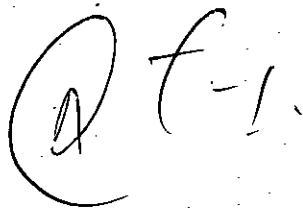


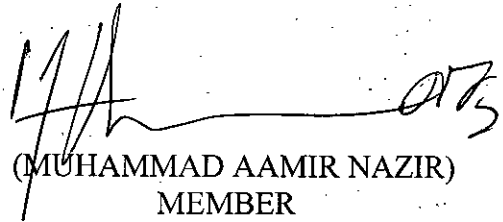
24.11.2016

None present for appellant. Mr. Hameed ur Rehman, AD (Litigation) alongwith Mr. Muhammad Jan, GP for respondents present. The court time is about to over but non-appeared on behalf of the appellant nor the appellant was present in person despite issuance of the notice to appellant and his counsel, therefore, the instant appeal is hereby dismissed in default. File be consigned to the record room.

ANNOUNCED:
24.11.2016




(ABDUL LATIF)
MEMBER

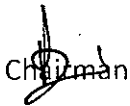


(MUHAMMAD AAMIR NAZIR)
MEMBER

30.03.2016

None present for appellant. Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant is not in attendance therefore, case is adjourned to 20.7.2016 for final hearing before D.B.


Member
(Executive)


Chairman

20.07.2016

None present for appellant. Mr. Muhammad Jan, GP for the respondents present. Notice be issued to appellant and his counsel for arguments for 24-11-16 before D.B.

Mr. Muhammad Jan
GP


MEMBER


MEMBER

[A long vertical line drawn across the page]

821/13

23.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Adcel Butt, AAG with Mosam Khan, AD for the respondents present. The Tribunal is incomplete. To come up for the same on 10.3.2015.



READER

10.03.2015

None present for appellant. Mr. Mosam Khan, AD for respondents alongwith Addl: A.G present. Para-wise comments on behalf of respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 2.10.2015.



Chairman

02.10.2015

Clerk to counsel for the appellant and Mr. Murad Khan Supt: alongwith Addl: AG for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for arguments on 30.3.16.



Member



Member

11.2.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO, Sajjad Rashid, AD, Sultan Shah, Assistant and Muhammad Irshad, Supdt. for the respondents present and requested for time. To come up for written reply on 30.4.2014.

MEMBER

MEMBER

30.04.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Khursheed Khan, SO, Sajjad Rashid, AD and Muhammad Irshad, Supdt. for the respondents present and stated that written reply prepared and placed before the respondents for signature. To come up for written reply on 30.6.2014.

MEMBER

23.6.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Khursheed Khan, SO, Sajjad Rashid AD and Imad Ahmad, Assistant for the respondents present. Respondents need further time. To come up for written reply on 15.10.2014.

MEMBER

MEMBER

15.10.2014

Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. AG with Khursheed Khan, SO and Mosam Khan, AD for respondents No. 1 & 4 present and requested for time. Fresh notice be issued to respondent No. ^{2 & 3} To come up for written reply on 23.12.2014.


MEMBER

Appeal No. 821/2013.
Mr. Ajmal Khan.

29.08.2013

Counsel for the appellant present and heard on preliminary. Contended that the appellant has not been treated in accordance with the law/rules. He further contended that similar nature of cases have already been admitted to regular hearing. In this respect he referred to one in service appeal No.1322/12 titled Ikramullah vs Govt which has been fixed for hearing before the Hon'ble Final Bench-II on 10.10.2013. On the same analogy the instant appeal also admitted for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 09.12.2013 for submission of written reply before Final Bench-II.

*Appellant deposited
Process fee & Security
of Rs. 3000/- Bank Receipt
attached with file.
(on A. No. 821/2013)*


Member.

9.12.2013

Clerk to counsel for the appellant, Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO for respondent No. 1, and Mr. Mosam Khan, AD for respondents No. 4 present and stated that Copies of appeals in other connected cases have not been annexed with notices sent to them. Moharrir is directed to hand over copies of appeal to them. Mr. Muhammad Irshad, SO for respondent No. 2 present and requested for adjournment. Fresh notice be issued to the respondent No.3. To come up for written reply positively on 11.2.2014. Reader is directed to record Note Reader in connected appeals.

*Noted
17/12/13
Mosam Khan*

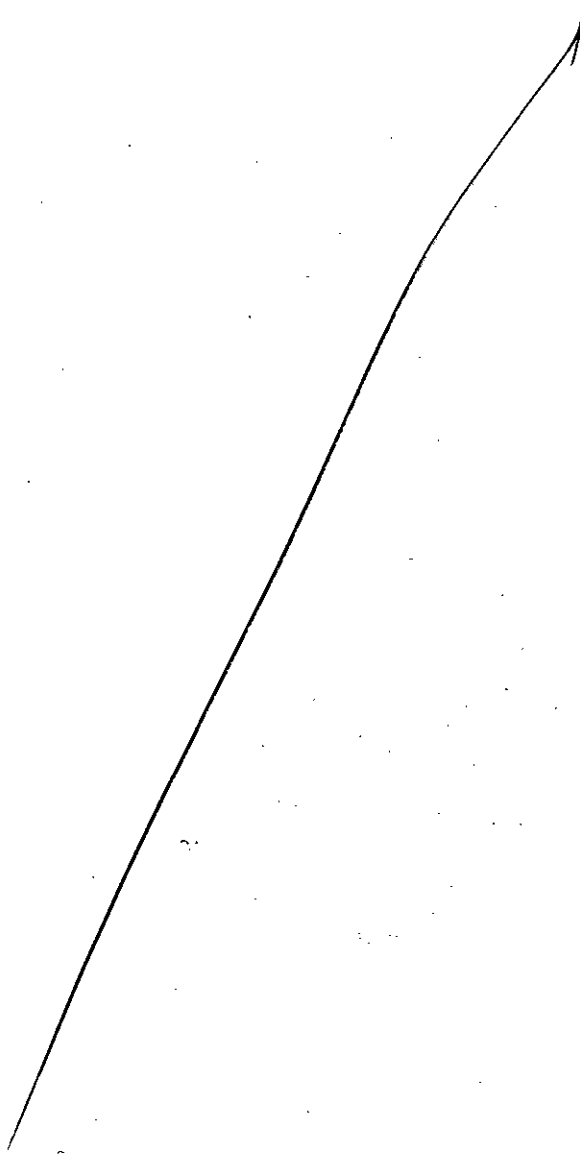

MEMBER


MEMBER

3
03.07.2013

Clerk to counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa Ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 29.08.2013.




Reader



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 821/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/04/2013	<p>The appeal of Mr. Ajmal Khan presented today by Mr. Ghulam Nabi Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	8-5-2013.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>3-7-2013.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

14

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. 821 of 2013

Ajmal Khan son of Abdul Karim.....Appellant

VERSUS

Govt: of KPK through Secretary, Elementary &
Secondary Education & others.....**RESPONDENTS**

I N D E X

S.NO	Description of Documents	Annexure	Pages
1	Appeal		1-12
2	Affidavit		13
3	Coy of Notification issued in the year 2007	A	14 & 14/1
4	Copy of Notification dated: 13/11/2012	B	15-30
5	Copies of Judgment dated: 12/3/2013 of Peshawar High Court and letter dated: 12/4/2013	C & C/1	31-37 37-1
6	Copies of Notifications in respect of Clerk's Community and Federal Govt: dated: 24/04/2012	D & D/1	38-41
7	Wakalat Nama		42

Appellant

Through


Ghulam Nabi Khan

Advocate Supreme Court

Address: Haroon Mansion,
Khyber Bazar, Peshawar
City.

