

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

Service Appeal No: 2378/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3573

Dated 15/2/2023


Sajid Khan PST (BPS-12) GPS Akram Abad District Peshawar.....Appellant

VERSUS

**Government of, Khyber Pakhtunkhwa through the Secretary E&SE
Department & others.....Respondents**

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Assistant Director (Lit: II)
E&SE Department, Khyber
Pakhtunkhwa, Peshawar.

(1)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
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Service Appeal No: 2378/2021

Sajid Khan PST (BPS-12) GPS Akram Abad District Peshawar.....Appellant

VERSUS

**Government of, Khyber Pakhtunkhwa through the Secretary E&SE
Department & others.....Respondents**

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No: 1-5.

Respectfully Sheweth:

The Respondents 1 to 5 submit as under:-

PRELIMINARY OBJECTIONS.

- 1 ***That*** the Appellant has got no cause of action/locus standi.
- 2 ***That*** the Appellant has not come to this Honorable Court with clean hands.
- 3 That the appeal in hand is based on mala fide intentions for illegal service benefits.
- 4 ***That*** the appellant has concealed material from the ambit of this Honorable Bench is the titled matter.
- 5 ***That*** the case is bad for mis-joinder and non-joinder of the nessacery parties to the appeals.
- 6 ***That*** the matter is barred by law.
- 7 ***That*** the appellant has been treated as per law rules of policy by the Department.
- 8 That this Honorable Bench has got no jurisdiction to entertain the tiled case in view of legal bar under the law.
- 9 ***That*** the service rule dated 24-7-2014 & 24-4-2018 are legally competent.
- 10 ***That*** the Appellant is not entitled for the relief he has sought from this Honorable Bench through the instant case.

ON FACTS.

- 1 Correct to the extent of the appointment of the appellant against the PST in BPS-12 on Union Council based policy vide Notification dated 2-6-2012 issued by the then EDO (E&SED) District Malakand which is attached as **Annexure-A** for ready reference.
- 2 Needs no comments as this para pertains to the academic qualification of BS in computer Science which is not a matter of dispute in the given circumstances of the case.
- 3 Correct to the extent of framing service structure/Rules for the grant of promotion to the different Teaching Cadre employees of the Department including the appellant against the SST (Sc/G) posts in the Department under the specified reserved Quota for promotion notified by the Respondent Department vide Notification dated 24-7-2014 attached as **Annexure-B** for ready reference Hence, the plea of the appellant is misleading and liable to be rejected..
- 4 Correct that vide Notification dated 24-4-2018 attached as **Annexure-C**, the Respondent Department has framed and notified service Rule/structure for different cadre of information Technology (IT) including the SST (IT) in BPS-16, wherein, the prescribed qualification for promotion has been maintained as under:-
 - a) *Fifty percent by promotion on the basis of Seniority cum fitness from amongst the CT, (IT) with five years' service as such and having the qualification prescribed for the post of SST (IT) in BPS-16.*
 - b) *Fifty percent by initial recruitment. Provided that if no suitable candidate is available for promotion then by initial recruitment.*
- 5 Correct that the appellant while aggrieved from the aforesaid service structure/Rules has filed a WP No. 596-P/2019 in the Peshawar High Court Peshawar under Article 199 of the constitution of Islamic Republic of Pakistan 1973 which was dismissed vide judgment dated 03-9-2020 in favor of the Responded Department on merits of the case and a copy of the cited Judgment dated 03-9-2020 is attached as **Annexure-D** for ready reference.
- 6 Incorrect, hence, denied on the grounds that no Departmental appeal has been filed by the appellant against the afore mentioned service rule/structure dated 24-7-2014 & 24-4-2018; therefore, got finality under the relevant provision of law & limitation act 1908 against the appellant.
- 7 Incorrect, hence, denied, the stand of the appellant is illegal, therefore, the appeal in hand is liable to be rejected on the following grounds inter alia:-

ON GROUNDS.

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- A. **Incorrect & not admitted.** The plea of the Appellant is without any cogent reason and legal justification as the service rules/structure dated 24-7-2014 & 24-4-2018 are mainly based on natural justice and equality, wherein, each & every teaching cadre has a prospect of promotion to the higher posts in the Department on the basis of seniority cum fitness basis. Therefore, the claim of the appellant is liable to be rejected.
- B. **Incorrect & not admitted.** The Appellant has been treated as per law, rules and service Rules & structure as mentioned above, therefore, the appellant seeks two separate channels for promotion against the SST (IT) post and SST (G) which is illegal and liable to be rejected.
- C. **Incorrect & not admitted.** The plea of the appellant is illegal and liable to be rejected in view of the above submission made in foregoing paras of the present reply on behalf of the Respondents.
- D. **Incorrect & not admitted.** The act of the Respondents with regard to the afore stated service Rules & structure dated 24-7-2014 & 24-4-2018 is within legal sphere & liable to be maintained.
- E. **Incorrect & not admitted.** The act of the Department is legal having no aspect of discrimination towards to the appellant in the aforementioned service Rules. Therefore, the stance of the appellant is liable to be rejected.
- F. **Incorrect & not admitted.** No constitutional violation has been made by the answering Respondents. They have always fulfilled their legal and constitutional obligations.
- G. **Incorrect & not admitted.** Hence, needs no further comments, however, the Respondents also seek leave of this Honorable Bench to submit additional record, grounds and case Law at the time of arguments of the case.

Therefore, it is most humbly prayed that the appeal of the appellant may kindly be dismissed to in favor of the Respondents in the interest of justice.

Dated ___/___/2022.

