

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1551/2023

Seema Begum D/O Seraj Muhammad r/o Mohallah Moosa Khail Village
Adina Tehsil Razzar District Swabi.. **Appellant**

VERSUS

1. Secretary E&SE Education Department, Khyber Pakhtunkhwa, Peshawar
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Swabi, District Swabi
4. Muhammad Ibrhaim S/O Said Kalam presently posted as Junior Clerk Government Girls High School (GGHS) Zaida District Swabi.
5. Bushra Begum D/O Noor Bahadar presently posted as Junior Clerk Government Girls High School (GGHS) Maneri Bala., District Swabi.
6. Nihaz D/O Bakht Shad presently posted as Junior Clerk Government Girls High School (GGHS) Zaida District Swabi.
7. Luqman Khan S/O Habib Gul presently posted as Junior Clerk Government Girls High School (GGHS) Darra District Swabi
8. Asif Rahim S/O Abdur Rahim posted as Junior Clerk Government Girls High School (GGHS) Dodher District Swabi.
9. Amanullah S/O Chaman Khan presently posted as Junior Clerk Government Girls High School (GGHS) Dagai District Swabi. **Respondents**

INDEX

S#	Description of Documents	Annexure	Page
1	Statement of the private respondents to rely on the Para wise comments of the official respondents	-	01
2	Affidavit	-	02
3	Typing test result of the private respondents	"A"	03-08
4	PHCP Judgment dated 28.11.2023 in the same case	"B"	09-12

m.ibr
16202-3487045-9
4. Muhammad Ibrahim JC GGHS Zaida

Bushra 16202-8227644-8
5. Bushra Begum JC GGHS Maneri Bala

Nihaz
16201-5514856-6
6. Nihaz JC GGHS Zaida

Luqman
16202-7792299-1
7. Luqman Khan JC GGHS Darra presently working at DEO Female Swabi as a DA

Asif
16202-4279278-3
8. Asif Rahim JC GGHS Dodher

Amanullah
16203-0356761-7
9. Amanullah JC GGHS Dagai



01

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1551/2023

Seema Begum D/O Seraj Muhammad r/o Mohallah Moosa Khail Village
Adina Tehsil Razzar District Swabi.. **Appellant**

VERSUS

1. Secretary E&SE Education Department, Khyber Pakhtunkhwa, Peshawar
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Swabi, District Swabi
4. Muhammad Ibrhaim S/O Said Kalam presently posted as Junior Clerk Government Girls High School (GGHS) Zaida District Swabi.
5. Bushra Begum D/O Noor Bahadar presently posted as Junior Clerk Government Girls High School (GGHS) Maneri Bala., District Swabi.
6. Nihaz D/O Bakht Shad presently posted as Junior Clerk Government Girls High School (GGHS) Zaida District Swabi.
7. Luqman Khan S/O Habib Gul presently posted as Junior Clerk Government Girls High School (GGHS) Darra District Swabi
8. Asif Rahim S/O Abdur Rahim posted as Junior Clerk Government Girls High School (GGHS) Dodher District Swabi.
9. Amanullah S/O Chaman Khan presently posted as Junior Clerk Government Girls High School (GGHS) Dagai District Swabi. **Respondents**

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS
No. 4 To 9.

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

Khyber Pakhtunkhwa
Service Tribunal
Case No. 6973
Dated 04-12-2023

It is stated that the private respondents No. 4 to 9 have been promoted from the post of Class-IV to the post of Junior Clerk BPS:11 after observing all the codal formalities. The typing test result of the private respondents is hereby annexed as A for ready reference. We all the private respondents rely on the para wise comments submitted by respondents No. 1 to 3.

It is humbly requested that we may be exonerated from the court attendance, because the decision in instant case will be acceptable for all of us without any hasitation.

