

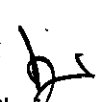



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 487 /2015

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 25.05.2015 | <p>The appeal of Mr. Musthaq Ahmad resubmitted today by Mr. Abdul Ghaffar Khan Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 27-5-15 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-5-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| 3 | 29.05.2015 | <p>None present for appellant. Notice to counsel for the appellant be issued for preliminary hearing for 12.6.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p> |
| 4 | 12.06.2015 | <p>Counsel for the appellant present. Seeks adjournment. Adjourned to 3.7.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p> |

03.07.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant is serving as Senior Qari (BPS-15) and entitled to promotion as SST (BPS-16) on his qualification of B.A, B.Ed but vide impugned policy dated 23.12.2013 the conditions of second division in Bachelor Degree was introduced affecting the terms and conditions of service of the appellant regarding which he preferred departmental appeal on 4.9.2014 which was not responded whereafter the appellant preferred writ Petition which was disposed of on 17.3.2015 on the ground of jurisdiction and hence the instant service appeal on 8.5.2015.

Appellant Deposited
Security & Process Fee



That the appellant is entitled to promotion as SST (BPS-16) and that the condition introduced at eleventh hour of the promotion of the appellant in the policy dated 23.12.2013 is against facts and law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.9.2015 before S.B at Camp Court A/Abad as the appeal pertains to the territorial limits of Hazara Division.


Chairman

15.9.2015

Appellant in person and Mr. Bakhshesh Elahi, Assistant alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Requested for adjournment. To come up for written reply/comments on 14.12.2015 before S.B at Camp Court A/Abad.


Chairman
Camp Court A/Abad

14.12.2015

Appellant in person and Mr.Said Badshah, ADO alongwith Mr.Muhammad Siddique, Sr.G.P for respondents present. Written statement submitted. Appellant, however, submitted application for withdrawal of his service appeal and also requested for withdrawal of the same.

In view of the application of the appellant and his request and affirmation of the said application before Court, the appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
14.12.2015


Chairman
Camp Court A/Abad


14.12.15

The joint appeal of Mr. Mushtaq Ahmad son of Haji Sultan Muhammad GHS Galham Distt. Haripur received to-day i.e. on 08/05/2015 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Memorandum of appeal may be got signed by the appellant.
- ✓ 2- Copy of provisional seniority list mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- ✓ 3- Copy of policy/rules against which appellant filed the present appeal is not attached with the appeal which may be placed on it.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each appeal be submitted.

No. 694 JS/11

Dt. 11/5/2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Ghaffar Adv. Pesh.

Re-submitted after doing the needful & placed before this Hon'ble Tribunal for disposal. Copy of seniority List is at Page No. 13 to 20 in which the appellant is at S.# 50 of the list.

(Advocate)

- Copy of Rules/Policy is at Page # 24 to 30 of the case file

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 487 /2015

Mushtaq Ahmad.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

through Secretary Education and others..... Respondents

I N D E X

| S.No. | Description of documents. | Annexure | Pages. |
|-------|--|----------|--------|
| 1. | Service Appeal | | 1-5 |
| 2. | Affidavit. | | 6 |
| 3. | Application for condonation of delay alongwith affidavit | | 7-8 |
| 4. | Addresses of the parties. | | 9 |
| 5. | Copy of service certificate | | 10-12 |
| 6. | Copy of ██████████ seniority list | | 13-20 |
| 7. | Copy of departmental appeal | | 21-23 |
| 8. | Copies of impugned policies/ notifications | | 24-30 |
| 9. | Copy of grounds of writ petition and judgment | | 31-47 |
| 10. | Power of Attorney | | 48 |


Appellant

Through


Abdul Ghaffar Khan Mohmand
Advocate High Court
Peshawar.

Off: 306 Isa Khel, Plaza,
Hashtnagri, G.T. Road, Peshawar.

Cell: 0300-5956376

Dated: 8/5/015

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 487 /2015

A. W. P. Province
Service Tribunal

Diary No. 470

Dated 08-5-2015

Mushtaq Ahmad son of Haji Sultan Muhammad

Govt. High School Galham District Haripur.....Appellant

Versus

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Education, KP at Civil Secretariat, Peshawar.
- 2) Director of Education Khyber Pakhtunkhwa at Dabgari Garden, Peshawar.
- 3) District Education Officer, Haripur..... Respondents

Service Appeal u/s 4 of KPK Service Tribunal Act, 1974 against the impugned policy of respondents dated 23.12.2013, whereby appellant has been deprived/dropped from promotion to the post of SST (BPS-16)

Prayer

On acceptance of this appeal. this Hon'ble Tribunal may kindly be pleased to declare the imposition of the condition of "2nd division in Bachelor degree" as illegal, without lawful authority, besides being malafide and of no legal effect.

Moreover the respondents be directed to consider the appellant for promotion to the post of S.S.T. BPS-16 on the basis of seniority-cum-fitness.

Filed to-day

8/5/15

Re-submitted to-day
and filed

25/5/15

Respectfully submitted;

1. That the appellant is a law abiding and peaceful citizen of the country.
2. That the appellant is serving as "Senior Qari BPS-15" in the Education Department since 01.06.1995. (Copy of service certificate is annexed).
3. That the appellant while entering in the service was sanguine that after some time he will be promoted to the post of S.E.T. BPS-16 now renamed as S.S.T. BPS-16 according to the existing rules/ procedure for promotion.
4. That the appellant after improving his qualification according to the requirements for promotion to the post of S.S.T. B-16, had matured his services and reached to the ceiling of his post and was about to be promoted.
5. That in the meanwhile the respondents invited applications/ documents for departmental promotion against the post of S.S.T. BPS-16.
6. That the appellant having prescribed experience/ qualification also applied for promotion to the post of S.S.T. B-16 and stood "2nd" in seniority list in the whole district but during the final D.P.C., the appellant was dropped from the promotion list due to "3rd division" in B.A. (Copy of provisional seniority list is annexed).
7. That there was no condition of "2nd division in B.A" for departmental promotion to S.S.T. prior to the present policy but the only criteria for departmental promotion was seniority-cum-fitness, like promotion in other departments and several teachers of that time have been promoted to BPS-16 without any hurdle in their promotion.

8. That the appellant made a departmental appeal to respondent No.2 in this regard but of no avail. (Copy of departmental appeal is annexed).
9. That having no other efficacious remedy available, the appellant approached the Peshawar High Court, Peshawar vide W.P.No.2948-P/2014, but the same was disposed off with the direction to approach the competent forum i.e. this Hon'ble Tribunal. (Copy of Writ petition and judgment is annexed)
10. That now the appellant approaches this Hon'ble Tribunal for the redressal of his grievances on the following grounds:-

GROUND:

- a) That the said acts of the respondents by dropping the appellant from the promotion list on the basis of "3rd division" in BA is against law, facts, constitution and material available on record.
- b) That condition of "2nd division" Bachelor degree for promotion to S.S.T. in the notifications/ policy have the effect of altering the terms and condition of service of the appellant to his prejudice, hence illegal, unlawful, void ab-initio, unconstitutional and against the law hence untenable in the eyes of law and liable to be set aside.
- c) That through the impugned policy/ notifications hundreds of other experienced teacher including the appellant having been placed nowhere and they are left hire and dry without any chance of promotion or enhancement of their pay scale. (Copies of impugned policies/ notifications are annexed).
- d) That the appellant had been waiting for several years to be promoted to S.S.T on the basis of seniority-cum-

fitness, but at this stage, through such like policies/ conditions of "2nd division in Bachelor degree" the whole career of the appellant has been ruined and he has been deprived of his right of promotion.

- e) That now neither through promotion nor otherwise, the appellant and other similar teachers can be elevated to the higher pay scale which is a merciless killing of the appellant.
- f) That almost in every service/ department, the criteria for promotion is seniority-cum-witness and no other condition of Division is attached thereto.
- g) That the impugned policy is against promotion, upgradation and appointment rules, 1989 as well as Civil Servant Act 1974 and cannot be applied retrospectively.
- h) That the insertion of words "2nd class bachelor degree" for promotion to S.S.T. B-16, as mentioned in the notifications/ policies offends the basic norms of natural justice, law, rules, fairplay, hence liable to be amended/ set aside.
- i) That other grounds will be raised at the time of arguments before this Hon'ble Tribunal.

PRAYER:

It is, therefore, most humbly prayed that on acceptance of this appeal, this Hon'ble Tribunal may kindly be pleased to declare the imposition of the condition of "2nd division in Bachelor degree" as illegal, without lawful authority, besides being malafide.

Moreover the respondents be directed to consider the appellant for promotion to S.S.T. BPS-16 on the basis of seniority-cum-fitness.

Any other relief, not specifically asked for, and deemed appropriate and just be also ordered/ given to the appellant.

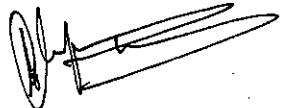

Appellant

Through


Abdul Ghaffar Khan Mohmand
Advocate High Court
Peshawar.

CERTIFICATE:

Certified as per information furnished by my client that no such like writ petition has earlier been filed before this Hon'ble Tribunal.


Advocate

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

Mushtaq Ahmad.....Appellant

Versus

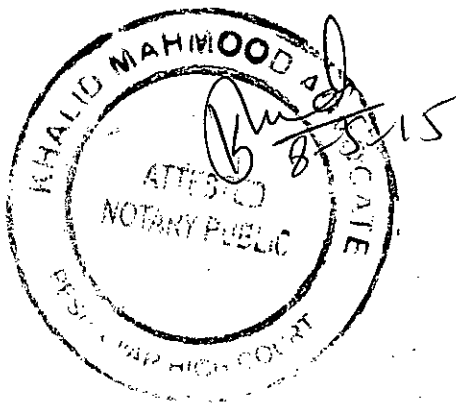
Govt. of Khyber Pakhtunkhwa

through Secretary Education and others..... Respondents

AFFIDAVIT

I, Abdul Ghaffar Khan Mohmand Advocate (counsel for appellant), do hereby affirm and declare as per information furnished by my client that the contents of the accompanying **Service Appeal** are true and correct and nothing has been concealed from this hon'ble court.