Cell No. 0300-5845943

Dated: 29 /4/2013

1

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. 821 of 2013

Ajmal Khan son of Abdul Karim,
Primary School Teacher (PST),
Govt: Primary School,
Gul Khitab Koroona, Village Umar Zai,
Tehsil and District, Charsadda.

G.W.F. Peshawar
29-4-13

(APPELLANT)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
2. Govt: of Khyber Pakhtunkhwa through Secretary, Finance Department, Civil Secretariat, Peshawar.
3. Govt: of Khyber Pakhtunkhwa through Secretary, Establishment Department, Civil Secretariat, Peshawar.
4. Director, Elementary & Secondary Education, Govt: of Khyber Pakhtunkhwa, Peshawar.

Filed to file

[Signature]
29/4/2013

(RESPONDENTS)

APPEAL UNDER SECTION-4 OF NWEP
SERVICE TRIBUNAL ACT, 1974 TO THE
EFFECT THAT THE NEWLY INDUCTED
CONDITION OF FA/FSc FOR THE
PROMOTION TO BPS-14/15 OF THE
PRIMARY SCHOOL TEACHERS (PSTs) MAY
PLEASE BE SETASIDE AND THE
PROMOTION MAY PLEASE BE GRANTED ON
SENIORITY-CUM-FITNESS BASIS
PURELY.

Respectfully Sheweth;

1. That the Appellant is belonging to the Education Department, all serving on the posts as mentioned against their names in the heading of the appeal.
2. That the Appellant has got at his credit on the above said post a long tenure of service extending over 20 to 40 years.
3. That previously the basic qualification for the appointment at the post of Primary School Teacher (PST) was fixed as Matric Certificate along with the PST Certificate from a recognized Institution and the

Appellant was appointed on the above said posts having the said qualification as was the requirement at the time of the appointment of the Appellant.

4. That the basic qualification for the post of PST was duly enhanced with basic qualification from Matric to F.A/F.Sc in the year 2011 and many other colleagues of the Appellant were then appointed on the same posts of PST having their qualification as F.A/F.Sc along with the PST Certificate.

5. That in the year 2007, a policy of upgradation was promulgated by the then Provincial Government, whereby the PTC, Teachers were upgraded from BPS-07 to BPS-12 on the basis of the length of the service (Copy of the Notification issued by the Government is attached and marked as Annexure-A).

6. That again a similar summary was formulated at the initial stage by the Education Department that the PST Teacher

will be upgraded to BPS-15 having 22 years service, whereas the teachers having 15 years service will be upgraded to BPS-14.

7. That the above said policy was just as according to the justice and demand of the teachers community, however, later on the said policy was converted from time scale to the education scale, whereby the promotion policy for the PST Teachers was formulated as under:-

"Primary School Head Teacher (PSHT) (BPS-15).

By promotion, on the basis of seniority-cum-fitness from amongst senior primary school teachers with at least 10 years service and having qualification prescribed for initial recruitment of primary school teacher"

"Primary School Teacher (BPS-14).

By promotion, on the basis of seniority-cum-fitness from amongst school teachers with at least 05 years service as such and having qualification prescribed for

initial recruitment of primary school teacher"

8. That thereby all the fresh appointed F.A/PST have been given the BPS-12, whereas the holders of F.A Certificate with 10 years length of service may be upgraded/promoted to BPS-15 and the PSTs with the F.A qualification having 05 years service may be upgraded to BPS-14 (Copy of the Notification dated: 13/11/2012 is attached and marked as Annexure-B).

9. That the Appellant along with his other hundreds of the colleagues having their services extending from 20 to 40 years have been totally ignored and have not been given any chance of upgradation/promotion throughout their professional career inspite of having served a long spotless tenure of service.

10. That this attitude of the respondent department to give benefit to the teachers with the F.A/F.Sc qualification over the teachers with the



qualification has been formulated without any cogent/legal grounds but just to give benefit to the blue eyed teachers of the respondents department, whom have been appointed in their tenure.

11. That the Appellant is also equally entitled to be upgraded on the basis of his tenure of service and be given the same benefit as it has been given to the other PSTs teachers having the F.A. Certificates, as the higher qualification of F.A. cannot by any means made the basis for giving any sort of above said benefit to the teachers.

12. That in this respect the Appellant has also filed Writ Petition No. 256-P/2013 before the Honourable Peshawar High Court, Peshawar which was decided vide Judgment dated: 12/3/2013 with the direction that:-

"As this Court has no jurisdiction in the matter, hence these petitions are sent to the Departmental Appellate Authority with the direction to treat these petitions as pending appeals/representations under the

service law and rules and decide them in accordance with the law laid down by the apex Court in the case of Hameed Akhtar Niazi-Vs-The Secretary, Establishment Division, Government of Pakistan and others (1996 SCMR 1185) with the above observations, this and the connected writ petitions are disposed of accordingly"

13. That in the light of above directions of Honourable Peshawar High Court, Peshawar, the appeals of the appellant alongwith several colleagues were examined by the respondent No. 1 but it was rejected vide letter No. SO(PE)2-8/DSC/2013 dated: 12/4/2013 (Copies of Judgment dated: 12/3/2013 and letter dated: 12/4/2013 are enclosed and marked as Annexure-C & C/1 respectively).

14. That the Appellant having got no other efficacious/adequate remedy, now approach this Honourable Court on the following grounds amongst the others:-

7
GROUNDS :

A. That the act of the respondents department, thereby depriving the Appellant from the above said benefit of upgradation is illegal, unlawful, without authority/jurisdiction as well as being based on the malafide intentions of the respondents department is liable to be set aside.

B. That since hundred and hundreds of the teachers have been treated in a discriminatory manner and have been deprived of the above said benefit mere on the ground that they are not having the qualification of FA/F.Sc is an act unjust and without any reasonable ground, as the basic qualification at the time of the appointment of the Appellant was Matric with PST and the basic qualification at the time of the appointment of the benefited teachers were FA/F.Sc with PST, hence no privilege can be granted to the persons,

whom have been appointed on the prescribed qualification.

C. That the Appellant has been serving on the above said posts since long and the Appellant has been waiting for his turn to be promoted/upgraded to some higher scale, however, after having a tenure of such a long legitimate expectations the Appellant has been treated unlawfully, without any cogent/solid grounds.

D. That it is very respectfully submitted that it has never been happened that in the cases of upgradation/promotion the factor of seniority should be abolished/ignored totally and the grounds of upgradation/promotion should be made mere education qualification, whereas the upgradation/promotion has always been made on the basis of seniority-cum-fitness and have never at the basis of higher qualification whatsoever it may be. Furthermore, still it is not the higher qualification for the teachers whom have been going

thorough get benefit for the above said notification but with the passage of time as the basic qualification has been raised, hence, they have been appointed on the basis of F.A/F.Sc Certificate which said factor cannot be made a ground for their upgradation to BPS-14/15.

E. That the said act of the respondents department is not merely illegal, as well as, unlawful but is also against the very clear Articles of Constitution of Islamic Republic of Pakistan as engraved in the basis rights of said Constitution.

F. That the Appellant has got every right to be treated equally with his other colleagues and closing all the ways of upgradation/promotion for the Appellant is against all the norms of justice as it has been done in the above mentioned Notification dated: 13/11/2012.

G. That it will be pertinent to bring into the kind notice of this Honourable Court that the above said benefit has also been extended to the Clerk's community, whereby the Clerk's even with the Matric Certificate have been upgraded from BPS-09 to BPS-16 and similarly according to other Notification dated: 24th April 2012, the Federal Government has been pleased to upgrade the PST Teachers from BPS-09 to BPS-14 including the Matriculate Teachers (Copies of the above said both the Notifications are attached and marked as Annexure-D & D/1 respectively).


