔ 40 فیصد سے کم نمبر لینے والا امیدوار اہل تصور ہوگا اور میرٹ لسٹ میں شامل نہیں ہوگا۔

**عمومی شرائط:** (1) تمام تقرریاں حکومت خیبر پختونخوا کے موجودہ قوانین کے مطابق بنیادی تقرری Initial Apoinment کے 25 فیصد

کرنے کے تحت خاندانہ عارضی بنیادوں پر Adhoc کنٹریکٹ پر ایک سال کے لئے ہوں گی۔ (2) معذور افراد کے لئے دو فیصد اور تعلیمی امیدواروں کے لئے تین فیصد کوڈ مختص ہے۔ (3) انٹرویو کے وقت اصلی تعلیمی اسناد بعد اخراجات امیدوار کو برداشت کرنا ہوں گے۔ (4) انٹرویو کے لئے آنے والے امیدواروں کو کوئی ٹی اے ڈی ایس نہیں دیا جائے گا۔ (5) صرف مقررہ وقت کے بعد موصول ہونے والی درخواستوں پر غور کیا جائے گا۔ (6) زیر و سطحی کو اختیار حاصل ہے کہ کوئی بی بی بی ایڈ جی یا جی ایڈ جی پر انٹرویو نہیں ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار مقرر کرے۔ (7) اگر اس امیدوار کے بعد حکومت وقت کی طرف سے مقررہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (8) عملہ ایجنٹس یا ایڈ سیکنڈری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار مقرر کرے۔ (9) تمام تقرریاں حکومت خیبر پختونخوا کے مقررہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (10) تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی۔ (11) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور اس کے لئے اسے سرکاری ملازمت سے لئے بائیل تصور کیا جائے گا۔ (12) بائیل فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائے گا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی۔ (13) انٹرویو کے لئے الگ شیڈول جاری کیا جائے گا جس میں ڈائریکشن چیک کے جائیں گے۔ (14) تمام تقرریاں متعلقہ اضلاع کے سکولوں میں درج ذیل آسامیوں کے لئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زائد سکولوں میں قابل قبول نہ ہوں گی۔ (15) امیدوار کو اس سکول میں مقرر کرنا ہوگی جو کہ قابل قبول ہوگی۔ (16) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کے لئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زائد سکولوں میں سلیکشن کی صورت میں اس کی تقرری کسی ایک سکول میں کی جائے گی اس صورت میں سکول سلیکشن کا انتخاب امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائے گا کہ دوسرے سکولوں میں اس کے بعد زیادہ میرٹ والے امیدوار کو سلیکشن کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کے ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کی خالی آسامیوں کی تفصیل سکول دائرہ درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا نوٹا دیا گیا ہے۔

**محمد رفیق خٹک ڈائریکٹر ایلیمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا پشاور**

ATTESTED

# درخواستیں مطلوب ہیں

بہتر معاشی اور تعلیمی مواقع، پوسٹل اور سفر آف پیپر، چھ روزہ اسٹریٹرز اور 12 روزہ ریلوے ٹرینز اور 2017ء کے 4 ستمبر سے 4 ستمبر 2017ء تک درخواستیں قبول کی جائیں گی۔ درخواستیں 20 دسمبر 2017ء تک درخواستیں مطلوب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (<http://www.nts.org.pk>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر شمار	نام آسای	تالیف	عمر
1	سیکنڈری سکول ٹیچر (SST) بیالوجی / کیمسٹری - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری پچھلے ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) کیمسٹری، بیالوجی (زوالوجی یا پانی) (ii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ ملوکٹی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 تا 35 سال
2	سیکنڈری سکول ٹیچر (SST) فزکس / میٹس - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری پچھلے ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فزکس، میٹس A یا (ii) فزکس، میٹس B یا (iii) فزکس، میٹس (ii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ ملوکٹی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 تا 35 سال
3	سیکنڈری سکول ٹیچر (SST) جنرل - BPS-16	(i) کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری پچھلے ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) انگریزی لازمی، ہونٹنلیگز گروپ یا دیگر مساوی گروپ۔ (ii) سلیکشن اور تقرری کے بعد 9 ماہ کی لازمی ٹریڈنگ ملوکٹی اداروں RITE/PITE سے حاصل کرنی ہوگی۔	19 تا 35 سال

سلیکشن کمیٹی: اساتذہ کے سلیکشن کیلئے کریٹیریا درج ذیل ہے۔ کل 200 نمبرات کسی تقسیم اس طرح سے کسی جالیگی۔

(1) سکریننگ ٹیسٹ بذریعہ NTS=100 نمبر		(ب) تالیفی تالیف = 100 نمبر		جس کی تالیفی تالیف اس طرح ہوگی	
تالیفی تالیف	کل نمبر	تالیفی تالیف	کل نمبر	تالیفی تالیف	کل نمبر
ایس ایس سی	حاصل کردہ نمبر 20x	ایس ایس سی	حاصل کردہ نمبر 20x	ایس ایس سی	حاصل کردہ نمبر 20x
بی اے / بی ایس سی	حاصل کردہ نمبر 20x	ایم اے / ایم ایس سی	حاصل کردہ نمبر 20x	ایم اے / ایم ایس سی	حاصل کردہ نمبر 20x
بی ایچ ڈی	حاصل کردہ نمبر 05x	ایم ایچ ڈی / ایم ایچ ایس	حاصل کردہ نمبر 05x	ایم ایچ ڈی / ایم ایچ ایس	حاصل کردہ نمبر 05x
ایم فل / بی ایچ ڈی	حاصل کردہ نمبر 10x				

بی ایس چار سالہ کورس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی۔ حاصل کردہ نمبر 40x تقسیم کل نمبر 100 پر اور نام لے جانے کی صورت میں نمبر کی تقسیم بطریقہ ذیل ہوگی۔  
 (5 نمبر بی ایچ ڈی + 15 نمبر ایم فل)  
 (1) ہر سکول کی آسای کیلئے علیحدہ علیحدہ میرٹ لسٹ مرتب کی جائیگی جس میں امیدواروں کے NTS کے نمبروں کے ساتھ ساتھ تالیفی تالیف کے نمبروں کو بھی کیا جائیگا۔ (2) NTS ٹیسٹ میں 40 فیصد نمبر لینا ضروری ہے۔ 40 فیصد سے کم نمبر لینے والا امیدوار اہل تصور ہوگا اور میرٹ لسٹ میں شامل نہیں ہوگا۔

**عمومی شرائط :-** (1) تمام تقرریاں حکومت خیبر پختونخوا کے مروجہ قوانین کے مطابق 25 فیصد بنیادی تقرری (Initial Appointment) کے تحت خالصتاً عارضی بنیادوں پر ایچ ہاک / کنٹریکٹ پر ایک سال کیلئے ہوگی۔ (2) منظور افراد کیلئے دو فیصد اور اقلیتی امیدواروں کیلئے تین فیصد کوٹیشن ہے (مستور افراد کے دو فیصد کوٹیشن ہے جس کیلئے سینئر جگہ میڈیکل بورڈ کا سرٹیفکیٹ پیش کرنا لازمی ہے بشرطیکہ وہ مستوری فرائض کی انجام دہی میں رکاوٹ نہ ہو)۔ (3) انٹرویو کے وقت اصلی تالیفی اسناد، تصاویر، امیدوار کو برداشت کرنا ہوگی۔ (4) انٹرویو کیلئے آنے والے امیدواروں کو کوئی TA/DA نہیں دیا جائیگا۔ (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں پر غور کیا جائیگا۔ (6) زیر تفتیش کو اختیار حاصل ہے کہ وہ کوئی وجہ بتائے بغیر کسی بھی وقت گلی یا جڑی طور پر انٹرویو منسوخ کر دے۔ (7) اگر اس اشتہار کے بعد حکومت وقت کی طرف سے ہجرتی کے طریقہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کرنے کی پابند ہوگی۔ (8) عملیاتی طور پر ایڈیٹنگ سیکٹری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار مقرر کرے۔ (9) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین و ضوابط کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی۔ (10) تمام تالیفی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوگی۔ (11) اگر کسی امیدوار کی اسناد جعلی پائی گئی تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور آئندہ کے لئے اسے سرکاری ملازمت کے لئے نااہل تصور کیا جائیگا۔ (12) ہیکل فارم یا معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی۔ (13) انٹرویو کیلئے الگ شیڈول جاری کیا جائیگا جس میں ڈاکوٹیشن چیک کے جائے۔ (14) تمام تقرریاں متعلقہ اضلاع کے ڈویژنل کی بنیاد پر ہوگی۔ امیدوار کا ڈویژنل متعلقہ ضلع کا ہونا لازمی ہے۔ 20 دسمبر 2017ء کے بعد سے جس میں کسی قسم کی تبدیلی قابل قبول نہ ہوگی۔ (15) امیدوار کو اس سکول میں مرسوس کرنا ہوگی جو کہ قابل تبادلہ ہوگی۔ (16) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زیادہ سکولوں میں سلیکشن کی صورت میں اس کی تقرری کسی ایک سکول میں کی جائے گی اس صورت میں سکول سلیکشن کا امتحان امیدوار کو حاصل نہیں بلکہ اس میں اس بات کا خیال رکھا جائیگا کہ دوسرے سکولوں میں اس کے بعد زیادہ میرٹ والے امیدوار کو سلیکشن کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کی ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کے خالی آسامیوں کی تفصیل سکول دائرہ درخواست فارم کے ساتھ NTS کی ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا کوڈ دیا گیا ہے۔

APPLICANTS

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# درخواستیں مطلوب ہیں

مختار حکومت پنجاب سٹیف اور ٹیچرز ایجوکیشن بورڈ نے 2011ء کے سیکشن نمبر 4 کے تحت عملی طور پر ایڈ سیکنڈری ایجوکیشن خیر بہنوتخواہ کے نظام (سرطان ازم) سکولوں میں درج ذیل آسامیاں پر کرنے کیلئے خیر بہنوتخواہ کے متعلقہ اضلاع کے سطح اعلیٰ امیدواروں سے نمونہ فارم پر 10 دسمبر 2014ء تک درخواستیں طلب ہیں۔ درخواست فارم (NTS) کی ویب سائٹ (<http://www.nts.org.pk>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائے گا۔

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نمبر	آسامی	قابلیت	حرم
21	سیکنڈری سکول ٹیچر SST چٹانوی ایجوکیشن BPS. 16	کسی بھی تسلیم شدہ اور ندرستی سے سیکنڈ ڈیویژن چھڈ ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (1) کیمسٹری یا فزکس (دو اونی یا ائی) (2) کسی بھی تسلیم شدہ اور ندرستی سے ایسا ایجوکیشن یا ایجوکیشن میں چھڈ ڈگری	21 35 سال
21	سیکنڈری سکول ٹیچر SST فزکس ایجوکیشن BPS. 16	(1) کسی بھی تسلیم شدہ اور ندرستی سے سیکنڈ ڈیویژن چھڈ ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (i) فزکس ایجوکیشن A یا (ii) فزکس ایجوکیشن B یا (iii) فزکس ایجوکیشن (2) کسی بھی تسلیم شدہ اور ندرستی سے ایسا ایجوکیشن یا ایجوکیشن میں چھڈ ڈگری	21 35 سال
21	سیکنڈری سکول ٹیچر SST بھول BPS. 16	(1) کسی بھی تسلیم شدہ اور ندرستی سے سیکنڈ ڈیویژن چھڈ ڈگری جس کے ساتھ درج ذیل دو مضامین لازمی ہوں۔ (1) انگریزی لازمی ہوگی اور گروپ یا دیگر مساوی گروپ (2) کسی بھی تسلیم شدہ اور ندرستی سے ایسا ایجوکیشن یا ایجوکیشن میں چھڈ ڈگری	21 35 سال

ٹی ٹی ٹی یا اساتذہ کے سیکشن کریمینڈ اور ن ذیل ہیں ہر ایک 200 نمبرات کی تقسیم اس طرح کی جائے گی۔  
سکریٹریٹ نمبر 100=NTS نمبر (ب) تقسیمی قابلیت= 100 نمبر جس کی مزید تقسیم اس طرح ہوگی۔

- کلی نمبر
  - مائل کروہ نمبر 20x تقسیم کل نمبر
  - مائل کروہ نمبر 20x تقسیم کل نمبر
  - مائل کروہ نمبر 20x تقسیم کل نمبر
  - مائل کروہ نمبر 15x تقسیم کل نمبر
  - مائل کروہ نمبر 15x تقسیم کل نمبر
  - مائل کروہ نمبر 05x تقسیم کل نمبر
  - مائل کروہ نمبر 05x تقسیم کل نمبر
- ہر چار سال کو رس کی صورت میں نمبروں کی تقسیم اس طرح ہوگی مائل کروہ نمبر 35x تقسیم کل نمبر جبکہ چاروں ایم اے ایجوکیشن کی صورت میں نمبر کی تقسیم اس طرح ہوگی۔  
ایجوکیشن مائل کروہ نمبر 20x تقسیم کل نمبر

1 ہر سکول کی آسامی کیلئے ٹیکہ و دیگر دست مرتب کی جائے گی جس میں امیدواروں کے NTS کے مائل کروہ نمبر اور تقسیمی قابلیت کے نمبروں کو جمع کیا جائے گا۔ (2) ہر ادارے سے NTS درخواست فارم 300 روپے چارج کیا جائے گا، اگر ایک امیدوار یا چھ سکولوں کے لئے درخواست دے گا تو اس سے سرف 800 روپے ہی NTS چارج کرے گی۔  
میدوار خود برداشت کریں گے۔