M. Ibr
16202-3437645-9
4. Muhammad Ibrahim JC GGHS Zaida

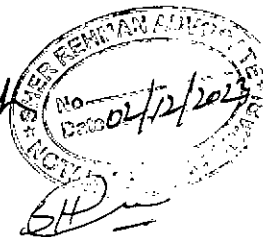
Bushra 16202-8227644-8
5. Bushra Begum JC GGHS Maneri Bala

Nihaz
16201-5514856-6
6. Nihaz JC GGHS Zaida

16202-7792299-1
7. Luqman Khan JC GGHS Darra presently
Working at DEO Female Swabi as a DA

Asif
16202-4279278-3
8. Asif Rahim JC GGHS Dodher

16203-0356761-7
9. Amanullah JC GGHS Dagai



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.1551/2023

Seema Begum D/O Seraj Muhammad r/o Mohallah Moosa Khail Village
Adina Tehsil Razzar District Swabi.. **Appellant**

VERSUS

1. Secretary E&SE Education Department, Khyber Pakhtunkhwa, Peshawar
2. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. District Education Officer (Female) Swabi, District Swabi
4. Muhammad Ibrhaim S/O Said Kalam presently posted as Junior Clerk Government Girls High School (GGHS) Zaida District Swabi.
5. Bushra Begum D/O Noor Bahadar presently posted as Junior Clerk Government Girls High School (GGHS) Maneri Bala., District Swabi.
6. Nihaz D/O Bakht Shad presently posted as Junior Clerk Government Girls High School (GGHS) Zaida District Swaib.
7. Luqman Khan S/O Habib Gul presently posted as Junior Clerk Government Girls High School (GGHS) Darra District Swabi
8. Asif Rahim S/O Abdur Rahim posted as Junior Clerk Government Girls High School (GGHS) Dodher District Swabi.
9. Amanullah S/O Chaman Khan presently posted as Junior Clerk Government Girls High School (GGHS) Dagai District Swabi. **Respondents**

Affidavit

We the private respondents from serial No.4 to 9 Swabi do hereby solemnly affirm and declare on oath that the statement given by us to rely on the para wise comments of official respondents No.1 to 3 are true and correct to best of our knowledge and nothing have been concealed from this honorable tribunal.

It is further, stated on oath that in this appeal the private respondents No.4 to 9 have neither been placed ex-parte nor has their defense been struck off.

M. Ibr
16202-3437645-9
4. Muhammad Ibrahim JC GGHS Zaida

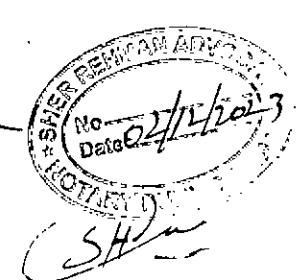
Bushra 16202-8229644-8
5. Bushra Begum JC GGHS Maneri Bala

Nihaz
16201-5514856-6
6. Nihaz JC GGHS Zaida

16202-7792299-1
7. Luqman Khan JC GGHS Darra presently working at DEO Female Swabi as a DA

Asif
16202-427978-3
8. Asif Rahim JC GGHS Dodher

16203-0356761-7
9. Amanullah JC GGHS Dagai



TYPING TEST - PASSED

User: Muhammad Ibraheem 1620234376459
Test name: Aesop's fables
Date: 06/03/2023 10:39 am

TEST RESULTS

Duration: 2:00 min. of total 2:00 min.
Gross speed: 42 wpm Gross strokes: 427
Accuracy: 81% Error hits: 80 (16 errors * 5)
Net speed: 34 wpm Net strokes: 347

TEST TEXT

- 3> aesop was one of the great greek writers. he is best known for his
- 3> fables [fables,] stories that have a moral[.] they teach us something about how we should live our lives. Aesop wrote thousands of
- 1> these stroers. [stories.] Here are a few.

- 3> the wold [Wolf] in sheep [Sheep's; Clothing

- 2> Once upon a time, a wold [Wolf] decided to disdgue [disguise] the
- 2> way he lookded. [looked.] he thought it would help him get food more
- 2> easily. he put on the skin of a sheep, the [then] he went out with the flock into the

M.Ib



[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

Attested *[Handwritten signature]*

[Handwritten signature]
ADBO
Swabi

TYPING TEST - PASSED

User: Bushrabeghm 1620282276448
Test name: Aesop's fables
Date: 06/03/2023 11:12 am

TEST RESULTS

Duration:	2:00 min. of total 2:00 min.	Gross strokes:	352
Gross speed:	35 wpm	Error hits:	45 (9 errors * 5)
Accuracy:	87%	Net strokes:	307
Net speed:	30 wpm		

TEST TEXT

3> aesop was one of the great greek writers. He is best know [known] for
 2> his fables, stories [stories] that have [a] moral. They teach us
 1> something about how we should live our lives. Aesop write [wrote]
 thousands of these stories. Here are a few.