Deponent



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

Mushtaq Ahmad.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa

through Secretary Education and others..... Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:

1. That the above titled appeal is being filed before this Hon'ble Court alongwith accompanying application.
2. That due to the death of the sister of counsel of the appellant the appellant couldn't be able to submit the present appeal within time.
3. That the delay caused in filing the titled appeal was neither intentional nor deliberate, but due to the reasons mentioned above.

It is, therefore, prayed that, on acceptance of this application, the delay caused in filing the tiled appeal may kindly be condoned.


Appellant

Through



Abdul Ghaffar Khan Mohmand
Advocate High Court
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

Mushtaq Ahmad.....Appellant

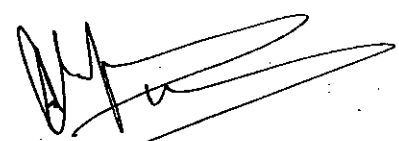
Versus

Govt. of Khyber Pakhtunkhwa

through Secretary Education and others..... Respondents

AFFIDAVIT

I, Abdul Ghaffar Khan Mohmand Advocate (counsel for petitioner), do hereby affirm and declare as per information furnished by my client that the contents of the accompanying **Application** are true and correct and nothing has been concealed from this hon'ble court.


Deponent



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2015

Mushtaq Ahmad.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa
through Secretary Education and others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Mushtaq Ahmad son of Haji Sultan Muhammad
Govt. High School Galham District Haripur

RESPONDENTS:

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Education, KP at Civil Secretariat, Peshawar.
- 2) Director of Education Khyber Pakhtunkhwa at Dabgari Garden, Peshawar.
- 3) District Education Officer, Haripur


~~Appellant~~

Through




Abdul Ghaffar Khan Mohmand
Advocate High Court
Peshawar.

10

SERVICE CERTIFICATE

Certified that Mustaq Ahmed S/O, Daughter of Sultan Muhammad is permanent Government Servant in Education Department Since 01-06-1985 and now he/she is working against Sr. Bari Post BPS


Head Master
Govt. High School
Principal / ~~Headmaster~~ Haripur
G.H.S / G.G.H.S Gadhera
Haripur

ATTESTED


ATTESTED

الجامعة الإسلامية

University of Peshawar

(Pakistan)

Session ANNUAL 2002

MUSHTAQ AHMED SON OF SULEMAN MUHAMMAD

DISTRICT HARIPUR

JUNE 2002

and a student of _____
having passed the prescribed examination held in _____
is this day admitted by the University of Peshawar to the Degree of
Bachelor of Arts
in THIRD Division

The examination was taken as a whole / in parts.

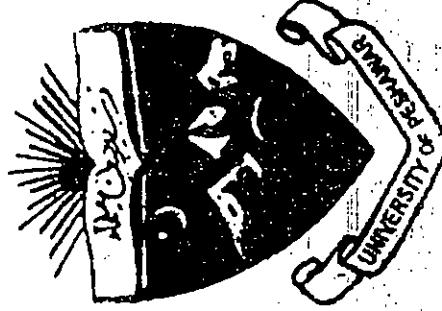
Serial No 088783

Registration No. 97-PS-17760

61235

Result declared on

SEPTEMBER 14, 2002



[Signature]
Registrar

[Signature]
Head Master
Govt. High School
Galham Haripur

Countersigned

[Signature]
Vice-Chancellor

Alama Iqbal Open University
Islamabad

9
12



Serial No. 172774

Certified that Mr. / Ms. MUSHTAQ AHMAD

Son / Daughter of HAJI SULTAN MUHAMMAD

Registration No: 98NHP0186 Roll No: U660994

having successfully completed the prescribed requirements

in semester AUTUMN 2007 is awarded the degree of

Bachelor of Education (B.Ed)

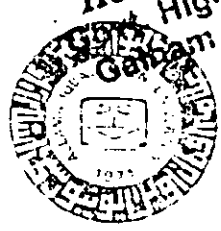
ATTESTED
[Signature]

He/She has secured 61 % marks and has been placed in B grade.

[Signature]
Head Master
High School
Gansam Haripur

[Signature]
CONTROLLER OF EXAMINATIONS

[Signature]
VICE-CHANCELLOR



Result declared on: July 26, 2008

Date of Issue: February 19, 2013

NOTE: THIS DEGREE IS TO BE READ IN CONJUNCTION WITH THE TRANSCRIPT/PROVISIONAL CERTIFICATE ISSUED SEPARATELY

(13)

Office of the District Education Officer (M) E&SE Haripur
Final Seniority List of Qari

| S# | School Name | Teacher Name | FatherName | Acadmic Qualification | Professional Qualification | Date of Birth | Date First Appointed | Date of Taking Over Charge on present post | Date of Regular on Present Post |
|----|----------------------|--------------------|--------------------------|-----------------------|----------------------------|---------------|----------------------|--|---------------------------------|
| 1 | GHS Dhenda | Qari Ghulam Murtaz | Qari Muhammad Zia Ul Haq | FA | Sanad Qirat | 18/03/1953 | 28/11/1976 | 28/11/1976 | 28/11/1976 |
| 2 | GHS Dingi | Habib Ur Rehman | Sher Muhammad | SSC | Sanad-Qirat | 10/10/1957 | 07/01/1977 | 07/01/1977 | 01/05/1979 |
| 3 | GHSS Kot Najib Ullah | Mohammad Saeed | Abdul Qayyume | MA Islamiyat | Shahdat ul almia | 30/11/1959 | 06/11/1979 | 06/11/1979 | 06/11/1979 |
| 4 | GHS Kahal | Abdul Haq | Noor Ul Haq | SSC | Sanad-Yafta | 01/05/1961 | 27/11/1979 | 27/11/1979 | 27/11/1979 |
| 5 | GHS Bp Dheri | Shair Muhammad | Abdullah | SSC | Hifz-o-QuranTajweed | 02/02/1953 | 03/02/1981 | 03/02/1981 | 03/02/1981 |
| 6 | GHS Haripur No.2 | Khani Zaman | Gul Zaman Khan | SSC | QARI | 17/01/1959 | 21/11/1981 | 21/11/1981 | 21/11/1981 |
| 7 | GHS Kailag | Zaheer Ud Din | Muhammad Yousaf | FA | Hifz-o-QuranTajweed | 05/01/1958 | 06/11/1982 | 06/11/1982 | 06/11/1982 |
| 8 | GHS Tofkin | Muhammad Suleamn | Khani Zaman | FA | Hifz-o-Tajweed | 03/12/1960 | 18/10/1983 | 18/10/1983 | 18/10/1983 |
| 9 | GHS Jhamra | Mushtaq Ahmed | Sultan Muhammad | FA | Sanad Qirat/Hifzo Quran | 19/03/1965 | 10/04/1985 | 10/04/1985 | 10/04/1985 |
| 10 | GHS Aloo | Muhammad Abid | Mazhar Ul Jamil | Nil | QIRAT | 01/02/1962 | 04/11/1986 | 04/11/1986 | 04/11/1986 |


ATTESTED
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(14)

| S# | School Name | Teacher Name | FatherName | Acadmic Qualification | Professional Qualification | Date of Birth | DateFirst Appointed | Date of Taking Over Charge on present post | Date of Regular on Present Post |
|----|-------------------|------------------------|-------------------|-----------------------|----------------------------|---------------|---------------------|--|---------------------------------|
| 11 | GHS Dobandi | Abdul Khanan | Abdul Aziz | SSC | Sanad-Qirat | 12/02/1958 | 05/11/1986 | 05/11/1986 | 05/11/1986 |
| 12 | GHS Gali Amazai | Abdul Basir | Abdul Khaliq | SSC | Sanad-Qirat | 02/04/1960 | 05/11/1986 | 05/11/1986 | 05/11/1986 |
| 13 | GHS C.Jail | Tariq Mehmood | Sher Ahmed | SSC | Hifz/Tajweed ul Quran | 01/12/1962 | 05/11/1986 | 05/11/1986 | 05/11/1986 |
| 14 | GHS P.H.Khan | Muhammad Ibrahim | Abdul Hakeem | SSC | Hifz-o-Tajweed | 06/01/1965 | 05/11/1986 | 05/11/1986 | 05/11/1986 |
| 15 | GHS Kholian Bala | Jameel | Rehmat Din | SSC | TAJVEED UL QURAN | 01/01/1965 | 06/11/1986 | 06/11/1986 | 06/11/1986 |
| 16 | GHS Darwesh | Iftikhar Ahmad | Abdul Rehman | FA | Hifz-o-Tajweed | 19/02/1966 | 06/11/1986 | 06/11/1986 | 06/11/1986 |
| 17 | GHSS Haripur No.1 | Zulifiqar Ahmed | Muhammad Siddique | SSC | Almia | 15/11/1967 | 06/11/1986 | 06/11/1986 | 06/11/1986 |
| 18 | GHS M.Da.Maira | Qari Muhammad Mursilin | Mir Afzal | SSC | Hifz-o-Tajweed | 01/01/1963 | 08/11/1986 | 08/11/1986 | 08/11/1986 |
| 19 | Rite Haripur | Kifaytullah | H.Muhammad Hayat | FA | Sanad Hifz Quran | 15/02/1965 | 08/11/1986 | 08/11/1986 | 08/11/1986 |
| 20 | GHS Karipalian | Muhammad Ijaz Gul | Mohammad Aslam | SSC | Sanad-Qirat | 10/02/1966 | 08/11/1986 | 08/11/1986 | 08/11/1986 |
| 21 | GHS Gudwalian | Nisar Ahmed | Muhammad Ismail | SSC | Hifz-o-Tajweed | 22/08/1966 | 08/11/1986 | 08/11/1986 | 08/11/1986 |