In the aforesaid circumstance, it is, therefore, respectfully prayed that on acceptance of this appeal, the respondents may please be directed to set aside the terms "having qualification prescribed i.e. FA/F.Sc for the initial recruitment of primary school teachers" in the newly promulgated rules and the Appellant may please be considered equally for the above said promotion/upgradation with the other

colleagues, whom have been appointed on F.A/F.Sc basis and the above said conditions being illegal, unlawful, unconstitutional and discriminatory may please be deleted from the conditions of promotion of the PST Teachers to the BPS-14/15.

Any other remedy to which the Appellant is found entitled in the peculiar circumstances of the case may also be granted.


Appellant

Through


Ghulam Nabi Khan
Advocate Supreme Court

Dated: 27/4/2013

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. _____ of 2013

Ajmal Khan son of Abdul Karim.....**Appellant**

VERSUS

Govt: of KPK through Secretary, Elementary &
Secondary Education & others.....**RESPONDENTS**

A F F I D A V I T

I, Ajmal Khan S/O Abdul Karim (Appellant),
PST, Govt: Primary School, Gul Khitab Koroona,
Village Umar Zai, Tehsil and District
Charsadda, do hereby solemnly affirm and
declare that the contents of the accompanying
Appeal are true and correct to the best of my
knowledge and belief and nothing has been
concealed from this Honourable Court

Ajmal Khan
DEPONENT

Identified by:

Ghulam Nabi Khan
Ghulam Nabi Khan
Advocate Supreme Court



Better Copy

Government of NWFP
Finance Department
No. SO (FR) 10-22(B)/2005
Dated: 01.10.2007

14

"A"

To

The Secretary to Govt. of NWFP,
Schools & Literacy Department.

Subject: UPGRDATION OF VARIOUS POSTS OF TEACHING/
CAREER STRUCTURE IN SCHOOLS AND LITERACY
DEPARTMENT GOVERNMENT OF NWFP.

Sir,

I am directed to refer to your letter No. SO(G)104/2007 dated 01.10.2007 on the subject noted above and to inform that the Chief Minister NWFP has been pleased to upgraded various posts of teachers in Schools and Literacy Department NWFP as per details given below in respect of those incumbents mentioned against each with immediate effect.

S.No	Designation/ existing Pay Scale	Qualification	Revised Pay Scale
1	Primary School Teacher PST BPS-09	F.A / FSc at least 2 nd Division with PTC/ Diploma in Education	09
2	PST with requisite experience renamed as Head Teacher/ head Mistress of Rprimary School BPS-07	On the basis of 10 years service experience as Primary School Teacher in BPS-09	12
3	C.T BPS-09	B.A : BSc at least 2 nd Division with Diploma in Education/CT	15
4	AWICT Technical Industrial Arts/ Home Economics BPS-09	B.A/ BSc at least 2 nd Division with Diploma in Education/ Certificate from Directorate of Curricium and Teachers Education NWFP Abbottabad in Agro Tech/ Indsutrial Arts Home Economics.	15
5	D.M BPS-09	B.A/ B.Sc at least 2 nd Division with Drawing Master Course.	15
6	PET BPS-09	B.A/ BSC at least 2 nd Division with JDPE.	15

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	Qari/Qaria BPS-07	Hafiz-e-Quran with SSC at least 2 nd Division and Sand in Qirat.	12
8.	SST/SST Teacher/Agri with requisite experience rename Sr. SST/Sr. SST Teacher/Sr. SST Agri BPS-16	M.A./M.Sc at least 2 nd Division with B.Ed. M.Ed/M.A. Education equivalent qualification	17
9.	DPE BPS-16	M.Sc. at least 2 nd division in (HPE)	17

2. The promotion/direct Promotion against the upgraded posts shall be made as per laid down procedure and in accordance with the Service Rules to be framed pursuant to the relevant provisions of NWFP Civil Servants (appointments, Promotion and Transfer) 1989 read with the NWFP Civil Servants Act, 1973 in the light of the meeting held on 26.09.2007 of the committee constituted vide Schools & Literacy Department Notification No. SO(G)S&L/1-4/2007 dated 01.08.2007.

Audit copy may please be prepared and sent to the Department for authentication/signature.

Section Officer (FR)

Endst of even No. & date.

Copy for information & necessary action to:-

1. Accountant General NWFP.
2. Director Schools & Literacy NWFP, Peshawar.
3. Director of Education FATA NWFP, Peshawar.
4. PSO to Chief Minister NWFP.
5. PSO to Chief Secretary NWFP.
6. PS to Secretary Finance Department NWFP.
7. All Distric/agency Accounts Officers in NWFP.

Attes
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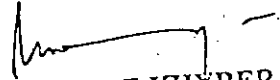
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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all Notifications issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment qualification and other conditions specified in the Appendix to this Notification which shall be applicable to all the posts specified in Column No. 2 of the said Appendix and the schedule therewith.


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

Endst. No. & Date as above.

Copy forwarded to:-

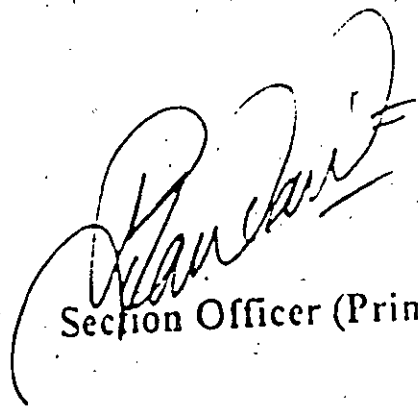
1. The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department.
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law Department.
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa Peshawar.
6. The Director (E&SE) Khyber Pakhtunkhwa Peshawar.
7. The Director Education (FATA), Peshawar.

16

SECRET

SECRET

Director Curriculum & Teachers Education Abbottabad.
Director (PITE) Khyber Pakhtunkhwa Peshawar.
Director ESRU, Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
Deputy Director Database(EMIS) E&SE Department.
District Coordination Officers in Khyber Pakhtunkhwa.
Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
Agency Education Officers FATA.
Governor, Khyber Pakhtunkhwa.
Chief Minister, Khyber Pakhtunkhwa.
Chief Secretary, Khyber Pakhtunkhwa.
Minister E&SE Khyber Pakhtunkhwa Peshawar.
Secretary E&SE Department.
File.



Section Officer (Primary)

APPENDIX

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

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

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Certified Teacher Industrial Arts) 16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Industrial Arts), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Industrial Arts).
19 / Senior Certified Teacher Agriculture) BPS 16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Agriculture), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Agriculture).
Senior Drawing Master BPS 16).		By promotion on the basis of seniority-cum-fitness from amongst Drawing Masters, with at least five years service as such and having qualification as prescribed for initial recruitment of Drawing Master.
Senior Certified Teacher Home Economics) S.C.T BPS 16).		By promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers (Home Economics), with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (Home Economics).
Senior Physical Education Teacher (BPS-16).		By promotion, on the basis of seniority-cum-fitness, from amongst Physical Education Teachers, with at least five years service as such and having qualification as prescribed for initial recruitment of Physical Education Teacher.

Arabic Teacher (AT) BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris; or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Arabic from a recognized University.	20 to 35 years.	By initial recruitment
Theology Teacher (TT) BPS-15).	(i) Second Class Secondary School Certificate, from a recognized Board with Shahdatul Alamia from a recognized Tanzimatul Wafaqul Madaris or Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time; or (ii) Second Class Master's Degree in Islamiyat from a recognized University.	20 to 35 years.	(a) Seventy-five per cent by initial recruitment; and (b) twenty-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Qaris, with at least five years service and having qualification prescribed for initial recruitment of Theology Teacher: <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.
Senior Qari BPS-15).			By promotion, on the basis of seniority-cum-fitness, from amongst Qaris, with at least five years service as such and having qualification prescribed for initial recruitment.
Certified Teacher (General) (BPS-15).	Bachelor's Degree or equivalent qualification from a recognized University with Certified Teacher	18 to 35 years.	(a) Forty per cent by initial recruitment; and

(11/10)

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	Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education.		<p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (General).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
Certified Teacher (Industrial Arts) RPS 15)	<p>(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or</p> <p>(b) Bachelor's Degree from a recognized</p>	18 to 35 years.	<p>(a) Forty per cent by initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher</p>

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Certified Teacher
(Agriculture)
BAs-15.