**اہم شرائط** (1) تمام تقرریاں حکومت خیر بہنوتخواہ کے مروجہ قوانین کے مطابق بنیادی تقرری Initial Appoinment کے 25 فیصد کوٹے کے تحت خالصتاً ماضی ان پر Adhoc تقرریوں پر ایک سال کیلئے ہوں گی (2) معذور افراد کیلئے دو فیصد اور اقلیت امیدواروں کے لئے تین فیصد کوٹہ مختص ہے (3) اعتراف کے وقت اسلی تقسیمی اساتذہ بعد اس امیدوار کو برداشت کرنا ہوں گے۔ (4) اعتراف کیلئے آنے والے امیدواروں کو کوئی فی اسے ذی اسے نہیں دیا جائے گا (5) صرف مقررہ وقت کے اندر موصول ہونے والی درخواستوں یا جایا جائے گا (6) درج ذیلی کو اختیار حاصل ہے کہ وہ کوئی جوتائے بغیر کسی بھی وقت کی یا ذی طور پر اعتراف منظور کرے۔ (7) اگر اس اعتبار کے بعد حکومت وقت کی طرف سے برقی ریویژن کار میں تبدیلی کی گئی تو سیکشن سبھی اس کے مطابق عمل کرنے کی پابند ہوگی (8) عملی طور پر ایڈ سیکنڈری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام نالی آسامیوں یا اس سے کم ہر ادارہ پر کرے (9) تمام تقرریاں حکومت خیر بہنوتخواہ کے مقرر کردہ قوانین و مجوزہ طریقہ کار کے مطابق خالصتاً ماضی کی بنیاد پر ہوں گی (10) تمام تقسیمی اساتذہ صرف کورسٹ کے تسلیم اداروں کی قہ مشاقل ہوں گی (11) اگر کسی امیدوار کی اساتذہ جملی پائے گئے تو اس کے خلاف قانونی چارہ جوئی کی جائے گی اور آئندہ کے لئے اسے سرکاری ملازمت کے لئے قابل لیا جائے گا (12) مائل فارم یا معلومات کی صورت میں درخواست فارم خود بخود منظور تصور کیا جائے گا جس کے لئے کوئی اپیل منظور نہیں کی جائے گی (13) اعتراف کیلئے ایک ل جاری کیا جائے گا۔ جس میں ڈاکویشن چیک کیے جائیں گے۔ (14) تمام تقرریاں متعلقہ اضلاع کے ڈیویژنل کی بنیاد پر ہوں گی۔ (15) امیدوار کو کسی سکول میں سروس کرنا ہوگی جو کہ سہ ہوتا ہوگی (16) ایک امیدوار ایک وقت 5 سکولوں میں نالی آسامیوں کیلئے درخواست دے سکتا ہے۔ امیدوار کے ایک یا ایک سے زیادہ سکولوں میں سیکشن کی صورت میں اس کی کسی ایک سکول میں کی جائے گی اس صورت میں سکول سیکشن کا متعلق امیدوار کو مائل نہیں بلکہ اس میں اس بات کا خیال رکھا جائے گا کہ دوسرے سکولوں میں اس کے بعد زیادہ ن والے امیدوار کو سیکشن کا موقع مل سکے۔ (17) درخواست دینے کا طریقہ کار NTS کے ویب سائٹ پر موجود ہے۔ (18) متعلقہ اضلاع کے خالی آسامیوں کی تحصیل سکول و ادارے سے فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہے اور ہر سکول کو اپنا کوڈ دیا گیا ہے۔

INF(P)4383

محمد رفیق خٹک: ڈائریکٹر ایجوکیشن خیر بہنوتخواہ ایڈ سیکنڈری ایجوکیشن خیر بہنوتخواہ، کاروڑ پشاور

ATTESTED

# درخواستیں مطلوب ہیں

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برہمچتنو ایلو ایشنٹ ڈیپارٹمنٹ پوسٹنگ اور ٹرانسفر آف ٹیچرز لیکچررز اسٹریکٹرز اور ڈاکٹرز ریگولری ایکٹ 2011ء کے سیکشن نمبر 4 کے تحت محکمہ ایلیمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا کے اختتام (مردانہ/ زنانہ) سکولوں میں درجہ ذیل آسامیاں پر کرنے کیلئے خیبر پختونخوا کے متعلقہ اضلاع کے سکولوں میں امیدواروں سے مجوزہ فارم پر 5 جنوری 2014ء تک درخواستیں مطلوب ہیں۔  
 ناست فارم NTS کے ویب سائٹ (<http://www.nts.org.pk/>) پر دستیاب ہے۔ مقررہ تاریخ گزرنے کے بعد موصول ہونے والی درخواستوں پر غور نہیں کیا جائیگا۔

نمبر شمار	نام آسامی	تالیبت	عمر
1	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سائنس ڈیویژن، پیچلر ڈگری جسکے ساتھ درج ذیل دو مضامین لازمی ہوں	35±21 سال
2	بیالوجی/کیمسٹری BPS-16	(i) کیمسٹری/بیالوجی (ذوالوقی/ماہاتی) (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پیچلر ڈگری	35±21 سال
3	سیکنڈری سکول ٹیچر (SST) بھول BPS-16	(i) انگریزی لازمی ہو پیچلر ڈگری یا دیگر مساوی گروپ (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں پیچلر ڈگری	35±21 سال

اساتذہ کے سیکشن کیلئے کیریئر بائرج ذیل ہیں۔ کل 200 نمبرات کی تقسیم اس طرح سے کی جائیگی (ا) سکریننگ ٹیسٹ بذریعہ NTS = 100 نمبر - ب۔ تعلیمی تالیبت = 100 نمبر  
 باہمی مزید تقسیم اس طرح ہوگی

تعلیمی تالیبت	کل نمبرات	تعلیمی تالیبت	کل نمبرات
ایم اے ایجوکیشن	150	ایم اے ایجوکیشن	150
ایف اے ایجوکیشن	50	ایم اے ایجوکیشن	50
بی اے ایجوکیشن	50	ایم اے ایجوکیشن	50
ایم اے ایجوکیشن	150	ایم اے ایجوکیشن	150

1- ہر سکول کے آپہا کیلئے علیحدہ علیحدہ میرٹ لسٹ مرتب کیا جائیگا جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی تالیبت کے نمبروں کو جمع کیا جائیگا۔  
 - ہر امیدوار NTS کی درخواست فارم 500 روپے چارج کریگا۔ چونکہ اسیدوار خود برواٹمنٹ کریگے۔  
 ای شرٹا (1) تمام تقرریاں حکومت خیبر پختونخوا کے سرحد قوانین کے مطابق بنیادی تقرری Initial Appointment کے 25 نمبر کوٹے کے تحت خالدنا عارضی بنیادوں پر Adhoc اور ٹریکٹ پر ایک سال کیلئے ہونگی (2) اہل امیدواروں کی موجودگی کی صورت میں کسی کو بھی Age Relaxation نہیں دیا جائیگا (3) انٹرویو کے وقت اصلی تعلیمی اسنادوں کے ساتھ اصل شناختی کارڈ اور ٹیسٹ رولڈ صرف اصلی شناختی کارڈ لازمی ہے (4) میرٹ پر آنے والے امیدواروں کی اسنادوں کے ساتھ ادارے سے تصدیق کرائی جائے گی جس کے تمام اخراجات امیدواروں کو برواٹمنٹ کرنا ہوں گے (5) ریو کے لئے آنے والے امیدواروں کو کوئی TAVDA نہیں دیا جائیگا۔ تقرری کے وقت تک اندر موصول ہونے والی درخواستوں پر غور کیا جائیگا (7) زیر تخطی و اختیار حاصل ہے کہ کوئی امیدوار اپنے بغیر ہی بھی وقت کلی یا جزوی پر انٹرویو منسوخ کر دے (8) اگر اس اشعار کے تحت حکومت وقت کی طرف سے تقرری کے طریقہ کار میں تبدیلی کی گئی تو سلیکشن کمیٹی اس کے مطابق عمل کر سکتی ہے (9) ایلیمینٹری اینڈ سیکنڈری ایجوکیشن کو اختیار حاصل ہوگا کہ وہ تمام خالی آسامیوں یا اس سے کم پر امیدوار بھرتی کرنے (10) تمام تقرریاں حکومت خیبر پختونخوا کے مقرر کردہ قوانین و مجوزہ طریقہ کار کے مطابق خالصتاً میرٹ کی بنیاد پر ہوں گی (11) تمام تعلیمی اسناد صرف گورنمنٹ کے تسلیم شدہ اداروں کی قابل قبول ہوں گی (12) اگر کسی امیدوار کی اسناد جعلی پائے گئے تو اس کی خلاف قانونی چارہ جوئی کی جائے اور اسے سزا کیلئے اسے سرکاری ملازمت کیلئے نااہل تصور کیا جائیگا (13) باقی تمام معلومات کی صورت میں درخواست فارم خود بخود منسوخ تصور کیا جائیگا جس کیلئے کوئی اپیل منظور نہیں کی جائے گی (14) ریو کیلئے ایک شیڈول جاری کیا جائیگا (15) تمام تقرریاں متعلقہ اضلاع کے ڈویژنل آفس میں جاری ہوں گی۔ اگر اس ضلع میں امیدوار دستیاب نہ ہو تو قریبی ضلع کے امیدوار سے میرٹ کی بنیاد پر تقرریاں کی جائیں گی (16) امیدوار کو اس سکول میں سروس کرنا ہوگی جو کہ ناقابل تبادل ہونگی (17) ایک امیدوار ایک وقت 5 سکولوں میں خالی آسامیوں کیلئے درخواست دے سکتا ہے (18) درخواست دینے کا طریقہ NTS کے ویب سائٹ پر موجود ہے (19) متعلقہ اضلاع کے خالی آسامیوں کی تفصیل سکول اور درخواست فارم کے ساتھ NTS کے ویب سائٹ پر دی گئی ہیں اور ہر سکول کا اپنا کوڈ دیا گیا ہے۔

INF(P) 3360

## درخواستیں مطلوب ہیں

ڈائریکٹر ایلیمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخوا ڈگری کارڈ نمبر ۳۳۶۰

ATTESTED

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Desi gnati on	PBS	D/O Birth /Domicile	Domic ile	Aca demi c	Profess ional	D/O:1st Apptt.	Date of apptt. against Present post	Seniority position D/O taking over charge as CT or D/O declaration:CT Exam whichever is later
1	Hamayun Khan	Khairullah	SCT	16	4/10/1964	Swat	MA	CT	5/8/1984	5/8/1984	5/8/1984
2	Astambool	Muhammad Kamal	SCT	16	4/1/1961	Swat	BSc	CT/B.Ed	5/3/1986	5/3/1986	5/3/1986
3	Fazal Rabi	Muhammad Junain	SCT	16	3/15/1966	Swat	MA	CT/B.Ed	10/11/1982	10/11/1982	1/6/1987
4	Khan Ali	Umar Bakht	SCT	16	3/3/1961	Swat	MA	CT/B.Ed	8/1/1982	8/21/1982	5/26/1987
5	Muhammad Ihsanullah	Swal Faqir	SCT	16	3/4/1962	Swat	MA	CT	9/17/1987	9/17/1987	9/17/1987
6	Bakht Sherawan	Mahmood Khan	SCT	16	1/1/1960	Swat	MA	CT	11/6/1982	11/6/1982	11/29/1987
7	Muhammad Ali	Said Mahmood	SCT	16	2/3/1959	Swat	BA	CT	8/17/1980	1/8/1988	3/6/1988
8	Toti Rahman	Fazal Rahman	SCT	16	2/7/1960	Swat	MA	CT	7/10/1982	7/10/1982	11/30/1988
9	Mohammad Salim Khan	Amanullah Khan	SCT	16	3/1/1965	Swat	MA	CT/B.Ed	1/15/1985	4/26/1989	9/16/1989
10	Jamshed Khan	Muhammad Zarin	SCT	16	5/11/1962	Swat	MA	CT	3/9/1982	9/17/1989	9/17/1989
11	Rahmat Ali	Abdul Ghafar	SCT	16	5/4/1963	Swat	MA	CT/B.Ed	7/20/1982	10/1/1989	10/1/1989
12	Fazal Ranim	Fazal Ahad	SCT	16	1/1/1961	Swat	MA	CT	11/13/1984	10/1/1989	10/1/1989
13	Azizullah	Tota	SCT	16	10/1/1964	Swat	MA	CT	1/9/1982	11/15/1983	1/17/1990
14	Shah Rom Khan	Hakim Khan Mian	SCT	16	1/1/1962	Swat	MA	CT	3/1/1988	3/1/1988	1/17/1990
15	Sadiq Ahmad	Abdul Hamid	SCT	16	1/4/1961	Swat	MA	CT	6/1/1988	6/1/1988	1/17/1990
16	Muhammad Rafiq	Badish	SCT	16	3/1/1963	Swat	B.Sc	CT	2/6/1990	2/6/1990	2/6/1990
17	Fida Hussain	Hazrat Ahmad	SCT	16	2/3/1964	Swat	MA	CT	2/8/1990	2/8/1990	2/8/1990
18	Hedayatullah 3rd Division	Sultan Sikandar	SCT	16	1/1/1959	Swat	MA	CT/B.ed	4/18/1983	4/18/1983	11/14/1990
19	Rashid Ali	Ghulam Nabi	SCT	16	3/12/1968	Swat	MA	CT	12/8/1990	12/8/1990	11/14/1990
20	Zahid Khan	Pir Dad	SCT	16	4/9/1965	Swat	BA	CT	12/9/1990	12/9/1990	12/9/1990
21	Hazrat Bilal	Zirat Gul	SCT	16	2/8/1963	Swat	MA	CT	12/11/1990	12/11/1990	12/11/1990
22	Aziz Ahmad	Fazal Khaliq	SCT	16	4/4/1969	Swat	MSC	CT/B.Ed	12/11/1990	12/11/1990	12/11/1990
23	Fazal Wahab	Gul Mahmood	SCT	16	12/12/1964	Swat	MA	CT	5/6/1986	1/1/1990	1/1/1991
24	Muhammad Majid	Umar Zada	SCT	16	1/1/1966	Swat	MA	CT	5/4/1986	4/5/1986	3/14/1991
25	Rahman Deyar	Sultan Mehmood	SCT	16	1/1/1964	Swat	BA	CT	11/5/1986	5/11/1986	3/14/1991
26	Haroon - Ur - Rashid	Khisat Gul	SCT	16	8/1/1962	Swat	BA	CT	11/24/1986	11/24/1986	3/14/1991
27	Muhammad Alam	Alam Zeb Khan	SCT	16	4/1/1963	Swat	MA	CT	4/2/1987	4/10/1991	4/10/1991
28	Adalat Khan	Abdur Rashad	SCT	16	12/9/1961	Swat	MA	CT	11/24/1984	11/24/1984	10/22/1991
29	Akhter Ali	Ghulam Muhammad	SCT	16	5/15/1964	Swat	BA	CT	3/11/1985	3/11/1985	10/22/1991
30	Imran Ali	Mashooq Ali	SCT	16	3/20/1959	Swat	MA	CT	5/6/1986	5/6/1986	10/22/1991
31	Muhammad Rahman	Bakht Zad	SCT	16	1/10/1967	Swat	FA	CT	5/17/1987	5/17/1987	4/2/1992
32	Sharafat Ali Khan	Afsar Khan	SCT	16	2/2/1961	Swat	MA	CT	3/1/1988	3/1/1988	4/2/1992
33	Amir Zeb	Muhammad Zareen	SCT	16	4/2/1964	Swat	BA	CT	6/1/1988	6/1/1988	4/2/1992
34	Amir Muhammad	Tota Mian	SCT	16	5/15/1963	Swat	BA	CT/B.Ed	9/22/1987	12/20/1989	4/2/1992
35	Akhter Hussain 3rd Divi	Ahmad	SCT	16	3/2/1967	Swat	BA	CT	8/14/1992	8/14/1992	8/14/1992
36	Muhammad Ziaud Din	Habibur Rahman	SCT	16	3/10/1968	Swat	MA	CT/B.Ed	9/2/1986	1/9/1992	9/1/1992
37	Sultan Rome	Shah Rome	SCT	16	4/8/1966	Swat	MSC	CT/B.Ed	9/2/1992	9/2/1992	9/2/1992
38	Umar Hussain	Malak Sherin	SCT	16	1/1/1962	Swat	MA	CT	4/23/1988	4/23/1988	11/21/1992
39	Muhammad Nabi	Ghulam	SCT	16	5/1/1963	Swat	MA	CT/B.Ed	4/17/1988	4/17/1988	11/22/1992
40	Jamshid Khan	Hazrat Jee	SCT	16	4/14/1966	Swat	BA	CT/B.Ed	11/1/1986	4/21/1993	4/21/1993
41	Bakhtyar 3rd Divi	Bacha	SCT	16	7/3/1964	Swat	BA	CT/B.Ed	1/20/1990	1/20/1990	4/29/1993