ATTESTED
[Signature]

| S# | School Name | Teacher Name | FatherName | Acadmic Qualification | Professional Qualification | Date of Birth | Date First Appointed | Date of Taking Over Charge on present post | Date of Regular on Present Post |
|----|------------------|--------------------|----------------------|-----------------------|----------------------------|---------------|----------------------|--|---------------------------------|
| 22 | GHS Jatti Pind | Muhammad Shafique | Muhammad Younas | SSC | SINAD QIRAT | 12/02/1968 | 08/11/1986 | 08/11/1986 | 08/11/1986 |
| 23 | GHS Rehana | Muhammad Younas | Qari Mohammad Yousaf | SSC | Sanad-Faragh | 13/03/1962 | 10/11/1986 | 10/11/1986 | 10/11/1986 |
| 24 | GHSS SARAI SALEH | Muhammad Iqbl | Noor Ghulam | MA Arabic | HIFZ QURAN | 19/04/1967 | 10/11/1986 | 10/11/1986 | 10/11/1986 |
| 25 | GHS Jab | Muhammad Rafique | Munir Muhammad | SSC | Sanad-Qirat | 30/10/1962 | 13/11/1986 | 13/11/1986 | 13/11/1986 |
| 26 | GHS Shafique | Shafique U. Rehman | Gohar Rehman | SSC | Sanad-Qirat | 10/01/1964 | 17/01/1986 | 17/11/1986 | 17/11/1986 |
| 27 | GHSS Bagra | Muhammad Khalid | Malik Aman | SSC | Sanad-Qirat | 20/12/1968 | 20/12/1986 | 20/12/1986 | 20/12/1986 |
| 28 | GHS Jabri | Saif Ur Rehman | Rehmat Ullah | SSC | Hifz-o-Tajweed | 07/07/1962 | 10/02/1987 | 10/02/1987 | 10/02/1987 |
| 29 | GHSS Panian | Muhammad Riaz | Noor Muhammad | SSC | S.Tajweed | 04/02/1963 | 03/03/1987 | 03/03/1987 | 03/03/1987 |
| 30 | GHS Pharhala | Muhammad Ayan | Said Nawab | SSC | Sanad-Qirat | 02/09/1962 | 02/09/1987 | 02/09/1987 | 02/09/1987 |
| 31 | GHS Kag | Muhammad Tahir | Mulana Abdul Jalil | SSC | ALIMIA | 02/12/1957 | 08/10/1987 | 08/10/1987 | 08/10/1987 |
| 32 | GHS Hattar | Ghulam Haider | Noor Muhammad M | SSC | Sanad-Faragh | 17/09/1963 | 10/10/1987 | 10/10/1987 | 10/10/1987 |

ATTESTED


15

| S# | School Name | Teacher Name | FatherName | Acadmic Qualification | Professional Qualification | Date of Birth | DateFirst Appointed | Date of Taking Over Charge on present post | Date of Regular on Present Post |
|----|-------------------|--------------------------|----------------------|-----------------------|----------------------------|---------------|---------------------|--|---------------------------------|
| 33 | GHSS Haripur No.1 | Khan Gul | Sardar Muhammad Khan | SSC | Sanad-Qirat | 01/03/1968 | 05/01/1988 | 05/01/1988 | 05/01/1988 |
| 34 | GHSS Bareela | Shoukat Ali | Muhammad Aslam | SSC | Sanad-Faragh | 13/06/1965 | 16/06/1988 | 16/06/1988 | 16/06/1988 |
| 35 | GHS Bait Gali | Fazal Rahim | Noor Husaain | SSC | Hifz-o-Tajweed | 23/12/1969 | 04/10/1988 | 04/10/1988 | 04/10/1988 |
| 36 | GHS Ghumawan | M Jamil Akhtar | Rehmat Ullah Khan | SSC | Hifz-o-Tajweed | 10/02/1968 | 10/10/1988 | 10/10/1988 | 10/10/1988 |
| 37 | GMS Kohala Payeen | Muhamad Khurashid | Feroz Din | Nil | Hifz-o-Tajweed | 02/02/1971 | 27/11/1989 | 27/11/1989 | 27/11/1989 |
| 38 | GHS Chhajjian | Muhammad Hanif | Molvi Abdur Rashid | SSC | Sanad-Qirat | 03/07/1960 | 07/12/1989 | 07/12/1989 | 07/12/1989 |
| 39 | GHS Bail | Muhammad Haleem | Sher Bahadar | SSC | Hifz-o-Tajweed | 08/03/1965 | 13/12/1989 | 13/12/1989 | 13/12/1989 |
| 40 | GHS Sarai Gadai | Shafiq Ur Rehman | H Abdus Salam | BA | Hifzo Quran | 01/04/1969 | 18/03/1990 | 18/03/1990 | 18/03/1990 |
| 41 | GHS Halli | Muhammad Aurangzaib Khan | Misri Khan | SSC | Hifz-o-Tajweed | 20/09/1969 | 26/12/1990 | 26/12/1990 | 26/12/1990 |
| 42 | GHS Bhera | Muhammad Ramzan | Fazal Dad | SSC | Sanad-Qirat | 08/12/1960 | 02/05/1992 | 02/05/1992 | 02/05/1992 |
| 43 | GHS K.T.S. No.2 | Khan Bahdar | Sher Bahaddar | FA | Hifzo Quran | 05/05/1965 | 05/05/1992 | 05/05/1992 | 05/05/1992 |

ATTESTED

| S# | School Name | Teacher Name | FatherName | Acadmic Qualification | Professional Qualification | Date of Birth | DateFirst Appointed | Date of Taking Over Charge on present post | Date of Regular on Present Post |
|----|-------------------|--------------------|----------------------|-----------------------|----------------------------|---------------|---------------------|--|---------------------------------|
| 44 | GHS Kangra Colony | Hafiz Rab Nawaz | Khanzada Khan | MA/Hifzo Quran | B.ED | 24/09/1970 | 07/05/1992 | 07/05/1992 | 07/05/1992 |
| 45 | GHS Sirya | Muhammad Junaid | Abdul Salam | SSC | SANAD QARIAT | 02/02/1973 | 13/05/1992 | 13/05/1992 | 13/05/1992 |
| 46 | GHS Pind Gajra | Muhammad Saeed | Mehboob Khan | SSC | QIRAT/Hifzo Quran | 20/02/1973 | 27/07/1993 | 27/07/1993 | 27/07/1993 |
| 47 | GHS Saraj Gali | Muhammad Saleem | Haider Zaman | FA | Hifz-o-Tajweed | 06/03/1968 | 28/07/1993 | 28/07/1993 | 28/07/1993 |
| 48 | GHS Sirkot | Muhammad Ayaz | Ghulam Sarwar | SSC | Hifz-o-Tajweed | 03/01/1970 | 28/07/1993 | 28/07/1993 | 28/07/1993 |
| 49 | GHS Chamba | Masroob Akhtar | Mubarak Din | SSC | Hifzo/Tajweed | 04/04/1970 | 18/12/1994 | 18/12/1994 | 18/12/1994 |
| 50 | GHS Ghulam | Mushtaq Ahmed | Haji Sultan Muhammad | BA | Hifzo Quran/B.Ed | 01/06/1977 | 01/06/1995 | 01/06/1995 | 01/06/1995 |
| 51 | GHS Nara Amazai | Sana Ullah | Abdul Khaliq | FA | Sanad Qirat. | 07/08/1974 | 24/01/1996 | 24/01/1996 | 24/01/1996 |
| 52 | GHS Kakotri | Muhammad Iqbal | Mir Afzal | SSC | QARI | 06/01/1972 | 18/04/1996 | 18/04/1996 | 18/04/1996 |
| 53 | GHS Laban Bandi | Waheed Akhtar Khan | Zahid Aftar Khan | FA | Hifz-o-QuranTajweed | 23/05/1970 | 20/08/1996 | 20/08/1996 | 20/08/1996 |
| 54 | GHS K.T.S. No.3 | Ishfaq Ahmed | Shafique Ahmed | MA/Isl | HAFIZ QURAN | 13/02/1976 | 20/01/1998 | 20/01/1998 | 20/01/1998 |