2> The wlof [Wolf] in sheeps [Sheep's] Clothing

Once upon a time, a Wolf decided to disguise the way he looked. He

1> though [thought] it would help him get food more

[Handwritten signature]

[Handwritten signature]

[Handwritten mark]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Large handwritten signature]

TYPING TEST - PASSED

User: Nihaz 1620155148566
Test name: Does WPM Really Matter in the Corporate World?
Date: 08/03/2023 1:28 pm

TEST RESULTS

Duration: 2:00 min. of total 2:00 min.
Gross speed: 33 wpm Gross strokes: 331
Accuracy: 92% Error hits: 26 (5 errors * 5)
Net speed: 30 wpm Net strokes: 306

TEST TEXT

1> In this fast-paced world, time is money and everthing [everything] needs
1> to be done in the shortage [shortest] time possible. You see that
several job postings include a minimum typing speed in terms of
2> words per minute in theri [their] list of requirement [requirements.] With
1> the widespread use of computers, almost everyon [everyone] knows how
to type. The real question is how fast you

[Handwritten signatures and marks]
Nihaz
[Signature]
[Signature]
[Signature]
Attest
[Signature]
[Signature]

TYPING TEST - PASSED

User: Luqman Khan 1620277922991
Test name: Does WPM Really Matter in the Corporate World?
Date: 08/03/2023 11:30 am

TEST RESULTS

Duration:	2:00 min. of total 2:00 min.		
Gross speed:	51 wpm	Gross strokes:	515
Accuracy:	89%	Error hits:	55 (11 errors * 5)
Net speed:	45 wpm	Net strokes:	460

TEST TEXT

- 1> In this fast-paced world, time is money and everything nees [needs] to
- 1> be done in the shortest time possible. You see thart [that], several job
- 1> postings include a, _ [minimum] typing speed in terms of words per
- 1> minute in their list of _ [requirements.] With the widespread use of
- 1> computers, almost ev [everyone] knows how to type. The real
- 2> questin [question] is how fast you can type, which is measured nby [by]
- 2> taking _ [a] standard wpm [wpm] test. It is not only the typing speed;
- 2> accuracy also matters. This is measured in terms of percentage and
- 2> most _ [employers] expect [9][0][%] or

[Handwritten signatures and marks]

[Fingerprint]

[Handwritten signature: Willis]

07

TYPING TEST - PASSED

User: Asif Rahim 1620242792783
Test name: Are Your Typing Skills Hurting Your Job Opportunities?
Date: 08/03/2023 12:06 am

TEST RESULTS

Duration:	2:00 min. of total 2:00 min.		
Gross speed:	36 wpm	Gross strokes:	363
Accuracy:	87%	Error hits:	45 (9 errors * 5)
Net speed:	31 wpm	Net strokes:	318

TEST TEXT

- 1> It may not seem like a big deal to you, but your typign [typing] skills may be placing you right out of a job. Well, more
- 2> specialcaly [specifically] s [-] your lack of typing skills, that is.
- 2> Maybe you use the hund ["hunt] and peck["] method, or some variation of
- 2> the ten fingers touch typing nehod. [method.] mabe [Maybe] you
- 2> notice youesl [yourself] looking at the keyboard ofter, [often,] searching for that one elusive key right under

Handwritten signatures and marks:

- Top left: A signature that appears to be "Asif" with a large flourish.
- Top center: A circular stamp or mark.
- Middle left: A signature that appears to be "Asif" with a large flourish.
- Middle center: A signature that appears to be "Asif" with a large flourish.
- Middle right: A signature that appears to be "Asif" with a large flourish.
- Bottom center: A signature that appears to be "Asif" with a large flourish.
- Bottom right: A signature that appears to be "Asif" with a large flourish.

IN THE HON'BLE PESHAWAR HIGH COURT,
PESHAWAR.



