

18.10.2022

Learned counsel for the appellant present. Mr. Muhammad Nisar, Focal Person alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 28.11.2022.

(Mian Muhammad)  
Member (E)

(Salah-ud-Din)  
Member (J)

28/11/22

deleted from list to come up for the same on 7/2/23

07.02.2023

Clerk of counsel for the appellant present. Muhammad Adeel But, Learned Additional Advocate General for the respondents present.

SCANNED  
PESH  
Peshawar

Former made a request for adjournment on the that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Bannu Bench. Adjourned. To come up for arguments on 15.05.2023 before D.B.

(Fareeha Paul)  
Member (E)

(Rozina Rehman)  
Member (J)

23.12.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Yasir Khan, Junior Clerk for the respondents present.

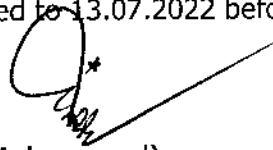
The respondents have not furnished reply/ comments and seek further time. Let the respondents be afforded with last opportunity with the warning that in case they fail to submit the written reply/comments on or before next date, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 06.04.2022 before the D.B.

  
Chairman

06.04.2022

Appellant present in person. Mr. Kabirullah Khattak Adl. AG along with Mr. Muhammad Nisar (Focal Person) for respondents present. Written reply has been submitted which is placed on file.

Counsel are at strike. Therefore the case is adjourned to 13.07.2022 before D.B.

  
(Mian Muhammad)  
Member (E)


  
Chairman

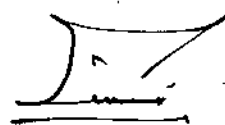
13.07.2022

Junior of learned counsel for the appellant present.

Mr. Muhammad Nasir Khan S.C alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 18.10.2022 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-Ud-Din)  
Member (J)

28.10.2021

Appellant in person present. Memorandum of appeal and the copies of record annexed there with have been perused.

Learned counsel for the appellant states on his own risk that service appeal No. 8647/2020, 8651/2020 and 8650/2020 involving the similar factual and legal position have already been admitted for full hearing and next date in the said appeal is fixed before the D.B-I on 03.02.2022. Subject to all just factual and legal objections this appeal is also admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. Let it be fixed before the S.B on 23.12.2021 for filing of the reply/comments and thereafter is shall be clubbed with the aforementioned appeal.

Appellant Deposited  
Security & Process Fee

26/11/21



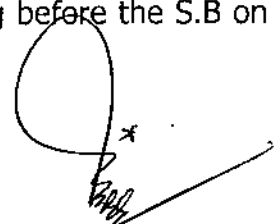
  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 7135 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/08/2021	<p>The appeal of Mr. Nake Nawaz Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	10.09.2021	<p>Clerk of counsel for the appellant present.</p> <p>Due to general strike of the legal fraternity, the case is adjourned. To come up for preliminary hearing before the S.B on 28.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

SCANNED  
2- KPST  
Peshawar

M, Wisal 7 2

S.A 8647/20

M, Hayat

8651/20

Fazal Rehman

8650/20

3/2/22

D.B I

The appeal of Mr. Nake Nawaz Khan SCT GHS Thall Village District NW Miranshah received today i.e. on 28.06.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of judgment order dated 22.2.2018 and impugned order dated 31.5.2012 mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexures-G & H of the appeal are illegible which may be replaced by legible/better one.

No. 1435 /S.T,

Dt. 29/07 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Sir

2/8/2021

Resubmitted after the Completion.



2/8/21

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

**NEK NAWAZ KHAN**

**VS**

**EDUCATION DEPTT:**

**INDEX**

<b>S.N</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1.	Memo of appeal with affidavit	.....	1-4
2.	Service certification	<b>A</b>	5
3.	Pay roll	<b>B</b>	6
4.	Educational testimonial	<b>C</b>	7-20
5.	Impugned notification	<b>D</b>	21-26
6.	Judgment 28-01-2016 & 05-04-2016	<b>E&amp;F</b>	27-33
7.	Notification	<b>G</b>	34
8.	Departmental appeal & Registry receipt	<b>H</b>	35-36
9.	Vakalatnama	.....	37

Dated      07/2021

**APPELLANT**

THROUGH:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

OFFICE: Flat No.4, 2<sup>nd</sup> Floor,  
Juma Khan Plaza, Near FATA Secretariat,  
Warsak Road, Peshawar

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

APPEAL NO. \_\_\_\_\_/2021

NAKE NAWAZ KHAN s/o Amir Khan, SCT (BPS-16),  
GHS Thall Village, District NW Miranshah.

.....APPELLANT

**VERSUS**

- 1- The Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Director, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The District Education Officer (Male), District North Waziristan.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974**  
**AGAINST OF THE RESPONDENTS BY NOT**  
**CONSIDERING THE APPELLANT FOR PROMOTION**  
**TO THE POST OF SST (BPS-16) ON THE BASIS OF**  
**THE BASIS OF HAVING BACHELOR DEGREE IN 3<sup>RD</sup>**  
**DIVISION AND AGAINST THE SERVICE RULES**  
**NOTIFIED ON 24-07-2014 WHEREBY THE**  
**CONDITION OF BACHELOR 2<sup>ND</sup> DIVISION HAS BEEN**  
**INSERTED IN SERIAL NO. 1 (B), COLUMN No 3 (i)**  
**OF THE TABLE AND AGAINST NOT TAKING ANY**  
**ACTION ON THE DEPARTMENTAL APPEAL DATED**  
**29-03-2021 OF THE APPELLANT WITHIN THE**  
**STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned service Rules dated 24.07.2014 may kindly be modified to the extent that the condition of 2<sup>nd</sup> Division/Class be expunged from Column No. 3 (i), Serial No. 1B of the Table and the respondents may kindly be directed to consider the appellant for promotion to the post of Secondary School Teacher



junior colleagues were promoted with all consequential back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

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

- 1- That appellant was initially appointed as Certified School Teacher in the respondent Department since 28-04-1987 and right from the date of appointment the appellant is serving the respondent Department quite efficiently and upto the entire satisfaction of his high ups. Copy of service certificate & Pay roll is attached as annexure ..... **A & B.**
- 2- That appellant is highly qualified person having Master of Art in Islamiyat from Gomal University as well as B. Ed Decrees from reputed & recognized institution of the country. Copy of the Educational Testimonials are attached as annexure ..... **C.**
- 3- That it is pertinent to mention here that the respondent issued the impugned notification dated 24-07-2014 whereby the post of secondary school teachers was restructured and 20% promotion quota to the aforementioned posts was reserved for Primary School Teachers. That according to the said notification required qualification for initial recruitment as well as promotion was mentioned as second class bachelor degree. Copy of impugned notification dated 24-07-2014 attached as annexure ..... **D.**
- 4- That it is pertinent to mention here that the respondents denied promotion to some colleagues of the appellant to the post of SST due to having 3<sup>rd</sup> Division bachelor degree. That feeling aggrieved some colleagues of the appellant filed writ petitions which were allowed in favour fo the petitioners vide judgments dated 05-04-2016 and 28-01-2016 and consequently they were promoted to the post of SST. Copies of the judgments dated 28-01-2016 & 05-04-2016 are attached as annexure ..... **E & F.**
- 5- That it is worth mentioning here that appellant was also denied from promotion due to having 3<sup>rd</sup> Class Bachelor degree despite the fact that appellant is having second division in higher qualification i.e. Master as well as in B.Ed & M.Ed.

- 6- That appellant being a similarly placed employee approached the respondent to extend him the benefits of the above mentioned judgments, but still in vain.
- 7- That it is also pertinent to mention that establishment department issued a notification dated 15-12-2011 whereby amendment has been made in PMS Rules 2007 by providing that a candidate who has obtained 3<sup>rd</sup> Division in Bachelor degree will be eligible for the examination in cases where he/she has obtained a higher division in Master's degree. Copy of notification is attached as annexure ..... **G.**
- 8- That appellant feeling aggrieved from the inaction of the respondent by not promoting the appellant to the post-SST (BPS-16) preferred Departmental Appeal dated 29-03-2021 before the respondents through register post but the same is not responded within the statutory period of ninety days. Copy of the Departmental Appeal dated 29.03.2021 & Registry receipt is attached as annexure ..... **H.**
- 9- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the inaction of the respondent by not promoting the appellant to the post of SST (BPS-16) and notification dated 24-07-2014 is against the law, facts, norms of natural justice and material on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondent violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That appellant is entitled to be promoted to the post of SST (BPS-16) from due date in light of judgments of Peshawar High Court by attracting Principle of Parity as mentioned in the apex court judgment reported as 2009 SCMR page 01.
- D- That the appellant has been discriminated on the subject noted above as other colleague who are having 3<sup>rd</sup> division are given promotion but the appellant has been deprived from the benefit of promotion to the post of SST (BPS-16).
- E- That the respondents while not promoting the appellant to the post of SST (BPS-16) is against the Law & Rules on the subject

E- That the respondents while not promoting the appellant to the post of SST (BPS-16) is against the Law & Rules on the subject matter and as the respondent violated the Principle of Natural Justice.