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18

BETTER COPY

1st

2nd

| S# | School name | Teacher name | Father name | Academic qualification | Professional qualification. | Date of birth | Date first appointment | Date of taking over charge on present post | Date of regular on present post |
|----|-------------------|--------------------|----------------------|------------------------|-----------------------------|---------------|------------------------|--|---------------------------------|
| 44 | GHS Kangra colony | Hafiz Rab Nawaz | Khanzada Khan | MA/Hifzo Quran | B.ED | 24.09.1970 | 07.05.1992 | 07.05.1992 | 07.05.1992 |
| 45 | GHS Sirya | Muhammad Junaid | Abdul Salam | SSC | Sanad Qariat | 02.02.1973 | 13.05.1992 | 13.05.1992 | 13.05.1992 |
| 46 | GHS Pind Gujran | Muhammad Saeed | Mehboob Khan | SSC | Qirat/ Hifzo Quran | 02.02.1973 | 27.07.1993 | 27.07.1993 | 27.07.1993 |
| 47 | GHS Suraj Galli | Muhammad Saleem | Haider Zaman | FA | Hifz-o-Tajweed | 06.03.1968 | 28.07.1993 | 28.07.1993 | 28.07.1993 |
| 48 | GHSS Sirikot | Muhammad Ayaz | Ghulam Sarwar | SSC | Hifz-o-Tajweed | 03.01.1970 | 28.07.1993 | 28.07.1993 | 28.07.1993 |
| 49 | GHS Chhol | Matloob Akhtar | Mubarik Din | SSC | Hifz-o-Tajweed | 04.04.1970 | 18.12.1994 | 18.12.1994 | 18.12.1994 |
| 50 | GHS Ghalam | Mushtaq Ahmad | Haji Sultan Muhammad | BA | Hifzo Quran/ B.Ed | 01.06.1977 | 01.06.1995 | 01.06.1995 | 01.06.1995 |
| 51 | GHS Nara Amazai | Sana Ullah | Abdul Khaliq | FA | Sand Qirat | 07.08.1974 | 24.01.1996 | 24.06.1996 | 24.01.1996 |
| 52 | GHSS Kakotri | Muhammad Iqbal | Mir Afzal | SSC | Qari | 06.01.1972 | 18.04.1996 | 18.04.1996 | 18.04.1996 |
| 53 | GHS Laban Bandi | Waheed Akhtar Khan | Zahid Aftar Khan | FA | Hifz-o-Tajweed | 23.05.1970 | 20.08.1996 | 20.08.1996 | 20.08.1996 |
| 54 | GHS KTS No.3 | Ishfaq Ahmed | Shafique Ahmed | MA/Isl. | Hafiz Quran | 13.02.1976 | 20.01.1998 | 20.01.1998 | 20.01.1998 |

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[Signature]

| S# | School Name | Teacher Name | FatherName | Academic Qualification | Professional Qualification | Date of Birth | Date First Appointed | Date of Taking Over Charge on present post | Date of Regular on Present Post |
|----|------------------|-------------------------|-------------------|------------------------|----------------------------|---------------|----------------------|--|---------------------------------|
| 55 | GHS Garam Thoon | Shakeel Ahmad | Rehmit Din | MA (ISL) | Hifz-o-Tajweed | 02/05/1975 | 08/04/1999 | 08/04/1999 | 08/04/1999 |
| 56 | GHS Garam Thoon | Shakeel Ahmad | Muhammad Ashraf | MA (Arabic) | Bed/Hifzo Quran | 28/06/1979 | 08/04/1999 | 08/04/1999 | 08/04/1999 |
| | | | | | | | | | 09/04/1999 |
| | | | | | | | | | 14/04/1999 |
| | | | | | B.ED/Hifzo Quran | | | | 20/04/1999 |
| | | | | | B.ED/Hifzo Quran | | | | 15/12/1999 |
| 61 | GHS Ladha | Sohail Ahmed | Abdul Saboor | MA Islamyat | M.ED | 19/03/1974 | 16/12/1999 | 16/12/1999 | 16/12/1999 |
| 62 | GHS C.Jail | Qazi Burhan Ud Din Gazi | Qazi Bashirud Din | FA | Hifz-o-Tajweed | 22/01/1983 | 15/10/2005 | 15/10/2005 | 15/10/2005 |
| 63 | GHS Ghazi | Rafaqat Hussain | Mohsin Khan | BA | Hifz UL QURAN | 03/03/1981 | 17/10/2005 | 17/10/2005 | 17/10/2005 |
| 64 | GHS D.Naqarchian | Muhammad Zakria | Muhammad Sabir | MA Islamyat | MA/Isl/Hifzo Quran | 15/02/1981 | 20/10/2005 | 20/10/2005 | 20/10/2005 |
| 65 | GHS Sarri | Tahir Mehmood | Muhammad Sadiq | BA | Hifzo Quran | 15/04/1980 | 02/05/2007 | 02/05/2007 | 02/05/2007 |

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| S# | School Name | Teacher Name | FatherName | Acadmic Qualification | Professional Qualification | Date of Birth | Date First Appointed | Date of Taking Over Charge on present post | Date of Regular on Present Post |
|----|------------------|----------------|------------------|-----------------------|----------------------------|---------------|----------------------|--|---------------------------------|
| 66 | GHS Ghazi Hamlet | Sakhi Muhammad | Wazir Muhammad M | BSc B.Ed | Sanad-Qirat/Hifzo Quran | 21/03/1971 | 07/05/2007 | 07/05/2007 | 07/05/2007 |
| | | | | | Sanad-Quran | | | | 07/05/2007 |
| | | | | | Sanad-Quran | | | | |

Prepared By Dealing Assistant: *[Signature]*

Checked By Superintendent: *[Signature]*

Verified By ADO (E): *[Signature]*

[Signature]
Dy: District Education Officer (Male)
Haripur

[Signature]
District Education Officer (Male)
Haripur

ATTESTED
[Signature]

No. 177

For Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Rs. Ps.

(7)

(21)

Received a registered
addressed to

The Director

Date-Stamp

Initials of Receiving Officer

*Write here "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Insured for Rs. (in figures)

Rs. 50 (in words)

Insured

Insurance fee Rs.

Ps.

Rs. (in words)

Name and
address
of sender

Weight

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Grams

ATTESTED

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بہار ۲۰۱۳ء کے دوران
میں نے اپنے دوستوں اور رشتہ داروں کو
میں نے اپنے دوستوں اور رشتہ داروں کو

میں نے اپنے دوستوں اور رشتہ داروں کو
میں نے اپنے دوستوں اور رشتہ داروں کو

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میں نے اپنے دوستوں اور رشتہ داروں کو

Handwritten signature and stamp

میں نے اپنے دوستوں اور رشتہ داروں کو
میں نے اپنے دوستوں اور رشتہ داروں کو

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میں نے اپنے دوستوں اور رشتہ داروں کو

4/9/2014

مستند رقم 415

مستند رقم 181

التاريخ

ARRESTED

مستند رقم 181

مستند رقم 415

SST مستند رقم 415

مستند رقم 181

مستند رقم 415

مستند رقم 181

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

No.SO(PE)4-5/Meeting/2013/Teaching Cadre
Peshawar, dated the 20th December, 2013.

To

The Director,
Elementary and Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Subject: Filling of Vacant Posts in Higher Secondary
Schools/High / Middle/ Primary.

I am directed to convey the approval of the Competent Authority for filling of Vacant posts in BPS-16 and BPS-15 and below in HSS/High/Middle and Primary School in the following manner.

a) Vacant Posts in BPS-16.

1. The following 4545 posts of Teaching Cadre SST (Bio, Maths, General etc) falling in B-16 are lying vacant throughout the province District wise detail is as under:-

| S.No. | District | SST SCIENCE Bio /Chem B-16 | | SST SCIENCE Maths /Phy B-16 | | SST General B-16 | | Total | | Total |
|-------|--------------|----------------------------|----|-----------------------------|----|------------------|----|-------|-----|-------|
| | | M | F | M | F | M | F | M | F | |
| 3 | Abbott Abad | 53 | 16 | 42 | 40 | 44 | 18 | 139 | 74 | 213 |
| 4 | Bannu | 16 | 21 | 51 | 21 | 0 | 64 | 67 | 106 | 173 |
| 5 | Battu Gram | 27 | 6 | 26 | 6 | 28 | 22 | 81 | 34 | 115 |
| 6 | Buner | 18 | 19 | 58 | 23 | 80 | 49 | 156 | 91 | 247 |
| 7 | Charsadda | 28 | 12 | 45 | 33 | 34 | 26 | 107 | 71 | 178 |
| 8 | Chitral | 20 | 0 | 45 | 15 | 23 | 0 | 88 | 15 | 103 |
| 9 | DI Khan | 60 | 10 | 56 | 41 | 61 | 0 | 177 | 51 | 228 |
| 10 | Dir Lower | 40 | 27 | 40 | 39 | 60 | 72 | 140 | 138 | 278 |
| 11 | Dir Upper | 31 | 6 | 38 | 7 | 91 | 11 | 160 | 24 | 184 |
| 12 | Hangu | 24 | 9 | 26 | 9 | 34 | 28 | 84 | 46 | 130 |
| 13 | Haripur | 61 | 5 | 20 | 40 | 70 | 36 | 151 | 81 | 232 |
| 14 | Karak | 19 | 13 | 16 | 23 | 23 | 16 | 58 | 52 | 110 |
| 15 | Kohat | 36 | 6 | 40 | 25 | 91 | 39 | 167 | 70 | 237 |
| 16 | Kohistan | 24 | 1 | 31 | 1 | 121 | 23 | 176 | 25 | 201 |
| 17 | Lakki Marwat | 33 | 11 | 34 | 19 | 15 | 30 | 82 | 60 | 142 |
| 18 | Mahakand | 17 | 9 | 5 | 27 | 1 | 1 | 23 | 37 | 60 |
| 19 | Manshra | 55 | 15 | 51 | 41 | 79 | 45 | 185 | 101 | 286 |
| 20 | Mardan | 37 | 21 | 41 | 50 | 87 | 52 | 165 | 129 | 294 |
| 21 | Nowshera | 37 | 37 | 42 | 30 | 92 | 33 | 171 | 100 | 271 |

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 HEAD, GHE, PESHAWAR
 HIGH COURT PESHAWAR
 - A-200

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

| | | | | | | | | | |
|-----------------|-----|-----|-----|-----|------|-----|------|------|------|
| Bar | 13 | 0 | 55 | 22 | 42 | 8 | 140 | 30 | 170 |
| Angle | 24 | 5 | 33 | 5 | 41 | 21 | 98 | 31 | 129 |
| Bi | 56 | 12 | 38 | 54 | 74 | 52 | 168 | 118 | 286 |
| Shool | 22 | 11 | 15 | 25 | 13 | 13 | 80 | 49 | 129 |
| Tank | 22 | 3 | 23 | 7 | 39 | 15 | 84 | 25 | 109 |
| Toor Gher | 3 | 0 | 4 | 0 | 32 | 1 | 39 | 1 | 40 |
| Total Vacancies | 806 | 275 | 905 | 609 | 1275 | 675 | 2986 | 1559 | 4545 |