In Re W P No...../2023

Zahir Khan s/o Rasul Khan r/o Mohallah Moosa Khall village Topi

Tehsil Topi District Swabi

.....Petitioner.

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary Elementary and Secondary (E & S) Education Department Civil Secretariat Peshawar.
2. Director Elementary and Secondary (E & S) Education Khyber Pakhtunkhwa Peshawar.
3. District Education officer (Female) Swabi. Situated at Shahmansoor Swabi
4. Muhammad Ibrahim s/o said kalam presently posted as Junior Clark Government Girls High School (GGHS) Zalda District Swabi.
5. Bushra Begam Do/o Noor Bahar presently posted as Junior Clark Government Girls High School (GGHS) Maneri Bala District Swabi.
6. Nihaj s/o Bakht Shad presently posted as Junior Clark Government Girls High School (GGHS) Zalda District Swabi.
7. Luqman s/o Habib Gul presently posted as Junior Clark Government Girls High School (GGHS) Darra District Swabi.
8. Asif Rahim s/o Abdur Rahim posted as Junior Clark Government Girls High School (GGHS) Dodher District Swabi
9. Amanullah s/o Chaman Khan presently posted as Junior Clark Government Girls High School (GGHS) Dagai District Swabi.....Respondents

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

WP1096-2023 ZAHIR KHAN VS GOVT OF PGS35 USB.pdf

Attested

ADP
Swabi

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2
ORDER 28.11.2023	<p><u>Writ Petition No. 1098-P/2023 with Interim Relief</u></p> <p>Present: Mr. Muhammad Naeem Yousafzai, Advocate, for Zahir Khan, petitioner.</p> <p>Syed Qaiser Ali Shah, AAG, for the respondents.</p> <p>*****</p> <p><u>S. M. ATTIOUE SHAH, J.</u>- Petitioner, through the instant writ petition, has asked for the issuance of an appropriate writ seeking directions to the respondents to promote him to the post of Junior Clerk (BS-11) being eligible and deserving for the same.</p> <p>2. The gist of the arguments of the learned counsel for the petitioner is that when 33% quota has been meant for promotion from amongst Class-IV employees, then, in that eventuality, the petitioner being exclusively falls thereunder cannot be deprived of his due right of promotion.</p> <p>3. The main thrust of the submissions of the learned AAG is that when the petitioner himself refused to participate in the typing test, which, as per prescribed criteria is a sine qua non for promotion,</p>

[Signature] ATTESTED *[Signature]*

[Signature]

then in that event, he cannot ask for promotion on whims and wishes.

4. Head. Record perused.

5. As per criteria, prescribed for promotion under 33% quota or for that matter initial recruitment / appointment under 67% quota against the post of Junior Clerk (BS-11), typing skills with a speed of 30 words per minute is mandatory. No doubt, as per the seniority list of Class-IV employees, annexed with the petition, the petitioner figures at serial No.59 but simultaneously, it is also an admitted fact that for the desired promotion he had to participate in the typing test but he of his own refused to do so, hence, without fulfilling / complying with the codal formalities he cannot ask for promotion as of right. Moreover, the petitioner though has challenged the promotions of the private respondents but he did not allege in the petition or at the bar that they were promoted without undergoing the typing test. Meaning thereby that qualifying the typing test is sine qua non for promotion against the subject post. When seen in this backdrop, no case is made out for the interference of this court in terms of Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

[Handwritten signature]

Attested

ATTESTED
EXAMINER
Wahawal High Court
Wahawal

[Handwritten signature]

6. For the reasons discussed above, this writ petition being without substance is dismissed in limine.


Announced,
28. 11. 2023

JUDGE


JUDGE

~~CERTIFIED TO BE TRUE COPY~~
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanun-e-Shahada Act 1904
30 NOV 2023

Number of Presentations
Number of Pages
Filing fee
Costs
Date of Payment
Date of Decision
Date of Appeal

21841
28-11-2023
5-
20-10
30-11-2023
30-11-2023
وہو جاے
AAstal


(Fayas)

(D.B) Justice Ijaz Anwar, JJ and Justice S. M. Atique Shah, JJ