

26.09.2016

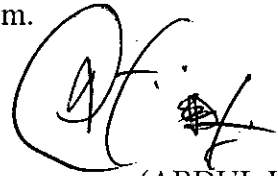
Counsel for the appellant and Mr. Fazal Malik, ADO for the respondents present. Counsel for the appellant requested for adjournment. Adjournment granted. To come up for preliminary hearing on 18.10.2016.


Member

18.10.2016

Counsel for the appellant, M/S Hameed-ur-Rehman, AD (lit.) and Fazle Khaliq, ADEO alongwith Mr. Kabirullah Khan Khattak, Assistant AG for respondents present. Learned counsel for the appellant requested for withdrawal of the instant appeal. Signature of learned counsel for the appellant secured on the margin of order sheet. The appeal is dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED
18.10.2016


(ABDUL LATIF)
MEMBER



06.2016

Appellant with counsel present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned Notification dated 24.7.2014 and prayed of relaxation of the criteria of promotion as mentioned in the policy. Against the impugned notification the appellant filed departmental appeal on 3.9.2015 which was not responded within the statutory period, hence the instant service appeal.

Points argued at the Bar required further consideration and clarification as appellant has challenged the Notification dated 24.7.2014; therefore, pre-admission notice be issued to the respondents to appear before the court to clarify their position. To come up for further proceedings on 18.7.2016 before S.B.

Member

18.07.2016

Appellant in person and Additional AG for the respondents present. Appellant requested for adjournment as his counsel is not available today before the Court. Adjourned for further proceedings to 26.09.2016 before S.B.




S. B. 100

MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 467/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29.5.2016	<p>The appeal of Mr. Muhammad Hamid resubmitted today by Mr. Amjid Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2	9-5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>11-5-16</u>.</p> <p> CHAIRMAN</p>
	11.5.2016	<p>Junior to counsel for the appellant present. Seeks adjournment as his senior is busy before the august Supreme Court of Pakistan. on <u>23-6-2016</u></p> <p> Chairman</p>

The appeal of Mr. Muhammad Hamid son of Saida Gul r/o Bakar Qazi Abad Tehsil and district Swabi received to-day i.e. on 22.04.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-G of the appeal is illegible which may be replaced by legible/better one.
- 2- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 643 /S.T,

Dt. 22/4 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Adv. Mardan.

Resubmitted after removal
of objection


2/5/16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Service Appeal No. 467 /2016

Muhammad HamidAppellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary,
Elementary & Secondary Education and others...Respondents

INDEX

S.No.	Description of documents.	Annexure	Page No
1.	Memo of appeal		1-8
2.	Copies of academic testimonial	A	9-18
3.	Copy of appointment order dated 21.03.2007	B	19-21
4.	Copy of Notification dated 13.11.2012	C	22-25
5.	Copy of Notification dated 24.07.2014	D	26-28
6.	Copy of notification	E	29-34
7.	Copy of judgment dated 04.06.2015	F	35-43
8.	Copy of departmental appeal	G	44-48
9.	Copy of order of High Court in W.P.NO.3793/15	H	49-55
10.	Copy of judgment of Federal Service Tribunal in case of Zarin Shall	I	56-65
11.	Wakalatnama		

Appellant

Through

Hamid
Amjad Ali
Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

Dated:

(1)

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

Service Appeal No. 467 /2016

Muhammad Hamid S/o Saida Gul
R/o Bakar Qazi Abad, Tehsil & District Swabi.

K.P. Service
Tribunal

Case No. 411
Date 22-4-2016

.....Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Secretary, Elementary & Secondary Education, Civil Secretariat, Peshawar.
- 2) Director Elementary & Secondary Education, Dabgari Garden, Peshawar.
- 3) Departmental Promotion Committee through its Chairman/ District Education Officer, Swabi.
- 4) Secretary law and Parliamentary Affairs, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 5) Secretary Establishment Khyber Pakhtunkhwa, Civil Secretariat, Peshawar
- 6) Secretary Finance, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar

.....Respondents

*Appeal u/s 4 of KPK Service Tribunal
Act against not considering appellant
for promotion in working paper came
to notice of appellant, Departmental
Appeal dated 03.09.2015, which
remained un-responded even after 90
days is illegal against law facts.*

Sir,

Appellant humbly submits as under;-

- 2c-submitted
2-15/16
to-day
- 1) That the appellant is serving in Government Primary School Baaku in BPS-12

- (2)
- 2) That appellant is equipped with qualification such as **MA (2nd Division), B.Ed (2nd Division)**. (Copies of academic testimonial are Annex "A")
- 3) That appellant is putting more than 7 years as obvious from appointment order dated **22.03.2007**. (Copy of appointment order dated 22.03.2007 is Annex "A/1")
- 4) That appellant is BSc in **Physicals, Maths in 3rd Division**, however, his B.Ed in the same subject is **2nd Division, MA is 2nd Division**. Copies of DMC of Testimonials are Annex "B"
- 5) That the purpose of improving of qualification by appellant is to be promoted as Secondary School Teacher (BPS-16) in view of past notification/rules, for precedent Notification Peshawar dated November 13, 2012, which reads as under

S#	Nomenclature of post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Secondary School Teacher (BPS-16)	1. Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or ii) M.A in Education or Bachelor's Degree in Education, from a recognized University	18 to 35 years	a. Fifty percent by promotion on the basis of seniority-cum-fitness, in the following: i. Forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No.3 ii. Four percent for amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3

				<p>iii. Four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No.3</p> <p>iv. One percent from amongst the Instructional Material Specialist with at least five years as such and having qualification mentioned in column No.3; and</p> <p>v. One percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and</p> <p>b. Fifty per cent by initial recruitment.</p>
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(Copy of Notification dated 13.11.2012 is Annex "C")

- 6) That the respondents issued the impugned notification No.SO(PE) 4-5/ SSRC/ Meeting/ 2013/ Teaching Cadre dated 24.07.2014, which is illegal and unlawful regarding S.No.1(IB) to the extent of petitioner which reproduced are as under:-

1	2	3	4	5
IB	Secondary School Teacher (BPS-16)	<p>1. At least second class Bachelor Degree's fro 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</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>(a) forty percent 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 from amongst Senior Certified Teachers for</p>

Specialist (BPS-15) S.No. 1 in the same notification by

Specialist (BPS-15) S.No. 1 in the same notification by

Specialist (BPS-15) S.No. 1 in the same notification by

(4)

	groups at degree level with English as compulsory subject:		no suitable candidate 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;
	and		(b) four percent form 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
	II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or MA Education or equivalent qualifications from a recognized University		

(Copy of Notification dated 24.07.2014 is Annex "D")

- 7) That the University Administration in the year 2014 declared third division would be considered fail and it is no more in field (3rd Division).
- 8) That as per notification No.SO(B&F)E&L/RE-DESIG-POSTS/201-15(DISTRICT)/2014 dated 14.10.2014 issued by Government of Sindh the criteria mentioned at S.No.6 which is reproduced as under:-

6	Secondary School Teacher (SST) BPS-16	By initial recruitment through Sindh Public Service Commission	Graduate with B.Ed (Hons) Secondary at least in 2 nd Division from a recognized University/ College/ Institute OR Masters with B.Ed both at least with in 2 nd Division from a recognized University/ College/ Institute (up to 2018)	22-30
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- (5)
- 9) That as per seniority list for promotion from PST to SST (BPS-16) appellant is at S.No.2050. ~~Copy of seniority list is Annex "E"~~
- 10) That for initial appointment as SST (BPS-16) through PCS there is no restriction of BSc in 3rd Division and candidates are awarded marks as per their divisions, which is clear discrimination prohibited under Article 25/27 of the Constitution of Islamic Republic of Pakistan, 1973.
- 11) That as per notification of S&GAD in view of higher qualification the 3rd Division in lower class is relaxed. (Copy of notification is Annex "F")
- 12) That it is strange that appellant as per current qualification is fulfilling the yardsticks for subject specialist BPS-17 at S.No.1 of Notification of 2014, as there is no restriction of B.Ed in 3rd Division, but require M.A in 2nd Division, whereas appellant is MSc in 1st Division, which is clear discrimination, contradiction in the same notification of 2014.
- 13) That Hon'ble Peshawar High Court vide judgment dated 04.06.2015 in W.P.No.58-P/2014 titled as "Waris Khan Vs. Govt" accepted the writ petition and set-aside notification dated 20.12.2013 and 23.12.2013 to the extent of change criteria for recruitment for the post of SST and respondents are directed to prepare seniority list as per criteria mentioned in notification Dated 13.11.2013. (Copy of judgment dated 04.06.2015 is Annex "G")

- (6)
- 14) That the appellant filed departmental appeal dated 3-9-2015, but invain. (Copy of departmental appeal is Annex "H")
 - 15) That appellant filed W.P.No.3793/2015, wherein the Hon'ble Court directed appellant to approach Service Tribunal. (Copy of order of High Court in W.P.NO.3793/15 is Annex "I")
 - 16) That appellant now approaches this Hon'ble Court on following grounds:-

GROUNDS

- A. Because appellant as per **2006 SCMR 1185** and **2009 SCMR Page-1** has a fundamental right to be extended the benefit in judgment dated 04.06.2015 of Hon'ble Peshawar High Court in W.P.No.58-P/2014.
- B. Because impugned notification is discriminatory qua qualification of subject specialist (BPS-17) as compared to SST (BPS-16) as the reason of rejection from working paper is not available in SS (BPS-17)
- C. Because appellant having higher qualification can't be thrown out of selection.
- D. Because BSc of appellant in the year 2000 and the rules in 2014 can't be applied to the case of appellant.
- E. Because there is no restriction of 3rd Division in recruitment of PST, CT, Drawing Master etc, which speak of double standard.

- F. Because it is strange that on the basis of same qualification appellant is eligible to be appointed as lecturer BPS-17 in College, Professor (BPS-20) in Universities, able to teach higher classes but not to 9th, 10th class is beyond comprehension and logic.
- G. Because Federal Service Tribunal and Education Secretary Comprising high powered committee relaxed the FA 3rd Division in view of High qualification in case of Zarin Shall. (Copy of judgment of Federal Service Tribunal in case of Zarin Shall is Annex "J")
- H. Because appellant has secured 1st Division in B.Ed in the same subjects, so it can't be presumed that he is incapable of teaching.
- I. Because of this BSc 3rd Division was so bad, the admission in B.Ed, M.Ed in the same education department can't be justified on any plain.
- J. Berceuse for promotion the length of service, seniority are material as per Civil Servant Act, 1973 and practice of all departments and not divisions, thus impugned rules are ultravires to the extent of condition of B.Sc 3rd Division.