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According to the existing Recruitment Rules these vacancies may be filled in the following manner

| Method of Recruitment | SST SCIENCE Bio/Chem B-16 | | SST SCIENCE Maths/Phy B-16 | | SST General B-16 | | Total | | Total |
|-------------------------------------|---------------------------|-----|----------------------------|-----|------------------|-----|-------|-------|-------|
| | M | F | M | F | M | F | F | M | |
| | 25% Initial Recruitment | 201 | 69 | 226 | 152 | 320 | 165 | 717 | 386 |
| 20% by promotion from S CI/CI' | 322 | 110 | 362 | 244 | 510 | 270 | 1,021 | 621 | 1,818 |
| 20% by promotion from PSHT/SPST/PST | 161 | 55 | 181 | 122 | 255 | 135 | 597 | 312 | 909 |
| 10% by promotion from SDM/DM | 32 | 11 | 36 | 24 | 51 | 27 | 119 | 62 | 182 |
| 10% by promotion from SAT/AT | 32 | 11 | 36 | 24 | 51 | 27 | 119 | 62 | 182 |
| 10% by promotion from STT/TT | 32 | 11 | 36 | 24 | 51 | 27 | 119 | 62 | 182 |
| 5% by promotion from S.Qari/Qari | 21 | 8 | 27 | 18 | 38 | 20 | 90 | 47 | 136 |
| Total | 806 | 275 | 905 | 609 | 1,275 | 675 | 2,986 | 1,559 | 4,545 |

3. In pursuance of the Approval of the Competent Authority, the following post be advertised on adhoc school-based.

| District | SST SC Bio /Chem B-16 | | SST SC Maths/Phy B-16 | | SST Arts B-16 | | Total | | Total |
|--------------|-----------------------|----|-----------------------|----|---------------|----|-------|----|-------|
| | M | F | M | F | M | F | M | F | |
| | Abbott Abad | 13 | 4 | 10 | 10 | 11 | 5 | 34 | 19 |
| Bannu | 4 | 5 | 13 | 5 | - | 16 | 17 | 26 | 43 |
| Baita Gram | 6 | 2 | 7 | 2 | 7 | 6 | 20 | 10 | 30 |
| Buner | 5 | 4 | 14 | 6 | 20 | 12 | 39 | 22 | 61 |
| Charsulda | 7 | 3 | 11 | 8 | 9 | 6 | 27 | 17 | 44 |
| Chitral | 5 | 0 | 11 | 4 | 6 | 0 | 11 | 12 | 26 |
| DI Khan | 15 | 2 | 14 | 10 | 15 | 17 | 35 | 34 | 69 |
| Dir Lower | 10 | 7 | 10 | 10 | 15 | 17 | 40 | 7 | 47 |
| Dir Upper | 8 | 2 | 9 | 2 | 23 | 3 | 21 | 11 | 32 |
| Hangu | 6 | 2 | 7 | 2 | 9 | 7 | 21 | 11 | 32 |
| Haripur | 15 | 1 | 5 | 10 | 17 | 9 | 37 | 20 | 57 |
| Haripur | 15 | 1 | 5 | 10 | 17 | 9 | 37 | 20 | 57 |
| Karak | 5 | 3 | 4 | 6 | 6 | 4 | 15 | 13 | 28 |
| Kohat | 9 | 1 | 10 | 6 | 23 | 10 | 42 | 17 | 59 |
| Kohistan | 6 | 0 | 8 | 0 | 30 | 6 | 41 | 6 | 50 |
| Lakki Marwat | 8 | 2 | 8 | 4 | 4 | 7 | 20 | 13 | 33 |
| Malakand | 4 | 2 | 1 | 6 | 0 | 0 | 6 | 8 | 14 |

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AGENT
Dy
(AD-5)

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

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| | | | | | | | | | |
|-----------|-----|----|-----|-----|-----|-----|-----|-----|-------|
| Mardan | 11 | 1 | 13 | 10 | 20 | 11 | 16 | 25 | 71 |
| Noushera | 9 | 5 | 10 | 14 | 22 | 13 | 41 | 32 | 71 |
| Peshawar | 11 | 9 | 11 | 8 | 23 | 8 | 43 | 25 | 68 |
| Shingla | 6 | 0 | 11 | 6 | 11 | 2 | 35 | 8 | 43 |
| Swabi | 6 | 1 | 8 | 1 | 10 | 5 | 25 | 7 | 32 |
| Swat | 11 | 3 | 10 | 13 | 18 | 13 | 42 | 29 | 71 |
| Tank | 6 | 3 | 11 | 6 | 3 | 3 | 20 | 12 | 32 |
| Toor Gher | 5 | 1 | 6 | 2 | 10 | 4 | 20 | 7 | 27 |
| Total | 200 | 66 | 226 | 151 | 320 | 167 | 746 | 384 | 1,130 |

The above Vacancies may be filled in the following manner :-

| S.No | NOMENCLATURE | MINIMUM QUALIFICATION AND EXPERIENCE FOR INITIAL APPOINTMENT OR BY TRANSFER | AGE LIMIT |
|------|---|--|----------------|
| 1. | Secondary School Teacher (Maths Physics) (B-16) | At least <u>Second class Bachelor's Degree</u> from a recognized University with the following Two subject I. (Physics, II. Maths A or B or Statistics) and Bachelor of Education or Master of Education (Industrial art or Business Education) or M.A Education or equivalent qualifications from a recognized University. | 21 to 35 Years |
| 2. | Secondary School Teacher (Bio, Chem) (B-16) | At least <u>Second class Bachelor's Degree</u> from a recognized University with the following Two subject I. Chemistry, II. (Botany or Zoology), and Bachelor of Education or Master of Education (Industrial art or Business Education) or M.A Education or equivalent qualifications from a recognized University. | 21 to 35 Years |
| 3 | Secondary School Teacher (General) (B-16) | <u>At least Second class Bachelor's Degree</u> from a recognized University with the following Two subject in Humanities and other equivalent groups at degree level with English as Compulsory Subject. and Bachelor of Education or Master of Education (Industrial art or Business Education) or M.A Education or equivalent qualifications from a recognized University. | 21 to 35 Years |

Selection Criteria

- I. Appointment through initial recruitment on adhoc shall be made through Merit on School base.
- II. For selection of suitable candidate by initial recruitment, Total 200 marks shall be distributed in the following manner: -
 - (a) Screening Test conducted by Independent third party(NTS)= 100 Marks
 - (b) Academic Qualification = 100 Marks
 These 100 marks will be further distributed as under:-

(3)

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

| 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 | Marks obtained X 15 / total marks = |
| Minimum Professional qualification required for posts | Marks obtained X 15 / total marks = |
| M.Ed / MA Edu | Marks = 05 |
| MPhil/PhD | Marks obtained X 5 / total marks = |

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5. Meeting with NTS authorities may be conducted. NTS will charge Rs.300/- per Application form is one candidate apply for 5 schools then the NTS will charge Rs.1200/- for 5 Application form and the NTS fee will be borne by the candidates.
6. The remaining 3409 vacancies may be filled through promotion from the concerned districts with following break up under the Revised Recruitment Rules 2013 as SSRC has been conducted and Minutes have been signed by all the members and a note to Chief Secretary is being moved.

| District | SST SC Bio /Chem B-16 | | SST SC Maths /Phy B-16 | | SST General B-16 | | Total | | Total |
|-------------------------------------|-----------------------|-----|------------------------|-----|------------------|-----|-------|------|-------|
| | M | F | M | F | M | F | M | F | M |
| 40% by promotion from SCT/CT | 322 | 110 | 362 | 211 | 510 | 270 | 1,191 | 621 | 1,818 |
| 20% by promotion from PSHT/SPST/PST | 161 | 55 | 181 | 122 | 255 | 135 | 597 | 312 | 909 |
| 4% by promotion from SDM/DM | 32 | 11 | 30 | 21 | 51 | 27 | 119 | 62 | 182 |
| 4% by promotion from SAT/AT | 32 | 11 | 30 | 21 | 51 | 27 | 119 | 62 | 182 |
| 4% by promotion from STT/TT | 32 | 11 | 36 | 21 | 51 | 27 | 119 | 62 | 182 |
| 3% by promotion from S.Qari/Qari | 24 | 8 | 27 | 18 | 38 | 20 | 90 | 47 | 136 |
| Total | 603 | 206 | 678 | 459 | 956 | 506 | 2238 | 1169 | 3409 |

b) Vacant Posts in BPS-15 and Below.

The vacant posts in BPS-15 and below should be advertised on adhoc school-based through NTS as per the following selection criteria, Nomenclatures of the posts, Qualification, Age will remain the same as per existing Service rules, and the process of appointment in those districts where the posts have already been advertised under the existing rules be stopped and the advertisement may be withdrawn to avoid litigation.