F- That the appellant has 2<sup>nd</sup> division in higher qualification i.e. Master degree and other educational related degrees i.e. B.Ed & M.Ed that entitle to be promoted from the due date in light of notification dated 15-12-2011.

G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Appellant

**NEK NAWAZ KHAN**

Through:

**NOOR MOHAMMAD KHATTAK**

**KAMRAN KHAN**

& **HAIDER ALI**  
Advocates, Peshawar

**CERTIFICATE:**

No such like appeal has earlier been filed between the parties

**ADVOCATE**

**AFFIDAVIT:**

I, Nek Nawaz Khan s/o Amir Khan do hereby solemnly affirm that the contents of the above appeal are true and correct to the best of my knowledge & believe and nothing has been concealed from this Honourable Court.



DEPONENT  
21506-4534763-7

ANNEXURE A

5

**SERVICE CERTIFICATE**

Certified that Mr. Nek Nawaz Khan C.T S/O Amir Khan is serving as C.T Teacher at GHS Tal village (N.W.T.D) since 29/01/1990 up-to-date.

He is sincere and hardworking man. I wish him successful in every walk of life.

Headmaster  
G.H.S Tal Village  
N.W.T.D

PRINCIPAL  
GHS TAL VILLAGE  
N.W.T.D

ANNEXURE B

6

Miran Shah-N.W.

S#:1780

P Sec:001 Month:February 2021

MW6044 -GHS Thall village

GHS THALL VILLAGE

Pers #: 50171490 Buckle:

Name: NEK NAWAZ

NTN:

SENIOR CERTIFIED TEACHER

GPF #: EDUMRN 1236

CNIC No.2150645347637

Old #:

GPF Interest Applied

16 Active Temporary

MW6044

PAYS AND ALLOWANCES:

0001-Basic Pay	52,350.00
1000-House Rent Allowance	2,727.00
1210-Convey Allowance 2005	5,000.00
1300-Medical Allowance	1,500.00
1528-Unattractive Area Allow	1,500.00
2148-15% Adhoc Relief All-2013	1,140.00
2199-Adhoc Relief Allow @10%	763.00
2211-Adhoc Relief All 2016 10%	3,892.00
2224-Adhoc Relief All 2017 10%	5,235.00
2224-Adhoc Relief All 2018 10%	5,235.00
2224-Adhoc Relief All 2019 10%	5,235.00
Gross Pay and Allowances	84,577.00

DEDUCTIONS:

IT Payable	5,184.08	Deducted	10,006.00	TAX:(3609)	1,297.00
GPF Balance	282,763.00			Subrc:	3,340.00
3501-Benevolent Fund					800.00
3990-Emp.Edu. Fund KPK					150.00
4004-R. Benefits & Death Comp:					650.00

Total Deductions

6,237.00

78,340.00

D.O.B LFP Quota: 4

12.05.1964 MCB BANK LIMITED

31 Years 01 Months 002 Days 0836662571000765

S. No 310181

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 4019A

ANNEXURE C

7

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 1980 (ANNUAL)

Name Muhammad Nawaz Khan

Son / Daughter of Air Khan  
and a student of Govt: High School Miran Shah, N.W.F.P. Agency.

has passed the Secondary School Certificate Examination  
of the Board of Intermediate and Secondary Education, Peshawar held in April 1980  
as a candidate in Science. He/She obtained 520 Marks out of 850  
and has been placed in ' B ' Representing Very Good

- The Candidate passed on the following subjects
- 1. English
  - 2. Urdu
  - 3. Islamiyat
  - 4. Physics.
  - 5. Pak. studies.
  - 6. Chemistry.
  - 7. Mathematics.
  - 8. Biology.

He/She has been awarded Grade B on the basis of internal  
assessment by the Institution concerned  
Date of birth according to admission form is twelfth May  
one thousand nine hundred and Sixty Four / 12-5-1964

*[Signature]*  
Joint Secretary

*[Signature]*  
Secretary

30th July 1980

This certificate is valid without alteration or erasure

8

S. No 123113

ذرائع التعليم

Roll No: 5731

# BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan

Intermediate Examination

Pre-Medical Group

SESSION 1982 (ANNUAL)

THIS IS TO CERTIFY THAT

Neek Nawaaz Khan

Son/Daughter of

Amir Khan

and a student of

Government College Miran Shah (N.W. Agency)

Registered No.

100-B/MIR-80

has passed the Intermediate Examination of

the Board of Intermediate & Secondary Education, Peshawar held in May/June 1982

as a Regular Candidate. He/She obtained

430

Marks out of 1000

and has been placed in Grade

D

Representing

Fair

He/She has been awarded Grade

E

on the basis of internal assessment

by the Institution concerned.

The Examination was taken as a whole

*Handwritten signatures and stamps*

Assit. Secretary

5th September 1982

This certificate is issued without alteration or change.

Lia A. T. Center  
Civil Vcty. Hospital  
Miran Shah B. S. Agency

Secretary

Serial No 002941

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

9

# GOMAL UNIVERSITY

## DERA ISMAIL KHAN



NAKE NAWAZ KHAN SON of AMIR KHAN and

a student of GOVERNMENT COLLEGE, MIRAN SHAH (N.W.A)

having passed the prescribed examination in JULY/AUGUST 1984,

is this day admitted by the Gomal University to the **D E G R E E** of

### BACHELOR OF ARTS

in the THIRD Division. HE passed also in ISL: STUDIES as XX

~~Additional/Optional~~ COMPULSORY Subject.

The Examination was taken as a whole/in parts.

Registered No. 332-M-82

Roll No. 898

11TH DECEMBER, 1984.

*Atb*  
*[Signature]*

Countersigned

Agst. Agency Education Office  
Miranshah (N.W.A)

*[Signature]*  
Controller of Examinations

*[Signature]*  
Vice-Chancellor

*Verified by*  
*[Signature]*

*[Signature]*  
BARIATULLAH  
S.E.T/A.A.E.O.  
S.P.S 17 (N.W.A)



GOMAL UNIVERSITY



DERA ISMAIL KHAN

10

Passed/Re-appear/Failed in Agg

DETAILED MARKS CERTIFICATE

BA

Examination 1984. Annual/Supplementary/

Term

Roll No 898

Mr/Miss Nabat Nawaz Khan

The candidate secured the following marks & has been placed in Third Division

SUBJECTS	Total number of marks allotted	MARKS OBTAINED	
		In figures	In words
1 English	150	58	Fifty eight
2 Urdu	150	66	Sixty six
4. Pakistan studies	40	16	Sixteen only
5. Islamic studies	60	36	Thirty six
Total	550	231	Two hundred & thirty one only

THE EXAMINATION WAS TAKEN AS A WHOLE/IN PARTS

No. 16427

Dated 7/11/1985

*[Signature]*  
 CONTROLLER OF EXAMINATIONS  
 GOMAL UNIVERSITY, DERA ISMAIL KHAN  
*[Signature]*  
 7/11/85

ATTESTED

84: B. 441

REGISTERED NUMBER

Serial No. M 73618

DUPLICATE

3176

ROLL NUMBER

# UNIVERSITY OF THE PUNJAB

## پنجاب یونیورسٹی



(11)

1986

This is to Certify

Nake Nawaz

Amir Khan

Govt. College, Lahore (ex-student)

has obtained the Degree of

**Master of Arts**

Political Science

in this University at the Examination held

in March, 1988

in the Second Year

The Examination was taken as a whole marks. Marks obtained: 455/1000

AGENCY Education Office  
Ferozpur

1987

نقص کی حالت ہے

رک نماز

اندر خان

گورنمنٹ کالج - لاہور (سابقہ طالب)

نے اس ملازمین کے امتحان میں، مارچ 1988 کی بنا پر

ایم۔ اے۔

سیاسیات

کی لکری درجہ

میں حاصل کی

الہوں نے کئی / ملاقات امتحان میں شرکت کی

Duplicate Degrees  
Signed by the  
Chancellor

CONTROLLER OF EXAMINATIONS

HONOR



12

S.No:115818

# University of Science & Technology Bannu

Khyber Pakhtunkhwa, Pakistan

## DETAILED MARKS CERTIFICATE



Bachelor of Education

Session: 2010-2011

One Year Annual Examination Held in September, 2011

Name: Nake Nawaz Khan Roll No: 35347

Father's Name: Amir Khan Reg No: 2010-UB-NP-37584

Institute Name: Private Candidate

The Candidate has secured the following Marks and is placed in **2nd** Division.