DIRECTOR

E&SE Khyber Pakhtunkhwa, Peshawar.
(Respondent No: 5)

SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1 & 4)

SECRETARY

(Finance) Govt; of Khyber Pakhtunkhwa.
(Respondent No: 2)

SECRETARY

(Establishment) Department Govt; of
Khyber Pakhtunkhwa, Peshawar.
(Respondent No: 3)

AFFIDAVIT

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

Deponent

ATTESTED



Annex A 2 5

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S-Edu:) MALAKAND
PROMOTION / APPOINTMENT

Consequent upon the recommendation of the Departmental Promotion/Selection Committee Malakand in its meeting held on 25.5.2012, the EDO(E&SE), Malakand, being the competent authority is pleased to approve and promote the following existing PSTs as C.Ts and to appoint the fresh eligible candidates (Male & Female) against the post of C.T (General)/DM/Qaria in BPS No.09 (Rs.6200-380-17600) and PSTs in BPS No.07 (Rs.5800-320-15400) plus usual allowances as due and admissible to them under the rules from the date of their taking over charge against the posts at the schools noted against their names in the interest of public service with the following terms and conditions.

(1) PROMOTION OF PST (MALE) AGAINST THE 60% VACANCIES

| C | Name | Father's name | Seniority No. | Present School | School where posted as C.T |
|----|----------------|-----------------|---------------|--------------------|----------------------------|
| 1. | Abdus Salam | Sherin Zada | 254 | GPS Faisal-Abad | GHS No.1 Dheri Alladand |
| 2. | Sher Ali | Totl Rahman | 283 | GPS Kharki | GHSS, Palai |
| 3. | Noor Zada | Azim Khan | 331 | GPS Ghawar Kall | GHSS, Palai |
| 4. | Abdul Wadood | Ghulam Muhammad | 347 | GPS No.2 Dargal | GHSS, Palai |
| 5. | Nazar Muhammad | Hazrat Muhammad | 363 | GPS No.2 Makhawata | GHS, Bazdara Bala |

(2) PROMOTION OF PST (FEMALE) AGAINST THE 60% VACANCIES

| S# | Name | Father's name | Seniority No. | Present School | School where posted as C.T |
|----|--------------|----------------|---------------|---------------------|----------------------------|
| 1. | Robina Akbar | Ghulam Akbar | 194 | GGPS No.2 Batkhela | GGMS, Piran (Julagram) |
| 2. | Bacha Zamina | Khanzad Gul | 425 | GGPS Total | GGMS, Nehr Banglow |
| 3. | Fahmida | Sultan Mehmood | 455 | GGPS Dheri Julagram | GGHS, Dheri |
| 4. | Sajida | Taj Muhammad | 501 | GGCMS Agra | GGMS, Piran (Julagram) |

(3) APPOINTMENT OF THE LEFT OVER CANDIDATES AGAINST THE POST OF CT (MALE) BPS NO.09 WHICH LEFT VACANT DUE TO NON-ASSUMPTION OF CHARGE BY THE APPOINTEES

| S# | Name | Father's name | Residence | Score | Merit Position | School where posted As C.T |
|----|----------------|---------------|----------------|-------|----------------|----------------------------|
| 1. | Karam Muhammad | Wall Muhammad | Dheri Alladand | 56.95 | 13 | GHSS, Palai |
| 2. | Fazli Wahid | Amir Zaman | Kot | 56.66 | 14 | GHS, Bazdara Payan |

(3) APPOINTMENT OF THE LEFT OVER CANDIDATES AGAINST THE POST OF DM (MALE) BPS NO.09 WHICH LEFT VACANT DUE TO NON-ASSUMPTION OF CHARGE BY THE APPOINTEES

| S# | Name | Father's name | Residence | Score | Merit Position | School where posted As DM |
|----|-------------------------|--------------------------|-----------|-------|----------------|---------------------------|
| 1. | Shahid Khalif | Fazli Khalif | Thana | 47.31 | 4 | GHS, Bazdara Bala |
| 2. | Muhammad Ishfaq Hussain | Muhammad Sherien Badshah | Alladand | 46.86 | 5 | GMS, Heroshah |

(4) APPOINTMENT OF QARI (FEMALE) BPS NO.09

| S# | Name | Father's name | Residence | Score | Merit Position | School where posted As Qaria |
|-----|--------------|-----------------------|------------------------|----------|----------------|------------------------------|
| 1. | Amina Bibi | Umar Rahman | Thana Malakand Agency | 56.06481 | 1 | GGHS No.2 Batkhela |
| 2. | Shahana Gul | Nek Muhammad | Thana Malakand Agency | 49.70266 | 2 | GGHS, Bazdara Bala |
| 3. | Madina Zaman | Shah Zaman | Village & P.O Matkanal | 48.1126 | 3 | GGHS, Matkanal |
| 4. | Laila Nisar | Muhammad Nisar Khatak | Village Meherdi | 45.19153 | 4 | GGHS, Wartair |
| 5. | Nusrat Begum | Muhammad Pervaiz | Village & P.O Agra | 44.5899 | 5 | GGHS, Agra |
| 6. | Sapna Kamran | Sher Muhammad | Village Heroshah | 43.46515 | 6 | GGHS, G.U.Khel |
| 7. | Roshni Bibi | Fazli Rahman | Dheri Julagram | 36.23658 | 7 | GGHS, Totakan |
| 8. | Hajira Bibi | Shahabud Din | Dheri Julagram | 35.16465 | 8 | GGHS, Pirkhel |
| 9. | Zainab | Mukhtar Ahmad | Thana | 33.05882 | 9 | GGHS, Maina |
| 10. | Safia Bibi | Fazal Waris | Agra | 31.92727 | 10 | GGHS, Kot |