ATTACHED

FINAL SENIORITY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

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S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt.	Date of apptt. against Present post.	Seniority position as CT or D/O declaration CT Exam whichever is later.
42	Ashraf Ali	Hazrat Ali	SCT	16	5/12/1965	Swat	MA	CT/B.Ed	5/8/1993	5/8/1993	8/5/1993
43	Shah Bakht Rawan	Umara Khan	SCT	16	1/7/1964	Swat	MA	CT	9/24/1989	9/24/1989	12/25/1993
44	Muhammad Hamayun	Faramoz Khan	SCT	16	1/2/1965	Swat	BA	CT	10/2/1989	10/2/1989	12/25/1993
45	Amir Bahadar	Sarwar Gul	SCT	16	5/1/1962	Swat	MA	CT/B.ed	3/10/1989	10/3/1989	12/25/1993
46	Bakht Sherwan	Fazal Rahman	SCT	16	2/24/1967	Swat	BA	CT	11/29/1989	11/29/1989	12/25/1993
47	Bakht Muhammad	Muamber Khan	SCT	16	1/16/1967	Swat	BA	CT	11/30/1989	11/30/1989	12/25/1993
48	Noor Rahman	Jumma Gul Khan	SCT	16	5/1/1965	Swat	BA	CT	12/4/1989	12/4/1989	12/25/1993
49	Mehboob Ali	Amir Rahman	SCT	16	2/1/1963	Swat	BA	CT	12/12/1989	12/12/1989	12/25/1993
50	Muhammad Sadiq	Qalandar	SCT	16	9/11/1965	Swat	BA	CT/B.ed	12/14/1989	12/14/1989	12/25/1993
51	Maqsood Ahmad	Dawray	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/17/1989	12/17/1989	12/25/1993
52	Shuja Mulk	Said Karam	SCT	16	12/3/1966	Swat	BA	CT	10/3/1989	1/4/1990	12/25/1993
53	Alamgir	Sadbar Khan	SCT	16	1/20/1960	Swat	MA	CT/B.Ed	6/10/1990	6/10/1990	12/25/1993
54	Anwarullah	Hasham Khan	SCT	16	3/1/1969	Swat	MA	CT/B.Ed	9/26/1988	11/10/1994	11/10/1994
55	Fazal Hameed	Fazal Wahab	SCT	16	4/15/1969	Swat	MA	CT/B.ed	11/10/1994	11/10/1994	11/10/1994
56	Nadar Khan	Mian Said Buhar	SCT	16	3/3/1966	Swat	MA	CT	9/8/1986	11/11/1994	11/11/1994
57	Bad Shah Ikhan	Amir Rawan	SCT	16	5/1/1965	Swat	MA	CT/B.Ed	6/14/1987	11/12/1994	11/12/1994
58	Sher Bahadar Khan	Gul Zaman	SCT	16	1/1/1964	Swat	BA	CT	12/12/1989	12/12/1989	11/15/1994
59	Aziz Ahmad	Muhammad Rashid	SCT	16	2/2/1964	Swat	MA	CT/B.Ed	11/10/1994	11/15/1994	11/15/1994
60	Afzal Shah	Badshah Zada	SCT	16	5/12/1967	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994	11/15/1994
61	Bakht Alam	Ghulam Qadir	SCT	16	3/20/1969	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994	11/15/1994
62	Muhammad Rahman	Sherin Jalal	SCT	16	2/1/1965	Swat	MA	CT/B.Ed	12/1/1986	11/16/1994	11/16/1994
63	Sher Ali Khan	Sadar	SCT	16	2/11/1968	Swat	MA	CT/M.Ed	8/1/1987	11/16/1994	11/16/1994
64	Ziaullah Khan	Muhammad Alam Gul	SCT	16	7/20/1969	Swat	MA	CT/B.Ed	11/16/1994	11/16/1994	11/16/1994
65	Muhammad Munir	Habibullah Khan	SCT	16	4/2/1964	Swat	MA	CT/B.Ed	9/28/1988	11/18/1984	11/18/1994
66	Gul Pervize	Rahmani Gul	SCT	16	1/20/1965	Swat	MA	CT/B.ed	11/21/1984	11/21/1994	11/21/1994
67	Abdul Qadoos	Ghulam Khaliq	SCT	16	6/5/1964	Swat	B.Sc	CT	5/12/1992	11/24/1994	11/24/1994
68	Sarir Ud Din	Fazal Wahid	SCT	16	3/26/1963	Swat	M.Sc	CT/M.Ed	11/27/1986	12/20/1994	12/20/1994
69	Muhd Zahir Shah	Azizur Rahman	SCT	16	12/2/1960	Swat	MA	CT/B.Ed	4/2/1987	12/21/1994	12/21/1994
70	Muhammad Ghafar	Khan Bahadar	SCT	16	2/27/1961	Swat	MA	CT	6/7/1987	12/21/1994	12/21/1994
71	Amanullah Khan	Sakhi Rawan	SCT	16	9/12/1961	Swat	MA	CT/M.Ed	8/11/1988	12/21/1994	12/21/1994
72	Sher Azim Khan	Taj Muhammad Khan	SCT	16	9/9/1958	Swat	MA	CT/M.Ed	9/28/1988	12/21/1994	12/21/1994
73	Fatehur Rahman	Fazal Rahman	SCT	15	2/2/1969	Swat	MA	CT/M.Ed	6/24/1987	12/22/1994	12/22/1994
74	Rafiq Ahmad	Hermooz Khan	SCT	16	1/1/1965	Swat	MA	CT	9/29/1988	1/10/1988	12/25/1994
75	Alam Zeb	Abdul Jabbar	SCT	16	4/15/1965	Swat	BA	CT/B.Ed	12/25/1994	12/25/1994	12/25/1994
76	Inamullah Khan	Muhammad Karam	SCT	16	1/1/1968	Swat	MA	CT	9/4/1986	12/27/1994	12/27/1994
77	Alam Zeb	Bughdaday	SCT	16	1/1/1960	Swat	MA	CT/M.Ed	12/27/1994	12/27/1994	12/27/1994
78	Azizullah	Haji Muhammad	SCT	16	2/16/1964	Swat	MA	CT/M.Ed	9/26/1988	1/1/1995	1/1/1995
79	Amjad Ali	Faqir Khan	SCT	16	4/10/1966	Swat	MA	CT/B.Ed	12/5/1989	12/5/1989	1/5/1995
80	Samiullah	Roohul Amin	SCT	16	2/15/1965	Swat	MA	CT/B.Ed	5/3/1986	5/3/1986	1/9/1995
81	Dost Muhammad Khan	Taj Muhammad Khan	SCT	16	3/8/1958	Swat	BA	CT/B.Ed	4/1/1987	4/1/1987	1/9/1995
82	Wazir Zada	Gulzar Khan	SCT	16	5/1/1967	Swat	BA	CT	10/1/1989	10/1/1989	1/9/1995

UNREGISTERED

FINAL SENIORITY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

S.No New	Name of Teacher/Qualification academic/professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Apptt.	Date of apptt against Present post.	Seniority position D/O taking over charge as CT or D/O declaration CT Exam whichever is later.
83	Anwar Iqbal	Khan Sherin	SCT	16	5/1/1961	Swat	MA	CT/B.Ed	10/2/1989	10/2/1989	1/9/1995
84	Muhammad Zahir Shah	Shahzada	SCT	16	2/2/1965	Swat	MA	CT/B.Ed	11/28/1989	11/28/1989	1/9/1995
85	Bakhtmand	Siahoosh Khan	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/10/1989	12/10/1989	1/9/1995
86	Mukaram Khan	Musharaf Khan	SCT	16	6/5/1963	Swat	BA	CT/B.Ed	1/13/1990	1/13/1990	1/9/1995
87	Afzal Hussain	Bahroz Khan	SCT	16	5/25/1962	Swat	MA	CT/B.Ed	1/19/1990	1/19/1990	1/9/1995
88	Zahoor Hayat	Sher Alam Khan	SCT	16	1/1/1969	Swat	BA	CT	1/19/1990	1/23/1990	1/9/1995
89	Farzand Ali	Syed Rashad	SCT	16	3/15/1963	Swat	BA	CT	2/15/1990	2/15/1990	1/9/1995
90	Amir Zeb Khan	Bakht Biland Khan	SCT	16	2/18/1963	Swat	BA	CT	3/1/1990	3/1/1990	1/9/1995
91	Fazal Rahman	Amir Faqeer	SCT	16	3/10/1963	Swat	MA	CT	4/1/1990	4/1/1990	1/9/1995
92	Gul Muhammad Shah	Mubin	SCT	16	2/5/1964	Swat	MA	CT	4/14/1990	4/14/1990	1/9/1995
93	Muhammad Laiq	Amir Hamza	SCT	16	6/1/1963	Swat	MA	CT/B.Ed	4/21/1990	4/21/1990	1/9/1995
94	Ali Bash Khan	Shah Dilbar Mian	SCT	16	3/17/1969	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
95	Akbar Ali	Qaisar Khan	SCT	16	1/1/1963	Swat	MA	CT/B.ed	5/13/1990	5/13/1990	1/9/1995
96	Alamgir	Khalilur Rahman	SCT	16	7/1/1964	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
97	Fazal Azim	Ahmad	SCT	16	12/1/1959	Swat	MA	CT	8/20/1990	8/20/1990	1/9/1995
98	Kafim Ullah	Muhammad Karim	SCT	16	3/15/1970	Swat	MA	CT/B.Ed	10/10/1988	11/20/1990	1/9/1995
99	Ibrahim	Amir Hatam	SCT	16	6/17/1959	Swat	BA	CT/B.Ed	5/24/1992	5/24/1992	1/9/1995
100	Ruhul Amin	Muhammad	SCT	16	4/3/1966	Swat	MA	CT	9/1/1989	12/1/1994	1/9/1995
101	Muhammad Fahim Khan	Ahmad Shah	SCT	16	3/7/1963	Swat	MA	CT B.Ed	6/11/1987	1/16/1995	1/16/1995
102	Muhammad Dawood Khan	Amanullah Khan	SCT	16	4/26/1967	Swat	MA	CT M.Ed	9/25/1992	1/16/1995	1/16/1995
103	Miraj Gul	Sani Gul	SCT	16	4/21/1959	Swat	BA	CT	3/6/1990	1/18/1995	1/18/1995
104	Jehan Sher	Umara Jan	SCT	16	5/1/1962	Swat	MA	CT/B.Ed	1/19/1995	1/19/1995	1/21/1995
105	Hanif Khan	Abdul Qadir Khan	SCT	16	1/12/1967	Swat	MA	CT	2/20/1990	2/1/1995	2/1/1995
106	Abdul Wahab	Amir Bashar	SCT	16	3/3/1969	Swat	MA	CT	2/21/1995	2/22/1995	2/22/1995
107	Sajawal Khan	Taj Khan	SCT	16	5/5/1964	Swat	MA	CT	2/2/1995	4/10/1995	4/10/1995
108	Anwar Zeb	Alam Zeb Khan	SCT	16	5/4/1970	Swat	MA	CT/M.Ed	2/2/1995	4/10/1995	4/10/1995
109	Kishwar	Ghulam Nabi	SCT	16	1/1/1967	Swat	BA	CT/B.Ed	4/7/1988	4/16/1995	4/17/1995
110	Mizajud Din	Mirajud Din	SCT	16	5/1/1970	Swat	MA	CT/M.Ed	11/7/1994	4/17/1995	4/17/1995
111	Bakht Biland	Shah Zada	SCT	16	1/30/1966	Swat	BA	CT	10/17/1988	5/15/1995	5/15/1995
112	Muhammad Sadiq	Khyber	SCT	16	11/8/1962	Swat	MA	CT	8/8/1984	8/1/1995	8/1/1995
113	Khaista Mand	Muhammad Ghafoor	SCT	16	1/10/1966	Swat	MA	CT/B.Ed	5/14/1992	8/1/1995	8/1/1995
114	Muhammad Qadim	Amir Nawab	SCT	16	4/5/1964	Swat	MA	CT/B.Ed	2/29/1984	8/7/1995	8/7/1995
115	Amiz Khan	Akbar Khan	SCT	16	1/1/1967	Swat	BA	CT/B.Ed	8/22/1995	8/22/1995	8/22/1995
116	Shah Anwar Badshah	Naik Muhammad	SCT	16	3/15/1963	Swat	MA	CT	9/27/1988	8/24/1995	8/24/1995
117	Ali Rahman	Fazal Rahman	SCT	16	4/1/1967	Swat	MA	CT	5/14/1987	9/1/1995	9/1/1995
118	Sayed Javid Iqbal	Muhammad Mian	SCT	16	3/20/1964	Swat	MA	CT	4/3/1995	9/15/1995	9/15/1995
119	Mufti	Muhammad Zaman	SCT	16	1/15/1962	Swat	MA	CT/B.Ed	3/17/1984	9/23/1995	9/23/1995
120	Muhammad Afzal Khan	Sher Dil Khan	SCT	16	10/1/1970	Swat	MA	CT/B.Ed	9/24/1995	9/24/1995	1/24/1996
121	Muhammad Nisar	Ahmad Khan	SCT	16	4/16/1975	Swat	MA	CT	5/1/1996	5/1/1996	5/1/1996
122	Muhammad Iftikhar	Muhammad Perviz	SCT	16	4/13/1969	Swat	MA	CT/M.Ed	9/16/1992	9/16/1992	5/5/1996
123	Fazal Hadi	Muhammad Yousaf	SCT	16	4/15/1972	Swat	MA	CT/M.Ed	3/17/1996	3/17/1996	5/5/1996

44  
 up to this No they are to be promoted

All ready promoted to S.S.T.

ATTESTED



45  
H



GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

ATTESTED

NOTIFICATION

Peshawar, dated the November 13, 2012.

*[Handwritten signature]*  
D-25

No. SO(PE)4-S/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.

KPK

Endst. No. & Date as above.

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

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.
8. Copy to Ma'gani Usazan KPK

ATTESTED

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46

8. The Director Curriculum & Teachers Education Abbottabad.
9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
11. The Deputy Director Database(EMIS) E&SE Department.
12. All District Coordination Officers in Khyber Pakhtunkhwa.
13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
15. All Agency Education Officers FATA.
16. P.S to Governor, Khyber Pakhtunkhwa.
17. P.S to Chief Minister, Khyber Pakhtunkhwa.
18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
19. PS to Minister E&SE Khyber Pakhtunkhwa Peshawar.
20. PS to Secretary E&SE Department.
21. Master File.