No.	Subjects	Max Marks	MARKS OBTAINED				Remarks
			Theory	Practical	Total	In Words	
1	Model Lesson	200	150	---	150	ONE HUNDRED FIFTY	
2	Teaching of English	100	64	---	64	SIXTY-FOUR	
3	School Organization and Classroom Managem	100	52	---	52	FIFTY-TWO	
4	Perspective of Education in Pakistan	100	50	---	50	FIFTY	
5	Educational Measurement and Evaluation	100	50	---	50	FIFTY	
6	Teaching of Pak. Studies	100	50	---	50	FIFTY	
7	Human Development and Learning	100	48	---	48	FORTY-EIGHT	
8	Curriculum and Instruction	100	46	---	46	FORTY-SIX	
9	Functional English	100	46	---	46	FORTY-SIX	
10	Guidance and Counselling	100	33	---	33	THIRTY-THREE	
<b>Total</b>		<b>1100</b>			<b>589</b>	<b>FIVE HUNDRED EIGHTY-NINE</b>	

Note: Required Pass Percentage in each Subject (Written & Practical Separately) 33, Aggregate Pass Percentage 36

The Examination was taken **as a Whole**

Prepared by: *Den*

Checked by: *[Signature]*

*[Signature]*  
Controller of Examinations  
University of Science & Technology, Bannu

Result Declaration Date	19-01-2012 ✓
Issue Date	19-01-2012



**ATTACHED**

Errors & omissions excepted, if any, are subject to subsequent rectification by the competent authority.

Serial No. 04 037

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

# University of Science & Technology Faisalabad

ہیجر ہائیکولہ  
۱۴۳۴ھ



Pakistan



## Provisional Certificate

Session 2010-2011

Signature of Amir Khan

This is to certify that Mr./Miss Nake Nawaz Khan

Private Candidate

a student of Bachelor of Education Examination

has passed September, 2011 The/She was placed in 2nd Division/Grade/Step securing 589 marks out of 1100

The Examination was taken as a whole / in parts As a Whole

USTBOM

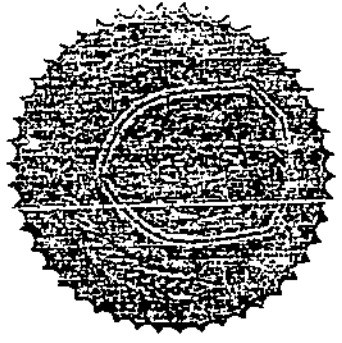
Roll No. 35347

Reg. No. 2010-UB-NP-37584

Issue Date 06-03-2012

Prepared by: [Signature]

Checked by: [Signature]



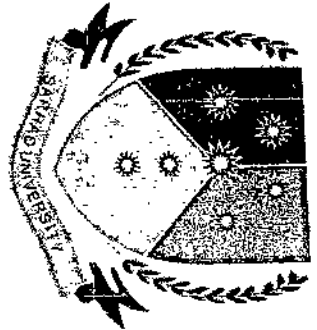
[Signature]  
Controller of Examinations

۱۴۳۴ھ

14

Registration No. SCUT-12-01-036-0269

Serial No. 013012



# Sirhan University of Science & Information Technology

This is to certify that **Nake Nawaz Khan** son/darughter of **Amir Khan**

Having passed the requisite examination, is hereby awarded the Degree of

**Master of Education**

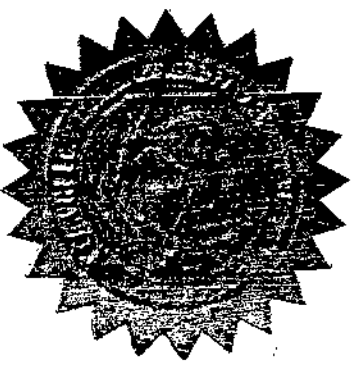
with all the rights and privileges appertaining thereto.

Given at Jeddah (JAKHSAAN) on the Tenth Day of December Two Thousand Thirteen.

SECRET

Registrar

Vice-Chancellor



President

# EDUCATION DEPARTMENT

N.W.F.P., PESHAWAR,

(S)



## CERTIFICATE OF TEACHING.

**ATTESTED**

Marks obtained 505/1200 1000

Division Third

ROLL NO. 1454 Nek Nawaz Khan

Certified that born on 12-5-1964 (Twelfth May Nineteen hundred and Sixty Four)

Son/Daughter of Amir Khan Tehsil. Miranshah District. N.W.A.

resident of Seer Kot having passed the Certificate of Teaching Examination held in 19 82/83 qualified to teach in the Middle

Department of an Anglo-Vernacular School. Private Trained at the Government Training School.

*Witnessed*  
*[Signature]*

*[Signature]*  
The  
20/12/82

*[Signature]*  
Director

16

DETAIL MARKS CERTIFICATE.

TRAINING CLASSES EXAMINATION C.T. (GENERAL) 1992

Roll No. 1484 Name. Neale Naway Son/Daughter of Armita K. Nayan

Serial No.	SUBJECTS	Max. Marks	Marks Obtained		TOTAL
			Interl	Exteri	
1	Theory and History of Education	100	37		
2	Child Development	100	48		
3	School and Community Development	100	39		
4	General Psychology (Part I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX)	100	43		
5	General Psychology (Part I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX)	100	40		
6	General Psychology (Part I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX)	100	47		
7	English	100	39		
8	Mathematics	100	48		
9	General Psychology	100	33		
10	Education	100	34		
11	Practical Psychology	100	100		
G. Total		1200	508		

Passed/Failed

Division III

To Re-appear in

Prepared by

22.11.92

Checked by

Date of declaration of Result

[Signature]



# SARHAD UNIVERSITY

OF SCIENCE & INFORMATION TECHNOLOGY, PESHAWAR

## TRANSCRIPT

Transcript No. SU/ 23568

Name: Nake Nawaz Khan

Reg. No: SUIT-12-01-036-0269

Father's Name: Amir Khan

Roll No: 12-FA-73618

Degree: Master of Education

Enrollment Date: 03 Sep, 2012

Faculty: Arts, Social Sciences and Education

Completion Date: 10 Oct, 2013

1st Semester		Cr Hrs	Marks	Grade	GPA	Remarks
SME 626	Comparative Education	3 - 0	74	B	9	
SME 627	Computers in Education	3 - 0	68	C+	7.5	
SME 628	Educational Research	3 - 0	76	B	9	
SME 629	Advance Educational Psychology	3 - 0	71	B	9	
SME 630	Guidance and Counselling	3 - 0	67	C+	7.5	
Cum Cr: 15.0 GPA: 2.800 Cum GPA: 2.80 Status: PTD						

2nd Semester		Cr Hrs	Marks	Grade	GPA	Remarks
RFS 381	Qualitative Research Methods	3 - 0	67	C+	7.5	
RES 382	Quantitative Research Methods	3 - 0	62	C	6	
SME 631	Educational Management and Supervision	3 - 0	61	C	6	
SME 632	Education in Pakistan Problems Issues & Trends	3 - 0	75	B	9	
SME 633	Curriculum Development and Implementation	3 - 0	59	D+	4.5	
SME 635	Teacher Education in Pakistan	3 - 0	64	C	6	
SME 638	Higher Education	3 - 0	68	C+	7.5	
Cum Cr: 36.0 GPA: 2.214 Cum GPA: 2.46 Status: QFD						

Marks Obtained : 812 Total Marks : 1200 Overall Percentage : 67.67%

(Errors and omissions are subject to subsequent rectification)  
----- END OF TRANSCRIPT -----

Dean

(Degree Completed)

Controller of Examinations

ATTESTED



19



# Sarhad University

**OF SCIENCE & INFORMATION TECHNOLOGY, PESHAWAR**

Serial Number SUIT-2013-PRO-3855

Date issued: November 29, 2013

## Provisional Certificate

This is to certify that Mr. / Ms. Nake Nawaz Khan

Son/ daughter of Mr. Amir Khan

Registration number SUIT-12-01-036-0269

is a regular student of the Sarhad University of Science and Information Technology,  
Peshawar .