It is therefore, humbly prayed that, S.No.1B of Notification dated 24th July 2014 may please be reviewed/ relaxed/ modified in view of Higher qualification, by extending the benefit of judgment of Peshawar High Court dated 04.06.2015 and judgment of Federal Service Tribunal in case of Zarin Shall and brining at per with promotion of subject

8

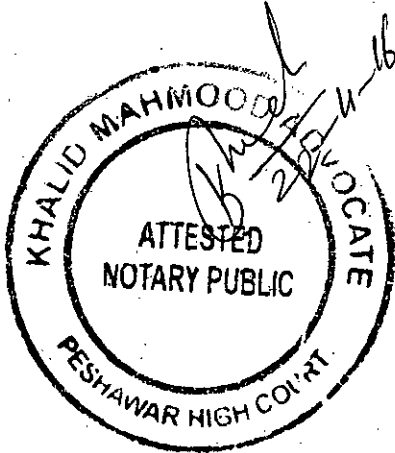
specialist (BPS-17) S.No.1 in the same notification by mentioning MA/MSc as 1st Division. Appellant may please be considered for promotion as SST (BPS-16) from PST alongwith others as per Notification dated 13.11.2012 said portion of Notification of 2014 be declared as ultravires, discriminatory and is without lawful authority.

Any other relief deemed fit may also very graciously be granted.

Appellant
Through *Hamid*
Amjad Ali (Mardan)
Advocate
Supreme Court of Pakistan

VERIFICATION

It is verified that, the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.



Deponent *Hamid*

Aux-A

(10/12/97) (9)

Board of Intermediate & Secondary Education PESHAWAR

DETAILED MARKS CERTIFICATE
Intermediate Examination *Pre - Medical Group*
SESSION 19 97 (Annual/Supplementary)



Sr. No. 109133

Name Muhammad Hamid

Father's Name Seda Gul

Roll No. 152940

Subjects	Subjects Marks	MARKS OBTAINED			
		Part-I	Part-II	Total in	
				Figures	Words
1. English	200			96	
2. Urdu	200			112	
3. Islamic Education	50			65	
4. Pakistan Studies	50			122	
5. Biology	200			90	
6. Physics	200			92	
7. Chemistry	200				Five
Total	1100			577	Five Sec

Note : Errors/Omissions excepted.

Date 2/9 19 97

Controller of Examinations
Board of Intermediate & Secondary Education
PESHAWAR

Prepared by E Checked By A

att of 10
[Signature]

[Signature]

Sc. No 263256

(13)

(10)

**Board of Intermediate & Secondary Education
PESHAWAR**

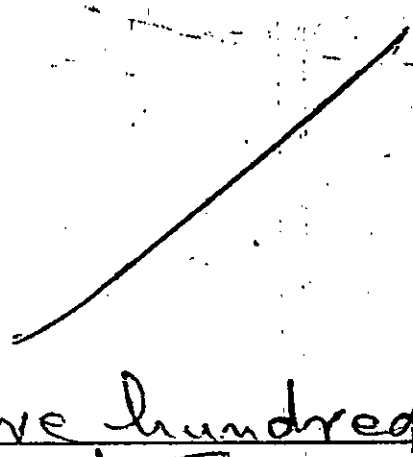
**DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination
(SCIENCE GROUP)**

Session 1994 (Annual/Supplementary)

Name Mohammad Hamid

Father's Name Seda Gul

Roll No. 35944


SUBJECT	Total number of marks allotted	MARKS OBTAINED	
		In figures	In words
1. English	150	92	
2. Urdu	150	86	
3. Islamiyat Comp:	75	56	
4. Pakistan Studies	75	55	
5. Mathematics	100	58	
6. Physics	100	59	
7. Chemistry	100	69	
8. Biology	100	58	
Total	850	533	Five hundred & Sixty Three.

This certificate is issued errors and omissions excepted.

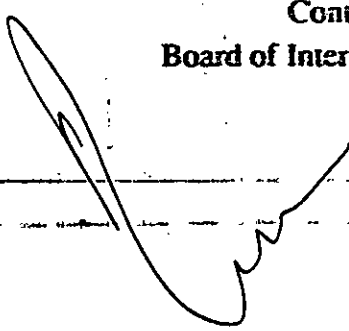
Prepared by [Signature]

Checked by _____

Date _____ 19 _____


Controller of Examinations

Board of Intermediate & Secondary Education
PESHAWAR



UNIVERSITY OF PESHAWAR

(PAKISTAN)

No. 1006331



DETAILED MARKS CERTIFICATE

Roll No. 6331

B.Sc PART-II EXAMINATION, 2000 (Annual/Supplementary)

Name Muhammad Hamid

Father's Name Saba Gul

Certified that the candidate secured the following marks and is placed in Third Division.

S U B J E C T S	M A R K S O B T A I N E D		
	M A X I M U M M A R K S	I N F I G U R E	M A R K S I N W O R D S
1. Chemistry	75	27	Twenty seven
2. Botany	75	33	Thirty three
3. Zoology	75	29	Twenty nine
4. Pakistan Studies	40	25	Twenty five
Part I marks	285	123	Each mark = 1/20 of Twenty three
TOTAL	550	237	Total mark = 1/20 of Thirty seven

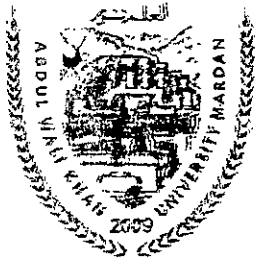
Errors & omissions are subject to subsequent rectification.

The Examination was taken as a Private in Parts.

RESULT DECLARATION DATE 31 Oct 2000

Date

CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR



ABDUL WALI KHAN UNIVERSITY

MARDAN, PAKISTAN

TRANSCRIPT

12

MEEZAN COLLEGE OF EDUCATION, SWABI AT ZAROBI
B.Ed

Name: Muhammad Hamid

Father's Name: Seda Gul

Roll No: 443

Registration No: 12-AU-MCES-M-23

1st Semester (Spring, 2012)								
Title of Course	Total Marks	Marks Obtained	CR Hrs	Grade	NG	GP	GPA	Remarks
Perspective of Education	100	69	3	C+	2.5	7.5		
Curriculum & Instruction	100	74	3	B	3	9		
School Organization & Management	100	67	3	C+	2.5	7.5		
Computer Literacy	100	79	3	B+	3.3	9.99		
Islamic Education	50	38	2	B+	3.3	6.66		
Functional English	50	35	2	B	3	6		
TOTAL	500	362	16			46.65	2.92	Promoted
2nd Semester (Fall, 2012)								
Title of Course	Total Marks	Marks Obtained	CR Hrs	Grade	NG	GP	GPA	Remarks
Educational Psychology	100	62	3	C+	2.5	7.5		
Classroom Assessment	100	57	3	C	2	6		
Teaching of Chemistry	100	77	3	B+	3.3	9.99		
Teaching of Biology	100	79	3	B+	3.3	9.99		
Project	100	64	3	C+	2.5	7.5		
Teaching Practice	200	130	6	C+	2.5	15		
TOTAL	700	469	21			55.98	2.67	Passed

37 102.6

CGPA 2.77

Errors & Omissions are subject to subsequent rectification

Exam Held on Jan 28th to Feb 13th 2013

Result Declaration Date: April 3rd 2013

Prepared by: Jawad Usman

Checked by: Shahzad Khan

Controller of Examinations



UNIVERSITY OF PESHAWAR
PAKISTAN
Detailed Marks Certificate

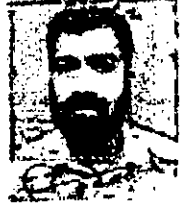
(13)

Master of Arts in Pashto

Final

Annual Examination 2011

District Swabi



Private

Name: **MUHABBIAD HAMID**

Gender: **Male**

Roll No: **37790**

Father's Name: **SEDA GUL**

Registration No: **97-S-3468**

Division: 2nd

Papers	Max Marks	Marks Obtained	
		In Figures	In Words
Modren Poetry-VI	100	50	Fifty Only
Modren Prose-VII	100	55	Fifty Five
Detail Study of Khushal-VIII	100	51	Fifty One
Critical Literature Rhetoric-IX	100	40	Forty Only
Essay-X	100	40	Forty Only
Viva Voce	100	40	Forty Only
Previous 1955-0 Annual-2009	500	283	Two Hundred and Eighty Three
Final	1100	559	Five Hundred and Fifty Nine

Errors & omissions are subject to subsequent rectification

Chances Availed: 2

The Examination was taken In Parts

Examination held From 14-Jul-2011 to 04-Aug-2011

Result Declared on Monday, January 30, 2012

Issue Date, 31-Jan-2012

9:25 am

Computerized by PTD

Swabi Area

(Makhar Hussain Khan)
CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR

S. No. PBR- 114127



Roll No. 35944

14

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination

SESSION 1994 (ANNUAL)
(SCIENCE GROUP)

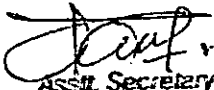
THIS IS TO CERTIFY THAT Muhammad Hamid
Son/Daughter of Seda Gul
and a student of Govt. High School, Serai Swabi
has passed the Secondary School Certificate Examination
of the Board of Intermediate and Secondary Education, Peshawar held in March 1994.
as a Regular candidate. He/She obtained 533 Marks out of 850
and has been placed in Grade B A Representing Very Good

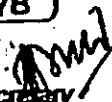
The Candidate passed in the following subjects.

- | | | | |
|------------|---------------------|----------------|--------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Chemistry |
| 2. Urdu | 4. Pakistan Studies | 6. Physics | 8. Biology |

He/She has been awarded Grade A B on the basis of internal
assessment by the institution concerned.

Date of birth according to admission form is Fifth April
one thousand nine hundred and Seventy Eight (05-4-1978)


Asstt. Secretary
4th August, 1994.


Secretary

This certificate is issued without alteration or erasure.

S No. 5563

Roll No. 152B40

Group. Pre-Medical



Board of Intermediate and Secondary Education Peshawar

INTERMEDIATE EXAMINATION
SESSION 1997 - ANNUAL

This is to Certify that

and a Student / resident of

Muhammad Hamid

Son / Daughter of

Sadda Gul

Government College Swabi

Registered No. 28-BIS:95

has passed the

Intermediate Examination of the Board of Intermediate & Secondary Education, Peshawar

held on MAY, 97 *as a* Regular / Private Candidate. *He / She* obtained 577 *Marks* out of 1100

and has been placed in Grade C *Representing* Good *He / She* has been awarded Grade C

on the basis of internal assessment by the institution concerned. The Examination was taken as a whole / in parts.

Asst. Secretary
Seete

S. A. A. A.
Secretary

This certificate is issued & not alteration or erasure.