(6) APPOINTMENT OF PST (FEMALE) BPS NO.07

| S# | Name/Father's Name | Residence | Union Council | Score | Merit Position | School Where Posted | Union Council Where posted as PST |
|----|--------------------------------|------------|---------------|--------|----------------|---------------------|-----------------------------------|
| 1. | Tasneem Sani D/O Mushtaq Ahmad | Ghund Agra | Agra | 49.629 | 1 | GGPS, Sargaro | Agra |
| 2. | Saeeda Begum D/O Nek Muhammad | Agra | Agra | 49.096 | 2 | GGPS, Margho | Agra |
| 3. | Zafran Begum D/O Said Muhammad | Agra | Agra | 48.818 | 3 | GGPS, Kuz Naranjai | Agra |
| 4. | Safia Bibi D/O Yaqoob Khan | Sarkawal | Agra | 39.843 | 4 | GGPS, Thand | Agra |
| 5. | Husna D/O Muhammad Ismail | Alladand | Alladand | 57.406 | 1 | GGPS No.2 Batkhela | Batkhela Upper (Adjacent) |
| 6. | Shamim Begum D/O Gul Hakim | Abbas Kali | Badragga | 40.119 | 1 | GGPS Badragga | Badragga |

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|----|----------------------------------|----------------------|------------------|--------|---|-----------------------|--------------------------|
| 7 | Nousheen Kiran D/O Saeed Khan | Batkheela Lower | Batkheela Lower | 51.361 | 1 | GGPS, No.1 Batkhela | Batkheela (M) adjacent |
| 8 | Shagufa D/O Khan Muhaammad | Dargai | Dargai | 54.541 | 1 | GGPS, Dargai Patak | Dargai |
| 9 | Naseem Begum D/O Faqir Muhammad | Dheri (Alladand) | Dheri (Alladand) | 50.116 | 1 | GGPS, Baghdara | Dheri (Alladand) |
| 10 | SaminaBibi D/O Khadim Muhammad | Dheri (Alladand) | Dheri (Alladand) | 48.784 | 2 | GGPS, Baghdara | Dheri (Alladand) |
| 11 | ZainabBibi D/O Sher Ali Khan | Khatak Abad | GarhiUsmani(Khel | 50.735 | 1 | GGPS, Naro Ubo | Heroshah adjacent |
| 12 | Saima D/O Habib Khan | Haryankot | HeroShah | 51.945 | 1 | GGPS, H/Shah Kalan | Heroshah |
| 13 | GhazalaBibi D/O HabibRasool | Amir Akbar Shah kall | Heroshah | 51.061 | 2 | GGPS, Zarif Shah Baba | Heroshah |
| 14 | HabshaSaleem D/O Muhammad Saleem | Palonow | Heroshah | 46.312 | 3 | GGPS, Zarif Shah Baba | Heroshah |
| 15 | Fozia Begum D/O Muhammad Saeed | Haryankot | Heroshah | 38.897 | 4 | GGPS, Naro Ubo | Heroshah |
| 16 | TahiraBibi D/O Fazli Akbar | Kotkay Khar | Khar | 46.031 | 1 | GGPS, Dheri | DheriJulagram (Adjacent) |
| 17 | Anila D/O Amir Khan | Kharki | Kharki | 48.973 | 1 | GGPS, Pirkhel | Pirkhel (Adjacent) |
| 18 | Rahat D/O Rahmatullah | Kharki | Kharki | 44.966 | 2 | GGPS, Sholawai | Pirkhel (Adjacent) |
| 19 | Nazish Rahim D/O Rahimdad | Koper | Koper | 52.069 | 1 | GGPS, Ashakai | Koper |
| 20 | Asla Zahir Shah D/O Zahir Shah | Qadar Kali | Koper | 51.182 | 2 | GGPS, M/Patal | Koper |
| 21 | Ghazala Jamal D/O Nasir Ali Shah | Koper | Koper | 44.271 | 3 | GGPS, Aghi Garh | Hero Shah (Adjacent) |
| 22 | Mehdia D/O Hayat Nabi | Kot | Kot | 55.368 | 1 | GGPS, D/Kot | Selai Patty (Adjacent) |
| 23 | Yasmeen Bibi D/O Mian Said | Kot | Kot | 53.324 | 2 | GGPS, S/Patal | Selai Patty (Adjacent) |
| 24 | Parveen D/O Muhammad Ali | Maina | Kot | 50.887 | 3 | GGPS, Khanoori No.2 | Selai Patty (Adjacent) |
| 25 | MadeehaBano D/O Zaiwar Khan | Kot | Kot | 50.347 | 4 | GGPS, Khanoori No.2 | Selai Patty (Adjacent) |
| 26 | SeemaBibi D/O MasihUllah | Kot | Kot | 48.076 | 5 | GGPS Dad Dheri | Selai Patty (Adjacent) |
| 27 | Nizakat Begum D/O Abdullah Shah | Kot | Kot | 48.052 | 6 | GGPS, Dad Dheri | Selai Patty (Adjacent) |
| 28 | AsimaBibi D/O Zalwar Khan | Kot | Kot | 47.187 | 7 | GGPS, Dara Total | Selai Patty (Adjacent) |
| 29 | SaimaBibi D/O Muhammad Azam | Maina | Kot | 46.031 | 8 | GGPS, Naranji Total | Selai Patty (Adjacent) |
| 30 | SaimaNawab D/O Said Nawab | Piran | Malakand | 47.695 | 1 | GGPS, Jehangir Abad | Malakand |
| 31 | Tawseef Iqbal D/O Muhammad Iqbal | Piran | Malakand | 47.377 | 2 | GGPS, Jehangir Abad | Malakand |
| 32 | Shabnam Sultan D/O Sultanul Haq | Malakand | Malakand | 45.239 | 3 | GGPS, Hatam Banda | Malakand |
| 33 | NaziaGul D/O Rahmat Shah | Malakand | Malakand | 43.749 | 4 | GGPS, Hatam Banda | Malakand |
| 34 | Naveeda D/O Jamshaid | Palai | Palai | 47.266 | 1 | GGPS, Palai No.1 | Palai |
| 35 | Khursheeda D/O Fazal Ghafoor | Dawa Khan Kali | S/KOT BANDAJAT | 42.734 | 1 | GGPS, Arab Danda. | S/KOT BANDAJAT |
| 36 | NeelamAman D/O Amanullah | Sakhakot | S/KotJadeed | 55.971 | 1 | GGPS, Petaw | S/KotJadeed |
| 37 | Ayesha Bibi D/O Muzammil Shah | Latfay Kalay | S/KotJadeed | 52.855 | 2 | GGPS, Petaw | S/KotJadeed |
| 38 | Farzana Gul D/O Itbar Gul | Baghicha Kall | S/KotJadeed | 49.99 | 3 | GGPS, Khadoo | S/KotJadeed |
| 39 | Sunaira Imran D/O Muhammad Imran | Khan Garhi | S/KotKhas | 51.933 | 1 | GGPS, Khan Garhi | S/KotKhas |
| 40 | Ummi Kalsoom D/O Khan Lal | CC Thana | Thana Bandaajat | 51.96 | 1 | GGPS, Shahkot | Palai (Adjacent) |
| 41 | Robina Begum D/O Saif Ur Rahman | Bakhta | Thana Bandaajat | 51.098 | 2 | GGPS, Gandiro Sharif | Palai (Adjacent) |
| 42 | Saima Naz D/O Sher Ali | Sorana | Wartair | 51.464 | 1 | GGPS, Plandara | Wartair |
| 43 | Nehaz D/O Isat Muhammad | Wartair | Wartair | 47.859 | 2 | GGPS, Plandara | Wartair |
| 44 | Safia D/O Tahir | Dobandi | Wartair | 46.859 | 3 | GGPS, Nakar Dara | Wartair |
| 45 | Madeeha Ahmad D/O AhmadKhan | Dobandal | Wartair | 46.464 | 4 | GGPS, B/Bala | Palai (Adjacent) |