University with nine months training from any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Industrial Arts).

(Industrial Arts):

Provided that if no suitable candidate is available amongst the Primary School Head Teachers for Promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Industrial Arts).

Note: In case of non availability of suitable person for promotion, then by initial recruitment.

- (i) Bachelor's Degree from a recognized University with one year training in Agriculture from any Government institute or center with nine months training from Government Agro Technical Teacher Training Center of the level of Certified Teacher Agro Technical (Agriculture); or
- (ii) Bachelor's Degree with Agriculture as one of the subject, from a recognized University; or
- (iii) Bachelor's Degree from a recognized

18 to 35 years.

- (a) Forty per cent by Initial recruitment; and
- (b) sixty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Primary School Head Teachers, with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture):

Provided that if no suitable candidate is available amongst the

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Certified Teacher (Home Economics) 15) BPS

	any Government Agro Technical Teacher Training Center of the Level of Certified Teacher, Agro technical (Agriculture).		<p>promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher (Agriculture).</p> <p><u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
	<p>(i) Bachelor's Degree with Home Economics, as one of the subject, from a recognized University with in service training from Government Agro Technical Teacher Training Center; or</p> <p>(ii) Certified Teacher Certificate with Home Economics, as one of the subjects, from any Government Training school or college with Bachelor's Degree; or</p> <p>(iii) Bachelor's Degree from a recognized University with nine months training from Government Agro Technical Teacher Training Center of the level of the Certified Teacher Agro Technical (Home Economics); or</p> <p>(iv) Bachelor's Degree, from a recognized</p>	18 to 35 years.	<p>(a) Forty per cent by Initial recruitment; and</p> <p>(b) sixty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service as such and having qualification prescribed for initial recruitment of Certified Teacher (Home Economics):</p> <p>Provided that if no suitable candidate is available amongst the Primary School Head Teachers for promotion, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of</p>

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<p>University with one year vocational training from any Government training center or institute with nine months training from Government Agro Technical Teacher Training center of the level of certified Teacher Agro Technical (Home Economics).</p>		<p>Certified Teacher (Home Economics). <u>Note:</u> In case of non availability of suitable person for promotion, then by initial recruitment.</p>
<p>for's Degree from a recognized University one year Drawing Master (DM) course</p>	<p>18 to 35 years.</p>	<p>(a) Eighty per cent by initial recruitment; and (b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master: Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Drawing Master. <u>Note:</u> In case of non-availability of suitable candidate for promotion, then by initial recruitment.</p>

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Physical Education
(BPS-15).

Bachelor's Degree from a recognized University with one year junior Diploma in Physical Education course or Army equivalency or other equivalent qualification.

18 to 35 years.

- (a) Eighty per cent by initial recruitment; and
(b) twenty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.

Provided that if no suitable candidate is available for promotion then on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Physical Education Teacher.

Note: In case of non-availability of suitable candidate for promotion, then by initial recruitment.

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Physical Education
(PSHT)

By promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least ten years service and having qualification prescribed for initial recruitment of Primary School Teacher.

Physical Education
(BPS-14).

By promotion, on the basis of seniority-cum-fitness, from amongst Primary School Teachers

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(5)

				with at least five years service as such having qualification prescribed for recruitment of Primary School Teacher.
21.	Primary School Teacher (BPS-12).	(i) Intermediate or equivalent qualification, from a recognized Board with Primary School Teacher Certificate/ Diploma in Education from a recognized Institute; or (ii) Secondary School Certificate, from a recognized Board in second Division with two years Associate Degree in Education from a recognized University.	18 to 35 years.	By initial recruitment on merit at Union C level: provided that if no suitable candidate within the Union Council is available, then the adjacent Union Councils on merit.
22.	Qari (BPS-12).	Intermediate with Hifz-e-Quran and Qirat Sanad from a recognized Institution.	18 to 35 years.	By initial recruitment.

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SCHEDULE

Selection criterion and other conditions for direct recruitment against the below mentioned posts shall be as under:-

Arabic Teacher

Educational Qualification	Total Marks: 100
SSC	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
M.A Arabic / Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris	Marks obtained X 20 / total marks = ____
Other MA/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____
MPhil/PhD	Marks = 05

Theology Teacher

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Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
MA/MSc/M.Ed / MA Edu	Marks obtained X 20 / total marks = ____
M.A Islamiat / Shahdatul Alamia Fil Uloomul Arabia wal Islamia from a recognized Tanzimuatul Wafaqul Madaris	Marks obtained X 15 / total marks = ____
MPhil/PhD	Marks = 05

Qari/Qaria

Category of Qualification	Total Marks 100
SSC	Marks obtained X 20 / total marks = ____
Qirt Sanad from a recognized Institution.	Marks obtained X 20 / total marks = ____
HSSC	Marks obtained X 20 / total marks = ____
BA/BSc	Marks obtained X 20 / total marks = ____
MA/MSc/ M.Ed / MA Edu	Marks obtained X 15 / total marks = ____
MPhil/PhD	Marks = 05

Certified Teacher
(General, Industrial Arts, Agriculture, Home Economics)

Category of Qualification	Total Marks 100 For Humanities group at Intermediate/Graduation - Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
CT Certificate/ Diploma in Education /ADE	Marks obtained X 20 / total marks = ____	
M.Sc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
MPhil/PhD	Marks = 05	

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Drawing Master

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
DM Certificate	Marks obtained X 20 / total marks = ____	
M.A/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
M.Phil/PhD	Marks = 05	

Physical Education Teacher

Category of Qualification	Total Marks 100	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection
HSSC	Marks obtained X 20 / total marks = ____	
BA/BSc	Marks obtained X 20 / total marks = ____	
JDPE or Equivalent Certificate	Marks obtained X 20 / total marks = ____	
M.A/MSc/M.Ed / MA Edu	Marks obtained X 15 / total marks = ____	
M.Phil/PhD	Marks = 05	

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Primary School Teacher

Category of Qualification	Total Marks 100 For Humanities group at Intermediate Level	For Candidate of Science group
SSC	Marks obtained X 20 / total marks = ____	5 Extra marks for FSc, 5 Extra marks for B.Sc and 5 Extra marks for M.Sc will be added to the total score obtained by a candidate during his selection.
HSSC	Marks obtained X 10 / total marks = ____	
B.A/BSc	Marks obtained X 25 / total marks = ____	
PST Certificate/ Diploma in Education / ADE.	Marks obtained X 20 / total marks = ____	
MA/MSc/M.Ed / MA Edu.	Marks obtained X 20 / total marks = ____	
MPhil/PhD	Marks = 05	

Other conditions:-

1. The concerned Appointing Authority will scrutinize and verify the documents and make the appointment as per prescribed rule and the will get the documents verified after the issuance of appointment orders within shortest possible time, not exceeding ninety (90) days.
2. The merit list prepared by the concerned appointing authority shall be displayed for ten days to receive the objections/appeals, if any, and shall issue the final merit list after making necessary corrections while addressing the observations/objections/appeals, followed by requisite appointment orders.
3. In case a document(s) is/are found fake/ forged/ bogus upon scrutiny/ verification, the service of the teacher concerned shall be terminated and the amount paid to him as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery/fraud under the relevant law.
4. Dari Asnad from recognized Tazeemat-ul-Wafaqul Madaris, Darul Uloom Saidu Sharif Swat, Darul Uloom Charbagh Swat, Darul Uloom Chitral, Darul Uloom Darosh Chitral and any other Government run Darul Uloom, as notified by the Government from time to time will be acceptable for the purpose of appointment against the posts of Arabic Teachers or Theology Teachers, as the case may be.