KPK

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Section Officer (Primary)

ATTESTED

19

ATTESTED

APPENDIX

S.NO.	Nomenclature of the post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secondary School Teacher (BPS-16)	<p>(i) Second class Bechelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University: or</p> <p>(ii) M.A in Education or Bachelor's Degree in Education from a recognized university.</p>	18 to 35 Years.	<p>(a) Fifty percent by promotion on the basis of seniority-cum-fitness in the following manners.</p> <p>(i) forty percent from amongst the certified Teachers (General). 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.</p> <p>(ii) four percent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(iii) four percent from amongst the Physical Education Teachers with at least five years service</p>

SET →  
Redesignated

No quota has been allocated for PST's cadre.

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			(iv) one percent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3, and (v) one percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No. 3, and (b) fifty percent by initial recruitment.
2.	Seniority 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.
3.	Senior Theology Teacher (S:TT) (BPS-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.
4.	Senior Certified Teacher (SCT) (General) (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Certified Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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10.	Arabic Teacher (AT) (BPS-15)	(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabia from a recognized University.	By initial recruitment  <div style="text-align: center; border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">49</div>
11.	Theology Teacher (TT) (BPS-15)	(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabia from a recognized University.	(a) Seventy five percent by initial recruitment; and (b) twenty five percent 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; Note: In case of non availability of suitable person for promotion then by initial recruitment.
12.	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 as prescribed for initial recruitment.
13.	Certified Teacher (General)	Bechlor's Degree or equivalent qualification from a recognized	(a) Forty percent by initial recruitment; and

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		<p>Certified or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.</p>	<p>(b) sixty percent 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). Provide 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). Note: In case of non availability of suitable person for promotion then by initial recruitment.</p>
<p>14.</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 Centre; or (b) Bachelor's Degree from a recognized</p>	<p>(a) Forty percent by initial recruitment; and (b) sixty percent 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>

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APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secondary School Teacher (MPS-16).	(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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48

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2. Senior Arabic Teacher (SAT) (BPS-16)

(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

(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

(b) fifty per cent by initial recruitment.

3. Senior Theology Teacher (STT) (B-16)

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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.

4. Senior Certified Teacher (SCT)(General) (BPS-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.

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).

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10.	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 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 Arabic from a recognized University.	20 to 35 years.	By initial recruitment
11.	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.
12.	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.
13.	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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ATTESTED

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		Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.		<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);</p> <p>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).</p>
14.	Certified Teacher (Industrial Arts) (BPS-15). ✓	<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</p> <p>(b) Bachelor's Degree from a recognized</p>	18 to 35 years.	<p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</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</p>

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**ATTESTED**

**ATTESTED**

*Ag*

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 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 10 / total marks = ___	
B.A/B.Sc	Marks obtained X 25 / total marks = ___	
PST Certificate/ Diploma in Education / A.D.E.	Marks obtained X 20 / total marks = ___	
M.A/M.Sc/M.Ed / M.A Edu	Marks obtained X 20 / total marks = ___	
M.Phil/PhD	Marks = 05	

Other conditions:-

1. The concerned Appointing Authority will scrutinize and verify the documents and make the appointment 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 Asnoil from recognized Tazemat-ul-Wafaqul Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Chitral, 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.

**ATTESTED**

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*K.P.*

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*[Vertical stamp]*

S. No 488424

Roll No. 23397

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan  
Secondary School Certificate Examination  
SESSION 1985 (ANNUAL)

THIS IS TO CERTIFY THAT Mohammad Layaq Khan

Son/Daughter of Saran Zeb

and a student of Govt :High School Khawaza Khela , Swat .

has passed the *Secondary School Certificate Examination*

of the Board of Intermediate and Secondary Education, Peshawar held in April 1985

as a *Regular candidate*. He/She obtained 412 Marks out of 850

and has been placed in Grade  D  Representing Fair

The Candidate passed in the following subjects:

1. English
2. Urdu
3. Islamiyat
4. Gen Science
5. Pak Studies
6. Pashto
7. Gen Mathematics
8. Art.

He/She has been awarded Grade  D  on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Second April  
one thousand nine hundred and Sixty Nine (2-4-1969)

Asstt. Secretary

8 August, 1985

This certificate is issued without alteration or erasure.

Secretary

s.No 193408

Roll No. 15985



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# BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan  
**INTERMEDIATE EXAMINATION**

Humanities Group

SESSION SUPPLEMENTARY 1987

THIS IS TO CERTIFY THAT Muhammad Laiq Khan

Son/Daughter of Saran Zeb Khan

and a resident of Swat District.


Registered No. 172-B/MT-85 has passed the *Intermediate Examination* of  
the Board of Intermediate & Secondary Education, Peshawar held in Jan/Feb 1988  
as a *Private candidate*. He/She obtained 520 Marks out of 1100

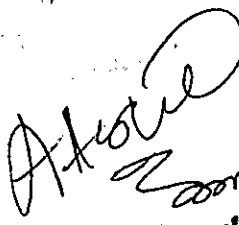
and has been placed in Grade 

D
---

 Representing Fair

The Examination was taken as ~~a whole~~/in parts:

  
Asst. Secretary  
Sms



  
Secretary

This certificate is issued without alteration or pressure  
S.C.T (Gazetted)  
Swat, Distt. Swat.

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# University of Peshawar (Pakistan)

Session ANNUAL 1993

MUHAMMAD LAIQ KHAN

SON

of

SARANZED KHAN ✓

and a student

of SWAT DISTRICT

having passed the prescribed-examination

held in AUGUST 1993; is this day admitted by the University of Peshawar

to the Degree of

## Bachelor of Arts

in the SECOND division.

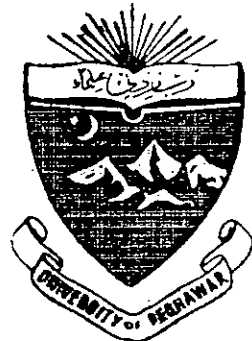
The Examination was taken as a whole / in parts. -

Serial No. 028107

Registered No. 89-P/A-37109

Roll No. 61604

Result declared on MARCH 17, 1994



AM

*Fazli Hamid*  
Registrar

Countersigned

*MO*  
Vice-Chancellor

ATTESTED

*Ali*  
*MO*  
Sub Divnl. Edu. Officer (M)  
Primary, Swat



# University of Peshawar (Pakistan)

Session ANNUAL 1996

MUHAMMAD LAIQ

SON OF SARANZEB KHAN

and a student

of DISTRICT SWAT

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 PASHTO

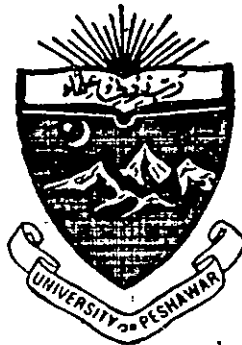
The Examination was taken as a whole- / in parts.

Serial No. 023997

Registered No. 895P/A-37109

Roll No. 11455

Result declared on OCTOBER 13, 1997



*[Signature]*  
Registrar

Countersigned

*[Signature]*  
Vice-Chancellor

**ATTESTED**

*[Signature]*  
*[Signature]*  
Asst. Sub Divl. Edu. Officer (M)  
Primary, Swat.



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

# University of Peshawar (PAKISTAN)

SESSION ANNUAL 2001

MOHAMMAD LAIQ SON of SARAN ZEB KHAN and a student  
of SWAT DISTRICT having passed the prescribed examination  
held in SEPTEMBER 2001 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 ISLAMIYAT

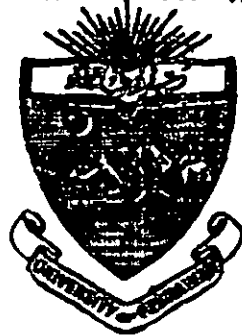
The Examination was taken as ~~xxxx~~ whole / in parts

Serial No. 035003

Registration No. 89-F/A-37109

Roll No. 22320

Result declared on 7TH MAY 2002



*M. Sarwat Khan*  
Registrar

Countersigned

*Z. Ishaq*

Vice-Chancellor

*Aliz*  
*1703*  
Sub-Div. Ed. Officer (M)  
Primary, Swat.



(5)

Roll No. G-6352240

34008

Allama Iqbal Open University



علامہ اقبال اوپن یونیورسٹی

محمد لائق خان

MOHAMMED LAFAQ KHAN

Regn. No. 91-NST-0180

رجسٹریشن نمبر

son/daughter of SARAN ZEB

having completed the prescribed requirements in AUTUMN 19 98 is awarded the degree of

خزانہ 98ء میں مطلوبہ شرائط تکمیل کرنے پر

Bachelor of Education

بی۔ ایڈ

He/She secured 55 % marks and was placed in B grade.

55 فیصد نمبر لے کر 55 گریڈ حاصل کیا۔ اس نے

Vice Chancellor

وائس چانسلر

Controller of Examinations

کنٹرولر امتحانات

Islamabad Dated: 31st JULY. 1999

31 جولائی، 1999ء

This degree is to be read in conjunction with the Transcript, issued separately.

Post: Sub Divl. Edu. Officer (M) Primary, Swat

Registration No. 91-NST-0180

Roll No. D-6934879

Allama Iqbal Open University



27742

Serial No.

Spring/Autumn, 96 Semester

علامہ اقبال اوپن یونیورسٹی

It is to certify that Mr./Ms. MUHAMMAD LATIF KHAN

محمد لائق خان

تصدیق کی جاتی ہے کہ سنی/سمات

son/daughter of SARAN ZEB KHAN has completed all the requirements of

نے مندرجہ ذیل کوہنر کے ساتھ

سون زیب خان

بن/بنت

Certificated Teacher's Certificate with the following courses.

سی ٹی ٹی سرفیکٹ کی مجوزہ شرائط پوری کر لی ہیں۔

Code/Course	Marks obtained	کورس	گرڈ
631-Dimension in Education	97/100	تعلیم کی جہتیں	۶۳۱
632-Education Psychology	58/100	تعلیمی نفسیات	۶۳۲
633-School Organisation	56/100	نظم و نسق اور انصرام مدرسہ	۶۳۳
634-English and its Teaching	54/100	انگریزی زبان اور اس کی تدریس	۶۳۴
638-Teaching of Strategies	53/100	تدریسی حکمت عملی اور جاترہ	۶۳۸
605-SOCIAL STUDIES & ITS TEACHING	54/100	605- معاشرتی علوم اور اس کی تدریس	
635-ISLAMYAT & ITS TEACHING	46/100	635- اسلامیات اور اس کی تدریس	
604-URDU & ITS TEACHING	63/100	604- اردو اور اس کی تدریس	
612-Workshop	83/100	612- عملی درکشاپ و تدریسی مشق	

He/She has obtained 58% marks and has been placed in grade B.

اس نے 58 فیصد نمبر لے کر B گریڈ حاصل کیا۔

Islamabad.

Dated: 30TH JUN, 1997.

Controller of Examinations

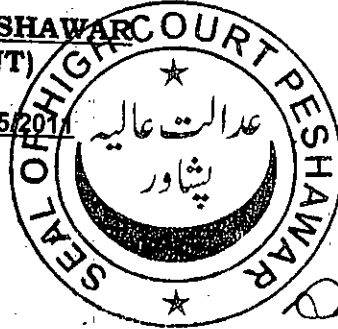
Attest

M. S. Chah, District Sindh  
S.C.T. (G.A.)  
G.H.S. Chah, District Sindh

J-59

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**(JUDICIAL DEPARTMENT)**

COC No. 105-P/2018 In WP No. 355/2011



**JUDGMENT.**

Date of hearing: 08.11.2018

Petitioner (s): Nisar Ahmad & Mr. Noor Muhammad Usmani

Respondent (s): Muhammad Azam Khan & Javed Qadir Ali Khan ADH.

**WAQAR AHMAD SETH, CJ:-** Through this

single judgment, we propose to dispose of instant contempt petition as well as connected COC No. 107-P/2018 in WP No. 1662/2010, COC No. 108-P/2018 in WP No. 2967/2009 & COC No. 109-P/2018 in WP No. 3189/2009 because in all the petitions, the petitioners have sought initiation of contempt of court proceedings against the respondents for not implementing the judgment/order dated 26.01.2015.

2. Facts in brief are that the petitioners had filed Writ Petitions before this Court and prayed that the Act No. XVI 2009, namely, 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24<sup>th</sup> October, 2009' being illegal, unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for

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EXAMINER  
Peshawar High Court

30 NOV 2018

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obliging their own person. They further prayed that the notification No. A-14 / SET (M) dated 11.12.2009 and Notification No. A-17 / SET (S) Contract-Apptt: 2009 dated 11.12.2009, as well as Notification No. SO(G) / ES / 185 / 2009 / SS(Contract) dated 31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submission, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners. The writ petitions came up for hearing and vide judgment/order dated 26.01.2015, the same were disposed of in the following terms:-

- (i) *The Act, XVI of 2009, commonly known as (Regularization of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.*
- (ii) *Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments".*

3. After passing the above said judgment, the petitioners were quite hopeful regarding their promotion to the next higher grade being senior most employees but the respondents have again started recruitment process by advertising the posts of various cadres for initial recruitment in various Districts of Khyber Pakhtunkhwa and as such, the inaction of respondents squarely fall within the ambit of

APPOINTED  
EXAMINER  
Peshawar High Court  
NOV 2010

contempt of court and they are liable to be proceeded and punished under the law; hence, the instant petitions.

4. Respondents No. 2 & 3 have filed reply to the show cause and prayed for dismissal of instant petitions.

5. Arguments heard and record perused.

6. While deciding writ petition No. 2905/2009, vide judgment dated 26.1.2015 which has been upheld by the apex Court, the respondents-department was directed to workout the backlog of the promotion quota and consider in service employees for promotion against the vacant post, till the backlog is washout. In this respect record is suggestive that the backlog was worked out and by that time 2725 employees / teachers were in the promotion zone and as such were promoted. Moreover, by virtue of Regularization Act, 2009, Act No. XVI of 2009, 1766 employees / teachers got regularization and as such, when worked out, the promotion quota was fully exhausted. The judgment in this respect was not for all the times to come for promotion purposes. Once the promotion quota, which was given advantage, in view of Regularization Act, 2009, cannot be claimed again and again. By now it's the question of fact that as to whether any employee / teacher was not promoted and by that time when Act 2009 was enforced they were in the promotion zone. Even otherwise, once backlog was worked out and promotion was done then claiming seniority and promotion is the job of service tribunal.

EXAMINED  
Peace War High Court  
30 NOV 2018

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7. In view of the above, the instant as well as connected contempt petitions are disposed of in terms above. Show cause notice issued to respondents is hereby recalled.