Selection Criteria

Appointment through initial recruitment on adhoc shall be made through Merit on School base for selection of suitable candidate by initial recruitment, Total 200 marks shall be distributed in the following manner: -

- (a) Screening Test conducted by Independent third party(NTS)= 100 Marks
 (b) Academic Qualification = 100 Marks

These 100 marks will be further distributed as under:-

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 (AOW)

Elementary and Secondary Education
 Khyber Pakhtunkhwa Peshawar

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| Category of Qualification | (Total marks 100) |
|---|-------------------------------------|
| SSC | Marks obtained X 20 / total marks = |
| TISSC | Marks obtained X 20 / total marks = |
| BA/ BSc | Marks obtained X 20 / total marks = |
| MA/ MSc | Marks obtained X 15 / total marks = |
| Minimum Professional qualification required for posts | Marks obtained X 15 / total marks = |
| M.Ed / MA Edu | Marks = 05 |
| MPhil/PhD | Marks obtained X 5 / total marks = |

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[Signature]
SECTION OFFICER
(Primary)

Endst : of even No & date:

1. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
2. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
3. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
4. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
5. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
6. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
7. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
8. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
9. Master file

[Signature]
SECTION OFFICER
(Primary)

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(ASIA)

(5)

Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar



Directorate of Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

PH No. 091-9201389, 9210938,
9210437, 9210957, 9210468
Fax 091-9210936 0800-33857
No. _____ / Promotion to B-16/Estab
Dated Peshawar the 23/12/2013.

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To

All the District Education Officers,
(Male & Female), in Khyber Pakhtunkhwa.

Subject:- Working Papers for Departmental Promotion Committees for the Promotion of SCT/CT, SAT/AT, STT/TT, SDM/DM, PSHT/SPST/PST, S Qari/Qari to the post of SST Bio-Chem, SST Phy-Maths, STT (Genral BPS-16).

Memo:

I am directed to refer to the subject noted above and to state that meeting of Departmental Promotion Committee for Promotion to the of vacant posts SST Bio-Chem, SST Phy-Maths, STT (Genral BPS-16), in CMS/Middle/High and Higher Secondary Schools in Elementary and Secondary Education Department at District Level will be held on 10.01.2014

I am further directed to ask you to submit Working Papers for Departmental Promotion Committees for the Promotion of SCT/CT, SAT/AT, STT/TT, SDM/DM, PSHT/SPST/PST, S Qari/Qari to the post of SST Bio-Chem, SST Phy-Maths, STT (Genral BPS-16) on the format already submitted in separate file for each category upto 5th Jan, 2014 and the following documents are required to be attached with the Working Papers

1. Final Seniority List undisputed
2. Synopsis of last 5 years ACRs.
3. Last three years result.
4. Non involvement certificate.
5. Bio data on the format already submitted.
6. Last pay slip.
7. BA/BSC Degree
8. B.Ed/M.Ed

Note ACRs be kept ready and to be presented in the meeting of Departmental Promotion Committee.

Attested
(Adv)
ATTESTED

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar.

3825-27

Encls: No. _____ / File No. 1 / Promotion B-15 to B-16: Dated Peshawar the 23/12/2013.

Copy forwarded for information and necessary action to the:-

1. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
2. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
3. M/File

Dy: Director (Estab)
Elementary and Secondary Education
Khyber Pakhtunkhwa Peshawar

Sample

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District Education Officer
(Male)/Female

Working Papers for Departmental Promotion
Committees for the Promotion of SCT/CT to SST B-16

Total No of Vacant (SST (Bio Chem) posts) = 100

| Method of Recruitment: | | Total Posts |
|-------------------------|-------------------------------------|-------------|
| 25% Initial Recruitment | | |
| 75% by Promotion | 40% by promotion from SCT/CT | 25 |
| | 20% by promotion from PSHT/SPST/PST | 10 |
| | 15% by promotion from SDM/DM | 20 |
| | 4% by promotion from SAT/AT | 1 |
| | 4% by promotion from STT/TT | 1 |
| | 3% by promotion from S.Qari/Qari | 1 |
| Total | | 3 |
| | | 100 |

List of CTs (Male) for the Promotion of SCT/CT to SST

| S.No | S.L. No | Name of Official & Present Place of Posting | Date of Birth | Date of Appointment as Regular CT | Qualification | Whether eligible for Promotion | Remarks |
|------|---------|---|---------------|-----------------------------------|---------------|--------------------------------|---|
| | | | | | | NO | Not having Basic Qualification for the post |
| | | | | | | Yes | |

Certificate:

Attest
(Signature)

ATTESTED

- It is certified that all the SCT/CTs (Male) included in the panel for the Promotion of to SST Bio-Chem post
 - Hold the posts on regular basis and none of them is holding the post on adhoc/acting charge basis/contract.
 - Have completed the required minimum length of qualifying service and qualifications as required for Promotion to the post of SST under the Rules.
 - None of them is on deputation to any organization under the Federal/ Provincial / Autonomous/ Semi autonomous / International Organizations.
 - Neither any disciplinary/ departmental proceedings/Anti corruption / judicial enquiry is pending against them nor has any penalty been imposed upon any one of them during the last five years.
 - No one is on long leave / Ex-Pakistan leave.
 - Their ACRs, Synopsis are free from adverse remarks.
 - They are all alive and serving.
 - Their appointment orders against CTs posts are attached herewith.
 - The Seniority list of B-16 officers is final, undisputed and not subjudice.
- The Departmental Promotion Committee is requested to determine the suitability of the above SCT/CTs for Promotion to SST B-16 post with immediate effect.

District Education Officer
(Male)/Female

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

W.P.No. 2948-P 2014

Mushtaq Ahmad son of Haji Sultan Muhammad
Govt. High School Galham District Haripur.....Petitioner

Versus

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Education, KP
at Civil Secretariat, Peshawar.
- 2) Director of Education Khyber Pakhtunkhwa at Dabgari Garden,
Peshawar.
- 3) District Education Officer, Haripur..... Respondents

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

Respectfully submitted;

1. That the petitioner is a law abiding and peaceful citizen of the
country.
2. That the petitioner is serving as "Senior Qari BPS-15" in the
Education Department since 01.06.1995. (Copy of service
certificate is annexed).
3. That the petitioner while entering in the service was sanguine that
after some time he will be promoted to the post of S.E.T. BPS-16
now renamed as S.S.T. BPS-16 according to the existing rules/
procedure for promotion.

FILED TODAY
Deputy Registrar
22 SEP 2014


ATTESTED

[Signature]

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4. That the petitioner after improving his qualification according to the requirements for promotion to the post of S.S.T. B-16, had matured his services and reached to the ceiling of his post and was about to be promoted.
5. That in the meanwhile the respondents invited applications/ documents for departmental promotion against the post of S.S.T. BPS-16.
6. That the petitioner having prescribed experience/ qualification also applied for promotion to the post of S.S.T. B-16 and stood "2nd" in seniority list in the whole district but during the final D.P.C., the petitioner was dropped from the promotion list due to "3rd division" in B.A. (Copy of provisional seniority list is annexed).
7. That there was no condition of "2nd division in B.A" for departmental promotion to S.S.T. prior to the present policy but the only criteria for departmental promotion was seniority-cum-fitness, like promotion in other departments and several teachers of that time have been promoted to BPS-16 without any hurdle in their promotion.
8. That the petitioner made a departmental appeal to respondent No.2 in this regard but of no avail. (Copy of departmental appeal is annexed).
9. That having no other efficacious remedy available, the petitioner now approaches this Hon'ble Court for the redressal of his grievances on the following grounds inter-alia

ATTESTED


GROUNDS:

- a) That the said acts of the respondents by dropping the petitioner from the promotion list on the basis of "3rd division" in BA is against law, facts, constitution and material available on record.

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Deputy Registrar
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- b) That condition of "2nd division" Bachelor degree for promotion to S.S.T. in the notifications/ policy have the effect of altering the terms and condition of service of the petitioner to his prejudice, hence illegal; unlawful, void ab-initio, unconstitutional and against the law hence untenable in the eyes of law and liable to be set aside.
- c) That through the impugned policy/ notifications hundreds of other experienced teacher including the petitioner having been placed nowhere and they are left hire and dry without any chance of promotion or enhancement of their pay scale. (Copies of impugned policies/ notifications are annexed).
- d) That the petitioner had been waiting for several years to be promoted to S.S.T on the basis of seniority-cum-fitness, but at this stage, through such like policies/ conditions of "2nd division in Bachelor degree" the whole career of the petitioner has been ruined and he has been deprived of his right of promotion.
- e) That now neither through promotion nor otherwise, the petitioner and other similar teachers can be elevated to the higher pay scale which is a merciless killing of the petitioner.
- f) That almost in every service/ department, the criteria for promotion is seniority-cum-witness and no other condition of Division is attached thereto.
- g) That the impugned policy is against promotion, upgradation and appointment rules, 1989 as well as Civil Servant Act 1974 and cannot be applied retrospectively.
- h) That the insertion of words "2nd class bachelor degree" for promotion to S.S.T. B-16, as mentioned in the notifications/ policies offends the basic norms of natural justice, law, rules, fairplay, hence liable to be amended/ set aside.

ATTACHED



FILED TODAY
 Deputy Registrar
 22 SEP 2014

i) That other grounds will be raised at the time of arguments before this Hon'ble Court.

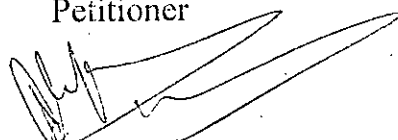
It is, therefore, most humbly prayed that on acceptance of this writ petition, this Hon'ble Court may kindly be pleased to declare the imposition of the condition of "2nd division in Bachelor degree" as illegal, without lawful authority, besides being malafide.

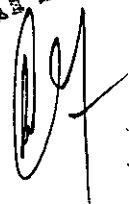
Moreover the respondents be directed to consider the petitioner for promotion to S.S.T. BPS-16 on the basis of seniority-cum-fitness.

Any other relief, not specifically asked for, and deemed appropriate and just be also ordered/ given to the petitioner.

INTERIM RELIEF:

By way of interim relief this Hon'ble Court may kindly be pleased to restrain the respondents for making promotion orders to the posts of S.S.T. BPS-16 till the final disposal of the instant writ petition.

Petitioner
Through 
Abdul Ghaffar Khan Mohmand
Advocate High Court
Peshawar.