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Writ Petition No: 256-P of 2013

1. Ajmal Khan son of Abdul Karim, Primary School Teacher(PST), Govt: Primary School, Gul Khitab Koroona, Village Umar Zai, Tehsil and District, Charsadda.
2. Dost Mohammad son of Gul Mohammad (late), Primary School Teacher(PST), Govt: Primary School, Sheikh Munaf Kilay, Village Umar Zai, Tehsil and District, Charsadda.
3. Tayyab Jan son of Abdul Rab, Primary School Teacher(PST), Govt: Primary School, Papra, Village Turangzai, Tehsil and District, Charsadda.
4. Mst. Ameena Gul wife of Tayyab Jan, Primary School Teacher(PST), Govt: Girls Primary School, Khat, Village Turangzai, Tehsil and District, Charsadda.
5. Mohammad Hayat khan son of Samar Qand, Primary School Teacher(PST), Govt: Primary School Turangzai, Tehsil and District, Charsadda.
6. Mushtaq Ahmad son of Wali Mohammad, Primary School Teacher(PST), Govt: Primary School Turangzai, Tehsil and District, Charsadda.

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Peshawar High Court

7. Mohammad Khan son of Faiz Mohammad, Primary School Teacher(PST), Govt: Primary School Turangzai, Tehsil and District, Charsadda.
8. Zahid Khan son of Fazal Rauf, Primary School Teacher(PST), Govt: Primary School Khat, Turangzai, Tehsil and District, Charsadda.
9. Azam Khan son of Faqir Mohammad, Primary School Teacher(PST), Govt: Primary School Khat, Turangzai, Tehsil and District, Charsadda.
10. Mukamil Shah son of Mian Hasamud Din, Primary School Teacher(PST), Govt: Primary School Sheikhan, Nissatta, Tehsil and District, Charsadda.
11. Mohammad Karim son of Fazal Karim, Primary School Teacher(PST), Govt: Primary School Mulyano Kilay, Turangzai, Tehsil and District, Charsadda.
12. Nawaz Ahmad son of Bashir Ahmad, Primary School Teacher(PST), Govt: Primary School Jalal Kilay, Turangzai, Tehsil and District, Charsadda.
13. Riaz Mohammad son of Wali Mohammad, Primary School Teacher(PST), Govt: Primary School Katti Kan, Utmanzai, Tehsil and District, Charsadda.
14. Mohammad Riaz son of Wali Khan, Primary School Teacher(PST), Govt: Primary School Katti Kan, Utmanzai, Tehsil and District, Charsadda.

15. Abdul Wadood son of Akbar Shah, Primary School Teacher(PST), Govt: Primary School No. 1, Utmanzai, Tehsil and District, Charsadda.
16. Maqbool Shah son of Mehmood Shah, Primary School Teacher(PST), Govt: Primary School Tariq Abad, Utmanzai, Tehsil and District, Charsadda.
17. Akbar Shah son of Khan Said, Primary School Teacher(PST), Govt: Primary School Shah Nawaz Khan, Utmanzai, Tehsil and District, Charsadda.
18. Farhad Khan son of Nobat Khan, Primary School Teacher(PST), Govt: Primary School Haleem Abad, Utmanzai, Tehsil and District, Charsadda.
19. Ghuncha Gul son of Didar Gul, Primary School Teacher(PST), Govt: Primary School Landay Shah, Sardheri, Tehsil and District, Charsadda.
20. Mohammad Sher son of Mohammad Amin, Primary School Teacher(PST), Govt: Primary School Dheri Koroona, Tehsil and District, Charsadda.
21. Fazal Ghani son of Fazal Raheem, Primary School Teacher(PST), Govt: Primary School Kooda Khel, Sardheri, Tehsil and District, Charsadda.
22. Jan Pervez son of Sahib Shah, Primary School Teacher(PST), Govt: Primary School Pordil Abad, Umarzai, Tehsil and District, Charsadda.

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23. Sabit Shah son of Ghandal Khan, Primary School Teacher(PST), Govt: Primary School Amwar Mahal, Utmanzai, Tehsil and District, Charsadda.

24. Sajid Ali son of Dilawar Khan, Primary School Teacher(PST), Govt: Primary School Jagga Koroona, Shakar Dhand, Sardheri, Tehsil and District, Charsadda.

25. Atta-ur-Rehman son of Saedullah Jan, Primary School Teacher(PST), Govt: Primary School Shalmano Kilay, Umarzai, Tehsil and District, Charsadda.

(PETITIONERS)

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education Department, Civil Secretariat, Peshawar.
2. Govt: of Khyber Pakhtunkhwa through Secretary, Finance Department, Civil Secretariat, Peshawar.
3. Govt: of Khyber Pakhtunkhwa through Secretary, Establishment Department, Civil Secretariat, Peshawar.
4. Director, Elementary & Secondary Education, Govt: of Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973

Respectfully Sheweth:

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

W.P. No. 256 of 2013

JUDGMENT

Date of hearing..... 12-3-2013
Appellant/Petitioner (s) (Ajmal Khan & others) by Mohd. Tahir Za
Adil

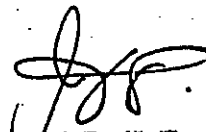
Respondent (s) (Govt + KPK) by Mr. Naveed Akh. Tahir
A.A.

DOST MUHAMMAD KHAN, C.J.- For


reasons recorded in our detail judgment of
today's date in the connected Writ Petition
No.3441-P of 22012, this Writ Petition Stands
disposed of.

Dated:12.3.2013


CHIEF JUSTICE.


JUDGE

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Examiner
Peshawar High Court Peshawar
Authorised under Article 87 of
The Qanun-e-Shariat Order 1984
19/3/13

14/11/13

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR.
JUDICIAL DEPARTMENT

W.P. No. 3411 of 2012

JUDGMENT

Date of hearing..... 12-3-013

Appellant/Petitioner (s).. (Pls. Badshah & others) by Mr. Shah Nawaz Adil

Respondent (s). (Govt of KPK through Chief Secy) by Mr. Naveed Akhtar AAG.

DOST MUHAMMAD KHAN, CJ.- This single judgment shall decide Writ Petitions Nos.3441-P, 3540-P/12, 256-P,83-P,590-P,221-P and 182-P of 2013 because common question of law-is involved therein.

2. The petitioners in this and in the connected writ petitions have questioned the amendment in the service rules which, according to all the petitions, are prejudicial to their vested rights accrued to them during the course of their service and because of those amendment they have suffered a setback in the matter of promotion and further benefits.

3. In view of the judgments of the apex Court as well as this Court, it is clear that whenever a matter relating to a terms and conditions of civil service including the question of vires of law or rules or mala fide action, the Service Tribunal has the exclusive jurisdiction in the matter, however, due to the inadvertence of

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Peshawar High Court

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the office these writ petitions were entertained and even by the different Benches, the petitioners shall not suffer for that. As this Court has no jurisdiction in the matter, hence these petitions are sent to the Departmental Appellate Authority with the direction to treat these petitions as pending appeals/representations under the service law and rules and decide them in accordance with the law laid down by the apex Court in the case of Hameed Akhtar Niazi-Vs-The Secretary, Establishment Division, Government of Pakistan and others (1996 SCMR 1185). With the above observations, this and the connected writ petitions are disposed of accordingly.

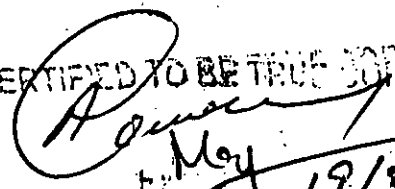
Dated:12.3.2013


CHIEF JUSTICE.