**ANNOUNCED.**  
Dated: 08.11.2018

Chief Justice

Judge

Newab Shah SCS (DB) Justice Waqar Ahmad Seth CJ & Justice Muhammed Ayub Khan J

No. 15857

Date of Presentation of Application 25.11.18

No of Pages 3

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Preparation of Copy 20

Delivery of Copy 31.11.18

Received By [Signature]

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**EXAMINER**  
Peshawar High Court, Peshawar  
Authorized Under Article 57 of  
The Qanun-e-Shahadat Order 1984

**30 NOV 2018**

To,

The Secretary (E&SE) Department,  
Khyber Pakhtunkhwa, Peshawar.

K - (62/A)

**DEPARTMENTAL APPEAL FOR THE GRANT OF PROMOTION TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) FROM THE DATE WHEN THE PROMOTION QUOTA WAS FILLED UP THROUGH INITIAL RECRUITMENT OR FROM THE DATE OF COMMENCEMENT OF THE ACT NO.XVI OF 2009 COMMONLY KNOWN AS REGULARIZATION OF SERVICES ACT, 2009 NOTIFIED IN THE OFFICIAL GAZETTE ON 24.10.2009 WITH ALL BACK BENEFITS.**

**Respected Sir,**

With due respect it stated that I was initially appointed as PST in your good self Department vide order dated 31.08.2006 and later on was promoted to the post of PSHT (BPS-15). During service as Certified Teacher I was in the promotion zone to the post of SST (BPS-16) but the concerned authority instead of promoting me advertised the said posts of SST (BPS-16) on adhoc/contract basis. I was under protest and my colleagues applied for the said post through initial recruitment but the same was also refused to me and my colleagues on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus me and my colleagues were deprived from the prospects of promotion. It is pertinent to mention that at the time of above mentioned advertisement the post/cadre of PSHT (BPS-15) to which I belong have no prospects of promotion. In light of the said advertisement new appointments were made by the authorities on adhoc basis and even the promotion quota was also filled by the authority though initial recruitment. In the meanwhile the Provincial Government Promulgated the employee's regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which I belong. That the promotion quota for which me and my colleagues have waited for decades has been washed by operation of the said Act of 2009. I was feeling aggrieved alongwith my others colleagues knocked the door of the Peshawar High Court through various writ petitions including writ petition No.2905/2009. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:

- (i)- The act.XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.**
- (ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service**

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employees, till the backlog is washed out, till then there would be complete ban on fresh recruit. The concerned authority assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after me and my colleagues time and again visited the concerned quarter for our promotion to the next higher scale but the concerned authority instead of redressing the grievances advertised the posts through initial recruitment through various advertisements. That it is pertinent to mention that I am the senior most PST (BPS-12) of your good self Department and also eligible in all respect for promotion to the post of SST (BPS-16). I am feeling aggrieved filed this Departmental appeal before your good self for redressal of my grievances.

It is therefore, most humbly prayed that on acceptance of this Departmental I may very kindly be promoted to the post of SST (BPS-16) including seniority with all back benefits w.e.f. the date when the promotion quota was filled up through initial recruitment.

Dated: 12.6.2019

Your Obediently



**MUHAMMAD LAIQ** PSHT (BPS-15),  
GPS Jano Khwazakhela, District Swat

ATTESTED



**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar

OF 2019

Muhammad Laiq

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Muhammad Laiq

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, 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. \_\_\_/\_\_\_/2019

Laiq

**CLIENT**

ACCEPTED

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**MIR ZAMAN SAFI  
ADVOCATES**

OFFICE:

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Mobile No.0345-9383141

**BEFORE THE KHYBER PAKTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR.**

Service Appeal No. 1235/2019

Mohammad Liaq Khan PSHT (BPS-15) GPS Janoo Khwazakhela, District Swat.

.....Appellant

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and secondary education Khyber Pakhtunkhwa at Peshawar.
3. District Education officer (Male) Swat.

..... Respondents

**Parawise Comments on Behalf of the Respondents:**

**Respectfully Shewith**

**Preliminary objections**

1. That the Appellant is not an aggrieved person within the meaning of Section 4 of the service Tribunal Act, 1974.
2. That the Appellant has no cause of action / locus standi.
3. That the Appellant has not come to this Honorable Court with clean hands.
4. That the Appellant has filed this instant service appeal just to pressurize the respondents.
5. The present service appeal is liable to be dismissed for non-joinder/miss joinder of necessary parties.
6. That the instant service appeal is against the prevailing law and rules.
7. That the Appellant has filed this instant Service Appeal on malafide motives.
8. That the instant appeal is badly time barred.
9. That the instant service appeal is not maintainable in the present form, and above in the present circumstances of the issue.
10. That the Appellant has estopped by his own conduct.
11. That the Appellant has concealed the material facts from this Honorable Tribunal.

**FACTS:**

1. That the Para No.1 is correct. Hence no comments.
2. That the Para No.2 is correct to the extent of advertisement, the rest of the Para is incorrect and not admitted. The Appellant was not in promotion zone at the time of the above mentioned advertisement. There was no promotion policy at the time of the mentioned advertisement from PSHT to SST. Later on in 2012 policy was promulgated and amended in 2014. According to this policy there are three categories of SST i.e SST I (Chemistry, Botany or Zoology), SST II (Physics, Maths A or B or Statistics) & SST General. The appellant will be promoted in his category on his own turn. **(Policy as annexure A)**

3. That the Para No.3 is correct to the extent that there was no promotion policy from CT BPS-15 to SST BPS-16 at the time of the above mentioned advertisement. However, as stated in the foregoing Para, now the policy exists for promotion from CT BPS-15 to SCT BPS-16 and SST BPS-16. The promotions have been made on the basis of seniority cum fitness basis according to the policy. If the Appellant felt aggrieved of any order of promotion he should file departmental appeal before the competent authority.
4. That the Para No.4 is correct to the extent of appointments on ad-hoc basis. The rest of the Para is incorrect and denied. On one hand the Appellant admits in Para No.3 that there was no policy of promotion from CT to SST while on the other hand the Appellant says that promotion quota was filled by appointments.
5. That the Para No. 5 is correct to the extent of regularization Act 2009 the rest of the Para is irrelevant as the Honorable Peshawar High Court has already declared the regularization Act as beneficial.
6. That the Para No. 6 is correct.
7. That the Para No.7 is correct to the extent of judgments of the Honorable Courts the rest of the Para is incorrect and denied. According to the judgment dated 08-11-2018 of the Honorable Peshawar High Court in COC No. 105-P/2018 in W.P NO. 355/2011 it has clearly been mentioned that backlog was worked out by that time 2725 employees/teachers were in the promotion zone and as such were promoted. If the Appellant felt aggrieved of any order of promotion he should file departmental appeal before the competent authority.**(Judgment as annexure B)**
8. That the Para No. 8 is correct to the extent of the present post of the Appellant the rest of the Para is denied. There was no policy of promotion from PSHT to SST at the time of advertisement. According to the policy 2012 amended in 2014 the Appellant will be promoted to the post of SCT or SST on his turn in his category as stated above. No one junior than the Appellant has been promoted to SST in the cadre and category to which Appellant belongs.**(Last promotion order as annexure C)**
9. That the Para No. 9 is correct. However as stated in the foregoing paras the Appellant has to wait till his turn of promotion.
10. That the Para No. 10 is correct to the extent of appeal however, the Appellant has to wait till his turn of promotion. He cannot be promoted without his turn.
11. That the instant service appeal of the Appellant is bereft of any merit, hence liable to be dismissed inter alia following grounds.

### **GROUND**

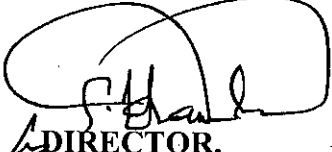
- A. That the Para No. A is incorrect and denied. The respondent department has to act according to the rules, policy and law. The Appellant has been treated in accordance with law, rules and policy.

- B. That the Para No. B is incorrect and denied. The Appellant has been treated in accordance with law, rules and policy. The respondent department cannot even think of the violation of any Article of the constitution.
- C. That the Para No. C is repetition of above para, hence no comments.
- D. That the Para No. D is incorrect and denied. Detail reply of this Para has already been given in the above Paras.
- E. Para No. E is repetition of above para, hence no comments.
- F. That the Para No. F is incorrect and not admitted. As stated in the foregoing Paras, the respondents have acted in accordance with rules and policy.
- G. That the Para No. G is again the repetition of the Paras, hence no comments.
- H. That the Para No. H is irrelevant to the present issue, hence no comments.
- I. That the Para No. I is irrelevant, however the respondents also seek permission of this Honorable Tribunal to advance further grounds at the time of arguments.

It is, therefore, very humbly prayed that the instant service appeal of the Appellant may be dismissed with cost in favor of the respondents.



**DISTRICT EDUCATION OFFICER (M)  
SWAT AT GULKADA**



**DIRECTOR,  
ELEMENTARY AND SECONDARY  
EDUCATION KHYBER PAKHTUNKHWA**



**SECRETARY,  
ELEMENTARY AND SECONDARY  
EDUCATION PESHAWAR**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24<sup>th</sup> July, 2014.

NOTIFICATION

No.SO(PF)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

1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>recruitment; and          (b) fifty percent by initial recruitment.</p> <p>(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:</p> <p>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;</p> <p>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</p> <p>(b) fifty percent by initial recruitment"; and</p>
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(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

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);</p> <p>Or</p> <p>(b) (Physics, Maths "A" or "B" or Statistics)</p> <p>Or</p> <p>(c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p>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>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>

*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;*

*(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:*

*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;*

*(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:*



*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;*

*(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3;*

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

*(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3;*

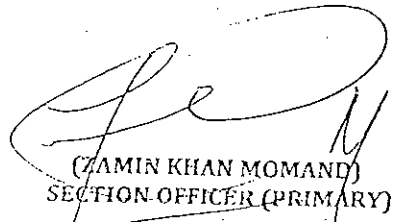
*Provided that if no suitable candidate is available from amongst*

			<p><i>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:</i></p> <p><i>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</i></p> <p><i>(ii) twenty Five percent by initial recruitment.</i></p> <p><i>Note:</i></p> <p><i>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.</i></p> <p><i>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."</i></p>

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

*Endst : of even No & date:*

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

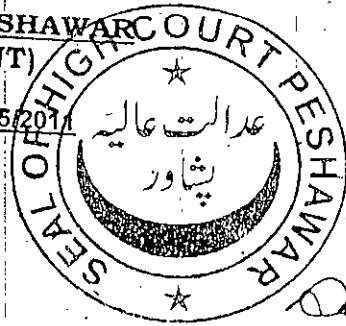
  
(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

Annexure "B"

ISS9

**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**(JUDICIAL DEPARTMENT)**

COC No. 105-P/2018 in WP No. 355/2011



**JUDGMENT.**

Date of hearing: 08.11.2018

Petitioner (s): *Nisar Ahmad Khan by Mr. Noor Mahmood Usmani*

Respondent (s): *Muhammad Azam Khan by Spd. Qasim Ali Pk. ADU.*

**WAQAR AHMAD SETH, CJ:-** Through this

single judgment, we propose to dispose of instant contempt petition as well as connected COC No. 107-P/2018 in WP No. 1662/2010, COC No. 108-P/2018 in WP No. 2967/2009 & COC No. 109-P/2018 in WP No. 3189/2009 because in all the petitions, the petitioners have sought initiation of contempt of court proceedings against the respondents for not implementing the judgment/order dated 26.01.2015.

2. Facts in brief are that the petitioners had filed Writ Petitions before this Court and prayed that the Act No. XVI 2009, namely, 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24<sup>th</sup> October, 2009' being illegal, unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for

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(61)

contempt of court and they are liable to be proceeded and punished under the law; hence, the instant petitions.

4. Respondents No. 2 & 3 have filed reply to the show cause and prayed for dismissal of instant petitions.

5. Arguments heard and record perused.

6. While deciding writ petition No. 2905/2009, vide judgment dated 26.1.2015 which has been upheld by the apex Court, the respondents-department was directed to workout the backlog of the promotion quota and consider in service employees for promotion against the vacant post, till the backlog is washout. In this respect record is suggestive that the backlog was worked out and by that time 2725 employees / teachers were in the promotion zone and as such were promoted. Moreover, by virtue of Regularization Act, 2009, Act No. XVI of 2009, 1766 employees / teachers got regularization and as such, when worked out, the promotion quota was fully exhausted. The judgment in this respect was not for all the times to come for promotion purposes. Once the promotion quota, which was given advantage, in view of Regularization Act, 2009, cannot be claimed again and again. By now it's the question of fact that as to whether any employee / teacher was not promoted and by that time when Act 2009 was enforced they were in the promotion zone. Even otherwise, once backlog was worked out and promotion was done then claiming seniority and promotion is the job of service tribunal.

30 NOV 2018

62

7. In view of the above, the instant as well as connected contempt petitions are disposed of in terms above. Show cause notice issued to respondents is hereby recalled.

ANNOUNCED.  
Dated: 08.11.2018

Chief Justice

Judge

Newab Shah SCS (DB) Justice Waqar Ahmad Seth CJ & Justice Muhammed Ayub Khan J

No. 15857

Date of Presentation of Application 25.11.18

No of Pages 30

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**EXAMINER**  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan Order 1947

**30 NOV 2018**

Annexure 8 e 11

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)  
SWAT AT GULKADA

PHONE/FAX: 9240228  
E-Mail: deomswat@gmail.com  
www.male.sed.edu.pk

**NOTIFICATION**

Consequent upon the Notification issued by the Director of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide his office Endst: No8541-46/File No. 11./Promotion SST (B-16) Dated Peshawar the 07-02-2020. The following SSTs (whose services were placed at the disposal of DEO (M) Swat for further adjustment) are hereby adjusted against the vacant posts in the schools noted against each in the interest of public service under the existing policy of the Provincial Government on the terms and conditions given in the afore mentioned notification of the Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with immediate effect.