Mr. / Ms. Nake Nawaz Khan has completed all the requirements for the  
award of Master of Education degree with a  
CGPA of 2.46 on a scale of 4.00. He/ She has already been issued a  
transcript and degree will be awarded to him/ her in due course of time on the request of  
student.

Mr. / Ms. Nake Nawaz Khan bears good moral character and his/ her  
conduct during his/ her stay at the University from 03 September, 2012 to 10 October, 2013  
has been Very Good.

*[Signature]*  
✓ **Director**  
Distance Education.

*[Signature]*  
**ATTACHED**

DOMICILE CERTIFICATE

20

Certified that Nek Nawaz S/o Amir Khan  
Tribe Wazir Section \_\_\_\_\_ Sub-Section \_\_\_\_\_  
Village \_\_\_\_\_ Tehsil Mirshah belong to recognised tribe of  
North Waziristan and his father is a borresident of North Waziristan Agency.

Signature/LTI of Applicant.

Signature /LTI of Sectional Malik.

Dated \_\_\_\_\_

Dated \_\_\_\_\_

Certified that Nek Nawaz Khan S/o Amir Khan  
Tribe Wazir Section \_\_\_\_\_ is a bonafide resident of  
Village \_\_\_\_\_ Tehsil \_\_\_\_\_ North Waziristan Agency as  
verified by the Sectional Malik.

Signature of P (S) Wazir

Name \_\_\_\_\_

Till \_\_\_\_\_

For \_\_\_\_\_

Verified to be correct.

Signature of A.P.A., \_\_\_\_\_

Name \_\_\_\_\_

North Waziristan Agency,

Dated \_\_\_\_\_

Countersigned.

Political Agent & District Magistrate,  
North Waziristan Agency, Miranshah.

No. 5567 /C10/10

Dated 13/9 1970.

Better Copy C 21 to 26

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

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

No.SO(PE) 4-5/SSRC/meeting/2013/Teaching Cadre:- In pursuance of the provision contained in sub rule (2) rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&LD/1-28/2003/Voli-II date 09.04.2004, Notification No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(PE)4-5/SSRC/meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

**AMENDMENTS**

In the Appendix,-

- (i) Serial No.1 shall be renumbered as 1B and before serial No.1B, as so, renumbered new entries shall be inserted in respective columns, namely:

1	2	3	4	5
v1.	Subject specialist (BPS-17)	i. At least second class Master Degree or four Years BS Degree in the Relevant subject; and ii. Bachelor of education or Master of education (Industrial Art or Business education) or MA education or equivalent qualification from a recognized university	23 to 35 years	a) fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years' service as such and having qualification mentioned in column No.3.  Note: if no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial recruitment: and  b) fifty percent by initial recruitment.
1A	Director physical education (BPS-17)	At least second class master Degree in physical Education from a recognized university	22-35 years	a) Fifty percent by promotion on the basis of seniority cum fitness from amongst senior Physical Education Teachers BPS-16 with at least five year's service as senior physical education teacher and physical education teacher and having qualification mentioned in column No.3: Provided that if no suitable person is available from amongst senior physical education teachers for promotion then the post

ATTESTED

					<p>shall be filled by promotion, on the basis of seniority cum fitness from amongst the physical education teachers with at least five years service as such and having qualification mentioned in column No.3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>b) fifty percent by initial by initial recruitment"; and</p>
--	--	--	--	--	--

ii) against serial No.1B, as so renumbered for the existing entries the following shall be substituted in respective column, namely:

1	2	3	4	5
1B	Secondary School Teachers (BPS-16)	<p>1. At least second class bachelor degree's from a recognized university on need basis from the following groups with two subject</p> <p>a) (Chemistry, Botany or zoology), Or</p> <p>b) Physics, Maths 'A or B' or statistics Or</p> <p>c) Humanities and other equivalent groups at degree level with English as compulsory subject; And</p> <p>11. Bachelor of Education or Master of education (industrial Art or business Education) or MA education or equivalent qualifications from a recognized university.</p>	21 to 35 years	<p>1. seventy five percent by promotion on the basis of seniority cum fitness from the district concerned in the following manner:</p> <p>2. forty percent amongst the senior certified teachers BPS-16 with at least five years service as senior certified teacher and certified teacher and having qualification mentioned in column No.3:</p> <p>provided that if no suitable candidate is available from amongst senior certified teachers for promotion then the post shall be filled by promotion on the basis of seniority cum fitness from amongst certified teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>b) four percent from amongst the senior drawing master BPS-16 with at least five years service as</p>

**ATTACHED**

senior drawing masters and drawing masters and having qualification mentioned in column No.3 ;  
 provided that if no suitable candidate is available from amongst senior drawing master for promotion then the post shall be filled by promotion on the basis of seniority cum fitness from amongst drawing master with at least five years service as such and having qualification mentioned in column No.3;

c) four percent from amongst the senior Arabic teachers BPS-16 with at least five years service as senior Arabic teachers and Arabic teachers and having qualification mentioned column No.3;  
 provided that if no suitable candidate is available from amongst senior Arabic teachers for promotion then the post shall be filled by promotion on the basis seniority cum fitness from Arabic teachers with at least five years service as such and having qualification mentioned in column No.3;

d) four percent from amongst the senior theology teachers BPS-16 with at least five years service as senior theology teachers and theology teachers and having qualification mentioned in column No.3;  
 provided that if no suitable candidate is available from

~~INTENDED~~

				<p>amongst senior theology teachers for promotion then the post shall be filled by promotion on the basis of seniority cum fitness from amongst the Theology Teachers with at least five years service as such and having qualification mentioned in column No.3:</p> <p>e) three percent from amongst the Senior Qari BPS-16 with at least five years service a senior Qari and having qualification mentioned in column No.3: provided that if no suitable candidate is available from amongst the senior Qari then the post shall be filled by promotion on the basis of seniority cum fitness from Qaris with at least five years service as such and having qualification mentioned in column No.3;</p> <p>f) twenty percent from amongst the primary school head teachers BPS-16 with at least seven years service as primary school Head Teachers and senior primary school teachers and primary school teachers and having qualification mentioned in column No.3; provided that if no suitable candidate is available from amongst</p>
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ZAMIN KHAN MOMAND  
SECTION OFFICER (PRIMARY)

~~INTENDED~~

GOVERNMENT OF BIHAR  
 DEPARTMENT OF MEDICAL EDUCATION  
 PATNA

REGISTRATION NO. 101

AMENDMENTS

Serial No. 1B, as so numbered, the following new entries shall be

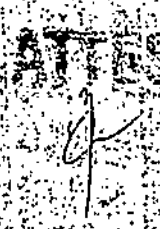
1	2	3	4
1	Subject: Speciality (BPS-17)	At least second class Master's Degree or joint years BS Degree in the relevant subject, and	23 to 35 years
	Bachelor of Education or Master of Education (under Art of Business Education) or any combination or equivalent qualification from the relevant stream		Fifty per cent by promotion on the basis of seniority-juniority, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualifications mentioned in column No. 3.

Note: If no suitable candidate is available in the relevant subject the post falling in 2nd column promotion quota shall be filled by direct

ATTESTED



	Director Physical Education (BPS-2)	At least second class Master's Degree in Physical Education from a recognized University	2-35 years	<p>(a) fifty per cent by promotion on the basis of seniority cum fitness from amongst Senior Physical Education Teachers (BPS-10) with at least five year service as Senior Physical Education Teacher or Physical Education Teacher and having a qualification mentioned in column No. 3</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion on the basis of seniority cum fitness from amongst the Physical Education Teachers in with at least five year's service as such and having qualification mentioned in column No. 3</p> <p>Note: If no suitable candidate is available in the relevant cadres of the above teachers the post falling in their promotion quota shall be filled by initial recruitment and</p> <p>(b) fifty per cent by initial recruitment and</p>
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(b) Against Serial No. 1B of serial number, of the existing entries, the following shall be substituted in respective columns 2, 3, 4 and 5 respectively.

