

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No: 2398/2021

Diary No. 3592

Dated 15/2/2023

Sahibzada Kaleem Ullah CT (BPS-15) GHS Kori Hote, District
D.I.Khan.....Appellant

VERSUS

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

INDEX SHEET

S/#	Description of document	Annexure	Pages No.
1.	Joint Para Wise Comments along with affidavit	-	1-4
2.	Copy of the appointment order dated 02-6-2012	A	5-9
3.	Copy of the Notification dated 24-7-2014	B	10-16
4	Copy of the Notification dated 24-4-2018.	C	17-21
5	Copy of the Judgment dated 03-9-2020	D	22-25


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

**BEFORE THE HONORABLE KHYBER PAKHATUNKHWA SERVICE
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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.

- 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.

4

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.

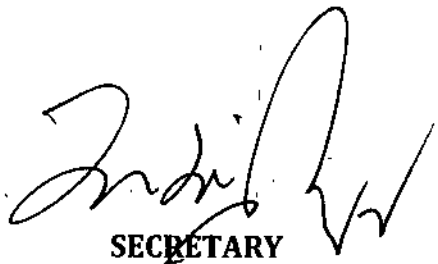
Dated ___/___/2022.



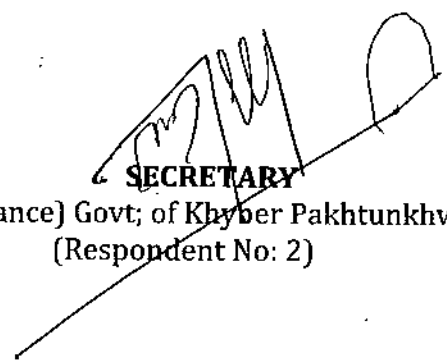
DIRECTOR
E&SE Khyber Pakhtunkhwa, Peshawar.
(Respondent No: 5)



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



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



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

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



Anwar A

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S-Edu:) MALAKAND
NOTIFICATION / 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	Toti Rahman	283	GPS Kharki	GHSS, Palai
3.	Noor Zada	Azim Khan	331	GPS Ghawar Kali	GHSS, Palai
4.	Abdul Wadood	Ghulam Muhammad	347	GPS No.2 Dargai	GHSS, Palai
5.	Nazar Muhammad	Hazrat Muhammad	363	GPS No.2 Makhnawala	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 Totai	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	Rresidence	Score	Merit Position	School where posted As C.T
1.	Karam Muhammad	Wali 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	Rresidence	Score	Merit Position	School where posted As DM
1.	Shahid Khaliq	Fazli Khaliq	Thana	47.31	4	GHS, Bazdara Bala
2.	Muhammad Ishfaq Hussain	Muhammad Sherien Badshah	Alladand	46.86	5	GMS, Heroshah