JUDGE

13253

Date of Presentation of Application 19/3/13
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Total 8
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Peshawar Authority
The () of the Government of Punjab
19/3/13



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No. SO(PE)2-8/DSC/2013

Dated Peshawar the 12-04-2013.

"C-1"
"11"

37-1

To

- i). Pir Said Badshah Primary School Teacher
Government Primary School, Afghan Colony Peshawar City.
 - ii). Mohammad Younas Primary School Teacher
Government Primary School, Afghan Colony Peshawar City.
- & others.

Subject:- Writ Petition Nos. 3441-P of 2012, 83-P, 182-P, 221-P, 256-P & 590-P of 2013.


I am directed to refer to letter No.3650/Judl dated 20-03-2013, received from Additional Registrar Peshawar High Court, along with all annexures and copies of Judgment, on the subject noted above wherein the court has directed as under:

"As Court has no jurisdiction in the matter, hence these petitions are sent to the Departmental Appellate Authority with the direction to treat these petitions as pending appeals/representations under the service law and rules and decide them in according with the law laid down by the apex Court in the case of Hameed Akhtar Niazi VS the Secretary Establishment Division of Pakistan and other 1996 SCMR 1185 SCMR 1185. With the above observations, this and the connected writ petitions are disposed of accordingly."

2. Accordingly, appeals of above named PSTs were considered/examined at appropriate level in the light of relevant applicable law, rules and policy and it was observed that the prescribed/requisite qualification for promotion of PSTs(BS-12) to BS-14 & BS-15 is,

"Intermediate or equivalent qualification from a recognized Board with Primary School Teaching Certificate/Diploma in Education from a recognized institute or Secondary School Certificate from a recognized Board in second Division with 3 years Diploma in elementary education from a recognized institute", as enshrined in the service rules, notified vide No.SO(PE)4-5/SSRC/Meeting/2011/Teaching Cadre dated 18-01-2011 while the petitioners are matriculate and hence lack the requisite qualification for promotion to next higher scale.

3. Therefore, the competent authority in E&SE Department has been pleased to regret/reject appeals of the above-mentioned PSTs with the above observations.



(HINA SAEED)

SECTION OFFICER (PRIMARY)

Copy of the above is forwarded for information to:

- i) The Additional Registrar Peshawar High Court.
- ii) The Director E&SE Peshawar.
- iii) District Education Officers concerned.


SECTION OFFICER (PRIMARY)

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Islamabad, the 24th April 2012

OFFICE ORDER

In continuation of Federal Directorate of Education's office order of even number dated 18.05.2011, consequent upon one time waiver in the conditions of qualification/experience granted by the Prime Minister vide U. O. No. 3759/PSPM/2012 dated 24.02.2012, as conveyed by the Capital Administration & Development Division vide No.F.4-23/2011-(Education) dated 23.04.2012 and on the recommendations of Departmental Promotion Committee meeting held on 24.04.2012, the following Matric Trained Teachers (BS-09) are promoted to the upgraded post of Elementary School Teacher (BS-14) w.c.f. 01.01.2011:

S.#	NAME	DATE OF BIRTH	INSTITUTION
1	ZAINAB BIBI	01.02.1953	IMS (I-V) G-6.1/2, IBD.
2	RUKHSANA JABEEN	08.12.1954	IMSG.G-6-7/4, IBD.
3	RIFAT RAANA	01.07.1953	IMSG (I-X).DHOKE GANGAL
4	KAUSAR PARVEEN	04.04.1954	IMSG (I-X). DHOKE GANGAL
5	ABIDA PARVEEN	22.10.1955	IMS (I-V). HOON DHAMIAL
6	FUKHRAJ BEGUM	01.07.1956	IMSG (I-X). DHOKE GANGAL
7	SAJIDA BIBI	05.02.1956	IMSG (I-X), G-9/1, IBD
8	GHULAM FIZA	30.03.1954	IMS (I-V) No.2, G-6/1
9	FAREHANDA MASOOD	13.05.1953	IMSG (I-V).HOON DHAMIAL.
10	SAEEDA KHATOON	15.08.1953	IMSG (I-X). I-10/4, IBD.
11	GHULAM SAKINA	13.04.1954	IMSG (I-V).DHOKE HASHU (FA)
12	NAJMA BIBI	22.06.1953	IMSG (I-V) G-6/4, IBD
13	AMINA BEGUM	23.07.1953	IMS (I-V). KOT HATHIAL
14	KHURSHID AKHTAR	15.05.1952	IMS (I-V). PIND PARACHA
15	KAUSAR SULTANA	02.01.1956	IMS (I-V).G-7. 3/1,IBD.
16	SURRAYYA BANO	02.06.1954	IMS (I-V). NO.5, G-10/2 IBD.
17	MASOODA AZIZ	06.06.1954	IMS (I-V). BOOKA BANGIAL
18	GULFOOZ AKHTAR	14.08.1953	IMS (I-V). UPPRA GHORA
19	GUL-E-NASREEN	04.12.1953	IMSG (I-X). SANG JANI (FA)
20	SHAMSHAD BEGUM	02.09.1954	IMSG (I-VIII),S. F-7.4, IBD.
21	PARVEEN AKHTAR	01.08.1956	IMSG (I-VIII) No.49,I-10/1
22	RUKHSANA-TANVEER	14.05.1953	IMSG (I-V). MOHRI MUGHAL (FA)
23	ZAHIDA PARVEEN	03.02.1957	IMSG (I-V). MOHRI MUGHAL (FA)
24	SHAGUFTA SHAHEEN	02.06.1956	IMSG (I-X). UNIVERSITY COLONY
25	NASIM AKHTAR	15.02.1954	IMS (I-V) No. 3, E-3
26	NAJMA YASMEEN	11.10.1955	IMS (I-V). NO.3, IBD.
27	RASHIDA YASMEEN	01.04.1955	IMS (I-V). G-7.1, IBD.
28	RUKHSANA TARIQ	03.09.1955	IMS (I-V).NO.49, I-10/1, IBD
29	SHAHIDA PARVEEN	01.01.1956	IMS (I-V). KOT HATHIAL (FA)
30	SYEDA NASREEN AKHTAR	20.08.1959	IMS (I-V).NO.40, I-10/1
31	SAMIA HANAN	13.12.1959	IMS (I-V).G-7. 3/1, IBD
32	SABIRA ASHFAQ KAZMI	19.12.1953	IMSG (I-X).PIND PARACHA (FA)
33	FADIRA BEGUM	13.02.1957	IMS (I-V).G-7.1, IBD.
34	NASIM AKHTAR	05.01.1957	IMS (I-V).NO.49, IBD.
35	BUSHRA KHANUM	15.10.1952	IMS (I-V).G-6.1-2, IBD.
36	JOSEPHIN YOUNIS	04.01.1953	IMS (I-V) No.7,G-7/3-3
37	AZMAT UN NISA	16.10.1953	IMSG (I-V). DHALIALA (FA)
38	SAFIA SULTANA	10.05.1959	IMS (I-X). G-8.4, IBD.
39	MUNAZA GUL	20.05.1955	IMS (I-V).PIND SIHALA (FA)
40	GHAZALA YASMEEN	15.04.1958	IMS (I-X). POORPUR SHAHAN (FA)
41	RAZIA ZAMAN	16.12.1959	IMS (I-V).G-7.2, IBD.
42	RUKHSANA YASMEEN	02.05.1962	FIMS (I-V).NO.36, IBD.