1	Secondary School Teacher (B.P.S-6)	4	<p>2010-35</p> <p>Sevenly five per cent by promotion on the basis of seniority and fitness from the district concerned in the following manner:</p> <p>(a) four per cent from amongst the Senior Certified Teachers (B.P.S-6) with at least five years service as Senior Certified Teachers and Certified Teacher and having qualification mentioned in column No. 3.</p> <p>(b) four per cent from amongst the Senior Drawing Master (B.P.S-6) with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No. 3.</p>
2	<p>(a) At least second class Bachelors Degree's from a recognized University on need basis from the following groups with two subject following groups with two subject</p> <p>(b) (Chemistry, Botany or Zoology)</p> <p>(c) Or</p> <p>(d) (Physics, Maths, A or B or Statistics)</p> <p>(e) Or</p> <p>(f) (Humanities and other equivalent groups at degree level with English as compulsory subject)</p>	4	<p>2010-35</p> <p>Sevenly five per cent by promotion on the basis of seniority and fitness from the district concerned in the following manner:</p> <p>(a) four per cent from amongst the Senior Certified Teachers (B.P.S-6) with at least five years service as Senior Certified Teachers and Certified Teacher and having qualification mentioned in column No. 3.</p> <p>(b) four per cent from amongst the Senior Drawing Master (B.P.S-6) with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No. 3.</p>
3	<p>(a) Bachelors of Education or Master of Education (Industrial or M.A. Business Education) or M.A. Education from a recognized University</p>	4	<p>2010-35</p> <p>Sevenly five per cent by promotion on the basis of seniority and fitness from the district concerned in the following manner:</p> <p>(a) four per cent from amongst the Senior Certified Teachers (B.P.S-6) with at least five years service as Senior Certified Teachers and Certified Teacher and having qualification mentioned in column No. 3.</p> <p>(b) four per cent from amongst the Senior Drawing Master (B.P.S-6) with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No. 3.</p>

(3)

24


provided that if no suitable candidates is available from amongst Senior Drawing Masters for promotion then the post shall be filled by promotion on the basis of seniority-cum-fitness from amongst Drawing Masters with at least five years service as such and having qualification mentioned in column No. 3.

(g) four per cent from amongst the Senior Arabic Teachers (BPS-16) with at least five years service as Senior Arabic Teachers and/or Arabic Teachers and having qualification mentioned in column No. 3, provided that if no suitable candidate is available from amongst Senior Arabic Teachers for promotion then the post shall be filled by promotion on the basis of seniority-cum-fitness from Arabic Teachers with at least five years service as such and having qualification mentioned in column No. 3.

(d) four per cent from amongst the Senior Theology Teachers (BPS-16) with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column No. 3.

(4)

Signature  
Date



25

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(5)

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

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

Provided that if no suitable candidate is available from amongst

10/11/2011

2



26

SECRETARY TO GOVERNMENT OF GIYBIRPACHT UNICEMVA  
SECRETARY TO GOVERNMENT OF SECONDARY EDUCATION DEPARTMENT

Index of Govt No. & date

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department, Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Directorate, Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
4. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
5. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
6. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
7. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
8. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
9. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
10. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
11. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
12. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
13. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
14. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
15. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
16. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
17. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
18. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
19. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
20. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
21. The Secretary to Government of Khyber Pakhtunkhwa, Peshawar.
22. Master file.

(ZAMIN KHAN, NOMAND)  
SECTION OFFICER (PRIMARY)

SECRETARY

[Signature]



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**PESHAWAR HIGH COURT BANNU BENCH  
FORM OF ORDER SHEET**

Date of order or other proceedings	Order or other proceedings with signature of Judge (S)
(1)	(2)
28.01.2016	<p><b>WP No.73-B-2014</b> Present Mr. Ali Jan Khan Advocate for petitioner: <b>MUHAMMAD GHAZANFAR KHAN :-</b></p> <ol style="list-style-type: none"> <li>1. the petitioner namely Mumtaz khan son of the Gull Jan, through the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973, seeks issuance of directions to the respondents/department to the consider him for promotion in the post of SST in BPS-16 in view of the department promotion committee meeting held on 18.01.2014.</li> <li>2. we have heard learned counsel for the petitioner and gone through the available record of the case.</li> <li>3. Perusal of the record transpires that the petitioner has passed B.A in third division while as per notification bearing No. dated 18.1.2011 the minimum qualification for the post of SST BPS-16 are Bachelor's degree or MA in education bachelor degree in education. The record further shows that the petitioner has also passed M.ed during the year 2000 in second division and M.A History and Pak study during the session 2003 in second division.</li> <li>4. In wake of the above, we direct the respondents to consider the petitioner for promotion to the post of SST BPS-16 in the next departmental promotion Committee meeting on the basis of his degree in MA History and Pak Study coupled with M.ed qualifications. The writ petition is disposed of in the above terms.</li> </ol> <p align="right"><b>Sd/- ikramullah khan</b></p> <p><b>ANNOUNCED</b> 28.01.2016.</p> <p align="right"><b>Sd/-Muhammad Ghazanfar Khan, J</b></p>

FORM OF ORDER SHEET

Date of order or other proceedings	Order or other proceedings with signature of judge(s)
(19)	(20)
28/01/2016	<p>NYE No. 75-D-2014</p> <p>Present: Mr. Justice Khan, Justice of the Peace and District Judge, Islamabad.</p> <p>IN THE MATTER OF A PETITION FOR WRIT OF HABEAS CORPUS</p> <p>petitioner: namely, <u>Muhammad Asghar Ali Khan</u> filed through the instant Constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeks issuance of directions to the respondents/department to consider the promotion in the post of SSA in the year of the Departmental Promotion Committee meeting held on 18-01-2014.</p> <p>2. We have heard learned counsel for the petitioner and conducted the available records of the case.</p> <p>3. Petitioner's counsel has submitted that the petitioner has passed all the minimum requirements of promotion. He has also submitted that the petitioner has been in the post of SSA (3335-10) since 1998 and has been in the post of SSA (3335-10) since 1998. He has also submitted that the petitioner has been in the post of SSA (3335-10) since 1998 and has been in the post of SSA (3335-10) since 1998.</p>

*[Handwritten signature]*

Justice of the Peace and District Judge, Islamabad

ATTESTED

record further shows that the petitioner has also passed M.Ed during the year 2000 in second division and M.A. History and Public Stat. during the session 2003 in second division.

In view of the above facts and the respondents to consider the petitioner for promotion to the post of SSI (BPS-16) in the next Departmental Promotion Committee meeting on the basis of his degree in M.A. History and Public Stat. awarded with M.Ed. qualifications. All other petitions disposed of in the above terms.