(4) APPOINTMENT OF QARIA (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, Matkani
4.	Laila Nisar	Muhammad Nisarkhatak	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 Sald Muhammad	Agra	Agra	48.818	3	GGPS, Kuz Naranjai	Agra
4	Safia Bibi D/O Yaqoob Khan	Sarkawai	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	Shagufta D/O Khan Muhammad	Dargal	Dargal	54.541	1	GGPS, Dargal Patak	Dargal
9	Naseem Begum D/O Faqir Muhammad	Dheri (Alladand)	Dheri (Alladand)	50.116	1	GGPS, Baghdara	Dheri (Alladand)
10	Samina Bibi D/O Khadim Muhammad	Dheri (Alladand)	Dheri (Alladand)	48.784	2	GGPS, Baghdara	Dheri (Alladand)
11	Zainab Bibi D/O Sher Ali Khan	Khatak Abad	Garhi Usmani Khel	50.735	1	GGPS, Naro Ubo	Heroshah adjacent
12	Saima D/O Habib Khan	Haryankot	Hero Shah	51.945	1	GGPS, H/Shah Kalan	Heroshah
13	Ghazala Bibi D/O Habib Rasool	Amir Akbar Shah kalf	Heroshah	51.061	2	GGPS, Zarif Shah Baba	Heroshah
14	Habsha Saleem 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	Tahira Bibi D/O Fazil Akbar	Kotkay Khar	Khar	46.031	1	GGPS, Dheri	Dheri Julagram (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, Sholawal	Pirkhel (Adjacent)
19	Nazish Rahim D/O Rahimdad	Koper	Koper	52.069	1	GGPS, Ashakai	Koper
20	Asia 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	Madeeha Bano D/O Zaiwar Khan	Kot	Kot	50.347	4	GGPS, Khanoori No.2	Selai Patty (Adjacent)
26	Seema Bibi D/O Masih Ullah	Kot	Kot	48.076	5	GGPS Dad Dheri	Selai Patty (Adjacent)
27	Nizakat Begum D/O Abdulfah Shah	Kot	Kot	48.052	6	GGPS, Dad Dheri	Selai Patty (Adjacent)
28	Asima Bibi D/O Zaiwar Khan	Kot	Kot	47.187	7	GGPS, Dara Total	Selai Patty (Adjacent)
29	Saima Bibi D/O Muhammad Azam	Maina	Kot	46.031	8	GGPS, Naranji Total	Selai Patty (Adjacent)
30	Saima Nawab 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	Nazia Gul 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 Kall	S/KOT BANDA JAT	42.734	1	GGPS, Arab Danda	S/KOT BANDA JAT
36	Neelam Aman D/O Amanullah	Sakhakot	S/Kot Jadeed	55.971	1	GGPS, Petaw	S/Kot Jadeed
37	Ayesha Bibi D/O Muzammil Shah	Latifay Kalay	S/Kot Jadeed	52.855	2	GGPS, Petaw	S/Kot Jadeed
38	Farzana Gul D/O Itbar Gul	Baghicha Kalf	S/Kot Jadeed	49.99	3	GGPS, Khadoo	S/Kot Jadeed
39	Sunaira Imran D/O Muhammad Imran	Khan Garhi	S/Kot Khas	51.933	1	GGPS, Khan Garhi	S/Kot Khas
40	Umni Kalsoom D/O Khan Lal	CC Thana	Thana Bandajat	51.96	1	GGPS, Shahkot	Palai (Adjacent)
41	Robina Begum D/O Saif Ur Rahman	Bakhta	Thana Bandajat	51.098	2	GGPS, Gandiro Sharif	Palai (Adjacent)
42	Salma Naz D/O Sher Ali	Sorana	Wartair	51.464	1	GGPS, Plandara	Wartair
43	Nehaz D/O Isal 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 Ahmad Khan	Dobandal	Wartair	46.464	4	GGPS, B/Bala	Palai (Adjacent)

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3

7

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

Name/ Father Name	Residence	Union Council	Score	Merit Position	School Where Posted	Union Council where posted as PST
Rafi Ullah S/O ZamInGul	Wartair	Wartiar	46.926	1	GPS, Gardai	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) Badragga
4	Khaista Rahman S/O Abu-Bakkar Sadig	Badragga	Badragga	54.89378	1	GPS Zahoor Abad	Badragga
5	Shahab S/O Ikram Said	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 Kalii	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 Khaliq	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	Dargai	55.66034	1	GPS No.2 Dargai	Dargai
13	Tariq Anwar S/O Wali Rahman	Dargai	Dargai	53.35722	2	GPS Jabban power House	Dargai
14	Noor Islam S/O Akram Khan	Petaw	Dargai	52.74026	3	GPS Gul Mogam	Dargai
15	Kamran Khan S/O Wahid Gul	Dargai	Dargai	51.03734	4	GPS Sharif Abad	Dargai
16	Muhammad Arshad S/O Muhammad Wali	Dargai	Dargai	50.0148	5	GPS No.1 Dargai	Kharkai (Adjacent)
17	Rahim Ullah Khan S/O Haq Nawaz Khan	DheriAlladand	Dheri	52.15116	1	GPS Dray Sarl	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 Dilaram 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 Kalan	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 Saif	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 Saif Ghafoor	Zormandi	Heroshah	42.16016	8	GPS Zoormandi	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	Kharki	Kharki	43.10948	2	GPS Kass Korona	Kharki
	Ubaid Ullah S/O Dost Muhammad	Koper	Koper	50.6402	1	GPS Rahdad Kall	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 Malna	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	Kharki (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 Rashagal	Palal
47	Sabir Muhammad S/O Gul Muhammad	BazdarPayan	Palal	44.64064	3	GPS Rashagal	Palal
48	Bahri Karam S/O Fazli Khalig	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 Khalig S/O Wazir Khalig	Malakband	Pirkhel	49.65062	2	GPS Qutangi	Pirkhel
51	Said Malik S/O Gul Malik	Nari Tangi	Pirkhel	49.2672	3	GPS Gero Shah	Malakand (Adjacent)
52	Ikramullah S/O Bahadar Khan	Yar Muhammad Kall	S/KotBandajat	52.20036	1	GPS Dawa Khan Kall	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 Hadl	Baghicha kall	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 Kharki 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	Muhamamd Iqbal S/O Seraj Muhammad	KhanGarhi	S/KotKhas	49.75196	4	GPS No.1 Gulo Shah	S/KotKhas
63	Injran 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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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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Peshawar, dated the 24th July, 2014.