Principal
I.M. 3 for Girls (I-X)
Sara Syedan (FA) Islamabad

	RASHIR	24.2.1974	IMS (I-V), G-8/1
	KAUSAR	6.6.1975	IMSG (I-X), NOORPUR SHAH.
	BIBI	14.5.1985	IMS (I-V) G-6/2
	SUMAIRA CHOHAN	18.4.1984	IMS (I-V), G-11/1
	SADIA HAYAT	28.12.1983	IMSG (I-X), Pungran
588	AMTIAZ AKBA	3.7.1979	IMSG (I-X), P.E. G-5
589	GHULAM SUGHRA	03-07.1975	IMSG (I-X), PIND MALKAN
590	RASHIDA PARVEEN	2.5.1986	IMSG (I-X), CHAKSHEHZAD
591	QUIDSIA RAJAB-TUNIO	1.1.1981	IMSG (I-V), DHOK JERANI
592	TAHIRA JABEEN	14.01.1984	IMSG (I-V) PIND BEGWAL
593	NAZIA NARGIS	13.8.1971	IMSG (I-X), BADAI QADIR BAKHSI
594	FARZANA NASRULLAH KHAN	01.04.1974	IMSG (I-X) JAGIOT (FA)
595	GHULAM FATIMA	17.04.1974	IMSG (I-V) Severa
596	UZMA KHAN	14.10.1976	IMS (I-V) G-7/4
597	MUSSARAT SHAHEEN	06.08.1985	IMSG (I-X) GAGRI
598	ZAIB UN NISA	05.04.1982	IMSG (I-V) Kot Hatyal
599	TASLEEM AKHTAR	04.04.1959	IMSG (I-V), MOHRAN (FA)
600	ASMA ASHFAQ	18.03.1981	IMS (I-V) E-7/4
601	BUSHRA AZIZ	12.07.1974	IMSG, Pind Pracha (FA)
602	SHAISTA BIBI	10.11.1975	IMSG (I-X) Dhoke Gangal
603	SHEEBA NAZ	02.03.1984	IMSG (I-X) Humak
604	FOZIA SIDDIQUE	01.01.1978	IMSG (I-X) Humak
605	MUKHTIAR BEGUM	01.04.1976	IMSG (I-V) Peija
606	SAMINA SALEEM AWAN		IMSG (I-V) Peija

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2. The teachers working on deputation to other Departments from FDE will be considered for promotion on joining their parent department i.e. FDE.

3. The seniority of EST (BS-14) will be determined as per Civil Servants (Seniority) Rules, 1993.

4. This issues with the approval of Director General, FDE.

(Dr. Syed Tajammal-Mussain Shah)
Director Schools (Female)

Distribution:

- i. AGPR, Islamabad
- ii. PS to Secretary, CA&DD
- iii. PA to Joint Educational Advisor, CA&DD
- iv. PS to DG, FDE
- v. Director (A&C), FDE
- vi. All AEO's
- vii. All Heads of Institution
- viii. Teachers concerned
- ix. Personal Files

(Riasat Ali)

Administrative Officer (Female)

Principal
I.M.S for Girls (I-X)
Syedan (FA) Islamabad

**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION KHYBER
PAKHTUN KHWA, PESHAWAR**

Notification

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D-1

Consequent upon the approval of the departmental promotion committee (DPC) meeting held on 07/08/2012, the following assistants/stenographers of Elementary & Secondary Education Department are hereby promoted/adjusted as regular superintendents/budget & Accounts Officers (B-16) in the interest of Public Service with immediate effect.

S/No	Name & Designation	From	Promoted as	Remarks
1	Almas Khan Stenographer	Directorate E&SE, Khyber Pakhtun Khwa	Supdt: Estt: Directorate E&SE, K/Pakhtun Kha	Already Occupied
2	Sher Malik Assistant	AEO Mohammad	Services Placed at the disposal of DE (FATA) Peshawar for further.	
3	Mohammad Ashiq Assistant	EDO (E&SE) Abbotta Abad	EDO (E&SE) Batagraam	Against Vacant Supdt post B-16
4	Amanullah Assistant	EDO (E&SE) Tank	EDO (E&SE) Hangu	Against Vacant Supdt post B-16
5	Mohammad Ilyas Assistant	EDO (E&SE) Haripur	EDO (E&SE) Kohistan	Against Vacant. Supdt post B-16
6	Nauman Ud Din Assistant	RITE (F) Bannu	EDO (E&SE) Hangu	Against Vacant Supdt post B-16
7	Altaf Hussain Assistant	EDO (E&SE) Abbotta Abad	EDO (E&SE) Battagraam	Against Vacant Supdt post B-16
8	Muhammad Ismail Assistant	RITE (F) D.I. Khan	EDO (E&SE) Karak	Against Vacant Supdt post B-16
9	Ibrahim Assistant	EDO (E&SE) Nowshera	DDO (F) Dir Upper	Against Vacant Supdt post B-16
10	Abdul Tamim Assistant	Directorate (E&SE) Khyber Pakhtun Khwa	DDO (M) Buner	Against Vacant Supdt post B-16
11	Saidul Israr Assistant	RITE (MO Thana)	EDO (E&SE) Swat	Against Vacant Supdt post B-16
12	Khadim Shah Assistant	EDO (E&SE) Charsadda	DDO (F) Timargara	Against Vacant Supdt post B-16
13	Sanaullah Assistant	DDO (F) Swabi	EDO (E&SE) Swat.	Against Vacant Supdt post B-16
14	Habib Aslam Assistant	EDO (E&SE) Mardan	EDO (E&SE) Kohistan	Against Vacant Supdt post B-16
15	Rahim Khan Assistant	EDO (E&SE) Swat	EDO (E&SE) Swat	Against Vacant Supdt post B-16
16	Jamshed Khan	EDO (E&SE) Swat	DDO (M) Timargara	Against Vacant Supdt post B-16

(41)

17	Sheikh AmanUllah	EDO (E&SE) D.I Khan	EDO (E&SE) D.I Khan	Against Vacant Supdt post B-16
18	Irshad Muhammad	EDO (E&SE) Swat	EDO (E&SE) Dir Upper	Against Vacant Supdt post B-16
19	Abdul Wadood	EDO (E&SE) Chitral	EDO (E&SE) Chitral	Against Vacant Supdt post B-16
20	Abdul Wadood	EDO (E&SE) Swat	EDO (E&SE) Karak	Against Vacant Supdt post B-16
21	Zubair Muhammad	EDO (E&SE) Swat	EDO (E&SE) Shangla	Against Vacant Supdt post B-16
22	Mukamil Khan	Directorate (E&SE) K/Pakhtun Khwa	DDO (M) Wari Dir	Against Vacant Supdt post B-16
23	Shamsur Rahman	Directorate (E&SE) K/Pakhtun Khwa	EDO (E&SE) Kohat	Against Vacant Supdt post B-16

Note

1. Charge report should be submitted to all concerned.

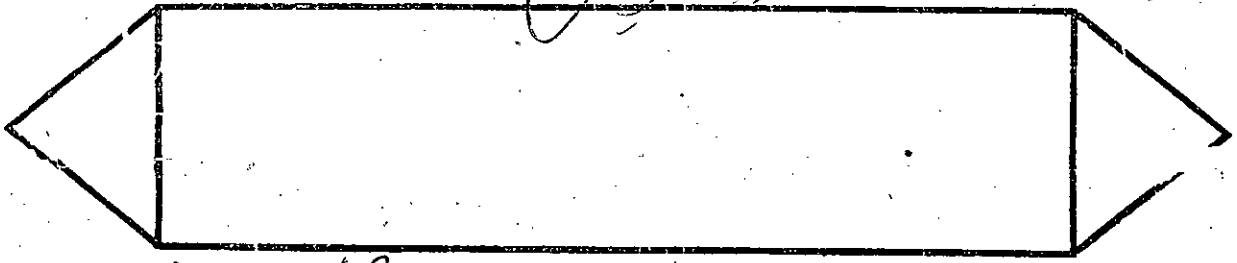
(Muhammad Rafiq Khattak)
DIRECTO

Endst: No. 612.52/A.23/MS/Promoted/Adjuste/2012, detail Peshawar the 02/08/2012 copy of the above forwarded to the:

1. PS to Minister for Elementary & Secondary Education Department K/Pakhtun Khwa.
2. PS to Secretary Govt of Khyber Pakhtun Khwa Elementary & Secondary Education Department.
3. Director Curriculum & Teachers Education Khyber Pakhtun Khwa Abbatta Abad.
4. Director of Education (FATA) Peshawar.
5. Director Provincial Institute of Teachers Educ: Khyber Pakhtun Khwa Peshawar.
6. Accountant General Khyber Pakhtun Khwa Peshawar.
7. District Accounts Officers Concerned:
8. Agency Accounts Officers Concerned:
9. Executive District Officers (E&SE) Concerned.
10. Agency Education Officers Concerned.
11. Deputy District Officer (E&SE) Concerned.
12. Superintendents Concerned.
13. PA to Director Elementary & secondary Edu: Khyber Pakhtun Khwa Peshawar.
14. PA to Additional Director (Estt) & (Dey) local office.
15. Master file.