ANNOUNCED  
28/07/2016

Sd/- Muhammad Ghazni Khan  
Officer

Handwritten signature and date: 15/7/16

CERTIFIED TO BE TRUE COPY  
Sd/-  
Officer  
Under Secretary

TESTED

BETTER COPY- 29 to 33

## Judgment Sheet

## IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH JUDICIAL DEPARTMENT

Writ Petition No.1041-A/2015

## JUDGMENT

1. **IKRAMULLAH KHAN J:-** Through the instant writ petition under article 199 of the Islamic republic of Pakistan, 1973 the petitioner seeks declaration to the effect that the act of respondent NO, 3 where by the promotion notification dated 28.10.2014 was withdrawn vide impugned notification 24.04.2014 on the ground of having qualification of B.Sc (3<sup>rd</sup> division) is illegal and without lawful authority and against the judgment of this court passed in W.P.No.58-B of 2014.
2. In essence, the petitioner was initially appointed as certified teacher and, as per entitlement, later on promoted to the post of senior certified teacher (BPS-16) Vide notification dated 28.10.2014. where after the petitioner assumed the charge of the said post on 30.10.2014 and after performing his duties to the satisfaction of his competent authority, on 24.04.2015 respondent No,3 has passed the impugned notification and, as such, the promotion order of the petitioner was withdrawn on the ground having B.SC in third division.
3. Comments were called from respondent No.3 who filed the same, averring therein that though petitioner was promoted to the post of SST vide notification dated 28.10.2014 by respondent No.2 scrutinizing his qualification documents, it was found that petitioner was not eligible for promotion to the post of SST being B.SC third divisioner hence, his promotion order was de-notified by the director elementary and secondary education : Khyber Pakhtunkhwa Peshawar and on the direction of director the promotion order of the petitioner was withdrawn vide impugned notification dated 24.04.2015.
4. It is further been averred in the comments that promotion order of the petitioner was withdrawn on the ground of B.sc third division and it was done in light of policy circulated vide Notification No.SO(PE)4-5/SSRC/meeting/2013/teaching cadre dated 24.07.2014 according to which the method of recruitment of SST was specified with a first condition of at least second class BA/Bsc from a recognized university on need basis with two relevant subjects along with second condition of MA education or B.ed from the recognized university further averred that it is the prerogative of the government to enhance, modify or alter the promotion criteria/ policy for the civil servants and a civil servant is not supposed to be treated with a set of rules of his own choice.
5. In response to para-6 of the petition, respondent No.3 averred in the comments that the judgment of this court was announced on 04.06.2015 where as the withdrawal order of the petitioner was passed on 24.04.2015, prior to the announcement of the judgment.
6. The main contention of learned counsel for the petitioner is that this court has already declared the condition of having third division as null and void in its judgment dated 04.06.2015 and the case of the petitioner is on better footing for reason that in referred judgment the petitioner had not been appointed but so far as the case of the petitioner is concerned, he was duly promoted rather received its benefits from 28.10.2014 to 24.04.2015 and thus the impugned order is illegal, without lawful authority and jurisdiction.



7. Admittedly, the petitioner was duly promoted to the post of question on 28.10.2014, after the departmental promotion committee evaluated his case /PERs.
8. Now the question for determination before this court would be that when the petitioner actually performed his duties on the promoted post and that too for six long months, then how the respondent No.3 could withdraw earlier promotion order only on the pretext having B.Sc third division.
9. It appears from the record that a division Bench of this had already declared the condition of having third division as null and in its judgment dated 04.06.2015 which fact has also been affirmed by the respondent No.3 in his comments by stating that they were not aware of that judgment at the time of withdrawal of the impugned promotion of the petitioner and when the case of the present petitioner is it par with that of the petitioner there in, rather on better footing because the petitioner was not only promoted to the post in question but he performed his duties for six long months and received its benefits, the impugned notification passed by respondent No.3 is required to be set at naught.
9. It is also a well settled principle of law that once a benefit is granted to a civil servant, cannot taken back from him and, if so, very stringent strong reason are required for the same, which are not available in the case in hand, more so, when the promotion order of similarly placed teachers having B.Sc third division have not been so far withdrawn which is clearly violation of article 25 of the constitution of Pakistan.
10. For the reasons mentioned above, this petition is accepted and the impugned notification dated 24.04.2015 issued by respondent No.3 where by the promotion order of the petitioner was withdrawn is declared to be without lawful authority and, as, such the promotion notification dated 28.10.2014 is hereby restored.

**Announced:  
05.04.2016.**

**ANNOUNCED**

Judgment No. 1000  
IN THE PESHAWAR HIGH COURT

FEBRUARY 2014

Writ Petition No. 1000

FEBRUARY 2014

Date of hearing: 17/02/2014

Petitioner: M. J. Khan

Respondents: 1. Govt. of Punjab  
2. Punjab Education Board  
3. M. J. Khan

M. J. KHAN through

under Article 199 of the Islamic Republic of Pakistan

petitioner seeks declaration to the effect that the appointment of

respondent No. 3 whereby the impugned appointment was made

28.10.2014 was withdrawn vide writ petition No. 1000 of 2014

dated 24.04.2014 on the ground of having been made in violation of

division) is illegal and without jurisdiction.

← judgment of this court passed in W.P. No. 1000 of 2014.

2. In essence, the petitioner was appointed as

Certified Teacher and as per entitlement he was promoted to

the post of Senior Certified Teacher on 28.10.2014.

dated 28.10.2014 whereafter the petitioner was placed in charge

of the said post on 30.10.2014 and after that he was transferred

to the satisfaction of his competent authority on 24.04.2014.

respondent No. 3 has passed the impugned notification and as

certified to be true and correct.

1

ATTENED BY

such, the promotion order of the petitioner was withdrawn on the ground of having B.Sc in third division.

3. Comments were called from respondent No. 3 who averred the same, averring therein that though petitioner was promoted to the post of SST vide notification dated 20/10/2014 by respondent No. 2 but on scrutinizing his qualification documents, it was found that petitioner was not eligible for promotion to the post of SST being B.Sc third divisioner hence his promotion order was de-notified by the Director Elementary and Secondary Education, Cyber Pakhtunkhwa Peshawar and on the direction of Director the promotion order of the petitioner was withdrawn vide impugned notification dated 24/04/2015.

4. It has further been averred in the comments that promotion order of the petitioner was withdrawn on the ground of B.Sc third division and it was done in light of policy circulated vide Notification No SO(BE) 45/SSRC/meeting/2013/teaching cadre dated 24/07/2014 according to which the method of recruitment of SST was specified with a first condition of at least second class BA / B.Sc from a recognized University on need basis with two relevant subjects along with second condition of MA / Education / or B.Ed from the recognized University. Further averred that it is the prerogative of the government to enhance, modify or alter the promotion

ATTESTED



criteria / policy for the civil servants who are normally  
supposed to be treated with respect and courtesy.

5. In response to the petition, the respondent  
averted in the comments that the judgment of this court  
announced on 04.06.2015 which was rendered in favour of  
petitioner was passed on 24.04.2015. The date of the  
of the judgment.

6. The main contention of the petitioner is that this court has  
petitioner's that this court has rendered a judgment on 04.06.2015  
having third division as main ground for promotion on  
04.06.2015 and the case originated on 24.04.2015. The  
the reason that in the reference committee members were not  
been appointed but so far as the facts of the case are  
concerned, he was duly promoted and he worked in the  
from 28.10.2014 to 24.04.2015 and his promotion was  
illegal, without lawful authority and in violation of law.

7. Admittedly, the petitioner was duly promoted to the  
post in question on 28.10.2014. After the departmental  
promotion committee evaluated his case on 28.10.2014.

8. Now the question for determination before this court  
would be that when the petitioner was promoted to the post  
on the promoted post and that too for a long months then  
how the respondent No.3 could withdraw the letter of promotion

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on  
28/10/14

ATTESTED

8. It appears from the record that the petitioner had already declared the conditions of service as null and void in its judgment. It is also been affirmed by the respondent No. 3 stating that they were not aware of the withdrawal of the impugned promotion order when the case of the present petitioner was pending before the petitioner therein rather on behalf of the petitioner was not only promoted to the post of Junior Teacher his duties for six long months and received his salary. The impugned notification passed by respondent No. 3 be set at naught.

9. It is also a well settled principle that when a benefit is granted to a civil servant, it is not to be taken away and, if so, very stringent strong reasons are required of the same which is not available in this case. The promotion order of the petitioner and other teachers having B.Sc third division have not been set aside which is clearly violation of Article 25 of the Constitution of Pakistan.

10. For the reasons mentioned above, the petition is accepted and the impugned notification is set aside. The order issued by respondent No. 3 whereby the promotion order of the petitioner was withdrawn is declared null and void.



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authority and as such the

28.10.2014 is hereby restored

Announced:  
05.04.2016

Sniff

Handwritten signature and text, possibly including "Bio Services Corp"



GOVERNMENT OF PUNJAB  
ESTABLISHMENT DEPARTMENT

Dated: 25/11/2011



NOTIFICATION

PROSOE (ED) 2011/2011 In exercise of the powers conferred by sub-section (1) of section 20 of the Punjab Government (Control of Salaries) Act, 1973, the Chief Minister of Punjab has directed that the Government of Punjab (Control of Salaries) Act, 1973 shall be amended to read as follows:

AMENDMENT

Schedule 1 of the Punjab Government (Control of Salaries) Act, 1973 shall be amended to read as follows:

Provided that a candidate who has obtained a Bachelor's Degree will be eligible for the examination if he/she has obtained a higher education at any time.