**SST (BIOLOGY/CHEMISTRY)**

S.#	Name	Present School	School Where adjusted	Remarks
01	HIMAYATULLAH S. C.T	GHS No 4 MINGORA SWAT	GHS NO 1 MINGORA SWAT	AGAINST VACANT POST
02	ABDULLAH KHAN. C.T	GHSS KHWAZKHELA.	GHSS KHWAZAKHELA	AGAINST VACANT POST
03	RIAZ IQBAL .PSHT	GPS KOTLAI SWAT	GHS SEEWGABAI	AGAINST VACANT POST
04	MUHAMMAD PERVAIZ SPST	GPS DAWRRAI SWAT	GHS GULIBAGH	AGAINST VACANT POST
05	NOOR ALAM PST	GPS KANJU SHAHEED BABA	GHSS DARDIYAL	AGAINST VACANT POST
06	AYAZ KHAN PST	GPS MANAI SWAT	GHS MANAI SWAT	AGAINST VACANT POST

**SST (MATHS/PHYSICS)**

S.#	Name	Present School	School Where adjusted	Remarks
1	SALEEMULLAH PST	GPS NO 1 MINGORA SWAT	GHSS CHARBAGH	AGAINST VACANT POST

**SST (GENERAL)**

S.#	Name	Present School	School Where adjusted	Remarks
1	AFZAL HUSSAIN SCT	GHSS ABOHA SWAT	GMS TALANG	AGAINST VACANT POST
2	AMIR ZEB KHAN SCT	GHSS DEOLAI	GMS GOLDEN KABAL	AGAINST VACANT POST
3	AKBAR ALI SCT	GHS GHALIGAY SWAT	GHS GHAEIGAY	AGAINST VACANT POST
4	BAKHT NAEEM TT	GHS GURNAI SWAT	GHS GURNAI SWAT	AGAINST VACANT POST
5	IZHARUL HAQ TT	GHSS MADYAN	GHSS MADYAN	AGAINST VACANT POST
6	ALI RIQDAR KHA PSHT	GPS BABO SWAT	GMS NAWAKALAY KH. KHELA	AGAINST VACANT POST
7	MIAN SARAN ZAIB PSHT	GPS NO 1 BAZKHELA SWAT	GMS GURRA MATTA	AGAINST VACANT POST
8	HANIFULLAH PSHT	GPS ASOGAY SWAT	GMS DAGAY	AGAINST VACANT POST
9	MAHBOOB ALI PSHT	GPS HAZARA SWAT	GHSS KABAL	AGAINST VACANT POST
10	AKHTAR IQBAL PSHT	GPS JARONDO DEHRAI SWAT	GHS UDIGRAM	AGAINST VACANT POST
11	MIAN SHIER ALI PSHT	GPS QAZI ABAD SWAT	GHS KANJU	AGAINST VACANT POST
12	RIAZ AHMAD PSHT	GPS SAMIR BANR	GHS TOHIA	AGAINST VACANT POST

**CONSEQUENT ADJUSTMENT**

S.No	Name & Designation	Present School	Name of school were is consequent adjusted	Remarks
1	Israr Hussain SST (Sc-II)	GHS Shinko	GHS No 1 Mingora	A.V.P.

7634-39

(MUHAMMAD AMIN)

District Education Officer (M)

Swat

Dated 15/2/2020

Endst: No \_\_\_\_\_ /Promotion/SST Swat

Copy forwarded for information and necessary action to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar with reference to his No cited above.
2. District Accounts Officer Swat at Saidu Sharif.
3. Principals/Headmasters concerned.
4. Budget & Accounts Officer Local Office.
5. Superintendent Local Office.
6. Official Concerned.

District Education Officer (M)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.**

Service Appeal No: 1235/2019

**Muhammad Liaq Khan PSHT (BPS-15) GPS Janoo Khawazakhela, Swat ..... Appellant.**

**VERSUS**

**Secretary E&SE Department, Khyber Pakhtunkhwa & others....Respondents**

**JOINT PARAWISE COMMENTS FOR& ON BEHALF OF RESPONDENTS No: 1-3.**

**Respectfully Sheweth :-**

The Respondents submit as under:-

**PRELIMINARY OBJECTIONS.**

- 1 That the Appellant has got no cause of action/locus standi.
- 2 That the instant Service Appeal is badly time barred.
- 3 That the Appellant has concealed material facts from this Honorable Tribunal.
- 4 That the instant service appeal is based on mala fide intentions.
- 5 That the Appellant has not come to this Honorable Tribunal with clean hands.
- 6 That the instant Service Appeal is against the prevailing law & rules.
- 7 That the Appellant has been treated as per law, rules & policy.
- 8 That the appeal is not maintainable in its present form.
- 9 That the appeal is bad for miss-joinder & non-joinder of the necessary parties.
- 10 That the instant Service Appeal is barred by law.



- 11 That the Appellant is not competent to file the instant appeal against the respondents.
- 12 That the Notification dated 24/10/2009 is legally competent & is not applicable of the appellant to the extant of promotion along with the grant of all back service benefits under the rules.
- 13 That the appellant has correctly been promoted against the SST BPS-16 post in view of the rules, criteria & policy by the Respondent Department.

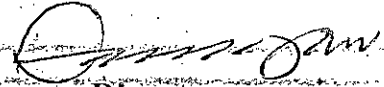
**ON FACTS**

- 1 That Para-1, needs no comments, being pertains to the service records of the appellant relating to the appointed vide order dated 22/11/1986 as PST & vide an other order dated 01/06/1991 against the AT post in the Respondent Department.
- 2 That Para-2 is correct to the extent that the Respondent Department has advertised SST B-16 post in the National press on adhoc / contract basis for only for fresh candidates by barring the in service Teachers in the Respondent Department for initial period one year as per policy of the govt. **(Copy of the advertisement is annexed as Annexure-A).**
- 3 That Para-3 is incorrect & not admitted on the grounds that the appellant was appointed against the SST BPS-16 post on adhoc/contract base in view of the terms & conditions in the advertisement for the said post & cannot claim regularization wef 24/10/2009 against the SST Post in the Respondent Department. Therefore, the claim of the appellant is baseless & liable to be rejected **(Copy of the Act of 2009 is Annexure-B).**
- 4 That Para-4 is correct. The factum of the applying for the SST post on Adhoc/contract basis cannot be accrued any legal rights for the grant of seniority & other allied service benefits against the SST B-16 post to the appellant. As it can only be allowed to a candidate for the SST post on adhoc/contact basis appointed by the Respondent Department in view of the terms & conditions.
- 5 That Para-5 is correct that the services of the adhoc/contract SSTs in B-16 were regularized under the Regularization services Act of 2009 by the Respondent Department & a copy of the said Act of 2009 is already attached as Ann-B for ready reference.

- B **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification & liable to be rejected as the act of the Respondent Department with regard to the non-grant of promotion wef 24/10/2009 against the SST B-16 post is within legal sphere having no question of violating the mandatory provision of Articles-4 & 25 of the constitution of Islamic Republic of Pakistan 1973.
- C **Incorrect & not admitted.** The act of the Respondent Department with regard to the non-grant of promotion wef 24/10/2009 against the SST B-16 post is within legal sphere is in accordance with law & rules. Therefore, the plea of the appellant is liable to be rejected.
- D **Incorrect & not admitted.** The plea of the appellant is baseless as the act of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.
- E **Incorrect & not admitted.** The plea of the appellant is baseless as the act of the Respondent Department is legally competent & liable to be maintained in favor of the Respondents.
- F **Incorrect & not admitted.** The plea of the appellant is baseless as the act of the Respondent Department is legally competent & liable to be maintained having no question of violating the provision of S-9 of civil servants Act r/w Rules-7 of the APT Rules-1989.
- G **Incorrect & not admitted.** The plea of the appellant is baseless as the act of the Respondent Department is legally competent & liable to be maintained as he is not entitled for the grant of consequential benefits including seniority wef 24/10/2009 against the SST B-16 post in the Respondent Department.
- H **Incorrect & not admitted.** The stand of the appellant is without any cogent reason & legal justification & liable to be rejected as the act of the Respondent Department with regard to the non-grant of promotion wef 24/10/2009 against the SST B-16 post is within legal sphere having no question of violating the mandatory provision of Article 38(e) of the constitution of Islamic Republic of Pakistan 1973.
- I **Legal.** However, the Respondents also seek leave of this Honorable Tribunal to submit additional grounds, record & case law at the time of arguments on the date fixed.

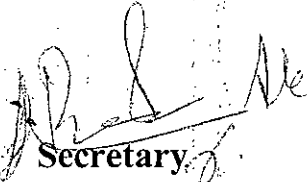
In view of the above made submissions, it is most humbly requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal in favor of the Respondents in the interest of justice.

Dated \_\_\_/\_\_\_/2020



**Director**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondents No: 2&3)





**Secretary**

E&SE Department Khyber  
Pakhtunkhwa, Peshawar.  
(Respondent No: 1)

**AFFIDAVIT**

I, Hayat Khan Asstt. Director (Litigation-II) E&SE Department Khyber Pakhtunkhwa, do hereby solemnly affirm & declare on oath that the contents of the instant Parawise Comments are true & correct to the best of my knowledge & belief.

  
**Director**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa Peshawar  
**Deponent**

A

B-14

2007 (2) - Vail por... سے منسوخ اور دوبارہ...

اور نئی ایگزیمٹ سیمس اور نئی ایڈیشن اور نئی شائعی کارڈ اور...

ذاتی کارڈ

INF (P) 2760

Also available on: www.nwfp.gov.pk

97-920190

فک مدارس و خواتین سوسائٹی

فک مدارس و خواتین سوسائٹی کی طرف سے منعقد ہونے والی...

ماہی گیری کی کلاسوں کی تیاری کے لئے 10 اگست 2007ء سے 13 اگست 2007ء تک...

www.nwfp.gov.pk پر زمرہ بندی کے تحت...

... کے لئے...

Table with 4 columns: سائنس، تاریخ، ریاضی، اور دیگر مضامین. Includes details of exam dates and subjects.

... (1) ... کے لئے ... (2) ... کے لئے ... (3) ... کے لئے ...

Table with 4 columns: Overachievement, Total Marks, 1st Division, 2nd Division, 3rd Division. Shows exam results for various subjects.

Higher Education than the prescribed qualification: One Stage Above = 0 marks (Nil) ... Two Stage Above = 0 marks (Nil) ...

... (3) ... کے لئے ... (4) ... کے لئے ...

Table with 4 columns: Overachievement, Total Marks, 1st Division, 2nd Division, 3rd Division. Shows exam results for various subjects.

Higher Education than the prescribed qualification: One Stage Above = 0 marks (Nil) ... Two Stage Above = 0 marks (Nil) ...

... کے لئے ... کے لئے ... کے لئے ...

2007 اگست 21, 2007 اگست 9, 2007 اگست 21, 2007 اگست 9

www.nwfp.gov.pk

Annex

B

71

17

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

4A. Overriding effect.---Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

5. Repeal.---The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

39

regularized under the Act in question be calculated in that cadre and equal number i.e remaining 50 % are to promoted from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness."

19- In view of the above, this writ petition is disposed of in the following terms:-

(i) "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii) Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

*Muzamir Ahmad Khan J*  
*Mahabub Khan J*

Announced.  
26<sup>th</sup> January 2015

JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar

=====

*2/3/15*

Annex C

(9)

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

E-40

PRESENT:  
MR. JUSTICE EJAZ AFZAL KHAN,  
MR. JUSTICE SH. AZMAT SAEED,  
MR. JUSTICE IJAZ UL AHSAN

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015

(Against the Judgment dated 26.1.2015 of the  
Peshawar High Court, Peshawar passed in Writ  
Petition No. 2903 of 2009, 3045 of 2009, 204 of 2010)

The Chief Secretary, Govt. of KPK., Peshawar and others. ... Petitioner(s)  
(in all cases)

Versus

Aitaulah and others.  
Nasruminullah and others.  
Mukhtar Ahmad and others. ... Respondent(s)

For the petitioner(s): Mr. Mujahid Ali Khan, Addl. A.G. KPK

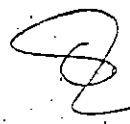
For the respondent(s): Mr. Ghulam Nabi Khan, ASC  
Mr. Abdul Qayyum Sarwar, AOR

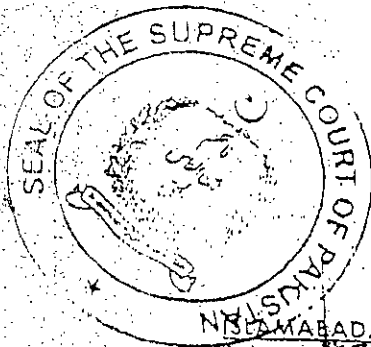
Date of Hearing: 20.09.2017.

ORDER

Ejaz Afzal Khan, J.- The learned Additional Advocate General  
appearing on behalf of the Govt. of KPK, stated at the bar that as per  
instructions of the Government he does not press these petitions. Dismissed  
as such.

Sd/-Ejaz Afzal Khan, J  
Sd/-Sh. Azmat Saeed, J  
Sd/-Ijaz ul Ahsan, J.  
Certified to be True Copy.

  
29/9/17  
Court Associate  
Supreme Court of Pakistan  
Islamabad



20.09.2017  
M. Azhar Malik  
25/9/17  
ATTTESTED

GR No: 14572/17 Civil/Criminal  
Date of Presentation: 29-9-17  
No of Words: 20  
No of Pages: 3  
Requisition # 818  
Copy Fee int: 1-86  
Court Fee \$ 6-86  
Date of Co: 29.9.17  
Date of deliv: copy: 21/11/17  
Compared by/Prepared by:  
Received by: 10/12/17

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

D

(10)

E-40

PRESENT:  
MR. JUSTICE EJAZ AFZAL KHAN,  
MR. JUSTICE SH. AZMAT SAEED,  
MR. JUSTICE IJAZ UL AHSAN.

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015  
(Against the judgment dated 26.1.2015 of the  
Peshawar High Court, Peshawar passed in Writ  
Petition No.2905 of 2009, 3045 of 2009, 204 of 2010)

The Chief Secretary, Govt. of KPK., Peshawar and others. Petitioner(s)  
(in all cases)

Versus

Atfaullah and others.  
Nosrumiaullah and others.  
Mukhtar Ahmad and others. Respondent(s)

For the petitioner(s): Mr. Mujahid Ali Khan, Addl. A.G. KPK

For the respondent(s): Mr. Ghulam Nabi Khan, ASC  
Mr. Abdul Qayyum Sarwar, AOR

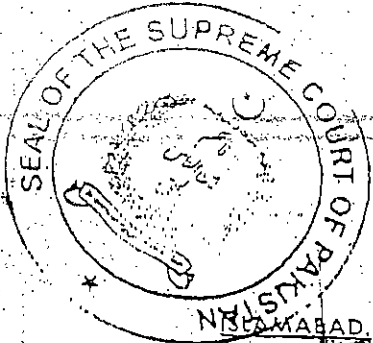
Date of Hearing: 20.09.2017.