پست گرامر اسکول

16

University of Peshawar

(Pakistan)

MUHAMMAD HAMID SON of ANNA GUL

GOVT. POSTGRADUATE COLLEGE SWABI

and a student of _____ having passed the prescribed examination held in JULY 2000 is this day admitted by the University of Peshawar to the Degree of

Bachelor of Science

in PHYSICS Division

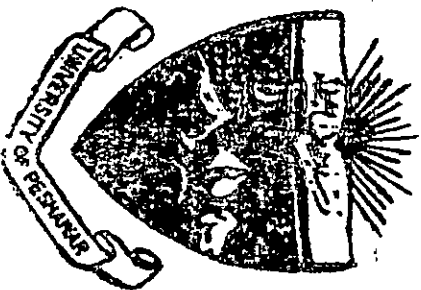
The Examination was taken ~~as a whole~~ / in parts

Serial No 030432

Registration No. 97-8-3469

Roll No. 6331

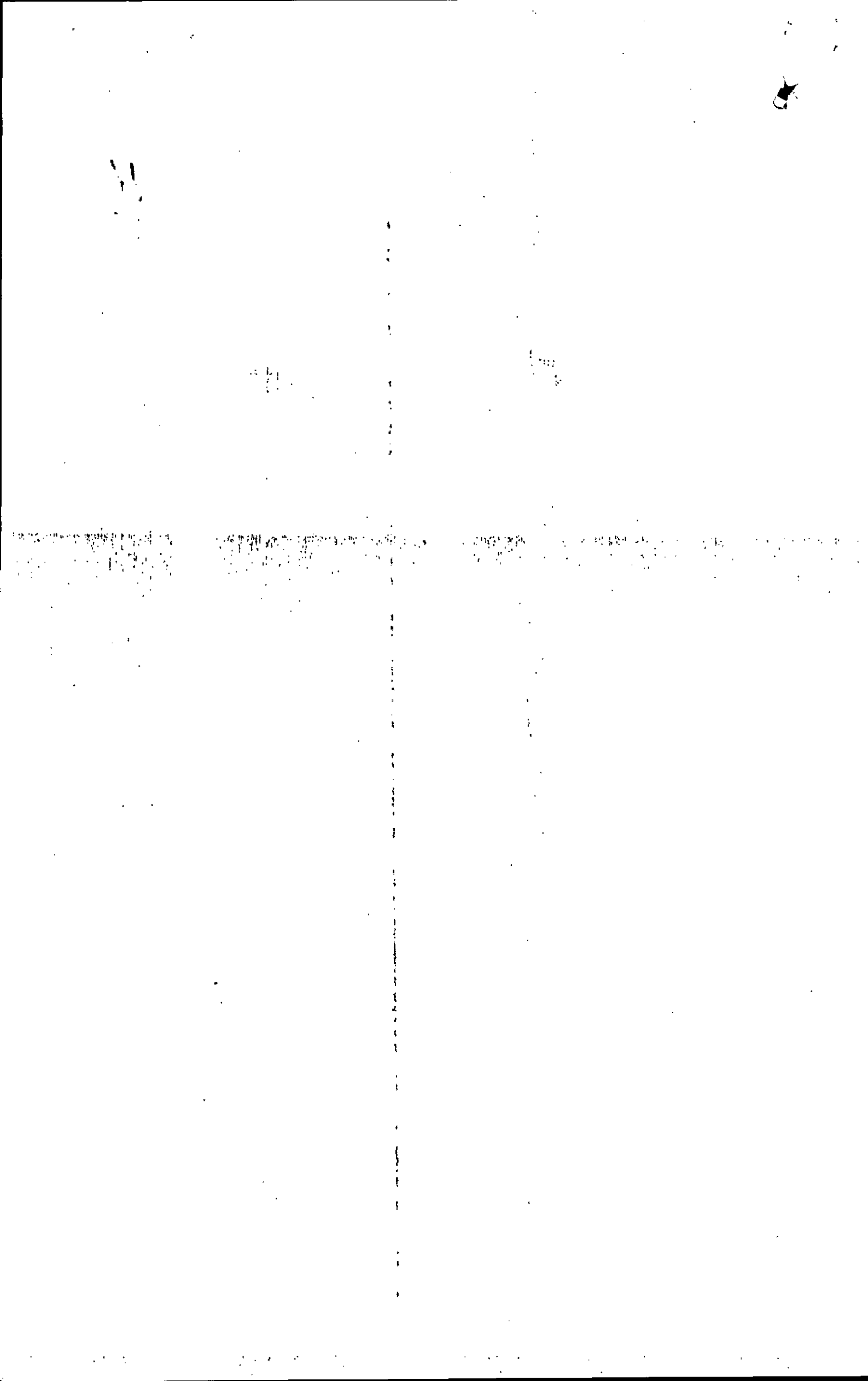
Result declared on OCTOBER 31, 2000



[Signature]
Registrar

Countersigned

M. I. Anwar
Vice-Chancellor



DETAIL MARKS CERTIFICATE

(16)

TRAINING CLASSES EXAMINATION P.T.C. 1997

Roll No. 661 Name Mohd Hamid of Sada Gul

Sl. No.	SUBJECT	Max Marks	Marks Obtained		Total
			Theory	Practical	
1	Psychology and Method of Teaching	100			49
2	Class Organization and Counselling	100			53
3	School Org. and Class Room Management	100			64
4	Language and Method of Teaching	100			55
5	Measurement and Methods of Testing	100			46
6	Science and Method of Teaching	100			63
7	History and Method of Teaching	100			71
8	Language and Method of Teaching	100			67
9	Art and Craft and Method of Teaching	100			76
10	Health and Principles of Education	100			68
11	Teaching Practice	200			110
Total					722

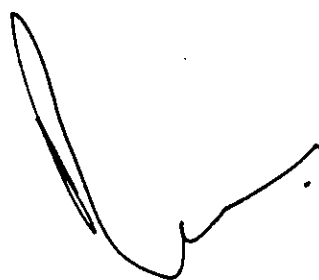
(Seven Hundred & Twenty Two)

Passed, Failed: _____ Date: _____

To Re-appear in: _____

Prepared by: _____

Checked: _____ Date of Declaration: 25.4.2000



 Fazl Dayan
 Dy. Registrar,
 Departmental Examination,
 Education Department,
 N.W.F.P. Pakistan.
 29/6

(18)

KHYBER PUKHTOONKHAWA
EDUCATION DEPARTMENT
GPS Bakar (Saleem Khan)

Name : Muhammad Hamid

Designation: P.S.T



SERVICE CARD

OF KHYBER PUKHTOONKHAWA
& S EDUCATION DEPARTMENT
GPS Bakar (Saleem Khan)

CNIC No. 18202-0028521-7 Personal No. 003811000

Name Muhammad Hamid B/O Bahadur Khan

Designation P.S.T BPS 12 Date of Birth 05-01-1980

Qualification M.A. B.Ed Blood Group B+ve

Date of 1st Appointment 22-03-2007 Cell No. 00411-00381

Address Vill. Bakar P/O Qazi Abad Tehsil & Dist Swat

NOTE:- Please post in the nearest letter box if found

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121	Said Zamin Shah	Penham Shah	Swabi Khas	Guloo Dhori	54.01	GPS-3 Swabi	A.V.P
122	Iftikhar Ali	Mir Was Khan	Salim Khan	Salim Khan	55.06	GPS Paital Banda	A.V.P
123	Ishliq Ahmad	Parwarish Khan	Salim Khan	Salim Khan	54.49	GPS Palu Dhand Payan	A.V.P
124	Akbar Ali Khan	Shad Ali Khan	Salim Khan	Aurang Abadi	51.70	GPS Bakar	A.V.P
125	Muhammad Hamid	Seda Gul	Salim Khan	Bakar	51.66	GPS Major Banda	A.V.P
126	Ikram Ullah	Khurshed	Salim Khan	Gohali	51.24	GPS Palu Dhand Bala	A.V.P
127	Attaullah	Khush Kalam	Salim Khan	Salim Khan	50.81	GPS Salim Khan Qadim	A.V.P
128	Khalid Ahmad	Alam Zaid	Salim Khan	Salim Khan	49.97	GPS Salim Khan Jadeed	A.V.P
129	Amir Rehman	Mirwas Khan	Shahmansoor	Shahmansoor	48.74	GPS Shahmansoor-2	A.V.P
130	Shah Khalid	Said Ur Rehman	Sheikh Jana	Sheikh Jana	53.95	GPS Chachyano Killi	A.V.P
131	Sabir Khan	Said Qamar	Sheikh Jana	Sheikh Jana	50.95	GPS Bandey Oba	A.V.P
132	Bakhat Afsar	Muhammad Ibrahim	Sheikh Jana	Sheikh Jana	50.88	GPS Rahim Gul Banda	A.V.P
133	Muhammad Sheraz	Khan Said	Shewa	Shewa	54.55	GPS-1 Shewa	A.V.P
134	Majed Ali	Rahat Ullah	Shewa	Shewa	54.14	GPS Mada Kolla No.2 Shewa	A.V.P
135	Ahmad Ali	Wahid Gul	Sudher	Sudher	54.08	GPS Sadray Qadim	A.V.P
136	Attaullah	Nawab Shah	Sudher	Sudher	53.84	GPS Naik Nam	A.V.P
137	Pervez Khan	Nazar Khan	Sudher	Sadray Jadid	53.08	GPS Haji Abad	A.V.P
138	Magsood Ali	Shah Jehan	Sard China	Sard China	55.22	GPS Baka Khel	A.V.P
139	Asad Khan	Shamsur Rehman	Sard China	Tarkha	55.02	GPS-2 Sukhta	A.V.P
140	Khalid Khan	Muhammad karim	Sard China	A.K.Killi	54.45	GPS Auyb Khan Killi	A.V.P
141	Ishliq Ali	Faridoon	Sard China	Sard China	54.19	GPS-1 Bhatal	A.V.P
142	Farooq Ali	Wahab Gul	Sard China	Sard China	54.09	GPS-2 Sukhta	A.V.P
143	Habib Ullah	Aman Ullah	Sard China	Sard China	53.88	GPS Julagal	A.V.P
144	Sanaullah	Sher Hassan	Thandkol	Thandkol	55.56	GPS-1 Thandkol	A.V.P
145	Muhammad Bilal	Nawas Khan	Topi (West)	Topi	53.59	GPS-4 Topi	A.V.P
146	Noor Ul amin	Roohul Amin	Tarakai	Tarakai	55.84	GPS Shawo Wand	A.V.P
147	Mohd Ali Khan	Sher Rehman	Tarakai	Shewa Wand	54.09	GPS Shawo Wand	A.V.P
148	S.Ozair Ali Shah	S.Safdar Ali Shah	Tordher	Tordher	53.60	GPS Matani Changan	A.V.P
149	Asad Ali	Manezal	Y.Hussain(W)	Y.Hussain	54.83	GPS-2 Yar Hussain	A.V.P
150	Ikram Ullah	Abdul Hassan	Y.Hussain(W)	Y.Hussain	52.53	GPS Gul Abad	A.V.P
151	Hasan Ali Shah	Muhammad Shah	Yaqoobi	Yaqoobi	55.93	GPS Kalu Dher	A.V.P
152	Muhammad Fayaz	Wisal Muhammad	Yaqoobi	Jagan Nath	54.81	GPS Jagan Nath	A.V.P
153	Fazli Hadi	Sawab Gul	Yaqoobi	Qasim	54.11	GPS Serai	A.V.P
154	Abdul Rauf	Lal Muhammad	Yaqoobi	Jagan Nath	53.89	GPS Serai	A.V.P
155	Umar Khan	Fazal Wahid	Yaqoobi	Bakyana	53.55	GPS Bakyana-2	A.V.P
156	Muhammad Usman	Abdul Karim	Zaida	Zaida	47.68	GPS-3 Zaida	A.V.P
157	Muhamad Khurshid	Abdul Haleem	Zaida	Zaida	43.67	GPS-3 Zaida	A.V.P
158	Muhammad Murad	Muhammad Siraj	Zarobi	Zarobi	55.29	GPS-2 Zarobi	A.V.P