ATTESTED

(7) Appointment Against 2 % Disable quota against PST post BPS No.07

| S# | Name/ Father Name | Residence | Union Council | Score | Merit Position | School Where Posted | Union Council where posted as PST |
|----|-------------------------|-----------|---------------|--------|----------------|---------------------|-----------------------------------|
| 1 | Rafi Ullah S/O ZamlnGul | Wartair | Wartiar | 46.926 | 1 | GPS, Gardal | Bajaur Agency |

(8) APPOINTMENT OF PST (MALE BPS-07)

| S# | Name/Father's Name | Residence | Union Council | Score | Merit Position | School Where Posted | Union Council Where posted as PST |
|----|-------------------------------------|---------------------|-----------------|----------|----------------|------------------------|-----------------------------------|
| 1 | Inamullah S/O Dyrawadan | Alladand | Alladand | 57.15517 | 1 | GPS Fazal Abad | Alladand |
| 2 | Muhammad Faraz S/O Akbar Khan | Alladand | Alladand | 45.33966 | 2 | GPS Sahib Zada Baba | Alladand |
| 3 | Arsala Khan S/O Mumtaz Khan | Alladand | Alladand | 43.0549 | 3 | GPS No.2 Batkhela | Upper Batkhela (Adjacent) |
| 4 | KhaistaRahman S/O Abu-Bakkar Sadiq | Badragga | Badragga | 54.89378 | 1 | GPS Zahoor Abad | Badragga |
| 5 | Shahab S/O Ikram Sald | Badragga | Badragga | 54.22513 | 2 | GPS Shingrai | Badragga |
| 6 | Shahid Ali S/O HabibGul | Badragga | Badragga | 53.88217 | 3 | GPS Shingrai | Badragga |
| 7 | RiazUllah S/O Amin Ullah | Kachay Ghawar Kaffi | Badragga | 53.17143 | 4 | GPS Zahoor Abad | Badragga |
| 8 | Adnan Ahmad Khan S/O Rahman Gul | Akbar Abad Batkhela | Batkhela Lower | 48.38485 | 1 | GPS Chinar Koto | Batkhela Lower |
| 9 | Nasar Khan S/O Bahramand | Batkhela | Batkhela Middle | 42.877 | 1 | GPS Upper Batkhela | Batkhela Middle |
| 10 | IrfanUllah S/O Fazal Khalil | Batkhela | Batkhela Upper | 53.63806 | 1 | GPS Gulshan Abad | Batkhela Upper |
| 11 | Javald S/O Faiz Muhammad | Batkhela | Batkhela upper | 50.42353 | 2 | GPS Gulshan Abad | Batkhela Upper |
| 12 | Abid Khan S/O Rahim Gul | Khatako Shah | Dargal | 55.66034 | 1 | GPS No.2 Dargal | Dargal |
| 13 | Tariq Anwar S/O Wali Rahman | Dargal | Dargal | 53.35722 | 2 | GPS Jabban power House | Dargal |
| 14 | Noor Islam S/O Akram Khan | Petaw | Dargal | 52.74026 | 3 | GPS Gul Mogam | Dargal |
| 15 | Kamran Khan S/O Wahid Gul | Dargal | Dargal | 51.03734 | 4 | GPS Sharif Abad | Dargal |
| 16 | Muhammad Arshad S/O Muhammad Wali | Dargal | Dargal | 50.0148 | 5 | GPS No.1 Dargal | Kharkai (Adjacent) |
| 17 | Rahim Ullah Khan S/O Haq Nawaz Khan | DheriAlladand | Dheri | 52.15116 | 1 | GPS Dray Sari | Dheri |
| 18 | Muhammad Ilyas S/O Muhammad Ismail | Julagram | DheriJulagram | 57.06881 | 1 | GPS Julagram | DheriJulagram |
| 19 | GhulamSher S/O Muhammad Sher | Julagram | DheriJulagram | 41.01488 | 2 | GPS Geto Ghoundi | DheriJulagram |
| 20 | Imran Khan S/O Sher Bahadar | GU Khail | GU Khail | 52.83983 | 1 | GPS Nop.1 G.U.Khel | GU Khel |
| 21 | Imran Khan S/O Muhammad Farooq | Sra Shah Banda | GU Khail | 51.16364 | 2 | GPS No.2 G.U.khel | GuKhaIL |
| 22 | Adnan Khan S/O Dileram Khan | GU Khail | GuKhail | 50.59654 | 3 | GPS ghamgeen Abad | GuKhail |
| 23 | Suliman Khan S/O Nowbat Khan | Umar Abad | HeroShah | 57.16289 | 1 | GPS Hero Shah Kafan | Heroshah |
| 24 | Zakir Mahmood S/O Faqir Gul | HaryanKot | HeroShah | 53.53627 | 2 | GPS Janat Abad | Heroshah |
| 25 | Rafique Ahmad S/O Lal Karim | Palonaw | Heroshah | 53.49911 | 3 | GPS No.1 Haryan Kot | Heroshah |
| 26 | Kachkol Khan S/O Fateh Muhammad | Zormandi | Heroshah | 53.42549 | 4 | GPS Hero Shah | Heroshah |
| 27 | Abdul Ali Khan S/O Muhammad Said | MulaMesri | Heroshah | 49.81943 | 5 | GPS Gulzada Kall | Heroshah |
| 28 | Umar ayaz S/O NiazGul | HaryanKot | HeroShah | 49.58913 | 6 | GPS Janat Abad | Heroshah |
| 29 | Muhammad Iesar S/O Hussain Muhammad | Haji GulZadakalay | Heroshah | 48.76684 | 7 | GPS Haryan kot | Heroshah |
| 30 | Ghulam Farooq S/O Sald Ghafoor | Zormandi | Heroshah | 42.16016 | 8 | GPS Zormandi | Heroshah |
| 31 | Asfandyar S/O Zubair Shah | Kharki | Kharki | 45.98752 | 1 | GPS Kharkai | Kharki |