ORDER

Ejaz Afzal Khan, J.: The learned Additional Advocate General  
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Sd/-Ejaz Afzal Khan, J  
Sd/-Sh. Azmat Saeed, J  
Sd/-Ijaz ul Ahsan, J  
Certified to be True Copy

*[Signature]*  
29/9/17  
Court Associate  
Supreme Court of Pakistan  
Islamabad



*[Handwritten signature]*  
25/9/17

ATTESTED  
*[Signature]*

GR No: 14572/17 Civil/Criminal  
Date of Presentation: 29-9-17  
No of Writs: 30  
No of Fees: 3  
Requisition #. Pa: 3-0  
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Date of Co: 29/9/17  
Date of deliv: 2/10/17  
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# درخواستیں طلب ہیں

44

بھارتی حکومت نے ایف اے اور ایف ایس کے حامل طلباء کو پاکستان میں داخلہ دینے کے لیے درخواستیں طلب ہیں۔ اس کے تحت 4 کیمپسوں میں داخلہ دیا جائے گا۔

نمبر شمار	آسانی	تفصیلات
1	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری میں بیچلر آف ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری
2	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری میں بیچلر آف ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری
3	سیکنڈری سکول ٹیچر (SST)	کسی بھی تسلیم شدہ یونیورسٹی سے سیکنڈ ڈیگری میں بیچلر آف ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری (2) کسی بھی تسلیم شدہ یونیورسٹی سے ایم اے ایجوکیشن یا ایجوکیشن میں بیچلر ڈگری

اساتذہ کے لیے کیمپسوں میں داخلہ دیا جائے گا۔ 200 نمبرات کی تقسیم اس طرح سے کی جائے گی (1) اسکریننگ ٹیسٹ بذریعہ NTS = 100 نمبر - ب - تعلیمی قابلیت = 100 نمبر۔

تعلیمی قابلیت	کل نمبر	تفصیلات	کل نمبر
ایف اے ایف ایس	50	ایف اے / ایم اے ایجوکیشن	15
ایف اے ایف ایس	50	ایف اے / ایم اے ایجوکیشن	5
ایف اے / ایم اے ایف ایس	50	ایف اے / ایم اے ایف ایس	5
ایف اے / ایم اے ایف ایس	15	ایف اے / ایم اے ایف ایس	15

1- ہر سکول کے اچھائی کیلئے واحد طریقہ میرٹ لسٹ مرتب کیا جائے گا جس میں امیدواروں کے NTS کے حاصل کردہ نمبر اور تعلیمی قابلیت کے نمبروں کو جمع کیا جائے گا۔

2- NTS اور درخواست فارم 300 روپے چارج کریں۔

3- تمام تقرریاں حکومت خیر بھرتی کے تحت کی جائیں گی۔

4- امیدواروں کی موجودگی کی ضرورت نہیں کی جائے گی۔

5- عمر کی حد 35 سال کی حد تک ہوگی۔

6- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

7- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

8- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

9- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

10- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

11- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

12- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

13- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

14- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

15- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

16- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

17- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

18- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

19- ایف اے / ایم اے ایف ایس کے حامل امیدواروں کی عمر کی حد 35 سال کی حد تک ہوگی۔

INF(P) 3360

بھارتی حکومت

بھارتی حکومت

S. No. / Nqw	Name of Teacher/Qualification / Academic / Professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academi	Professional	D/O 1st Appt	Date of apptt against Present post	Seniority position / D/O taking over charge as CT or D/O declaration CT Exam whichever is later
1	Hamayun Khan	Khairullah	SCT	16	4/10/1964	Swat	MA	CT	5/8/1984	5/8/1984	5/8/1984
2	Astambool	Muhammad Kamal	SCT	16	4/1/1961	Swat	BSc	CT/B.Ed	5/3/1986	5/3/1986	5/3/1986
3	Fazal Rabi	Muhammad Junain	SCT	16	3/15/1966	Swat	MA	CT/B.Ed	10/11/1982	10/11/1982	1/6/1987
4	Khan Ali	Umar Bakht	SCT	15	3/3/1961	Swat	MA	CT/B.Ed	8/1/1982	8/21/1982	5/26/1987
5	Muhammad Ihsanullah	Swal Faqir	SCT	16	3/4/1962	Swat	MA	CT	9/17/1987	9/17/1987	9/17/1987
6	Bakht Sherawan	Mahmood Khan	SCT	16	1/1/1960	Swat	MA	CT	11/6/1982	11/6/1982	11/29/1987
7	Muhammad Ali	Said Mahmood	SCT	16	2/3/1959	Swat	BA	CT	8/17/1980	1/8/1988	3/6/1988
8	Toti Rahman	Fazal Rahman	SCT	16	2/7/1960	Swat	MA	CT	7/10/1982	7/10/1982	11/30/1988
9	Mohammad Salim Khan	Amanullah Khan	SCT	16	3/1/1965	Swat	MA	CT/B.Ed	1/15/1985	4/26/1989	9/16/1989
10	Jamshed Khan	Muhammad Zarin	SCT	16	5/11/1962	Swat	MA	CT	3/9/1982	9/17/1989	9/17/1989
11	Rahmat Ali	Abdul Ghafar	SCT	16	5/4/1963	Swat	MA	CT/B.Ed	7/20/1982	10/1/1989	10/1/1989
12	Fazal Rahim	Fazal Ahaq	SCT	16	1/1/1961	Swat	MA	CT	11/13/1984	10/1/1989	10/1/1989
13	Azizullah	Tota	SCT	16	10/1/1964	Swat	MA	CT	1/9/1982	11/15/1983	1/17/1990
14	Shah Rom Khan	Hakim Khan Mian	SCT	16	1/1/1962	Swat	MA	CT	3/1/1988	3/1/1988	1/17/1990
15	Sadiq Ahmad	Abdul Hamid	SCT	16	1/4/1961	Swat	MA	CT	6/1/1988	6/1/1988	1/17/1990
16	Muhammad Rafiq	Badish	SCT	16	3/1/1963	Swat	B.Sc	CT	2/6/1990	2/6/1990	2/6/1990
17	Fida Hussain	Hazrat Ahmad	SCT	16	2/3/1964	Swat	MA	CT	2/8/1990	2/8/1990	2/8/1990
18	Hedayatullah 3rd Division	Sultan Sikandar	SCT	16	1/1/1959	Swat	MA	CT/B.ed	4/18/1983	4/18/1983	11/14/1990
19	Rashid Ali	Ghulam Nabi	SCT	16	3/12/1968	Swat	MA	CT	12/8/1990	12/8/1990	11/14/1990
20	Zahid Khan	Pir Dad	SCT	16	4/9/1965	Swat	BA	CT	12/9/1990	12/9/1990	12/9/1990
21	Hazrat Bilal	Zirat Gul	SCT	16	2/8/1963	Swat	MA	CT	12/11/1990	12/11/1990	12/11/1990
22	Aziz Ahmad	Fazal Khaliq	SCT	16	4/4/1969	Swat	MSC	CT/B.Ed	12/11/1990	12/11/1990	12/11/1990
23	Fazal Wahab	Gul Mahmood	SCT	16	12/12/1964	Swat	MA	CT	5/6/1986	1/1/1991	1/1/1991
24	Muhammad Majid	Umar Zada	SCT	16	1/1/1966	Swat	MA	CT	5/4/1986	4/5/1986	3/14/1991
25	Rahman Deyar	Sultan Mehmood	SCT	16	1/1/1964	Swat	BA	CT	11/5/1986	5/11/1986	3/14/1991
26	Haroon - Ur - Rashid	Khisat Gul	SCT	16	8/1/1962	Swat	BA	CT	11/24/1986	11/24/1986	3/14/1991
27	Muhammad Alam	Alam Zeb Khan	SCT	16	4/1/1963	Swat	MA	CT	4/2/1987	4/10/1991	4/10/1991
28	Adalat Khan	Abdur Rashad	SCT	16	12/9/1961	Swat	MA	CT	11/24/1984	11/24/1984	10/22/1991
29	Akhter Ali	Ghulam Muhammad	SCT	16	5/15/1964	Swat	BA	CT	3/11/1985	3/11/1985	10/22/1991
30	Imran Ali	Mashooq Ali	SCT	16	3/20/1959	Swat	MA	CT	5/6/1986	5/6/1986	10/22/1991
31	Muhammad Rahman	Bakht Zad	SCT	16	1/10/1967	Swat	FA	CT	5/17/1987	5/17/1987	4/2/1992
32	Sharafat Ali Khan	Afsar Khan	SCT	16	2/2/1961	Swat	MA	CT	3/1/1988	3/1/1988	4/2/1992
33	Amir Zeb	Muhammad Zareen	SCT	16	4/2/1964	Swat	BA	CT	6/1/1988	6/1/1988	4/2/1992
34	Amir Muhammad	Tota Mian	SCT	16	5/15/1963	Swat	BA	CT/B.Ed	9/22/1987	12/20/1989	4/2/1992
35	Akhter Hussain 3rd Divi	Ahmad	SCT	16	3/2/1967	Swat	BA	CT	8/14/1992	8/14/1992	8/14/1992
36	Muhammad Ziaud Din	Habibur Rahman	SCT	16	3/10/1968	Swat	MA	CT/B.Ed	9/2/1986	1/9/1992	9/1/1992
37	Sultan Rome	Shah Rome	SCT	16	4/8/1966	Swat	MSC	CT/B.Ed	9/2/1992	9/2/1992	9/2/1992
38	Umar Hussain	Malak Sherin	SCT	16	1/1/1962	Swat	MA	CT	4/23/1988	4/23/1988	11/21/1992
39	Muhammad Nabi	Ghulam	SCT	16	5/1/1963	Swat	MA	CT/B.Ed	4/17/1988	4/17/1988	11/22/1992
40	Jamshid Khan	Hazrat Jee	SCT	16	4/14/1966	Swat	BA	CT/B.Ed	11/1/1986	4/21/1993	4/21/1993
41	Bakhtyar 3rd Divi	Bacha	SCT	16	7/3/1964	Swat	BA	CT/B.Ed	1/20/1990	1/20/1990	4/29/1993

FINAL SENIORITY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

S.No New	Name of Teacher/Qualification academic/professional	Father's Name	Designation	PBS	D/O Birth /Domicile	Domicile	Academic	Professional	D/O 1st Apptt	Date of apptt against Present post	Seniority position D/O taking over charge as CT or D/O declaration CT-Exam whichever is later
									5/8/1993	5/8/1993	8/5/1993
42	Ashraf Ali	Hazrat Ali	SCT	16	5/12/1965	Swat	MA	CT/B.Ed	9/24/1989	9/24/1989	12/25/1993
43	Shah Bakht Rawan	Umara Khan	SCT	16	1/7/1964	Swat	MA	CT	10/2/1989	10/2/1989	12/25/1993
44	Muhamamad Hamayun	Faramoz Khan	SCT	16	1/2/1965	Swat	BA	CT	3/10/1989	10/3/1989	12/25/1993
45	Amir Bahadar	Sarwar Gul	SCT	16	5/1/1962	Swat	MA	CT/B.ed	11/29/1989	11/29/1989	12/25/1993
46	Bakht Sheryan	Fazal Rahman	SCT	16	2/24/1967	Swat	BA	CT	11/30/1989	11/30/1989	12/25/1993
47	Bakht Muhammad	Muamber Khan	SCT	16	1/16/1967	Swat	BA	CT	12/4/1989	12/4/1989	12/25/1993
48	Noor Rahman	Jumma Gul Khan	SCT	16	5/1/1965	Swat	BA	CT	12/12/1989	12/12/1989	12/25/1993
49	Mehboob Ali	Amir Rahman	SCT	16	2/1/1963	Swat	BA	CT	12/14/1989	12/14/1989	12/25/1993
50	Muhammad Sadiq	Qalandar	SCT	16	9/11/1965	Swat	BA	CT/B.ed	12/17/1989	12/17/1989	12/25/1993
51	Maqsood Ahmad	Dawray	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	10/3/1989	1/4/1990	12/25/1993
52	Shuja Mulk	Said Karam	SCT	16	12/3/1966	Swat	BA	CT	6/10/1990	6/10/1990	12/25/1993
53	Alamgir	Sadbar Khan	SCT	16	1/20/1960	Swat	MA	CT/B.Ed	9/26/1988	11/10/1994	11/10/1994
54	Anwarullah	Hasham Khan	SCT	16	3/1/1969	Swat	MA	CT/B.Ed	11/10/1994	11/10/1994	11/10/1994
55	Fazal Hameed	Fazal Wahab	SCT	16	4/15/1969	Swat	MA	CT/B.ed	9/8/1986	11/11/1994	11/11/1994
56	Nadar Khan	Mian Said Buhar	SCT	16	3/3/1966	Swat	MA	CT	6/14/1987	11/12/1994	11/12/1994
57	Bad Shah Ikhani	Amir Rawan	SCT	16	5/1/1965	Swat	MA	CT/B.Ed	12/12/1989	12/12/1989	11/15/1994
58	Sher Bahadar Khan	Gul Zaman	SCT	16	1/1/1964	Swat	BA	CT	11/10/1994	11/15/1994	11/15/1994
59	Aziz Ahmad	Muhammad Rashid	SCT	16	2/2/1964	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994	11/15/1994
60	Afzal Shah	Badshah Zada	SCT	16	5/12/1967	Swat	MA	CT/B.Ed	11/15/1994	11/15/1994	11/15/1994
61	Bakht Alam	Ghulam Qadir	SCT	16	3/20/1969	Swat	MA	CT/B.Ed	12/1/1986	11/16/1994	11/16/1994
62	Muhammad Rahman	Sherin Jalal	SCT	16	2/1/1965	Swat	MA	CT/B.Ed	8/1/1987	11/16/1994	11/16/1994
63	Sher Ali Khan	Sadar	SCT	16	2/11/1968	Swat	MA	CT/M.Ed	11/16/1994	11/16/1994	11/16/1994
64	Ziaullah Khan	Muhammad Alam Gul	SCT	16	7/20/1969	Swat	MA	CT/B.Ed	9/28/1988	11/18/1984	11/18/1994
65	Muhammad Munir	Habibullah Khan	SCT	16	4/2/1964	Swat	MA	CT/B.ed	11/21/1984	11/21/1994	11/21/1994
66	Gul Pervize	Rahmani Gul	SCT	16	1/20/1965	Swat	MA	CT/B.ed	5/12/1992	11/24/1994	11/24/1994
67	Abdul Qadoos	Ghulam Khaliq	SCT	16	6/5/1964	Swat	B.Sc	CT	11/27/1986	12/20/1994	12/20/1994
68	Sarir Ud Din	Fazal Wahid	SCT	16	3/26/1963	Swat	M.Sc	CT/M.Ed	4/2/1987	12/21/1994	12/21/1994
69	Muht Zahir Shah	Azizur Rahman	SCT	16	12/2/1960	Swat	MA	CT/B.Ed	6/7/1987	12/21/1994	12/21/1994
70	Muhammad Ghafar	Khan Bahadar	SCT	16	2/27/1961	Swat	MA	CT	8/11/1988	12/21/1994	12/21/1994
71	Amanullah Khan	Sakhi Rawan	SCT	16	9/12/1961	Swat	MA	CT/M.Ed	9/28/1988	12/21/1994	12/21/1994
72	Sher Azim Khan	Taj Muhammad Khan	SCT	16	9/9/1958	Swat	MA	CT/M.Ed	6/24/1987	12/22/1994	12/22/1994
73	Fatehur Rahman	Fazal Rahman	SCT	16	2/2/1969	Swat	MA	CT/M.Ed	9/29/1988	1/10/1988	12/25/1994
74	Rafiq Ahmad	Hermooz Khan	SCT	16	1/1/1965	Swat	MA	CT	12/25/1994	12/25/1994	12/25/1994
75	Alam Zeb	Abdul Jabbar	SCT	16	4/15/1965	Swat	BA	CT/B.Ed	9/4/1986	12/27/1994	12/27/1994
76	Inamullah Khan	Muhammad Karam	SCT	16	1/1/1968	Swat	MA	CT	12/27/1994	12/27/1994	12/27/1994
77	Alam Zeb	Bughdaday	SCT	16	1/1/1960	Swat	MA	CT/M.Ed	9/26/1988	1/1/1995	1/1/1995
78	Azizullah	Haji Muhammad	SCT	16	2/16/1964	Swat	MA	CT/M.Ed	12/5/1989	12/5/1989	1/5/1995
79	Amjad Ali	Faqir Khan	SCT	16	4/10/1966	Swat	MA	CT/B.Ed	5/3/1986	5/3/1986	1/9/1995
80	Samiullah	Roohul Amin	SCT	16	2/15/1965	Swat	MA	CT/B.Ed	4/1/1987	4/1/1987	1/9/1995
81	Dost Muhammad Khan	Taj Muhammad Khan	SCT	16	3/8/1958	Swat	BA	CT/B.Ed	10/1/1989	10/1/1989	1/9/1995
82	Wazir Zada	Gulzar Khan	SCT	16	5/1/1967	Swat	BA	CT			