02% Disable Candidates

1	Nadir Khan	Waheed Khan	Sard China	Nako Banda	53.65	GPS Ayub Khan Killi	A.V.P
2	Muhammad Amin	Gul Rahman	Ganichatra	Dewal	52.77	GPS Dewal	A.V.P
3	Inayat Khan	Hamid Khan	Tarakai	Managi	52.07	GPS Sikandari	A.V.P
4	Allaf Ali	Shamas Gul	K.S.K	K.S.K	49.46	GPS Akbar Khan Killi	A.V.P

(21) P. No. 1

Terms & Conditions:-

1. These appointments are purely temporary and liable to termination without assigning any reason and without any prior notice.
2. They will have to produce Health & Age certificate from the Medical Superintendent DHQ Hospital Swabi before taking over charge.
3. In case of fresh candidates they should not be handed over charge if their age is below 18 or above 35 years.
4. They must take over charge of the post within 14 days of the issue of this order failing which the appointment will stand automatically cancelled.
5. All the original academic/professional certificates/degrees should be verified from the concerned Board/University. If any discrepancy was found at any stage the case may be started under the Rules and legal action will be initiated.
6. Verification of documents should be made departmentally before drawl of their pay and the concerned DDO's of the schools should send a certificate on the following pattern to this office. "Certified that I have personally verified the original certificates/Degrees from the concerned Board/Universities in respect of Mr. _____ S/O _____ and found correct who has been appointed against PTC at _____ (School Name) DDO's of the concerned schools should check all the documents including domicile certificates of the candidates concerned.
7. After completion of verification process and subject to the provision of O.K certificate required in para-6 above, a proper order will be issued by this office for release of their pay against the post occupied by them.
8. In case of resignation they will have to submit one month prior notice. Otherwise their one month pay will be forfeited to the Government. After tendering resignation, they will not leave their job until the acceptance of their resignation by the competent authority nor shall they be granted any leave.
9. In case any one of the above appointees deprives of receiving charge due to non-attendance in the school indicated against his name) anywhere in the above mentioned schools/offices, the services of junior most on merit in the relevant category will automatically be stood as dispensed with from service.
10. They will be governed by the service rules framed by the Govt. from time to time.
11. No TA/DA is allowed to any one.
12. Charge report should be submitted to all concerned.

(SAIF-UR-RAHMAN)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

Endst: No. 4121-G/PTC(M) Appt: File/EDO(S&L), dated Swabi the 21/03/2007.

Copy of the above is forwarded for information and n/action to the:-

1. Hon;able Minister for Education Govt: of NWFP, Peshawar.
2. Secretary Schools & Literacy Department Govt: of NWFP, Peshawar.
3. Director Schools & Literacy NWFP, Peshawar.
4. District Nazim, Swabi.
5. District Coordination Officer, Swabi
6. District Accounts Officer, Swabi
7. District Officer (M&F) Local Office.
8. ADO (B&A/Establishment) Local Office.
9. Supdt (M&F) Branch Local Office.
10. Dy: District Officer (Male) Swabi/Lalior
11. Dealing Assistant concerned.
12. Official concerned.


EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

NOTIFICATION

Peshawar, dated the November 13, 2012.

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

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

Endst. No. & Date as above.

Copy forwarded to:-

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

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At the top right: "Aux. C" and a signature.
Below it: "ASB" and "ALW".
At the bottom right: A large signature and another signature below it.



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APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secondary School Teacher (BPS-16)	(i) Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A in Education or Bachelor's Degree in Education, from a recognized University.	18 to 35 years.	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 5; (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3; (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No. 3;

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Primary School Teacher

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

Other conditions:-

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

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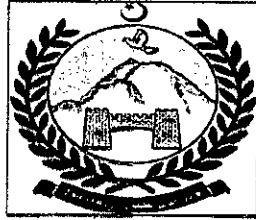
- 3. The Director Curriculum & Teachers Education Abbottabad
- 4. The Director IPTEI Khyber Pakhtunkhwa Peshawar
- 5. The Director ESPH Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
- 11. The Deputy Director Database (EMIS) E&SE Department.
- 12. All District Coordination Officers in Khyber Pakhtunkhwa.
- 13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtunkhwa.
- 14. All District Accounts Officers in Khyber Pakhtunkhwa / Agency Accounts Officers FATA.
- 15. All Agency Education Officers FATA.
- 16. P. S to Governor, Khyber Pakhtunkhwa.
- 17. P. S to Chief Minister, Khyber Pakhtunkhwa.
- 18. P. S to Chief Secretary, Khyber Pakhtunkhwa.
- 19. P. S to Minister E&SE Khyber Pakhtunkhwa Peshawar.
- 20. P. S to Secretary E&SE Department.
- 21. Master File.

Section Officer (Primary)

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

Peshawar, dated the 24th 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&LD/1-28/2003/Vol-II dated, 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, the following new entries shall be inserted in respective columns, namely:

1	2	3	4	5
"1.	Subject Specialist (BPS-17)	i. At least second class Master's Degree or four years BS Degree in the relevant subject; and ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.	23 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-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

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				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's 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 years 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 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; 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 (b) fifty percent by initial recruitment"; and

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

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



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NOTIFICATION

NO.SO(B&F)E&I/RE-DESIG-POSTS/2014-15(DISTRICT)/2014: In pursuance of sub-rule (2) of rule 3 of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 and in consultation with Services, General Administration and Coordination Department, and in supersession of all notifications issued in this behalf, the method, qualification and other conditions for appointment in respect of the posts in Education Management Cadre (School Executive Service, School Management Service and School Finance Service), Education and Literacy Department, Government of Sindh, mentioned in column-2 of the table below shall be as laid down in column 3,4 and 5 thereof :-

i) School Executive Service (SES)

S.#	Name of posts with BPS	Method of appointment	Minimum Academic Qualification/ Necessary experience for initial appointment	Age Limit Min. Max
1.	(i) Director of School Education (Primary) BPS-20. (ii) Director of School Education (Elementary, Secondary & Higher Secondary) BPS-20. (iii) Additional Director (Primary) BPS-20. (iv) Additional Director (Elementary, Secondary & Higher Secondary) BPS-20.	(i) 50% by promotion from amongst District Education Officers (BPS-19) / Deputy Director (BPS-19) belonging to School Executive Service cadre having at least 17 years service in School Administration in BPS-17 and above and have completed mandatory Training through PITE, University or any Institution on the approved panel list. (ii) 50% by transfer from amongst cadre officers of PAS / Secretariat/ PCS (ex-PCS/ PSS).		
2.	i) District Education Officer Primary (BPS-19) ii) District Education Officer (Elementary, Secondary & Higher Secondary) (BPS-19) iii) Deputy Director (BPS-19), Directorates of School Education (Primary / Elementary, Secondary & Higher Secondary) Admn./ Co-curricular Activities/ Quality Assurance/ Planning & Development.	(i) 50% by promotion from amongst Deputy District Education Officers (BPS-18) / Assistant Directors. (BPS-18), having at least 12 years service in School Administration in BPS-17 and above and have completed mandatory training through PITE or any Institution on the approved panel list. (ii) 50% by transfer from amongst cadre officers of PAS / Secretariat/ PCS (ex-PCS/PSS).		

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3.	Deputy District Education Officer (BPS-18) Primary / Elementary, Secondary & Higher Secondary/ Adm/ Co-curricular Activities/ Quality Assurance / Planning & Development.	(i) 20% by initial appointment through Sindh Public Service Commission. (ii) 80% by Promotion from amongst Taluka Education Officers / Assistant Education Officers (BPS-17) having at least 5 years service as such and have completed mandatory training through PITE or any other Institution on the approved panel list on seniority-cum-fitness basis.	Master & M.Ed, B.S. (Computer Science)/ MSc (Computer Science). 5 years experience in BPS-17.	25-35
4.	(i) Taluka Education Officer (male/female) (BPS-17), Primary / Elementary, Secondary & Higher Secondary. (ii) Assistant Education Officer (BPS-17) Adm/ Co-curricular Activities (male/ female) / Quality Assurance (male/ female) / Planning & Development (male/ female)	(i) 50% By initial appointment through competitive examination by Sindh Public Service Commission. (ii) 50% by transfer from amongst cadre officers of PAS / PCS (ex-PCS/ PSS).	M.A & M.Ed, both at least in 2 nd Division from a recognized University.	25-30

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ii) School Management Service (SMS)

S.#	Name of posts with BPS	Method of appointment	Minimum Academic Qualification/ Necessary experience for Initial appointment	Age Limit Min. Max
1.	Senior Principal (BPS-20) Comprehensive / Higher Secondary Schools.	By promotion from amongst Principals (BPS-19) Secondary / Comprehensive / Higher Secondary Schools having at least 17 years service in BPS-17 and above or as prescribed by the Government from time to time and have completed mandatory training through PITE or any institution on the approved panel lists, and on seniority-cum-fitness basis.		
2.	Principal (BPS-19) Secondary Schools / Comprehensive / Higher Secondary Schools.	i) 80% by promotion from amongst Senior Headmaster / Headmistress (BPS-18) Elementary / Secondary Schools. ii) 20% by promotion from amongst Senior Subject Specialist (BPS-18).		



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LITERACY DEPARTMENT



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		<p>iii) All having at least 12 years service in BPS-17 and above or as prescribed by the Government from time to time & have completed mandatory training through PITE or any Institution on the approved panel list and on seniority-cum-fitness basis.</p>		
3.	Senior Headmaster / Headmistress (BPS-18) Elementary / Secondary Schools.	<p>i) 50% by promotion from amongst Headmasters / Headmistress (BPS-17) Campus/ Cluster/ Primary Schools.</p> <p>ii) 35% by promotion from amongst Senior Elementary School Teachers (BPS-17).</p> <p>iii) 15% by promotion from amongst Senior Secondary School Teachers (BPS-17).</p> <p>iv) All having 5 years of service as HM/SEST/SSST & have completed mandatory training through PITE or any Institution on the approved panel list, and on seniority-cum-fitness basis.</p>		
4.	Headmaster / Headmistress (BPS-17) Campus /Cluster/ Primary Schools.	<p>i) 80% by initial appointment through Sindh Public Service Commission (except contract employees).</p> <p>ii) 20% By promotion from amongst the various categories of teachers having 7 years service in BPS-16, and have completed mandatory training through PITE or any Institution on the approved panel list and on combined seniority-cum-fitness basis.</p>	<p>M.A. and M.Ed. preferably with specialization in Management at least in 2nd Division from a recognized University and having basic knowledge of computer.</p> <p>OR</p> <p>Masters Degree and B.Ed both at least in 2nd Division having five years Govt. service as HST (BPS-16) (except contract employees) with computer literacy (up to 2018 only)</p> <p>OR</p> <p>ii) Masters-at least in 2nd Division and Associate Degree in Education (A.D.E) at least in 2nd Division from a recognized University having three (3) years service as teacher in any registered school with computer literacy (up to 2018).</p>	22-30

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iii) School Finance Service (SFS)