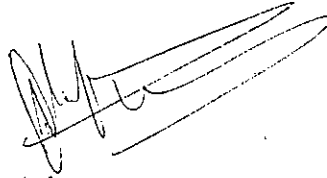
ATTESTED


CERTIFICATE:

Certified as per information furnished by my client that no such like writ petition has earlier been filed before this Hon'ble Court.

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.
- 2) Law books as per need.


Advocate

FILED TODAY
Deputy Registrar
22 SEP 2014

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BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 2848/P/2014

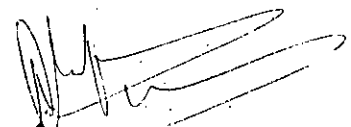
Mushtaq Ahmad.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa
through Secretary Education and others..... Respondents

AFFIDAVIT

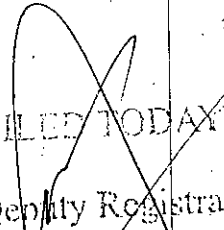
I, Abdul Ghaffar Khan Mohmand Advocate (counsel for petitioner), do hereby affirm and declare as per information furnished by my client that the contents of the accompanying **Writ Petition** are true and correct and nothing has been concealed from this hon'ble court.


Deponent

No. 2841.....
 Certified that the above was verified on solemnly
 affirmation before me in office, this 22nd
 day of SEP 20014 by Abdul Ghaffar Khan Mohmand
 s/o AK no. 6 Peshawar
 who was identified by SEC
 Who is personally known to me
22/9/2014
 Oath Commissioner
 Peshawar High Court, Peshawar

NOTED




FILED TODAY
Deputy Registrar
22 SEP 2014

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

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W.P.No. _____/2014

Mushtaq Ahmad.....Petitioner

Versus

Govt. of Khyber Pakhtunkhwa
through Secretary Education and others..... Respondents

ADDRESSES OF THE PARTIES

PETITIONERS:

Mushtaq Ahmad son of Haji Sultan Muhammad
Govt. High School Galham District Haripur

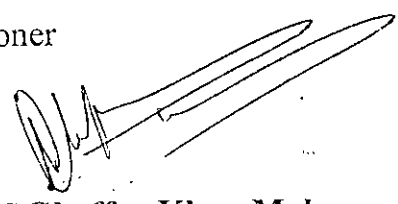
RESPONDENTS:

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Education, KP at Civil Secretariat, Peshawar.
- 2) Director of Education Khyber Pakhtunkhwa at Dabgari Garden, Peshawar.
- 3) District Education Officer, Haripur

ATTACHED
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Petitioner

Through



Abdul Ghaffar Khan Mohmand
Advocate High Court,
Peshawar.

FILED TODAY
Deputy Registrar
22 SEP 2014

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT)

Writ Petition No. 2948-P of 2014.

Mushtaq Ahmad Petitioner.

Versus.

Government of KPK etc..... Respondents.

JUDGMENT.

Date of hearing 17-03-2015

Appellant/Petitioner By Mr Abdul Ghaffar Advocate

Respondent By Mr Mian Arshad Jan A. Ag

WAQAR AHMAD SETH, J:- Vide our detailed judgment of today in WP No. 433-P of 2014, this writ petition is dismissed as not maintainable.

ATTESTED
[Signature]

ANNOUNCED.
17th March 2015

[Signature]
JUDGE

[Signature]
JUDGE

[Signature]
24/3/15

BEFORE THE COURT PESHAWAR HIGH COURT PESHAWAR

W.P.No. 433-2014



- 1) Amin-ur-Rehman s/o Khan Zada, SPST, GPS Barak Abad Nowshera.
- 2) Said Ahmad, S.C.T, GHS Badin Dir Lower.
- 3) Kalilur Rehman, S.C.T, GHS No. 2 Haripur.
- 4) Mumtaz Ahmad s/o Khuda Baksh, S.C.T, GHS Mag Haripur.
- 5) Mir Afzal s/o Muhammad Yaqoob, PSHT, GPS Central Jail Haripur.
- 6) Muhammad Haleem s/o Lal Bat Khan, PSHT, GPS No.2 Saro Khel Hangu.
- 7) Syed Amanullah Shah s/o Syed Noor Badshah, S.C.T Govt: Sentenial Model High School, Akora Khattak.
- 8) Muhammad Javed Ahmad s/o Ghulam Ahmad, S.C.T Govt: Sentenial Model High School, Akora Khattak.
- 9) Ahmad Nabi s/o Khandia Khan, S.C.T, GHS Shakar Garh Batagram,
- 10) Muhammad Ibrahim s/o Zar Farosh, SPST, GPS No. 1 Shewa Swabi.
- 11) Muhammad Javed s/o Haider Shah, Shakar Dara Kohat.
- 12) Subhanuddin s/o Gulin Khan, Shakar Dara Kohat.
- 13) Rehmat Wali s/o Said Wali SPST, GPS Manogay Dir Lower.
- 14) Momin Khan s/o Mian Gul Khan S.C.T, GHS Khazana Dir Lower.
- 15) Abdul Hanan s/o Mula Gul C.I.T, GMS Hisarak Dir Lower.
- 16) Said Ghulam s/o Fateh-ur-Rehman S.C.T, GHSS Lal Qila Dir Lower.
- 17) Sardar Hussain s/o Fazal Ghafoor SPST, GPS Jangai Dir Lower.
- 18) Muhammad Johar Iqbal s/o Muhammad Bahadar C.T, GHSS Lal Qila Dir Lower.
- 19) Khadi Gul SPST, GPS Dhaco Baba Takht Bhai Mardan.
- 20) Irshad Gul s/o Zarnab Gul SPST, GPS Jandari Karak.
- 21) Muhammad Bostan PST, GPS Pati Khurd Takht Bhai Mardan.

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06 FEB 2014

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EXAMINER
Peshawar High Court
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- 22) Farzana Aziz wife of Raza Shah SPST,
- 23) Akhtar Hayat s/o Hayat Ullah SPST, GPS Agra Payan.
- 24) Muhammad Naseen C.T, GHSS Boi Abbottabad.
- 25) Akhtar Mahmood s/o Gohar Khan PSHT, GPS No. 2 Havelian Abbottabad.
- 26) Muhammad Khalid C.T, GHS Parhna Mansehra.
- 27) Khan Wali S.C.T, GHS Jalagali Mansehra.
- 28) Aurangzeb PST, GPS Nogram Mansehra.
- 29) Muhammad Yousaf PSHT, GPS Sowan Mansehra.
- 30) Raja Akhtar Zeb PST, GPS Dosori Mansehra.
- 31) Muhammad Ajmal PST, GPS Said Abad Mansehra.
- 32) Muhammad Qayyum SCT, GHS Manjakot Torghar.
- 33) Ghulam Jilani SPST, GPS Maseenakhurd Abottabad.
- 34) Ashiq Hussain HPST, GPS Sarri Haripur.
- 35) Mst. Robina Kausar S.D.M, GGHS Sector-3 K.T.S Haripur.
- 36) Amjid Hussain C.T, GHS Dalola Abottabad.
- 37) Khurshid Anwar S.C.T, GHSS Garhi Habibullah Balakot Mansehra.
- 38) Maqbul-ur-Rehman S.C.T, GHS Hassa Balakot Mansehra.
- 39) Muhammad Bashir S.C.T, GHS Shohall Mazullah Balakot Mansehra.
- 40) Muhammad Raza Shah S.Qari, GHS Jehangir Abad Mardan.
- 41) Ali fur Rehman C.T, GHS Shodag Charsadda.
- 42) Muhammad Jamil Khan PSHT, GPS Kandhori Haripur.
- 43) Faridullah Shah S.C.T, GHS Tehkal Payan Peshawar.

44) Khalil-ur-Rehman S.C.T, GHSS

Tehkal Payan Peshawar.....

Petitioners

(45) Miss. Rozida Hashme D/o Sherin Basha (SCT) G.G.H.S.S Shewa

Versus

- 1) Govt. of KPK through Chief Secretary KPK, Civil Secretariat Peshawar.
- 2) Secretary Education, KPK, Civil Secretariat Peshawar.
- 3) Director of Education, KPK, Dabgari Garden Peshawar.....

Respondents

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Deputy Registrar
06 FEB 2014

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EXAMINER
Peshawar High Court.
07 APR 2015

vide order
dt 17/3/2015
in applicant
be implemented
as petition

Shabi

WRIT PETITION UNDER ARTICLES 199 OF
THE CONSTITUTION OF PAKISTAN 1973

Respectfully submitted;

- 1) That the petitioners are law abiding and peace loving citizens of Pakistan.
- 2) That the petitioners are serving in the education department for decades since their appointments.
- 3) That the petitioners, while entering in the service, were sanguine, that after some time, they will be promoted to the post of S.E.T BPS-16 (Now renamed as SST BPS-16) according to the existing rules.
- 4) That some of the petitioners possessing while the others after having improved their qualification according to the requirements for promotion to the post of SST B-16 and after having matured their services had reached to the ceiling of their posts and were about to be promoted to BPS-16.
- 5) That in the mean while at the eleventh hour on 08.01.2011 vide NO.SO(PE4-5/9SRC/Vol.III the respondents formulated an illegal method for promotion of the petitioners and other similar teachers to SST (BPS-16), by adding the condition in column No. 3 of the notification as following:
 - i) Second class Bachelor's Degree with two Subjects Chemistry, Botany *etc*.....
 - ii) M.A in Education *or*..... (copy of notification dated 08.01.2011 is annexed).
- 6) That prior to this notification there was no condition of 2nd division in B.A/BSc for promotion to the post of SST (BPS-16) and several of

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EXAMINER
Peshawar High Court

07 APR 2015

teachers of that time have been promoted to BPS-16 without any hurdle or obstacle in their promotion.