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FINAL SENIORITY LIST OF CTS O/O THE DISTRICT EDUCATION OFFICER (M) DISTRICT SWAT UPTO 31/05/2018

S.No New	Name of Teacher/Qualification academic / professional	Father's Name	Designation	PBS	D/O Birth / Domicile	Domicile	Academic	Professional	D/O 1st Appt	Date of apptt against Present pos.	Seniority position D/O taking over charge as CT or D/O declaration/CT Exam whichever is later
			SCT	16	5/1/1961	Swat	MA	CT/B.Ed	10/2/1989	10/2/1989	1/9/1995
83	Anwar Iqbal	Khan Sherin	SCT	16	2/2/1965	Swat	MA	CT/B.Ed	11/28/1989	11/28/1989	1/9/1995
84	Muhammad Zahir Shah	Shahzada	SCT	16	6/5/1963	Swat	MA	CT/B.Ed	12/10/1989	12/10/1989	1/9/1995
85	Bakhtmand	Siahoosh Khan	SCT	16	6/5/1963	Swat	BA	CT/B.Ed	1/13/1990	1/13/1990	1/9/1995
86	Mukaram Khan	Musharaf Khan	SCT	16	5/25/1962	Swat	MA	CT/B.Ed	1/19/1990	1/19/1990	1/9/1995
87	Afzal Hussain	Bahroz Khan	SCT	16	1/1/1969	Swat	BA	CT	1/19/1990	1/23/1990	1/9/1995
88	Zahoor Hayat	Sher Alam Khan	SCT	16	3/15/1963	Swat	BA	CT	2/15/1990	2/15/1990	1/9/1995
89	Fazand Ali	Syed Rashad	SCT	16	2/18/1963	Swat	BA	CT	3/1/1990	3/1/1990	1/9/1995
90	Amir Zeb Khan	Bakht Biland Khan	SCT	16	3/10/1963	Swat	MA	CT	4/1/1990	4/1/1990	1/9/1995
91	Fazal Rahman	Amir Faqeer	SCT	16	2/5/1964	Swat	MA	CT	4/14/1990	4/14/1990	1/9/1995
92	Gul Muhammad Shah	Mubin	SCT	16	6/1/1963	Swat	MA	CT/B.Ed	4/21/1990	4/21/1990	1/9/1995
93	Muhammad Laiq	Amir Hamza	SCT	16	3/17/1969	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
94	Ali Bash Khan	Shah Dilbar Mian	SCT	16	1/1/1963	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
95	Akbar Ali	Qaisar Khan	SCT	16	7/1/1964	Swat	MA	CT/B.Ed	5/13/1990	5/13/1990	1/9/1995
96	Alimgir	Khalilur Rahman	SCT	16	12/1/1959	Swat	MA	CT	8/20/1990	8/20/1990	1/9/1995
97	Fazal Azim	Ahmad	SCT	16	3/15/1970	Swat	MA	CT/B.Ed	10/10/1988	11/20/1990	1/9/1995
98	Karim Ullah	Muhammad Karim	SCT	16	6/17/1959	Swat	BA	CT/B.Ed	5/24/1992	5/24/1992	1/9/1995
99	Ibrahim	Amir Hatam	SCT	16	4/3/1966	Swat	MA	CT	9/1/1989	12/1/1994	1/9/1995
100	Ruhul Amin	Muhammad	SCT	16	3/7/1963	Swat	MA	CT B.Ed	6/11/1987	1/16/1995	1/16/1995
101	Muhammad Fahim Khan	Ahmad Shah	SCT	16	4/26/1967	Swat	MA	CT M.Ed	9/25/1992	1/16/1995	1/16/1995
102	Muhammad Dawood Khan	Amanullah Khan	SCT	16	4/21/1959	Swat	BA	CT	3/6/1990	1/18/1995	1/18/1995
103	Miraj Gul	Sani Gul	SCT	16	5/1/1962	Swat	MA	CT/B.Ed	1/19/1995	1/19/1995	1/21/1995
104	Jehan Sher	Umara Jan	SCT	16	1/12/1967	Swat	MA	CT	2/20/1990	2/1/1995	2/1/1995
105	Haniif Khan	Abdul Qadir Khan	SCT	16	3/3/1969	Swat	MA	CT	2/21/1995	2/22/1995	2/22/1995
106	Abdul Wahab	Amir Bashir	SCT	16	5/5/1964	Swat	MA	CT	2/2/1995	4/10/1995	4/10/1995
107	Sajawal Khan	Taj Khan	SCT	16	5/4/1970	Swat	MA	CT/M.Ed	2/2/1995	4/10/1995	4/10/1995
108	Anwar Zeb	Alam Zeb Khan	SCT	16	1/1/1967	Swat	BA	CT/B.Ed	4/7/1988	4/16/1995	4/17/1995
109	Kishwar	Ghulam Nabi	SCT	16	5/1/1970	Swat	MA	CT/M.Ed	11/7/1994	4/17/1995	4/17/1995
110	Mizajud Din	Mirajud Din	SCT	16	1/30/1966	Swat	BA	CT	10/17/1988	5/15/1995	5/15/1995
111	Bakht Biland	Shah Zada	SCT	16	11/8/1962	Swat	MA	CT	8/8/1984	8/1/1995	8/1/1995
112	Muhammad Sadiq	Khyber	SCT	16	1/10/1966	Swat	MA	CT/B.Ed	5/14/1992	8/1/1995	8/1/1995
113	Khaista Mand	Muhammad Ghafoor	SCT	16	4/5/1964	Swat	MA	CT/B.Ed	2/29/1984	8/7/1995	8/7/1995
114	Muhammad Qadim	Amir Nawab	SCT	16	1/1/1967	Swat	BA	CT/B.Ed	8/22/1995	8/22/1995	8/22/1995
115	Amiz Khan	Akbar Khan	SCT	16	3/15/1963	Swat	MA	CT	9/27/1988	8/24/1995	8/24/1995
116	Shah Anwar Badshah	Naik Muhammad	SCT	16	4/1/1967	Swat	MA	CT	5/14/1987	9/1/1995	9/1/1995
117	Ali Rahman	Fazal Rahman	SCT	16	3/20/1964	Swat	MA	CT	4/3/1995	9/15/1995	9/15/1995
118	Sayed Javid Iqbal	Muhammad Mian	SCT	16	1/15/1962	Swat	MA	CT/B.Ed	3/17/1984	9/23/1995	9/23/1995
119	Mufti	Muhammad Zaman	SCT	16	10/1/1970	Swat	MA	CT/B.Ed	9/24/1995	9/24/1995	1/24/1996
120	Muhammad Afzal Khan	Sher Dil Khan	SCT	16	4/16/1975	Swat	MA	CT	5/1/1996	5/1/1996	5/1/1996
121	Muhammad Nisar	Ahmad Khan	SCT	16	4/13/1969	Swat	MA	CT/M.Ed	9/16/1992	9/16/1992	5/5/1996
122	Muhammad Iftikhar	Muhammad Perviz	SCT	16	4/15/1972	Swat	MA	CT/M.Ed	3/17/1996	3/17/1996	5/5/1996
123	Fazal Hadi	Muhammad Yousaf	SCT	16							

u/p of this list  
4/1/1995  
promoted

All ready  
to S.S.T.

10.	Arabic Teacher (AT) (BPS-15)	(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabia from a recognized University.	By initial recruitment
11.	Theology Teacher (TT) (BPS-15)	(i) Second Class Secondary School Certificate from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from or Darul Uloom Saidu Sharif Swat, Darul Uloom Darosh Chitral, Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabia from a recognized University.	(a) Seventy five percent by initial recruitment; and (b) twenty five percent 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; Note: In case of non availability of suitable person for promotion then by initial recruitment.
12.	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 as prescribed for initial recruitment.
13.	Certified Teacher (General)	Bechlor's Degree or equivalent qualification from a recognized	(a) Forty percent by initial recruitment; and

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

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APPENDIX

S.NO.	Nomenclature of the post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment
1.	2.	3.	4.	5.
1.	Secondary School Teacher (BPS-16)	<p>(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</p> <p>(ii) M.A in Education or Bachelor's Degree in Education from a recognized university.</p>	18 to 35 Years.	<p>(a) Fifty percent by promotion on the basis of seniority-cum-fitness in the following manners.</p> <p>(i) forty percent from amongst the certified Teachers (General) 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.</p> <p>(ii) four percent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>(iii) four percent from amongst the Physical Education Teachers with at least five years service</p>

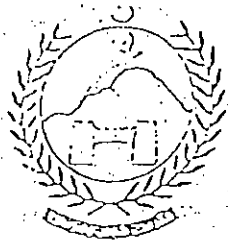
SET →  
~~Redesignated~~

No quota has been allocated for PST's cadre.

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

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D-25

No. SO(PE)M-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.

KPK

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.
8. Copy to Manager, U.S.P. in KPK.

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- 8. The Director Curriculum & Teachers Education Abbottabad.
- 9. The Director (PITE) Khyber Pakhtunkhwa Peshawar.
- 10. The Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 11. The Deputy Director Database (EMIS) E&SE Department.
- 12. All District Coordination Officers in Khyber Pakhtunkhwa.
- 13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
- 14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
- 15. All Agency Education Officers FATA.
- 16. P.S to Governor, Khyber Pakhtunkhwa.
- 17. P.S to Chief Minister, Khyber Pakhtunkhwa.
- 18. P.S to Chief Secretary, Khyber Pakhtunkhwa.
- 19. P.S to Minister E&SE Khyber Pakhtunkhwa Peshawar.
- 20. P.S to Secretary E&SE Department.
- 21. Master File.

KPK

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*[Handwritten signature]*  
Section Officer (Primary)

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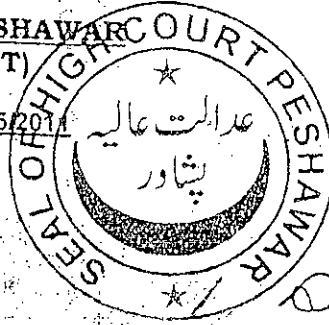
Annex J

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**JUDGMENT SHEET**  
**PESHAWAR HIGH COURT, PESHAWAR**  
**(JUDICIAL DEPARTMENT)**

COC No. 105-P/2018 in WP No. 355/2017

**JUDGMENT.**



Date of hearing: 08.11.2018

Petitioner(s): Nisar Ahmad To. Mr. Noor Muhammad Wabool

Respondent(s): Muhammad Azam Khan & Mr. Iqbal Quresh Ali  
Plus O.A.

**WAQAR AHMAD SETH, CJ:-** Through this

single judgment, we propose to dispose of instant contempt petition as well as connected COC No. 107-P/2018 in WP No. 1662/2010, COC No. 108-P/2018 in WP No. 2967/2009 & COC No. 109-P/2018 in WP No. 3189/2009 because in all the petitions, the petitioners have sought initiation of contempt of court proceedings against the respondents for not implementing the judgment/order dated 26.01.2015.

2. Facts in brief are that the petitioners had filed Writ Petitions before this Court and prayed that the Act No. XVI 2009, namely, 'The North West Province Employees (Regularization of Services) Act, 2009 dated 24<sup>th</sup> October, 2009' being illegal unlawful, without authority and jurisdiction, based on malafide intentions and being unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and the respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for

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EXAMINER  
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concerning their own person. They further prayed that the notification No. A-14 / SET (M) dated 11.12.2009 and Notification No. A-17 / SET (S) Contract-Apptt: 2009 dated 11.12.2009, as well as Notification No. SO(G) / ES / 185 / 2009 / SS(Contract) dated 31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submission, being illegal, unlawful, unconstitutional and against the fundamental rights of the petitioners. The writ petitions came up for hearing and vide judgment/order dated 26.01.2015, the same were disposed of in the following terms:-

- (i) *The Act, XVI of 2009, commonly known as (Regularization of Services) Act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.*
- (ii) *Official respondents are directed to workout the backlog of the promotion quota as per above mentioned example, within 30 days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments".*

3. After passing the above said judgment, the petitioners were quite hopeful regarding their promotion to the next higher grade being senior most employees but the respondents have again started recruitment process by advertising the posts of various cadres for initial recruitment in various Districts of Khyber Pakhtunkhwa and as such, the inaction of respondents squarely fall within the ambit of

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concept of court and they are liable to be proceeded and punished under the law; hence, the instant petitions.

4. Respondents No. 2 & 3 have filed reply to the show cause and prayed for dismissal of instant petitions.

5. Arguments heard and record perused.

6. While deciding writ petition No. 2905/2009, vide judgment dated 26.1.2015 which has been upheld by the apex Court, the respondents-department was directed to workout the backlog of the promotion quota and consider in service employees for promotion against the vacant posts till the

backlog is washed out. In this respect record is suggestive that the backlog was worked out and by that time 2725 employees / teachers were in the promotion zone and as such were promoted. Moreover, by virtue of Regularization Act, 2009, Act No. XVI of 2009, 1766 employees / teachers got regularization and as such, when worked out, the promotion quota was fully exhausted. The judgment in this respect was not for all the times to come for promotion purposes. Once the promotion quota, which was given advantage, in view of Regularization Act, 2009, cannot be claimed again and again.

By now it's the question of fact that as to whether any employee / teacher was not promoted and by that time when Act 2009 was enforced they were in the promotion zone. Even otherwise, once backlog was worked out and promotion was done then claiming seniority and promotion is the job of service tribunal.

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In view of the above, the instant as well as connected contempt petitions are disposed of in terms above. Show cause notice issued to respondents is hereby recalled.

ANNOUNCED.  
Dated: 08.11.2018

Chief Justice

Judge

Nawab Shah SCS (DB) Justice Waqar Ahmad Seth, CJ & Justice Muhammad Ayub Khan J

No. 1587

Date of Presentation of Application 25.11.18

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Authorized Under Article 87 of  
The Constitution of Pakistan Order 1974

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