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NOTIFICATION

No. SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre: In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No. SO(G)S&LD/1-28/2003/Vol-II - dated, 09-04-2004, Notification No. SO(G)S&L/1-69/06/Vol-1/DPE/LJB 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)		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-earn-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.

INTERESTED

Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial

17	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</p> <p>(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), Or (b) (Physics, Maths "A" or "B" or Statistics) Or c.s</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>

INTERESTED

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

ATTESTED

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

Encl : 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 (PAYA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PTE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESJU 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

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(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P/11
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/1-85/LT/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, Govt. Press, Peshawar, Khyber Pakhtunkhwa, Pakistan.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

<p>By initial recruitment.</p>	<p>At least 2nd Division Intermediate 18-25</p> <p>School Certificate or equivalent qualification from a recognized institution of Board with one year Diploma in Information Technology Computer Science from any Certified Teacher Certificate (CT) or Associate Degree in Education (ADE) from any recognized institution/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>	<p>1. Certified Teacher-Information Technology (CT-IT) (BPS-12)</p>
<p>a). Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Certified Teacher-II with five years service as such and having the qualification presented for the post of Secondary School Teacher-II.</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>	<p>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 Bachelor's Degree with a subject of Computer Science 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>	<p>2. Secondary School Teacher-Information Technology (SSJ-II) (BPS-16)</p>

50% Fresh

50% CT (II)

18

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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-II 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. Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment. Their seniority may be clubbed with SS and amendment may be made in the existing service rules.
Secondary School Teacher Information Technology (SST-IT) (B-16) Govt. High / Higher 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. Note: If no suitable candidate is available for promotion in the relevant cadre than by initial recruitment.
Junior Teacher- Information Technology (JT-IT) (B-12) Govt. High/Higher 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.

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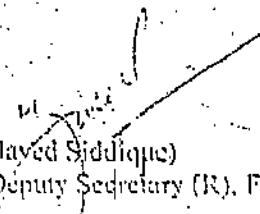
The committee members discussed the proposed amendments in the service rules/structure for the SST (General/Science) & SST (IT) in depth and were agreed upon unanimously.

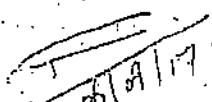


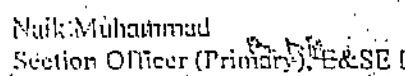
The following decisions were made in consensus:-


- 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)

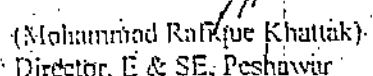
The meeting ended with vote of thanks to/from the Chair.

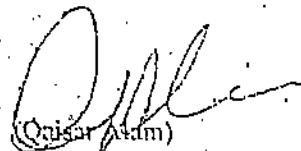

 (Javed Siddique)
 Deputy Secretary (R), Finance Department

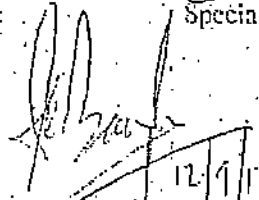

 (Mohsin Mushtaq)
 Assistant (R-I), E&AD Deptt.


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


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


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


 (Qaiser Adam)
 Special Secretary, E&SE Deptt.


 Dr. Shahzad Khan Bangash
 Secretary E&SE Department
 (Chairman)

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

12 (21)

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. Shalhzad Khan Bangash, Secretary E&SE Department (In Chair)
2. Mr. Qaisar Alam, 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 Mushfaq, 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 SS's, 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 -

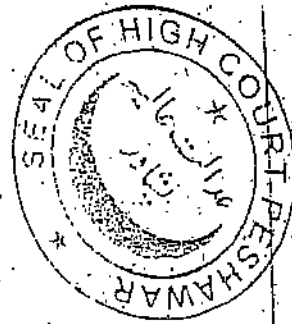
[Signature]

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. Zahid Ullah Zahid, Advocate, for the
petitioners.

Mr. Arshad Ahmad Khan, AAG, for the Provincial
Government, s/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.

IAZ 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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EXAMINER
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.

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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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Compute Science, are not included in the
feed 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
viros 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 "I.A. Sherwani
and others (1991 SCMR 1041)"; "Ali
Azhar Khan Baloch (2015 SCMR 456)"
and "Mubeen-ul-Salam (2006 SCMR
100)".

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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(33) (25) (33)

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
Dt: 03.09.2020

JUDGE

JUDGE

Official Seal of the Tribunal

6285
Date of Presentation of Application: 3/9/2020
No of Pages: 11-7
Copies: 14
Date of Preparation of copy: 7/9/2020
Date of delivery of copy: 7/9/2020
Received By: [Signature]

[Signature]
CERTIFIED TRUE COPY
07 SEP 2020

ATTESTED

[Signature]