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|----|--|---------------------|----------------|----------|---|--------------------------|---------------------|
| | Wiqar Hussain S/O Noor Muhammad | Kharkl | Kharkl | 43.10948 | 2 | GPS Kass Korona | Kharkl |
| | Ubaid Ullah S/O Dost Muhammad | Koper | Koper | 50.6402 | 1 | GPS Rahdad Kali | Koper |
| 34 | Abdus Salam S/O Hussain Dad | Kot | Kot | 54.0852 | 1 | GPS Asghar Shah | Kot |
| 35 | Muhammad Idress S/O Ajoon Khan | Kot | Kot | 52.62406 | 2 | GPS Faizghi | Kot |
| 36 | Zahir Shah S/O Rahmat Shah | Brah | Kot | 51.41292 | 3 | GPS Bagh Dara | Kot |
| 37 | Maqsood Gul S/O Khan Badshah | Kot | Kot | 50.85597 | 4 | GPS Dara Maina | Kot |
| 38 | Mehbab Gul S/O Farid Gul | Kot | Kot | 49.11283 | 5 | GPS Maina | Kot |
| 39 | Iftikhar Ahmad S/O Inzar Gul | Malakand Khas | Malakand | 46.57201 | 1 | GMPS Kulyar | Malakand |
| 40 | Syed Atiq Ahmad S/O Muhammad Farid Bacha | Piran | Malakand | 45.6776 | 2 | GPS Jalal Kot | Malakand |
| 41 | Nazir Ahmad S/O Gul Zamin Khan | Malakand | Malakand | 39.06453 | 3 | GPS Banjo | Malakand |
| 42 | Abid Ali S/O Khan Muhammad | Makhnawala | Meherdi | 49.90891 | 1 | GPS No.2 Makhnawala | Meherdi |
| 43 | Sana Ullah S/O Aziz Ullah | Sarogal | Meherdi | 49.82086 | 2 | GPS Salgaro | Meherdi |
| 44 | Muhammad Dawood S/O Muhammad Rafiq | Meherdi | Meherdi | 49.45178 | 3 | GPS No.1 Dargal | Kharkai (Adjacent) |
| 45 | Muhammad Wisal S/O Muhammad Saleem | Palal | Palal | 48.48111 | 1 | GPS Bazdara Bala | Palal |
| 46 | Tahirud din S/O Qiyamud Din | Sherkhana | Palal | 47.60455 | 2 | GPS Rashagai | Palal |
| 47 | Sabir Muhammad S/O Gul Muhammad | BazdarPayan | Palal | 44.64064 | 3 | GPS Rashagai | Palal |
| 48 | Bahri Karam S/O Fazli Khaliq | Palal | Palal | 42.39376 | 4 | GPS Bazdara Payeen | |
| 49 | Zakirullah S/O Bahramand | LaloPatay | Pirkhel | 54.02015 | 1 | GMPS Khaista Khan Korona | Pirkhel |
| 50 | Muhammad Khaliq S/O Wazir Khaliq | Maikband | Pirkhel | 49.65062 | 2 | GPS Qulangi | Pirkhel |
| 51 | Said Malik S/O Gul Malik | Narl Tangi | Pirkhel | 49.2672 | 3 | GPS Gero Shah | Malakand (Adjacent) |
| 52 | Ikramullah S/O Bahadar Khan | Yar Muhammad Kali | S/KotBandajat | 52.20036 | 1 | GPS Dawa Khan Kali | S/KotBandajat |
| 53 | Naeem Ahmad S/O Bashir Ahmad | Palotal | S/KotJadeed | 57.39037 | 1 | GPS Barakat Shah Korona | S/KotJadeed |
| 54 | Muhammad Riaz S/O Muhammad Ajan | Alifi Kali | S/KotJadeed | 52.90285 | 2 | GPS Barakat Shah Korona | S/KotJadeed |
| 55 | Sajjad Ahmad S/O Hazrat Khan | Palotal | S/KotJadeed | 50.13066 | 3 | GPS No.2 Prangal | S/KotJadeed |
| 56 | Mushtaq Hussain S/O Fazli Hadi | Baghicha kali | S/KotJadeed | 49.9156 | 4 | GPS No.2 Prangal | S/KotJadeed |
| 57 | Azam Khan S/O Ajab Khan | Palotal | S/KotJadeed | 49.47941 | 5 | GPS Mayar | S/KotJadeed |
| 58 | Ali Roz Khan S/O Waris Khan | Sakhakot | S/KotJadeed | 45.96827 | 6 | GPS Kharkai Dheri | S/KotJadeed |
| 59 | Sirajud Din S/O Azam Khan | Musa Baba | S/KotKhas | 51.9697 | 1 | GPS No.1 Sakhakot | S/KotKhas |
| 60 | Muhammad Shahzad Khan S/O Muhammad Shehriyar | Towheed Abad Colony | S/KotKhas | 50.63685 | 2 | GPS No.1 Sakhakot | S/KotKhas |
| 61 | Shahzeb S/O Awal Din | S/KotKhas | S/KotKhas | 49.79064 | 3 | GPS Ahmad Said Banda | S/KotKhas |
| 62 | Muhammad Iqbal S/O Seraj Muhammad | KhanGarhi | S/KotKhas | 49.75196 | 4 | GPS No.1 Gulo Shah | S/KotKhas |
| 63 | Imran Khan S/O Bashir Khan | Total | SelaiPatay | 57.43556 | 1 | GPS Dheri Banda | SelaiPatay |
| 64 | Haroonur Rashid S/O Gul Muhammad | SelaiPatay | SelaiPatay | 52.92768 | 2 | GPS Khanori | SelaiPatay |
| 65 | Fazal Karim S/O Lal Badshah | Total | SelaiPatay | 49.88048 | 3 | GPS Sori Ghara | SelaiPatay |
| 66 | Hamced-ur-rahman S/O Aziz Ur Rahman | Thana | Thana Bandajat | 53.36578 | 1 | GPS CC Thana | Thana Bandajat |
| 67 | Momin Khan S/O Munawar Ali | Jalala | Thana Jadeed | 46.08075 | 1 | GPS No.2 Jalala | Thana Jadeed |