Deputy Directory (E&SE)

بعد التمرین



13 2020ء منجانب

بنام

الکلیف

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام کیلئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کہ مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 29 2020ء

ماہ اپریل

20

واہ

کے لئے منظور ہے۔

بمقام

بمقام

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL No: 821/2013.

Ajmal Khan PST GPS Gul Khitab District CharsaaddaApplicant

VERSUS

The Secretary Elementary & Secondary Education Department Khyber Pakhtunkhwa, Peshawar & others -----Respondents

PARAWISE COMMENTS/REPLY FOR AND ON BEHALF OF THE RESPONDENTS

No: 1, 2, 3 & 4.

Respectfully Sheweth:-

Preliminary objections

- 1 The appellant has no cause of action/locus standi.
- 2 The instant appeal is badly time barred.
- 3 The appellant has concealed the material fact from this Hon! able Tribunal hence liable to be dismissed.
- 4 The appellant has not come to Hon! able Tribunal with clean hands.
- 5 The present appeal is liable to be dismissed for non joinder/mis-joinder of necessary parties.
- 6 The appellant has filed the instant appeal on malafide motives.
- 7 The instant appeal is against the prevailing laws & rules.
- 8 The appellant is estopped by his own conduct to file present appeal.
- 9 The instant appeal is not maintainable in the present form & also in the present circumstances of the issue.
- 10 This Hon !able Tribunal has no jurisdiction to adjudicate the present appeal.
- 11 The appellant has not submitted any departmental appeal through proper channel and in accordance with Section -22 of Khyber Pakhtunkhwa Civil Servant Act 1973 and civil servant appeal rules 1986. Hence the present appeal is not tenable and liable to be dismissed.
- 12 That the rule 3(2) of Khyber Pakhtunkhwa Civil Servant (appointment, Promotion and Transfer) rules 1989, authorize the department to lay-down the method of appointment, qualification and other conditions applicable to the post in consultation with the Establishment & Administration Department and Finance Department. Hence the appeal in hand is liable to be dismissed.
- 13 That it was observed by the Apex Court that it is exclusively with in the domain of the government to decide whether a particular qualification will be considered sufficient for promotion from a particular grade and it is also with in the domain of the government to change the above policy from time to time as no body can claim any vested right in the policy.

0-10
10-03-11

ON FACTS

- 1 This Para pertains to the service record of the appellant. While the appellant has not presented his appointment order and attested copy of service book, hence no comments.
- 2 As replied in Para above.
- 3 Incorrect & denied. The previous recruitment policy, rules & qualifications are amended by the government and enhance the qualification and standard for recruitment and promotions in order to maintain efficiency in service, in consultation with establishment and Finance Department, under the rules 3(2) of Khyber Pakhtunhwa Civil Servant (appointment, Promotion and transfer) rules 1989, on 13/11/2012 as annexure "B" of the appeal).
- 4 The mentioned rules and qualification in this Para are applicable to those fresh candidates direct recruitment having the age 18-35 years and intends to enter in the E&SE Department as PST BPS-12, While the appellant has 32-years service.
- 5 Incorrect. The mentioned policy of 2007 is replaced by recruitment and promotion rules vide notification dated 13/11/2012 under the rules on the subject.
- 6 This Para pertains to record and with out my documentary proof, hence denied.
- 7 Incorrect and denied. The rules/qualification mentioned in this Para are not related to the appellant being PST. The qualification and other condition mentioned in this Para relates to senior PSTs BPS-14 and their promotion to Head Teacher post BPS-15 in E&SE Department. It would not be out of place to mention here that under the said rules/policy hundreds of PSTs have already been upgraded/promoted to senior PST, and Head Teacher post and the same are not impleaded in the present petition.
- 8 Correct to the extent that respondent department notified the rules for the recruitment and promotion for the teachers of various cadres dated 13/11/2012, in accordance with the prevailing law, rules on the subject and to improve/enhance the quality education in the best interest of Public while other contents of this Para are incorrect, misleading one and denied.
- 9 Incorrect and not admitted. No civil servant has legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32-years service, being connected/attached with teaching profession.
- 10 Incorrect & not admitted. The statement of the appellant in this Para is against principle of natural justice, merit and without any cogent/legal ground or proof, against law, rules in-vogue hence denied.
- 11 Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic & professional qualification, and the same is against norms of natural justice and merit.
- 12 This Para pertains to the court record which needs no comments, while the judgment of the Hon! able High Court as mentioned in this Para has already been implemented vide the letter dated 12/4/2013, (annexure "C-I" of the appeal).
- 13 As replied in Para-12 above.
- 14 Incorrect & not admitted. The present appellant does not fall within the definition of aggrieved person and there is no reason for the petitioner to be aggrieved from the mentioned prevailing policy dated 13/11/2012. While the appellant did not implead the *teachers* upgraded/promoted under the said rules and those having the higher qualification than appellant and waiting for promotion. Hence the appellant has no cause of action/ locus

standi to invoke the jurisdiction of this Hon' able Tribunal, hence the appeal in hand is liable to be dismissed inter alia on the following grounds:-

GROUND.

- A Incorrect and not admitted. The statement of the appellant is baseless, false and based on malafide motives, against the law, rules & policy on the subject in vogue, hence denied.
- B Incorrect and not admitted. How it can be justified that the appellant possessing only SSC, be treated on equal footing with other PST teachers having higher academic & professional qualification, and the same is against norms of natural justice and merit.
- C Incorrect & not admitted. No one has been treated discriminately . The statement of the appellant in this Para is baseless against the law & rules on the subject and against principle of justice. No civil servant has a legal and vested right in promotion and policy as held by the apex court while the government has the right to enhance the qualification and standard for recruitment and promotion in order to maintain efficiency in service and to improve/ uplift the standard and quality of education, in best interest of public. The appellant himself is responsible for not improving his academic qualifications, teaching skills during his 32 years service, being connected/attached with teaching profession.
- D As replied in Para above.
- E Incorrect & not admitted. The acts of the respondents are legal & lawful & in accordance with the constitution.
- F Incorrect & not admitted. The mentioned notification is in accordance with law & rules.
- G Incorrect & not admitted. Clerks & PST teachers are two different cadres having different jobs duties & responsibilities. Hence their rules, procedure of recruitment & qualification shall also be different. Hence denied. Moreover the respondents seek the permission of this Honorable Court to adduce more grounds & proofs at the time of argument

In view of the above submission, it is requested that this Hon' able Tribunal may very graciously be pleased to dismiss the appeal with cost in favour of the respondent Department.


Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.


Secretary

Govt: Of Khyber Pakhtunkhwa,
Establishment Department, Peshawar,


Secretary

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


Secretary

Govt: Of Khyber Pakhtunkhwa,
(Finance) Department, Peshawar,


Secretary