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S.#	Name of posts with BPS	Method of appointment	Minimum Academic Qualification/ Necessary experience for initial appointment	Age Limit Min. Max
1.	Director (Finance) BPS-19, Primary/ Elementary, Secondary & Higher Secondary	By promotion from amongst Deputy Directors (Finance/Audit) BPS-18 on seniority-cum-fitness basis having at least 12 years service in BPS-17 and above in relevant field and have completed mandatory training at National Institute of Management.		
2.	Deputy Director (Finance Audit) BPS-18, Primary/ Elementary, Secondary & Higher Secondary	By promotion from amongst Assistant Directors (Finance/Audit) BPS-17 having at least 5 years service as such and have completed mandatory training; and on seniority-cum-fitness basis.		
3.	Assistant Director (Finance) / (Audit) BPS-17 Primary / Elementary, Secondary & Higher Secondary	i) 75% by initial recruitment through Sindh Public Service Commission. ii) 25% by promotion from amongst Superintendents (BPS-16) having at least 5 years service as such and have completed Subordinate Accounts Service (SAS) and on seniority-cum-fitness basis.	MBA (Finance), ACCA or C.A. at least in 2 nd Division from a recognized University/ Institute.	21-35

iv) Other Category Teachers

S.#	Name of posts with BPS	Method of appointment	Minimum Academic Qualification/ Necessary experience for initial appointment	Age Limit Min. Max
1.	Senior Subject Specialist (BPS-18)	By promotion from amongst Subject Specialists (BPS-17) having at least 07 years service as such and have completed mandatory training at PITE or any other University or Institute on approved panel list, on seniority-cum-fitness basis.		
2.	Subject Specialist (BPS-17)	By initial appointment through competitive examination by Sindh Public Service Commission.	M.A. / M.Sc. in relevant subject with M.Ed. (02 Years) both at least in 2 nd Division from a recognized University.	21-30



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3.	Senior Elementary School Teacher (SEST) (BPS-17)	By promotion from amongst the Elementary School Teachers (ESTs) having 7 years service as such and have completed mandatory training in PITE or any other University or Institute on approved panel list, on seniority-cum-fitness basis.		
4.	Senior Secondary School Teacher (SSST) (BPS-17)	By promotion from amongst the Secondary School Teachers (SSTs) having minimum 7 years service as such and have completed mandatory training in PITE or any other University or Institute on approved panel list, on seniority-cum-fitness basis.		
5.	Elementary School Teacher (EST) (BPS-16)	<p>i) 25% by initial appointment through Sindh Public Service Commission.</p> <p>ii) 50% by promotion from amongst Junior Elementary School Teachers (JESTs) having B.Ed (Hon.) Elementary at least in 2nd Division and minimum 7 years service as JEST on seniority-cum-fitness basis.</p> <p>iii) 25% by promotions from Primary School Teachers (PSTs) having B.Ed. (Hon) Elementary at least in 2nd Division and minimum 10 years service as PST on seniority-cum-fitness basis.</p>	B.A and B.Ed. (Hon) Elementary at least in 2 nd Division from a recognized University/ College/ Institute OR Masters with B.Ed. at least in 2 nd Division from a recognized University/ College/ Institute (up to 2018)	22-30
6.	Secondary School Teacher (SST) (BPS-16)	By initial recruitment through Sindh Public Service Commission.	Graduate with B.Ed. (Hons) Secondary at least in 2 nd Division from a recognized University/ College/ Institute OR Masters with B.Ed. both at least in 2 nd Division from a recognized University/ College/ Institute (up to 2018)	22-30
7.	Senior Early Childhood Teacher (BPS-16)	By promotion from amongst Early Childhood Teachers (BPS-15) having at least 7 years service and have completed mandatory training through PITE or any institute on the approved panel list, on seniority-cum-fitness basis.		
8.	Early Childhood Teacher (BPS-15) (Female)	By initial appointment through competitive examination by Sindh Public Service Commission and other Testing	Graduate and Diploma in Early Childhood Education / KG/ Montessori at least in	22-30



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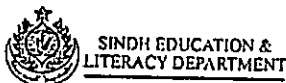
		Services to be procured by Education & Literacy Department.	2 nd Division from a recognized University / College / Institute.	
9.	Junior Elementary School Teacher (JEST) BPS-14	i) 75% by Initial appointment through competitive examination / test. ii) 25% by promotion from amongst PSTs (BPS-09) having ADE at least in 2 nd Division from a recognized University/ College/ Institute and 7 years of service as PST (BPS-09) on seniority-cum-fitness basis.	Associate Degree in Education (ADE) at least in 2 nd Division from a recognized University/ College / Institute OR Graduate with B.Ed. both at least in 2 nd Division from a recognized University/ College / Institute (up to 2018)	20-30

(DR. FAZLULLAH PECHUHO)
SECRETARY TO GOVT. OF SINDH

NO.SO (B&F)E&L/RE-DESIG-POSTS/2014-15(DISTRICT)/2014 KARACHI DATED 14th OCTOBER,2014

A copy is forwarded for information and necessary action to:-

1. The Principal Secretary to Chief Minister Sindh, Karachi.
2. The Secretary to Government of Sindh, Law Department.
3. The Secretary to Government of Sindh, Finance Department.
4. The Secretary (Services), SGA&CD, Govt. of Sindh, Karachi.
5. The Secretary (I&C) SGA&CD, Govt. of Sindh, Karachi.
6. The Secretary, Sindh Public Service Commission, Thandi Sarak, Hyderabad.
7. The Accountant General Sindh, Karachi.
8. The Additional Secretary (Regulation), I&C Wing of SGA&CD.
9. The Additional Secretary (GA), Education & Literacy Department.
10. The Deputy Secretary (Staff) to Chief Secretary, Sindh, Karachi.
11. The Controller, Sindh Government Printing Press, Karachi for publication in next issue of Gazette. It is requested that twenty five copies of the Gazette notification may be sent to this department, immediately for record.
12. The Directors of School Education (Primary) / Elementary, Secondary & Higher Secondary Education (all), Sindh.
13. The District Education Officers (Primary) / Elementary, Secondary & Higher Secondary Education (all), Sindh.
14. The Section Officers (B&E-XIV), (B&E-XVII), (B&E-XVIII) Finance Department.
15. The Section Officer (SR-IV), Finance Department with reference to his U.O. No.FD (SR-IV) 9/2014 dated 26.6.2014.
16. The Sr. Programmer, PIFRA/Budget Cell-I, Finance Department, Karachi.
17. The District Accounts Officers (all), Sindh.
18. Chief Programme Manager, Reform Support Unit, E&L Department, Karachi.
19. Official Website of Education & Literacy Department.



(DADLO ZUHRANI)
DEPUTY SECRETARY (SCHOOLS)

Page 6 of 6

IN THE PESHAWAR HIGH COURT
BANNU BENCH

Writ Petition No. 58-B of 2014

Waris Khan

Vs

Govt. of Khyber Pakhtunkhwa and five others.

Date of hearing: 04.06.2015.

Petitioner(s) by: Muhammad Usman Khan Adv.

Respondent(s) by: Sarfraz Rehman Khattak Adv. A.G.

JUDGMENT

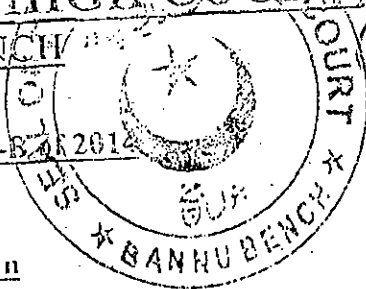
MUHAMMAD YOUNIS THAHHEEM, J.---

Waris Khan, the petitioner seeks constitutional jurisdiction of this Court, praying as:

"On acceptance of this writ petition, the notification dated 20th December, 2013 and subsequent Circular dated 23rd December, 2013, whereby work papers were asked to be prepared for Departmental Promotion committee for selection to the vacant posts of SST (BPS-16) wherein Minimum Qualification and experience of at least second class/2nd Division Bachelors Degree has been introduced for

ATTESTED

EXAMINER
Peshawar High Court,
Bannu Bench



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Adv G.

Attested

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IN THE PESHAWAR HIGH COURT PESHAWAR
BANNU BENCH

W.P No 58-B 2014

Waris Khan

Vs

Govt of Khyber Pakhtunkhwa and five other

Date of hearing 04-06-2015

Petitioner(s) by: Muhammad usman khan ADV

Respondent(s) by Saifur Rehman Khattak Addl. A.G

JUDGMENT

Muhammad Younis Tahaheem J

Waris khan, the petitioner seeks constitutional jurisdiction of this Court, praying as:

“on acceptance of this writ petition, the notification dated 20th December, 2013 and subsequent Circular dated 23rd December 2013, whereby work paper were asked to be prepared for Departmental promotion committee for selection to the vacant posts of SST (BPS-16) wherein minimum Qualification and experience of at least second class / 2nd division bachelors degree has been introduced for

1

filing the above stated vacant post of BPS-16 (By promotion) be declared in violation of Notification No. So PE-4-5 SSRC/Meeting/2012/Teaching Cadre dated 13.11.2012, service law previous policy mode and manner on the basis of which, the petitioner has been promoted to BPS-16 on DM post and thereby in effective upon the rights of the petitioner and the respondents be directed to act in accordance with *ibid* Notification/Law/ Rules/ Policy of 2012 and service structure so as to consider the qualification of the petitioner for appointment to the post of SST (BPS-16) and the respondents be further directed that as the impugned Notification dated 20.12.2013 and circular dated 23.12.2013 being misconceived and malafidely misinterpreted may be construed in favour of the petitioner in the light of previous notification and policy of 2011 and 2012."

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ATTESTED

EXAMINER
Peshawar High Court,
Bannu Bench

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Filling the above sitted vacant post of BPS-16 bay promotions be declared in violation of notification No. so pe 4-5 SSRC/meeting/2012 teaching cadre dated 13-11-2012, service law previous policy mode and manner on the basis of which, the petitioner has been promoted to BPS 16 on DM post and thereby in effective upon the rights of the petitioner and the respondents be directed to act in accordance with ibid notification / law/ rules/ policy of 2012 and service structure so as to consider the qualification of the petitioner for appointment of the post of SST (BPS-16) and the respondents be further directed that as the impugned notification dated 20-12-2013 and circular dated 23-12-2013 being misconceived and malafidely misinterpreted may to constructed in favor of the petitioner in the light of previous notification and policy of 2001 and 2012

2. In essence grievance of the petitioner is that, he was appointed as Drawing Master (D.M) on 04.09.1985, while presently the petitioner is performing his duties as a Senior Drawing Master (SDM) in Education department since 11.04.1996 and has been promoted to BPS-16 since 21.02.2013; that seniority list was prepared for the purpose of upgrading from the post of SDM (BPS-16) to Secondary School Teacher (SST) (BPS-16), wherein the name of petitioner was placed on top of the merit list. Later on Govt. of Khyber Pakhtunkhwa Elementary and Secondary Education Department introduced method of recruitment for the posts of SST (BPS-16), vide notification dated 13th November, 2012; that the petitioner was fit candidate in view of said notification, but vide impugned new notification dated 21.12.2013 and subsequent circular dated 23.12.2013 minimum qualification of at least second class degree in B.A has been imposed upon the petitioner amongst the others and vide said impugned notification and circular the name of petitioner has been deleted from the merit list and thereby deprived from his due right of promotion and respondents are adamant to work upon their so

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ATTESTED

EXAMINER
Peshawar High Court,
Bannu Bench

... ..