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|----|-----------------------------------|--------------------------|------------|----------|---|---------------------------|----------------------------|
| 68 | Shoukat Ali S/O Muhamma:l Aziz | Gulbahar Colony Thana | Thana Khas | 46.53324 | 1 | GPS No.2 Jalala | Thana Jadeed (Adjacent) |
| 69 | Fazal Raziq S/O Sher Afzal | Thana | Thana Khas | 46.23975 | 2 | GPS Haibat: Gram | Thana Jadeed (Adjacent) |
| 70 | Fazlullah S/O Sakhi Rahman | KhawarGaray | Thana Khas | 45.07201 | 3 | GPS No.1 Jalala | Thana Jadeed (Adjacent) |
| 71 | Waris Khan S/O Hakim Khan | Totakan | Totakan | 49.10856 | 1 | GPS Shelkh Hassan Baba | Totakan |

TERMS AND CONDITIONS

1. Their services will be considered regular, but without pension and gratuity in terms of Section-19 of the Civil servants Act 1973 amended vide NWFP Civil servants (Amendment) Act 2005. They will however be entitled to contributory provident fund in such a manner and at such rates as prescribed by the government.
2. Their appointment is purely on temporary basis and is liable to termination at any time without notice. In case of resignation they shall be required to submit one month's prior notice OR deposit one month's pay into Government treasury in lieu thereof.
3. They will be governed by such rules and regulation as may be prescribed by the Government from time to time for the category of government servants to which they belong.
4. They should produce health and age certificate from the medical Superintendent District Head quarter Hospital Batkhela, Malakand Agency.
5. The appointment of the aforesaid selected candidates is subject to the condition that they are domiciled in Malakand.
6. No TA/DA is allowed in case of Initial recruitment.
7. In case of fresh candidate they should not be handed over charge if their age exceed 38 years (for being related to backward areas of Tehsil Swat and Sama Ranizal) or below 18 years.
8. The drawing and disbursing officer concerned shall have to collect photo copies of their testimonials along with verification fees and submit the same to the office of the undersigned for further verification from the institution concerned.
9. Their salary should not be drawn unless and until a clearance certificate regarding verification of documents and release of pay is issued by this office.
10. In case of non availability of vacancy the last one of the relevant category according to their merit position will loss the job.
11. The fresh appointees shall be on probation for the period of two years which is extendable to one year more while in the case of promotion the probation will be one year and shall be extendable for the next one year.
12. The appointees should join their posts within 15 days of the issue of this order, failing which the order shall stand automatically cancelled.
13. Those fresh candidates except in-service candidates, who have been posted in the schools which are closed for summer vacation, will be entitled for their salaries from the date of reopening of the schools on the expiry of summer vacation.
14. The appointment of any candidate if challenged on any grounds in any court of law and the case if decided in favour of the challenger/ appellant/ plaintiff, the appointment of the concerned challenged appointee shall stand null and void.
15. Charge report should be submitted to all concerned.

MUSHTAQ AHMAD
EXECUTIVE DISTRICT OFFICER(E&SE)
MALAKAND

Endst: No.6122-6414/Rectt:/CT/DM/QARI/PST(M&F)/EDO(E&SE) MKD Dated 02/06/2012

- Copy forwarded for information and necessary action to:-
1. The Secretary, E&SE Department, Govt:of Khyber Pakhtunkhwa, Peshawar.
 2. The Director, E&SE, Khyber Pakhtunkhwa, Peshawar.
 3. PS to Minister for Education Khyber Pakhtunkhwa, Peshawar.
 4. The District Coordination Officer Malakand
 - 5-6. The District Officer (M&F) local office.
 - 7-25. The Principals/Headmasters/Headmistress of the concerned schools.
 - 26-29. Dy: District Officer Edu: (M&F) in Malakand
 - 30-. The Agency Account Officer Malakand.
 - 31-. The Budget & Account Officer local office
 - 32-. The Assistant Programmer DEMIS Cell Local Office.
 - 33-149. The Head-Teachers GPS/GMPS/GGPS of concerned Schools.
 - 150-289. The Candidates concerned.
 - 290-293. D.A Concerned.