- 7) That the teachers association struggled zealously for service structure and as a result of this struggle, the respondents notified the rules/ policy for recruitment/ promotion of the teachers vide notification dated Nov. 13, 2012 wherein SST appeared at serial No.1 of the said notification, but the condition of "2nd class" Bachelor degree was maintained in the said notification. (Copy of the notification/ policy dated 13 Nov, 2012 is annexed).
- 8) That on 20.12.2013, another notification for recruitment/ promotion of teachers to various posts was made, wherein the criteria for promotion to SST was totally changed, but condition of "2nd class" was also kept intact/ maintained in this notification like the other notifications. (Copy of the rules/ policy dated 20.12.2013 is annexed).
- 9) That the petitioners and other similar teachers rose their voices on each and every forum against the said discrimination, but of no avail, now assails the impugned policies by approaching this Hon'ble Court on the following grounds inter alia;

GROUND:

- a. That such addition of words "2nd class" to the qualification for promotion to SST, in all the above notifications, have the effect of altering the conditions of their services/ promotion, hence illegal, unlawful, void ab-initio, unconstitutional, against the norms of natural justice, hence untenable in the eyes of law and liable to be set aside.
- b. That through the impugned notifications, hundreds of experienced senior science teachers including the petitioners having been placed

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06 FEB 2014

ATTESTED

EXAMINER
Peshawar High Court

02 APR 2015

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- nowhere and they are left hire and dry without any chance of promotion or enhancement of their pay scale.
- c. That the appellants have been waiting for their turn to be promoted on the basis of seniority-cum-fitness since decades but at this stage, through the impugned policies, the whole career of the petitioners and other similar teachers has been ruined and they have has been deprived of their right of promotion.
- d. That now neither through promotion nor otherwise, the petitioners including other similar teachers, can be elevated to the higher pay scale which is a merciless killing of the petitioners.
- e. That almost in every service/ cadre the criteria for promotion is seniority-cum-fitness and no other condition is attached thereto.
- f. That the appellant has got every right to be elevated to the higher grade i.e. SST BPS-16 and all the technical hurdles as mentioned in the impugned notification have got no legal/ moral basis and locus standi.
- g. That the impugned policy is against promotion, Upgradation and Appointment Rules 1989 and the law laid down by supreme court as well as Civil Servant Act, 1974 as the new policy cannot be applied retrospectively.
- h. That the petitioners have not been treated in accordance with the law as against the provisions contained in Article 4, 24, 25 and other enabling provisions of the constitution.
- i. That the insertion of words 2nd class bachelor degree as against post of S.S.T, as mentioned in impugned notifications offends against basic norms of natural justice, law, rules and fair play, hence liable to be amended/ set aside.

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Deputy Registrar
06 FEB 2014

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EXAMINER
Postwar High Court
07 APR 2015

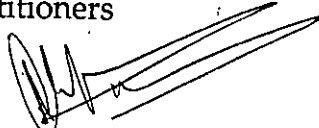
It is, therefore, most humbly prayed that on acceptance of this writ petition, this Hon'ble court may kindly be pleased to declare/ set aside the impugned notifications to the extent of the word "2nd class" as being illegal, without jurisdiction and lawful authority besides being malafide and for ulterior motives and the respondents may kindly be directed to consider the petitioners and other teachers with similar qualification in B.A/ B.Sc for promotion against the posts of S.S.T. BPS-16.

Any other relief which this Hon'ble deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted.

INTERIM RELIEF:

In the meanwhile this hon'ble court may kindly be please to restrain the respondents from making promotions in the light of the decision/ letter dated 20.12.2013 issued on 23.12.2013 till the final disposal of the instant writ petition.

Petitioners
Through


Abdul Ghaffar Khan
Advocate, Peshawar.

Office:

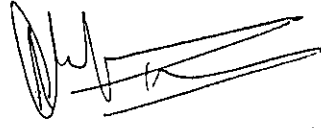
306, Essa Khel Plaza,
Hashtnagri, G.T. Road,
Peshawar.
Cell: 0300-5956376

CERTIFICATE:

Certified as per information furnished by my client that no such like writ petition has earlier been filed before this Hon'ble Court.

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.
- 2) Any other law book as per need.


Advocate

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Deputy Registrar

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ATTESTED
EXAMINER
Peshawar High Court.

07 APR 2015

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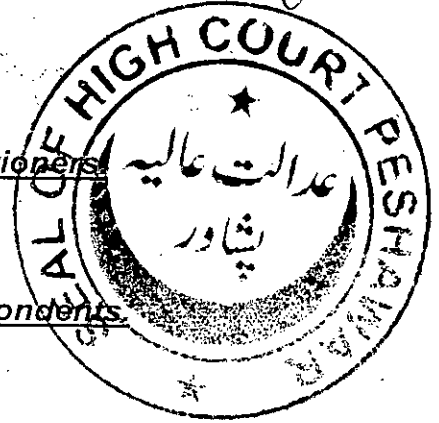
JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.433-P of 2014.

Amin ur Rehman & others.....Petitioners

Versus.

Government of KPK etc.....Respondents



JUDGMENT.

Date of hearing 17.03.2015

Appellant/Petitioner By Mr. Abdul Ghaffar Khan Advocate

Respondent By Mr. Mian Arshad Jan A.A.G.

WAQAR AHMAD SETH, J:- Through this single judgment/order we intend to dispose of this writ petition as well a connected WP No. 2948-P of 2014 as common question of law and facts are involved.

2- Petitioners in both the writ petition have called in question the amendment brought about vide notification dated 13th November 2012, whereby, the post of SET BPS-16, with new nomenclature as SST, BPS-16, meant for promotion purposes, has been amended to the disadvantage of the in service employees / petitioners. The addition of clause / word, "2nd class" to the qualification for promotion to the post of SST, as per petitioners is against the fundamental rights and adverse to the terms and conditions of service, hence the

ATTESTED
EXAMINER
Peshawar High Court

07 APR 2015

violation of Article 4, 24 and 25 of the constitution has been alleged.

3- These writ petitions have been filed by the petitioners on 6th February 2014 & 22nd September 2014, respectively, whereas the impugned amendment was introduced on 13th November 2012 and which has been acted upon in number of cases, hence the question of laches is also there. Promotion, even otherwise is a term and condition of service and Article 212 of the Constitution of Islamic Republic of Pakistan 1973, specifically creates a bar upon this court under Article 199, of the Constitution.

4- Since the petitioners have called in question the amendment brought in the promotion Rules and due to which they are alleging adverse effect on the touch stone of the fundamental rights etc, therefore, they have the every right to challenged the same, but before the competent forum as provided to them, i.e Service Tribunal, where the amendment, as well, be challenged. In the celebrated case of I.A SHARWANI and others Vs GOVERNMENT OF PAKISTAN through secretary, reported in 1991 SCMR 1041, it has been held as under:-

(d)---S.4---Appeal---Jurisdiction---Civil servant when aggrieved by a final order,

ATTESTED
EXAMINER
Shahwar High Court
07 APR 2015

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whether original or appellate, passed by a departmental authority in respect of his terms and conditions, his remedy, if any, is by way of an appeal before the Service Tribunal even where the case involves vires of a particular Service Rule or a Notification or the question, whether an accused civil servant can claim the right to be represented by a counsel before the Enquiry Officer---If a statutory rule or a notification adversely affects the terms and conditions of a civil servant, the same can be treated as an order in terms of S.4(1) in order to file an appeal before the Service Tribunal.

(e)---S.4---Constitution of Pakistan (1973), Art. 25---Appeal---Jurisdiction of Service Tribunal---Civil servant cannot be-pass Service Tribunal by adding a ground of violation of the Fundamental Rights--- Service Tribunal will have jurisdiction in a case which is founded on the terms and conditions of the service even if it involves the question of violation of the Fundamental rights.

TESTED
EXAMINER
eshwar High Court
07 APR 2015

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5- In view of above, these writ petitions are held not maintainable, dismissed as such, however, petitioners are at liberty to approach the competent forum, if so advised. CM No. 272-P of 2015 regarding impleadment is allowed.

sd/- Waqar Ahmad Siddiqui
sd/- Ghoshal Qaiser - J

ANNOUNCED.
Dated: 17/03/2015.

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JUDGE

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JUDGE

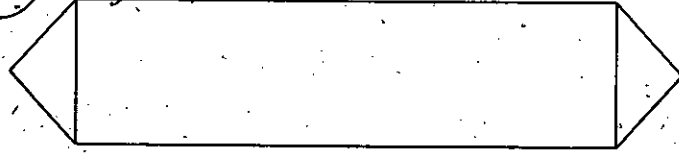
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CERTIFIED TO BE TRUE COPY
Peshawar District Court Peshawar
According to Order Article 87 of
The Constitution of Pakistan Order 1984
07 APR 2015

Office
20/3/15



No. 17200
Date of Presentation of Application 20-3-15
No of Pages 10P
Copying fee /
Urgent Fee /
Total 20.00
Date of Preparation of Copy 07-4-15
Date Given For Delivery 07-4-15
Date of Delivery of Copy 07-4-15
Received By Abdul Qadir

بعدالت سرور سندھ ٹریڈ یونیورسٹی صدر دفتر لاہور



2015ء پنجاب (ع/م/عدوی)

عشق احمد بنام حکومت پاکستان لاہور

مورخہ

مقدمہ

دعویٰ

جرم

عشق احمد

باعث تحریر آنکہ

ہائیکورٹ لاہور

حکومت پاکستان
Acceptance

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے لئے عبدالصفا رضا رائد کیلئے صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی 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 پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

2015ء

ماہ صلی

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المرقوم

الع د گ الع واہ الع

کے لئے منظور ہے۔

عشق احمد

مقام