2 in essence grievance of the petitioner is that, he was appointed as Drawing Master (D.M) on 04.09.1985, while presently the petitioner is performing his duties as a senior Drawing Master (SDM) in education department since 11.04.1996 and has been promoted to BPS-16 since 21.02.2013 that seniority list was prepared for the purpose of upgrading from the post of SDM (BPS-16) to secondary School teacher (SST) (BPS-16), wherein the name of petitioner was placed on top of the merit list. Later on Govt. of Khyber Pakhtunkhwa elementary and secondary Education department introduced method of recruitment for the posts of SST (BPS-160, vide notification dated 13th November, 2012 that the petitioner was fit candidate but vide impugned new notification dated 21.12.2013 and subsequent circular minimum qualification of at least second class degree in B.A has been impose upon the petitioner amongst the others and vide said impugned notification and circular the name of petitioner has been deleted from the merit list and thereby deprived from his due right of promotion and respondents are adamant to work upon their so

called impugned criteria. Hence, the instant writ petition.

3. Comments were called from the respondents, which they furnished, wherein they submitted that the academic qualification of the petitioner is very much low and not entitled for the post of SST (BPS-16).

4. Learned Addl: A.G present in the court in other cases was put on notice, who accepted the same.

5. Arguments of learned counsel for the parties heard and available record perused.

6. Learned Addl: A.G at the very outset raised preliminary objection regarding maintainability of instant writ petition, as the petitioner being a civil servant and the matter regarding his promotion, this Court has no jurisdiction under Article 212 of the Constitution of Islamic Republic of Pakistan to interfere in the matter.

7. To resolve preliminary objection, it would be more convenient for better understanding to reproduce section 4 of the Service Tribunal Act, 1974, which read as:

4. Appeal to Tribunal:- Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such

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 EXAMINER

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4. **Appeal to Tribunal**:- Any civil servant aggrieved by any final order. Whether original or appellate. Made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such

order to him or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal having jurisdiction in the matter:

Provided that-

(a) where an appeal, review or a representation to a departmental authority as provided under the North-West Frontier Province Civil Servants Act, 1973, or

any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or

representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was preferred;

(b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining-

(i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade; or

(ii) the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement (37 and).

(c)

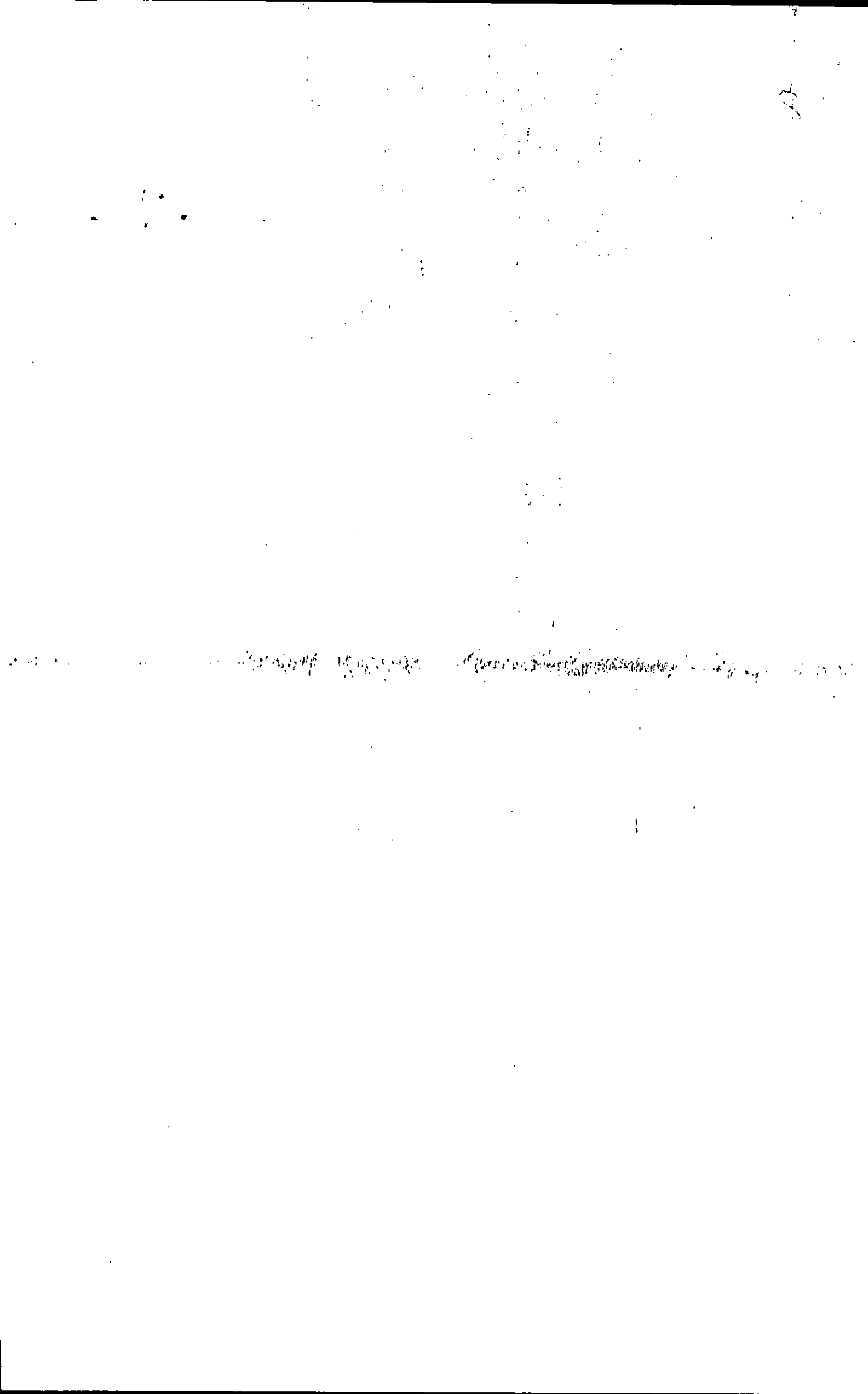
Perusal of above provision of law, Section 4 (b) (i) clearly stipulate that no appeal lie to the Tribunal determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade, meaning thereby that the orders/ acts, which are not final in nature are not appealable before the Service Tribunal, hence, this

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EXAMINER
Peshawar High Court,
Dungra Bench



Order to him or within six months of the establishment of the appropriate tribunal, whichever is later, prefer an appeal to the tribunal having jurisdiction in the matter:

PROVIDED THAT

- (a) where an appeal, review or a representation to a departmental authority as provided under the North-West frontier province civil servants Act, 1973, or any rules against any such order, no appeal shall lie to a tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has sick from the date on which such appeal, application or representation was preferred;
- (b) No Appeal shall lie to a tribunal against an order or decision of departmental authority determining.
 - i. the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade: or
 - ii. the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement 137 (;And)
- (c).....

Perusal of above provision of law, section 4(b) (i) clearly stipulate that no appeal lie to the tribunal determining the fitness or otherwise of person to be appointed to or hold a particular post or to be promoted to a higher post or grade, manning thereby that the orders/ acts, which are not final in nature are not Appealable before the service Tribunal, hence, this

Court has ample jurisdiction to entertain the instant petition.

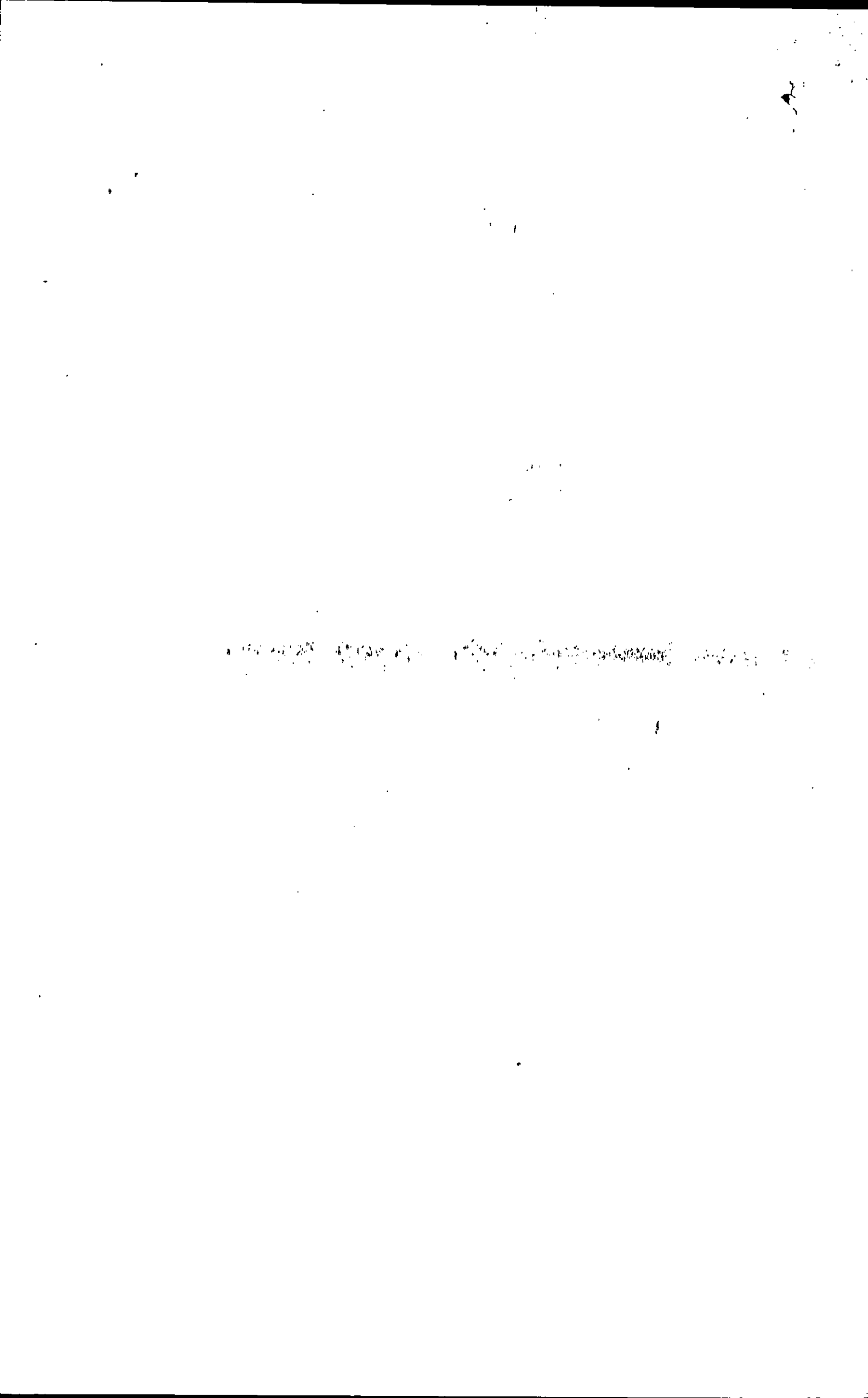
8. So far as merits of the case are concerned, the petitioner claims that impugned notification dated 20th December 2013 and circular dated 23.12.2013 are in derogation of earlier notification dated 13th November 2012. Perusal of notification dated 13th Nov.2012 reveals method of recruitment for the post of SST and other conditions specified in Appendix to the notification, which read as:

APPENDIX.