Classification of the document

Confidential to be kept in file and not to be published.

- 1. Chief Secretary, Punjab Government
- 2. Secretary to Government, Khyber Pakhtunkhwa
- 3. Principal Secretary, Chief Minister's Office
- 4. Secretary, Government of Revenue
- 5. Additional Secretary, Punjab Government
- 6. Secretary, Punjab Government
- 7. Secretary, Punjab Government
- 8. Secretary, Punjab Government
- 9. Director, S&E Department
- 10. Secretary, Khyber Pakhtunkhwa Public Service Commission
- 11. PS to Chief Secretary, Khyber Pakhtunkhwa
- 12. PS to Secretary, Establishment
- 13. PS to Additional Secretary (S&E)/Deputy Secretary (S&E) Department
- 14. Office file only

SECRETARY

SECRETARY



The Secretary, S.E.P. District  
Kafir Post, District, Peshawar.

**Subject: DEPARTMENTAL APPEAL AGAINST THE INACTION OF THE RESPONDENTS BY NOT CONSIDERING THE APPELLANT FOR PROMOTION TO THE POST OF SST (BPS-16) ON THE BASIS OF HAVING BACHELOR DEGREE IN 2<sup>ND</sup> DIVISION AND AGAINST THE SERVICE RULES NOTIFIED ON 24.07.2014 WHEREBY THE CONDITION OF BACHELOR 2<sup>ND</sup> DIVISION HAS BEEN INSERTED IN SERIAL NO. 12 COLUMN NO. 20 OF THE TABLE.**

Respected Sir,

With due respect it is stated that I was briefly appointed as Certified School Teacher in the respondent Department and right from the date of my 1<sup>st</sup> appointment I am performing my duties quite efficiently and up to the entire satisfaction of his superiors. During service, later on I was promoted to the post of SCT. That I have the higher qualification of Master in Arts, B.ed in 2<sup>ND</sup> DIVISION also held but the authorities issued the impugned Notification dated 24.07.2014 whereby the post of SST was recruited and 20% promotion quota to the aforementioned post was reserved for Certified Teachers. That according to the said Notification required qualification for initial recruitment as well as promotion was mentioned as second class bachelor degree. That the concerned authority denied promotion of my some colleagues to the post of SST due to having third class bachelor degree. They were feeling aggrieved filed writ petitions which were allowed in favor of petitioners vide judgment dated 05.05.2016 and 28.01.2016 and consequently they were promoted to the post of SST. That I was also denied from promotion due to having third class bachelor degree despite the fact that I am having second division in higher qualification of Master of Arts, B.ed and Master in education. That being a similar placed employee approached the concerned authority to extend the same benefit of the above mentioned judgments but in vain. That the establishment Department issued a Notification dated 15.12.2011 whereby amendment has been made in PPS rules 2007 by providing that a candidate who has obtain 3<sup>RD</sup> division in bachelor degree will be eligible for the examination in cases where he/she has obtained a higher division in Master's degree. That feeling aggrieved from the inaction of the concerned authority by not considering me for promotion to the post of SST (BPS-16) filed the instant Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Department appeal I may very kindly be considered for promotion to the post of SST (BPS-16) from the date when my colleagues and junior colleagues were promoted with all consequential benefits including seniority. Any other remedy which your good self deems fit that may also be awarded in my favor.

Dated: 29.03.2021

APPLICANT

NEK NAWAZ KHAN, SCT (BPS-16)  
GHS Thali village, District N.W. Miranshah



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**VAKALATNAMA**

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

APPEAL NO: \_\_\_\_\_ OF 2021

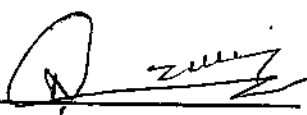
NEK NAWAZ KHAN (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)



**VERSUS**




Education Deptt. (RESPONDENT)  
(DEFENDANT)

I/We NEK NAWAZ KHAN  
Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2021

  
\_\_\_\_\_  
CLIENTS

  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**  
  
**KAMRAN KHAN**

  
**UMER FAROOQ MOHMAND**  
  
**SAID KHAN**  
&   
**HAIDER ALI**  
**ADVOCATES**

0

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR**

Appeal No. 7135 /2021

1. **NAKE NAWAZ KHAN**, S/O Amir Khan, SCT(BPS-16),GHS Thali Village,  
District NW Miranshah

-----Appellant

**VERSUS**

1. The Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Director Education (E&SE) Department, Khyber Pakhtunkhwa; Peshawar
5. District Education officer (M), District North Waziristan, Miranshah

-----Respondents.

**INDEX**

S.NO	DISCRIPTION OF DOCUMENTS	ANNEXTURE	PAGES
1	Comments		1-2
2	Affidavit		3
3	Authority letter		4
4	Promotion Policy 24/07/2014	A	5 - II

**Assistant District Education Officer**

**North Waziristan Tribal District**

# BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No. 7135 /2021

1. NAKE NAWAZ KHAN, S/O Amir Khan,,SCT(BPS-16),GHS Thall Village, District NW Miranshah

-----Appellant

## VERSUS

1. The Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Director Education (E&SE) Department, Khyber Pakhtunkhwa; Peshawar
5. District Education officer (M), District North Waziristan, Miranshah

----- Respondents.

### Comments on behalf of respondent No.1 to 5

#### Respectfully Sheweth:

#### Preliminary Objection:

- That the appellant has got no cause of action, locus standi to file the instant appeal.
- That the appellant has not come to this honorable Tribunal with clean hands.
- That the appellant has concealed material facts from this Honorable Tribunal.
- That the appeal is not maintainable in the present form.
- That the appellant has estopped by his own conduct to bring the present appeal.
- That the appeal is badly time barred as there is no appeal on record on part of the appellant in the respondent department.
- That the appellant is lacking prescribed qualification i.e. Third division and not eligible for promotion under the in-vogue rules/policy.

#### On facts:

- 1) That Para-1 pertains to record.
- 2) That Para-1 pertains to record.
- 3) That para-3 is correct to the extent that 20% promotion quota was reserved from 75% for promotion to the post of SST from the eligible Primary School Teachers, Policy is attached as **(Annexure A)**.
- 4) That the appellant is misleading this Honorable Tribunal by and exerting illegal pressure through instant appeal. The respondent department is bound to abide by the rules/policy in-vogue, the policy dated 24-07-2014 for promotion to the post of SST General is:
  - I. "At least second class bachelor's Degree from a recognize university on need basis from the humanities and other equivalent groups at Degree level with English as compulsory Subject"
  - And**
  - II. Bachelor of Education or Master of Education(Industrial Art or Business Education) or equivalent qualification from a recognize university, attached as **(Annexure A)**In view of the said policy, appellant is with 3<sup>rd</sup> division, so he is not eligible for promotion
- 5) That the appellant is not eligible as he is not fulfilling required criteria, i.e. the appellant is with 3<sup>rd</sup> division in Bachelor Degree.
- 6) That the appellant is not eligible as they are not fulfilling required criteria i.e. the appellants are with 3<sup>rd</sup> division in Bachelor Degree, so they are not entitle/eligible under the in-vogue policy/rules, furthermore, there is no appeal on record on part of the appellant in the Respondent Department.

- 7) The detail reply is already submitted under Para-4 above while the respondent Department has its own rules/policy for promotion and induction, which is attached as (Annexure A).
- 8) That the appellant is not eligible as they are not fulfilling required criteria i.e. the appellants are with 3<sup>rd</sup> division in Bachelor Degree, so they are not entitle/eligible under the in-vogue policy/rules, -furthermore, there is no appeal on record on part of the appellant in the Respondent Department.
- 9) Legal, The respondent also submits on following grounds inter alia.


**Grounds:**

- A. **Incorrect and Denied**, The appellant is exerting illegal pressure on the respondent department through instant appeal and the respondent department has acted according to the rules/policy.
- B. **Incorrect and Denied**, The Respondent department did not violate Article 4&25 of the constitution of the Islamic republic of Pakistan 1973 and has been acted according to the rules and policy.
- C. **Incorrect and Denied**, the Respondent Department is bound to abided by the law /Rules and Policy.
- D. **Incorrect and Denied**, Detail Reply has already been submitted above under Para-4above on facts.
- E. **Incorrect and Denied**, Detail Reply has already been submitted above under Para-4above on facts.
- F. **Incorrect**.
- G. Respondents are also seeking permission of the Honorable Tribunal to produce additional grounds and proofs at the time of Hearing.