EXECUTIVE DISTRICT OFFICER (E&SE)
MALAKAND

S.MULK/

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre: - In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&L/D/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,

(1) 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) | | <p>i. At least second class Master's Degree or four years BS Degree in the relevant subject; and</p> <p>ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or MA Education or equivalent qualification from a recognized University.</p> | 23 to 35 years | <p>(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.</p> <p>Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial</p> |

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| <p>LA Director Physical Education (BPS-17)</p> | <p>At least second class Master's Degree in Physical Education from a recognized University.</p> | <p>22-35 years</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; 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; <i>Note:</i> If no suitable candidate is available in the relevant cadres of the above teachers the post falling in their promotion quota shall be filled by initial recruitment; and (b) fifty percent by initial recruitment; and</p> |
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(m) 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 following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology),</p> <p>Or</p> <p>(b) (Physics, Math's "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>I. 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> |

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

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

POSTS RESERVED

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, (PTTE) 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

ATTESTED

(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

Annexure D

17

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2

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P111
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 24th APRIL, 2018.

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

NOTIFICATION

Peshawar, dated: 24th April 2017.

No.SO(G/E&SE)/85/L.T/2017:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of the notification issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment & Administration Department and Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column No. 2 to 5 of the Appendix to the Notification which shall be applicable to the posts of Information Technology Teaching Cadre (Male/Female) in the Elementary and Secondary Education Department as specified in column No.2 of the said Appendix:

APPENDIX:

| S.No. | Nomenclature of the post | Minimum qualification for appointment by Initial recruitment transfer | Age limit | Method of recruitment |
|-------|---|--|-----------|--|
| 1 | Subject Specialist- Information Technology (SS-IT) (BPS-17) | <p>i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours - 4 years) or equivalent qualification from a recognized University and</p> <p>ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p> | 21-35 | <p>a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years service; and</p> <p>b) Fifty percent by initial recruitment.</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p> |

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Printed and published by the Manager,
 State & Prg. Dept., Khyber Pakhtunkhwa, Peshawar.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

| | | |
|---|---|---|
| <p>1. Certified Teacher-Information Technology (CT-IT) (BPS-12)</p> | <p>i. At least 2nd Division Intermediate School Certificate or equivalent qualification from a recognized Institution of Board with one year Diploma in Information Technology Computer Science from any recognized institution; and ii. Certified Teacher Certificate (CT) or Associate Degree in Education (ADE) from any recognized Institution/University. Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p> | <p>1. Certified Teacher-Information Technology (CT-IT) (BPS-12)</p> |
| <p>2. Secondary School Teacher-Information Technology (SSJ-17) (BPS-16)</p> | <p>i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours & Years) or Bachelor's Degree with a subject of Computer Science or equivalent qualification from a recognized University; and ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University. Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p> | <p>2. Secondary School Teacher-Information Technology (SSJ-17) (BPS-16)</p> |

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50% Fresh

50% CT (IT)

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| Nomenclature of the post | Minimum Qualification for appointment by initial recruitment or by transfer. | Age Limit | Method of recruitment |
|---|---|-----------|---|
| Subject Specialist-Information Technology (SS-IT) (B-17) Government Higher Secondary Schools/ Govt. comprehensive High Schools and other equivalent posts in the Teaching Cadre. | i.) Master Degree in Computer Science/IT at least in 2 nd Division or equivalent qualification from any recognized University. ii.) Bachelor Degree of Education (B.Ed) at least in 2 nd Division from any recognized University. | 21-35 | a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years' service AND Secondary School Teacher (SST) (General/Science) possessing master degree in IT or equivalent qualification with 05 years' experience. b). Fifty percent by initial recruitment. |
| Secondary School Teacher Information Technology (SST-IT) (B-16) Govt. High/Higer Secondary Schools | i). Bachelor Degree with the subject of Computer Science at least in 2 nd Division / equivalent Qualification from any recognized institution ii). Bachelor Degree of Education (B. Ed) at least in 2 nd Division from any recognized institution. | 21-35 | a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Computer Lab. In-charge with (05) years' service having the qualification prescribed for the post of IT Teacher. b). Fifty percent by initial recruitment. |
| Junior Teacher- Information Technology (JT-IT) (B-12) Govt. High/Higer Secondary Schools | Intermediate or equivalent qualification from any recognized institution with one-year Diploma in IT/Computer Science from any recognized institution and Certified Teacher Certificate/Diploma or equivalent qualification from any recognized institution. | 18-35 | By initial recruitment. |

ATTESTED

The committee members discussed the proposed amendments in the service rules structure for the SST (General/Science) & SST (IT) in depth and were agreed upon unanimously.

10/11/17

The following decisions were made in consensus:-

- i. The proposed amendments in the service rules/structure as depicted in the above table was approved.
- ii. Nomenclature of the post of CT(IT) was changed as Junior Teacher Information Technology (JT-IT)
- iii. Seniority of SST (General/Science) & SST (IT) will be clubbed together immediately for the purpose of promotion in light of the above amended service rules for the post of SST (General/Science) & SST (IT) to the post of SS(IT/Computer Science)

The meeting ended with vote of thanks to/from the Chair.

(Javed Siddique)
Deputy Secretary (R), Finance Department

(Mohsin Mushtaq)
Assistant (R-I), E&AD Deptt:

Naik/Muhammad
Section Officer (Primary), E&SE Department

Muhammad Shoaib
Deputy Secretary (A), E&SE Deptt:

(Mohammad Rafique Khattak)
Director, E & SE, Peshawar

(Qaiser Alam)
Special Secretary, E&SE Deptt:

12/9/17
Dr. Shahzad Khan Bangash
Secretary E&SE Department
(Chairman)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Subject: MINUTES OF THE MEETING OF THE SSRC REGARDING ALLOTMENT OF 50% QUOTA TO SST (GEN/SC) FOR PROMOTION TO THE POST OF SS-IT

Meeting of the SSRC regarding the subject matter was held under the Chairmanship of Secretary Elementary & Secondary Education Department on 10/08/2017 at 11:00 am in the committee room of this Department. The following Officers/Officials of the concerned Department/attached Department attended the meeting.