S.No.	Nomenclature of the Post.	Minimum qualification and experience for initial appointment or by transfer.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Secondary School Teacher (BPS-16)	(i) Second class bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics humanities and other equivalent groups from a recognized University (or) (ii) M.A in Education or Bachelor's Degree in Education from a recognized University.	18 to 35 years	(a) Fifty Percent by promotion on the basis of Seniority-cum fitness, in the following manner: (i) Forty percent from amongst the Certified Teachers (General) Certified Teachers (Agriculture), Certified teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No.3. (ii) Four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3. (iii) Four per cent from amongst the Physical Education Teachers with at least five service as such and having qualification mentioned in column No.3.

ATTESTED

EXAMINER,
Peshawar High Court,
Bannu Bench



Court has ample jurisdiction to entertain the instant petition.

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Perusal of appendix clearly depicts that minimum qualification and experience for initial appointment or by transfer stipulated second class Bachelor's degree in specified subjects mentioned therein or MA in Education or Bachelor's Degree in Education from a recognized University, meaning thereby that there is no condition of second class Bachelor' Degree with second condition and if petitioner has second qualification as mentioned in appendix, whatever number he obtained in B.A/BSe, he is qualified to be considered in recruitment for the post of Secondary School Teacher, which qualification the petitioner retains.

9. So far as impugned notification/letter dated 20th December, 2013 with the subject of filling of vacant posts in Higher Secondary Schools/ High / Middle Primary is concerned, wherein the criteria has been changed for filling posts of Secondary School Teacher (General) (BPS-16) mentioning in Column No.3, as:

At least Second class Bachelor's Degree from a recognized University with the following two subject in Humanities and Social Sciences

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Perusal of appendix clearly depicts that minimum qualification and experience for initial appointment or by transfer stipulated second class Bachelor's degree in specified subjects mentioned therein or MA in Education or Bachelor's Degree in Education from a recognized University, meaning thereby that there is no condition of second class Bachelor's Degree with second condition and if petitioner has second qualification as mentioned in appendix, whatever number he obtained in B.A/BSC, he is qualified to be considered in recruitment for the post of Secondary School Teacher, which qualification the petitioner retains.

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“ At least Second class Bachelor's Degree from a recognized University with the following two Subject in Humanities and SIC

*equivalent groups at degree level
with English as Compulsory
Subject.*

and

*Bachelor of Education or Master
of Education (Industrial art or
Business Education) or M.A.
Education or Equivalent
qualification from a recognized
University."*

Criterion given above, is that the candidates having second class bachelor degree and Bachelor of Education or Master of Education (Industrial art or Business Education) or M.A Education or Equivalent qualification from a recognized University for recruitment for the post of Secondary School Teacher, is in derogation to the earlier notification dated 13th November 2012. When previous notification/policy has not been cancelled or no new notification/policy has been issued/introduced, which may supersede the previous notification/policy the authority cannot direct to make working papers or implement policy in derogation to the policy already in field. As in the instant case, Notification dated 13th November 2012 has not been cancelled or altered or changed, while the method for recruitment of Secondary

ATTESTED

EXAMINER



**Equivalent groups at degree level
With English as Compulsory
Subject.**

**And
Bachelor of Education of Master
Of Education (Industrial art or
Business Education) or M.A
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School Teachers has been changed vide impugned letter dated 20th December 2013 and directed to make working papers in light thereof, for filling of vacant posts in Higher Secondary Schools.

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10. For the reasons discussed above, the instant writ petition is allowed, the instant writ petition is admitted and sallowed impugned letter dated 20th December, 2013 and dated 23.12.2013 are set aside to the extent of change of criteria for the recruitment for the posts of Secondary School Teachers and respondents are directed to prepare seniority list as per criteria mentioned in appendix attached with notification dated 13 November 2012.

Announced.

04.06.2015

Sd/- Ikramullah Khan, J

Sd/- Muhammad Yunus Tabeen, J

07/9/15

CERTIFIED TO BE TRUE COPY

Examination

Poshwaye High Court Bench
Authorized under Article 67 of
The Constitution of Pakistan Order 1984

10/9/15

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school Teachers has been changed vide impugned letter dated 20th December 2013 and directed to make working papers in light thereof, for filling of vacant posts in Higher Secondary Schools.

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Announced.

04.06.2015

Aux - H
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To,

The Director,
Elementary & Secondary Education,
Dabgari Garden, Peshawar

Subject: DEPARTMENTAL APPEAL

Sir,

Applicant humbly submits as under:-

- 1) That the applicant is serving in Government Primary School Bakar in BPS-12
- 2) That applicant is equipped with qualification such as MA (2nd Division), B.Ed (2nd Division).
- 3) That applicant is putting more than 7 years as obvious from appointment order dated 22.03.2007.
- 4) That applicant is BSc in Physicals, Maths in 3rd Division, however, his B.Ed in the same subject is 2nd Division, MA is 2nd Division.
- 5) That the purpose of improving of qualification by applicant is to be promoted as Secondary School Teacher (BPS-16) in view of past notification/rules, for precedent Notification Peshawar dated November 13, 2012, which reads as under

Attest
[Signature]

S#	Nomenclature of post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Secondary School Teacher (BPS-16)	i: Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or ii) M.A in Education or Bachelor's Degree in Education, from a recognized University	18 to 35 years	a. Fifty percent by promotion on the basis of seniority-cum-fitness, in the following: i. Forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No.3 ii. Four percent for amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3

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				<p>iii. Four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No.3</p> <p>iv. One percent from amongst the Instructional Material Specialist with at least five years as such and having qualification mentioned in column No.3; and</p> <p>v. One percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and</p> <p>b. Fifty per cent by initial recruitment.</p>
--	--	--	--	---

6) That the respondents issued the impugned notification No.SO(PE) 4-5/ SSRC/ Meeting/ 2013/ Teaching Cadre dated 24.07.2014, which is illegal and unlawful regarding S.No.1(IB) to the extent of petitioner which reproduced are as under:-

1	2	3	4	5
IB	Secondary School Teacher (BPS-16)	<p>1. At least second class Bachelor Degree's fro 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:</p> <p>and</p> <p>II. Bachelor of Education or Master of Education (Industrial Art or Business Education) or MA Education or</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>(a) forty percent 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 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 form amongst the Senior Drawing Masters (BPS-16)</p>

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		equivalent qualifications from a recognized University		with at least five years service as Senior Drawing Masters and Drawing Masters and having qualification mentioned in column No.3
--	--	--	--	--

- 7) That the University Administration in the year 2014 declared third division would be considered fail and it is no more in field (3rd Division).
- 8) That as per notification No.SO(B&F)E&L/RE-DESIG-POSTS/201-15(DISTRICT)/2014 dated 14.10.2014 issued by Government of Sindh the criteria mentioned at S.No.6 which is reproduced as under:-

6	Secondary School Teacher (SST) BPS-16	By initial recruitment through Sindh Public Service Commission	Graduate with B.Ed (Hons) Secondary at least in 2 nd Division from a recognized University/ College/ Institute OR Masters with B.Ed both at least with in 2 nd Division from a recognized University/ College/ Institute (up to 2018)	22-30
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- 9) That as per seniority list for promotion from PST to SST (BPS-16) applicant is at S.No.2050.
- 10) That for initial appointment as SST (BPS-16) through PCS there is no restriction of BSc in 3rd Division and candidates are awarded marks as per their divisions, which is clear discrimination prohibited under Article 25/27 of the Constitution of Islamic Republic of Pakistan, 1973.
- 11) That as per notification of S&GAD in view of higher qualification the 3rd Division in lower class is relaxed.
- 12) That it is strange that applicant as per current qualification is fulfilling the yardsticks for subject specialist BPS-17 at S.No.1 of Notification of 2014, as there is no restriction of B.Ed in 3rd Division, but require M.A in 2nd Division, whereas applicant is MSc in 1st Division, which is clear discrimination, contradiction in the same notification of 2014.
- 13) That Hon'ble Peshawar High Court vide judgment dated 04.06.2015 in W.P.No.58-P/2014 titled as "Waris Khan Vs. Govt" accepted the writ petition and set-aside notification dated 20.12.2013 and 23.12.2013 to the extent of change criteria for recruitment for the post of SST and respondents

are directed to prepare seniority list as per criteria mentioned in notification Dated 13.11.2013.

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- 14) That being aggrieved the applicant is now filing instant departmental appeal on the following grounds

GROUND

- A. Because applicant as per **2006 SCMR 1185** and **2009 SCMR Page-1** has a fundamental right to be extended the benefit in judgment dated 04.06.2015 of Hon'ble Peshawar High Court in W.P.No.58-P/2014.
- B. Because impugned notification is discriminatory qua qualification of subject specialist (BPS-17) as compared to SST (BPS-16) as the reason of rejection from working paper is not available in SS (BPS-17)
- C. Because applicant having higher qualification can't be thrown out of selection.
- D. Because BSc of applicant in the year 2000 and the rules in 2014 can't be applied to the case of appellant.
- E. Because there is no restriction of 3rd Division in recruitment of PST, CT, Drawing Master etc, which speak of double standard.
- F. Because it is strange that on the basis of same qualification applicant is eligible to be appointed as lecturer BPS-17 in College, Professor (BPS-20) in Universities, able to teach higher classes but not to 9th, 10th class is beyond comprehension and logic.
- G. Because Federal Service Tribunal and Education Secretary Comprising high powered committee relaxed the FA 3rd Division in view of High qualification in case of Zarin Shall.
- H. Because applicant has secured 1st Division in B.Ed in the same subjects, so it can't be presumed that he is incapable of teaching.
- I. Because of this BSc 3rd Division was so bad, the admission in B.Ed, M.Ed in the same education department can't be justified on any plain.

J. Berceuse for promotion the length of service, seniority are material as per Civil Servant Act, 1973 and practice of all departments and not divisions, thus impugned rules are ultravires to the extent of condition of B.Sc 3rd Division. 48/

It is therefore, humbly prayed that, S.No.1B of Notification dated 24th July 2014 may please be reviewed/ relaxed/ modified in view of Higher qualification, by extending the benefit of judgment of Peshawar High Court dated 04.06.2015 and judgment of Federal Service Tribunal in case of Zarin Shall and brining at per with promotion of subject specialist (BPS-17) S.No.1 in the same notification by mentioning MA/MSc as 1st Division. Applicant may please be considered for promotion as SST (BPS-16) from PST alongwith others as per Notification dated 13.11.2012 said portion of Notification of 2014 be declared as ultravires, discriminatory and is without lawful authority.

Any other relief deemed fit may also very graciously be granted.

Appellant

Hamid
3.9.2015
Muhammad Hamid
S/o Saida Gul
R/o Bakar Qazi Abad, Tehsil &
District Swabi

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 37831/2015

Ann-I 1

2.4786/15

49/10



1. Niaz Ali Khan S/o Meera Khan
R/o Mohallah Khan Khel, Tehsil Lahor District Swabi
2. Muhammad Hamid S/o Saida Gul
R/o Bakar Qazi Abad, Tehsil & District Swabi.