**PRAYER:**

In the light of the above stated facts, it is requested to dismiss the case of the appellant.

Respondent NO: 4

  
Director Education (E & SE)  
Khyber Pakhtunkhwa Peshawar  
(Respondent No. 4)

Respondent NO: 5

  
District Education officer  
North Waziristan Tribal District  
(Respondent No. 5)

(3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR**

Appeal No. 7135 /2021

1. **NAKE NAWAZ KHAN, S/O Amir Khan,,SCT(BPS-16),GHS Thall Village,  
District NW Miranshah**

-----Appellant


**VERSUS**

1. The Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. ~~The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.~~
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Director Education (E&SE) Department, Khyber Pakhtunkhwa; Peshawar
5. District Education officer (M), District North Waziristan, Miranshah

-----Respondents.

**AFFIDAVIT**

I, Muhammad Nisar Focal Person Litigation,DEO North Waziristan do solemnly affirm and declare that the Comments of Respondent No 4&5 in the Appeal.NO 7135/2021 is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

  
**Muhammad Nisar**  
**Assistant District Education Officer**  
**North Waziristan Tribal District**

4

**AUTHORITY LETTER**

This office has the honor to state that Mr. Muhammad Nisar has been serving in the District Edu: Office as Focal Person Litigation. He has been given the authority to attend all kinds of court case. So he may be considered as representative of the District Edu: officer, N.W.T.D



**DISTRICT EDUCATION OFFICER**

**NORTH WAZIRISTAN Tribal District**

Annexure (A)  
consist of 7 pages

(5)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

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

**NOTIFICATION**

No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre: In pursuance of the provisions contained in sub rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notifications No.SO(G)S&L/1-69/06/Vol-1/DPE/LIB dated, 13-11-2007, and Notification No.SO(G)S&L/1-28/2003/Vol-II dated, 09-04-2004, 4-5/SSRC/Meeting/2012/Teaching Cadre, dated, 13.11.2012, the following further amendments shall be made, namely:

**AMENDMENTS**

In the Appendix:-

(i) Serial No. 1 shall be renumbered as IB and before Serial No. IB, as so renumbered, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
1.	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education of equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion. on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3.

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

*MTC*



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	recruitment; and (b) fifty percent by initial recruitment.
<p>LA Director Physical Education (BPS-17)</p> <p>At least second class Master's Degree in Physical Education from a recognized University.</p> <p>22-35 years</p>	<p>(a) fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3;</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>Note: - If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) fifty percent by initial recruitment; and</p>

Annex  
"A"

(ii) against Serial No. 1B as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

1	2	3	4	5
1B	Secondary School Teacher (BPS-16)	<p>I. At least second class Bachelor Degree's from a recognized University on need basis from the following groups with two subject</p> <p>(a) (Chemistry, Botany or Zoology);</p> <p>Or</p> <p>(b) (Physics, Maths "A" or "B" or Statistics)</p> <p>Or</p> <p>(c) (Humanities and other equivalent groups at degree level with English as compulsory subject;</p> <p>and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualifications from a recognized University.</p>	21 to 35 years.	<p>(a) forty per cent from amongst the Senior Certified Teachers (BPS-16), with at least five years service as Senior Certified Teacher and Certified Teacher and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst Senior Certified Teachers for promotion, then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Certified Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(b) four per cent from amongst the Senior Drawing Masters(BPS-16), with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3:</p>

Ans  
etc

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

(c) four per cent from amongst the Senior Arabic Teachers(BPS-16), with at least five years service as Senior Arabic Teachers and Arabic Teachers, and having qualification mentioned in column No.3:

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

(d) four per cent from amongst the Senior Theology Teachers(BPS-16), with at least five years service as Senior Theology Teachers and Theology Teachers and having qualification mentioned in column


No.3:

185  
11

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Ends! : of even No & date:

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



(ZAMIN KHAN MOMAND)  
SECTION OFFICER (PRIMARY)

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Appeal No. 7135 /2021

1. NAKE NAWAZ KHAN, S/O Amir Khan, SCT(BPS-16), GHS Thall Village, District NW  
Miranshah

-----Appellant

**VERSUS**

1. The Secretary Elementary and Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Director Education (E&SE) Department, Khyber Pakhtunkhwa; Peshawar
5. District Education officer (M), District North Waziristan, Miranshah

-----Respondents.

Comments on behalf of respondent No.4&5

1 to 5

Respectfully Sheweth:

Preliminary Objection:

- That the appellant has got no cause of action, locus standi to file the instant appeal.
- That the appellant has not come to this honorable Tribunal with clean hands.
- That the appellant has concealed material facts from this Honorable Tribunal.
- That the appeal is not maintainable in the present form.
- That the appellant has stopped by his own conduct to bring the present appeal.
- That the appeal is badly time barred as there is no appeal on record on part of the appellant in the respondent department.
- That the appellant is lacking prescribed qualification i.e Third division and not eligible for promotion under the in-vogue rules/policy.

On facts:

- 1) That Para-1 pertains to record; hence no further comments.
- 2) That Para-1 pertains to record; hence no further comments.
- 3) That para-3 is correct to the extent that 20% promotion quota was reserved from 75% for promotion to the post of SST from the eligible Primary School Teachers, Policy is attached as (Annexure A).
- 4) That the appellant is misleading this Honorable Tribunal by and exerting illegal pressure through instant appeal. The respondent department is bound to abide by the rules/policy in-vogue, the policy dated 24-07-2014 for promotion to the post of SST General is;
  - I. "At least second class bachelor's Degree from a recognize university on need basis from the humanities and other equivalent groups at Degree level with English as compulsory Subject"
  - And
  - II. Bachelor of Education or Master of Education(Industrial Art or Business Education) or equivalent qualification from a recognize university, attached as (Annexure A)
- 5) In view of the said policy, appellant is with 3<sup>rd</sup> division, so he is not eligible for promotion with 3<sup>rd</sup> division in Bachelor Degree.
- 6) That the appellant is not eligible as they are not fulfilling required criteria i.e. the appellants are with 3<sup>rd</sup> division in Bachelor Degree, so they are not entitle/eligible under the in-vogue policy/rules, furthermore, there is no appeal on record on part of the appellant in the Respondent Department.

- 7) The detail reply is already submitted under Para-4 above while the respondent Department has its own rules/policy for promotion and induction, which is attached as (Annexure A)
- 8) That the appellant is not eligible as they are not fulfilling required criteria i.e. the appellants are with 3<sup>rd</sup> division in Bachelor Degree, so they are not entitle/eligible under the in-vogue policy/rules, furthermore, there is no appeal on record on part of the appellant in the Respondent Department.
- 9) Legal, The respondent also submits on following grounds inter alia.

**Grounds:**

- A. **Incorrect and Denied.** The appellant is exerting illegal pressure on the respondent department through instant appeal and the respondent department has acted according to the rules/policy.
- B. **Incorrect and Denied.** The Respondent department did not violate Article 4&25 of the constitution of the Islamic republic of Pakistan 1973 and has been acted according to the rules and policy.
- C. **Incorrect and Denied.** the Respondent Department is bound to abide by the law /Rules and Policy.
- D. **Incorrect and Denied.** Detail Reply has already been submitted above under Para-4 above on facts.
- E. **Incorrect and Denied.** Detail Reply has already been submitted above under Para-4 above on facts. *→ incorrect*
- F. Respondents are also seeking permission of the Honorable Tribunal to produce additional grounds and proofs at the time of Hearing.

*GV*  
**Prayer:**

In the light of the above stated facts, it is requested to dismiss the case of the appellant.

*Certificate: It is certified that Appeal No: 7135, 7136, 7137 are same cause of action and connected appeals and kindly be vetted.*

**Respondent No. 4:**

*Misri*  
*7.3.22*

**Director Education (E & SE)  
Khyber Pakhtunkhwa Peshawar**

**Respondent No. 5:**

*Vetted as appeal no 7135  
Subject to correction  
annexed all relevant  
documents along with index.*

*Miranshah*  
**District Education officer (M)  
District North Waziristan, Miranshah**  
*Dep. Dy. Comm. Miranshah  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar  
13/03/2022*