The following attended the meeting:-

1. Dr. Shahzad Khan Bangash, Secretary E&SE Department (In Chair)
2. Mr. Qaisar Akram, Special Secretary (Dist.) E&SE Department.
3. Mr. Muhammad Rafiq Khattak, Director E&SE, Peshawar.
4. Mr. Muhammad Shoaib, Deputy Secretary (A), E&SE Department
5. Mr. Javed Siddique, Deputy Secretary (R) Finance Department.
6. Mr. Malik Muhammad, Section Officer (Primary) E&SE Department.
7. Mr. Mohsin Mushtaq, Assistant (R-I) E&AD Department.

2. The forum was informed that E&SE Department vide Notification No. SO/E&SED/1-86/SS.IT/2016 of E&SE Department Peshawar dated 15.08.2016 has notified the nomenclature of Information Technology Teaching Cadre/Posts serving in the Government High & Higher Secondary Schools of Khyber Pakhtunkhwa of E&SE Department, as Subject Specialist-IT (SS-IT/Computer Science) BPS-17 (Annex-A). Further E&SE Department vide Notification No. SO (PE)4-5/SSRC/Meeting/ 2013/ Teaching Cadre: dated 24/07/2014 has approved promotion to SS posts (BPS-17) from SST (BPS-16). The SST regular having 50% quota of the total sanctioned SS posts allotted for promotion (Annex-B). 50% quota has already been allotted for SSTs (General/Science) in 12 different subjects for Subject Specialist Post. But unfortunately, SSTs (General/Science) who have M.Sc (Computer Science)/BS (CS)/MIT qualification and are eligible for promotion to the post of SS (IT) B-17 have no quota for promotion.

3. In light of the above facts, this Department, therefore, proposed that all those SSTs (General/Science) who have M.Sc. (Computer Science)/BS (Computer Science)/MIT may be given 50% quota for promotion to the post of SS (IT) B-17 like other SSTs, so as to bring uniformity in the teaching cadre.

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4. In the above context, the service rules/structure of SST (General/Science) & SST (IT) were approved as tabulated below:-

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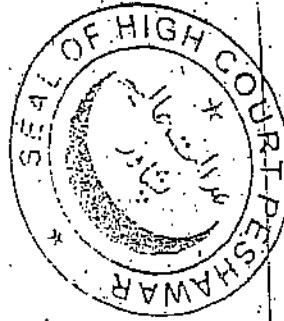
JUDGMENT SHEET
PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.596-P/2019

Muhammad Raees Gul and another

Vs:

Government of Khyber Pakhtunkhwa through
Chief Secretary, Khyber Pakhtunkhwa,
Peshawar and 06 others



JUDGMENT

Date of hearing 03.09.2020

Mr. Zafid Ullah Zahid, Advocate, for the petitioners.

Mr. Arshad Ahmad Khan, AAG, for the Provincial Government, a/w Mr. Jehangir Khan, AD (Litigation), Directorate of E&SED, Peshawar and Mr. Dawood Khan, ADO, office of DEO, Peshawar.

Mr. Aftab Khan, Advocate, for the private respondent No.7.

HAZ ANWAR, J. Muhammad Raees Gul and another, petitioners herein, through the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed for the following relief:-

"It is, therefore, most graciously prayed that while allowing this writ petition, an appropriate writ may kindly be issued by declaring the act of omitting the subject of

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Peshawar High Court

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Computer Science from promotion to the post of SST is illegal, unlawful, discriminatory and without lawful authority with the direction to consider and include the subject of Computer Science in the criteria for promotion to the post of SST.

Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances may also be granted.

2. Keeping in view the averments made in the instant petition, comments were called from the respondents who furnished the same accordingly, wherein, they opposed the issuance of desired writ, as prayed for.

3. Arguments heard and records perused.

4. Perusal of the record reveals that petitioners have called in question the recruitment rules notified vide Notification dated 24.07.2014; whereby, according to them, the incumbents, holding the posts of Primary School Teacher (BPS-12) with qualification of

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Peshawar High

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Computer Science, are not included in the
fixed cadre for the post of Senior Science
Teacher (BPS-16).

5. Learned counsel for the
petitioners has laid much stress upon the
discrimination so meted out to the
petitioners and also about depriving them
from future prospect of promotion, albeit,
we are of the view that questioning the
vires of rules purely relates to the terms
and conditions of service, for which the
proper forum is Khyber Pakhtunkhwa
Service Tribunal established under the
Khyber Pakhtunkhwa Service Tribunals
Act, 1974. Besides, the jurisdiction of
this Court is barred under Article 212 of
the Constitution of Islamic Republic of
Pakistan, 1973. In this regard, reference
can be made to the cases of "T.A Sherwani
and others (1991 SCMR 1041)", "Ali
Azhar Khan Baloch (2015 SCMR 456)"
and "Mubeen-ul-Salam (2006 SCMR
100)".

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6. Thus, for the reasons recorded
hereinabove and in view of the bar

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EXAMINER
Peshawar High Court

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contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 and also in view of the availability of alternate remedy to the petitioners, this writ petition is not maintainable. Accordingly, it is dismissed in limine. Needless to observe that petitioners may approach to the Khyber Pakhtunkhwa Service Tribunal, Peshawar for the redressal of their grievance, if they are so advised.

Announced
D:03.09.2020

JUDGE

JUDGE

(01) The Judge, Khyber Pakhtunkhwa Service Tribunal, Peshawar

02/09/2020

6285
Date of Presentation of Application 3/9/2020
No of Pages 11
Copies
Total 14
Date of Preparation of copy 7/9/2020
Date of Delivery of copy 7/9/2020
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07 SEP 2020

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A