.....Petitioners

VERSUS

- 1) District Education Officer, Swabi
- 2) Chairman Departmental Selection Committee through District Education Officer, Swabi
- 3) Section Officer (Primary) Civil Secretariat Peshawar
- 4) Director Elementary & Secondary Education Dabgari Garden, Khyber Pakhtunkhwa
- 5) Secretary Law & Parliamentary Affairs, Khyber Pakhtunkhwa, Peshawar
- 6) Secretary Elementary & Secondary Education, Civil Secretariat Peshawar Khyber Pakhtunkhwa, Peshawar
- 7) Chief Secretary Elementary & Secondary Education, Civil Secretariat Peshawar Khyber Pakhtunkhwa, Peshawar

.....Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973 AS AMENDED UPTO DATE**

Respectfully Sheweth:-

Brief facts giving rise to the instant petition are as under:-

- 1) That the petitioners are the bonafide residents of District Swabi and are serving in Govt. Primary School Sherdil Koti & Govt. Primary School Bakar as PST in BPS-14 & 12 respectively. (Copy of CNICs of petitioners are attached as Annex "A")

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Peshawar High Court
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(Copy of impugned notification is attached as Annex "C")

- 5) That the respondents refused to entertain the credential/working papers submitted by the petitioners for promotion to SST (BPS-16).
- 6) That being aggrieved now the petitioners approached this Hon'ble Court for their redressal on the following grounds amongst others:-

SI

GROUND

1. That the act of the respondents regarding issuance of the impugned notification is illegal, unlawful and against the natural justice and needs interference of this Hon'ble Court.
2. That at the time of appointment in the year 2004 & 2007 the required qualification for the post of PST are FA/ F.SC
3. That the petitioners having higher qualification i.e. petitioner No.1 M.Sc Maths, M.A English, M.Phil, (Ph.D in progress), and petitioner No2 having BSc, B.Ed, PTC, & M.A Pashto respectively, and their academic testimonials are already attached with the instant petition.
4. That the impugned notification is not applicable to the petitioners on the reason that the said notification has been issued in the year 2014 while the petitioners obtained/ passed the B.Sc / BA in the year 1995 and 2000 prior from the issuance of this Notification and benefits would be given to the beneficiaries.
5. That the petitioners are highly qualified persons and there is no hurdle in their promotion to BPS-16 except second class Bachelor Degree, which is against the natural justice.

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Pashtun High Court

05 JAN 2016

6. That the University Administration in the year 2014 declared third division would be considered fail and it is no more in field (3rd Division)
7. That as per notification No.SO(B&F)E&L/RE-DESIG-POSTS/201-15(DISTRICT)/2014 dated 14.10.2014 issued by Government of Sindh the criteria mentioned at S.No.6 which is reproduced as under:-

6	Secondary School Teacher (SST) BPS-16	By initial recruitment through Sindh Public Service Commission	Graduate with B.Ed (Hons) Secondary at least in 2 nd Division from a recognized University/ College/ Institute. OR Masters with B.Ed both at least with in 2 nd Division from a recognized University/ College/ Institute (up to 2018)	22-30
---	---------------------------------------	--	--	-------

(Copy of the notification dated 14.10.2044 is attached)

8. That as per seniority list issued by respondents the petitioners are at S.No.1789 & 2050 respectively.
9. That the respondents have not treated the petitioners in accordance with Article 4 & 25 of the Constitution of the Islamic Republic of Pakistan.
10. That the petitioners may permitted to raise any point not specifically pleaded in the instant appeal.

It is, therefore most humbly prayed that on acceptance of this writ petition, in exercise of the extraordinary constitutional jurisdiction, this Hon'ble Court may graciously be pleased to:

- i. Cancel the impugned notification No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre dated 24.07.2014 issued by respondent concerned to the extent of S.No.1(IB) as to be declared illegal, unlawful, without lawful authority, without

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Peshawar High Court
06 JAN 2016

jurisdiction, void ab-initio and ineffective upon the rights of the petitioners.

- ii. The respondents may also be directed to consider the petitioners for promotion as per their seniority list to BPS-16.

Seniority

Writ

Any other writ/ order/ direction deemed proper and just in circumstances of the case may also be issued/ ordered/ given.

INTERIM RELIEF

It is further prayed that the respondents be directed to consider the petitioners for promotion on their upcoming Departmental Promotion Committee for BPS-16 It is further prayed that, the respondents may also be restrained from issuing final list of candidates for promotion on BPS-16 till final disposal of titled writ petition.

Petitioners

Through

Rehman Ullah
Advocate

Supreme Court of Pakistan

CERTIFICATE:

Certified that as per information and instructions furnished by my clients no such like writ petition has earlier been filed by the petitioner against the office orders impugned in this writ petition in this hon'ble Court

Advocate

LIST OF BOOKS:

- 1) Constitution of Islamic Republic of Pakistan, 1973.
- 2) Case law.

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Peshawar High Court

06 JAN 2016

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

54/2015

Date of order.	Order or other proceedings with the order of the Judge
26.11.2015	<p><u>W.P. 3793-P of 2015 with interim relief with C.M. 1587-P of 2015.</u></p> <p>Present: Mr.Rahmanullah, advocate for petitioners.</p> <p>-----</p> <p><u>MUSARRAT HILALI, J.-</u> Petitioners, through petition in hand, seek issuance of an appropriate directing the respondents to cancel the impugned Notification dated 24.7.2014 to the extent of Sr.No.1(IB) and declare the same as illegal, unlawful, without lawful authority, without jurisdiction, void ab initio and ineffective upon their rights with further direction to the respondents to consider them for promotion as per their seniority list of BPS-16.</p> <p>2. The petitioners are serving as PST having more than 10 and 7 years experience, respectively at their credit. Respondent No.3 issued the Notification dated 24.7.2014 whereby criteria for appointment/promotion against the post of Secondary School Teacher (BPS-16) has been given, which constrained the petitioners to file the petition in hand.</p> <p>3. Admittedly, the petitioners are civil servants and</p>

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Peshawar High Court
06 JAN 2016

the relief sought for is a matter relating to terms and conditions of their service, thus, on the touchstone of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 this court has no jurisdiction to entertain instant petition. The remedy under Article 199 of the Constitution is invoked only when there is no other adequate remedy available but when Service Tribunal is specially constituted for the redressal of specified grievances of a person in service matters and when the same is functioning, then the petitioners cannot invoke the extra ordinary jurisdiction of this court abandoning the special remedy available. In this view of the matter, the petitioners may better approach the Service Tribunal for redressal of their grievance, if need be.

~~7~~
(55)

Resultantly, this petition is not maintainable, which is accordingly dismissed in limine. C.M. 1587-P of 2015 also stands disposed of.

Ed. Waqar Ahmad Sethi
Ed. Musarrat Hillel

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan, 1973

06 JAN 2016

No. 11304
Date of Presentation of Application 28-11-15
No of Pages 7P
Copying fee _____
Urgent Fee _____
Total 14.00
Preparation of Copy 06-01-16
Date For Delivery 06-01-16
Date of Delivery of Copy 06-01-16
Received By Sadiq Shah PS

Annex-5

Judgment Sheet

FEDERAL SERVICE TRIBUNAL, ISLAMABAD.

(56)

Date of Hearing : 31-07-2002
Date of Judgement : 11-09-2002

Duplicate copy

SL.NO.	APPEAL NOS	NAME OF THE APPELLANTS	RESPONDENTS	DATE OF INSTITUTION
1.	2356(R)/1999	Mst. Rehana Hamced	Secretary, Ministry of Education, Islamabad and others.	20-12-1999
2.	2357(R)/1999	Mst. Razia Sultana	- do -	25-11-1999
3.	2360(R)/1999	Mst. Najma Bibi	- do -	21-12-1999
4.	102(R)/CS/2000	Mst. Imrana Yasmin	- do -	09-03-2000
5.	105(R)/CS/2000	Mst. Alia Ashfaque	- do -	- do -
6.	106(R)/CS/2000	Mst. Nahced Akbar	- do -	- do -
7.	107(R)/CS/2000	Mst. Saleema Parveen	- do -	- do -
8.	108(R)/CS/2000	Mst. Seema Talat	- do -	- do -
9.	130(R)/CS/2000	Mst. Syeda Shahida	- do -	- do -
10.	162(R)/CS/2000	Khalilullah	- do -	06-04-2000

BEFORE : Mr. Nazar Mohammad Shaikh and
Mr. Hasan Raza Pasha,
MEMBERS.

PRESENT : Mr. M. Shoaib Shaheen, Advocate
for the Appellants.
Mr. M. Aslam Uns, Standing Counsel
alongwith Mr. Intikhab Hussain,
Assistant Director, Federal Directorate
of Education, Islamabad, D.R.

For reference only
JUDGEMENT

~~ATTESTED~~
Assistant Registrar
Federal Service Tribunal
Islamabad

ATTESTED
NAZAR MOHAMMAD SHAIKH, MEMBER : - The above mentioned
appeals have been remanded by the Supreme Court vide its Order, dated

Assistant Registrar
Federal Service Tribunal
Islamabad

05.03.2002 to be heard afresh on merit. Since these appeals involve common question of law and facts, we shall dispose them by this order.

(57)

2. The background of the case is that 127 people including the nine Appellants were appointed through Departmental Promotion Committee against different teaching and non-teaching vacancies in the year 1996. Secretary Education, however, observed that these appointments were made in disregard of the prescribed qualifications and experience due to political pressure. As a result of this review, the services of 122 officials (81 teaching and 41 non-teaching) were terminated. Fourteen people appealed against their termination order before the Federal Service Tribunal vide their appeals bearing No.77-R/1999 and 13 Others. These appeals were accepted by the Federal Service Tribunal vide its judgement dated 09.07.1999 and the case was remanded to the Secretary Education to appoint a High Powered Committee to scrutinize each case, according to law and thereafter competent authority to pass appropriate orders after hearing the Appellants. The Respondents filed petitions bearing No.1002 to 1015 of 1997 before the Supreme Court which were disposed off by the Apex Court as not pressed. Resultantly, the Respondents constituted a High Powered Committee comprising Director General, Federal Directorate of Education, JEA (FIW) and Joint Secretary. Admn. with a view to scrutinize each case in accordance with law. This High Powered Committee categorized the appointments as follows: -

- | | | |
|------|--|----|
| i) | Candidates qualified at the time of recruitment. ... | 68 |
| ii) | Candidates who have acquired prescribed qualifications subsequently. ... | 03 |
| iii) | Awaiting Professional Qualification. | 01 |
| iv) | Candidates who did not possess the requisite | |

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Federal Service Tribunal
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qualifications at the time of recruitment.	(58)	24
v) Candidates who did not join duties or approach FDE/MDE.		26
TOTAL :		<u>127</u>

The Secretary Education approved the recommendations in principle but ordered for checking of the candidates record. The High Powered Committee reviewed the appointments again and interviewed 44 candidates including the five Appellants. In pursuance of the recommendations of the High Powered Committee the services of 17 teachers including the Appellants were terminated vide the impugned order dated 25.06.1999. After exhausting the departmental remedy, thirteen (13) out of seventeen (17) teachers filed appeals before the Tribunal which were dismissed vide the Federal Service Tribunal's judgement dated 27.09.2000 as non-maintainable and being without merit. Out of these thirteen (13) teachers, nine (9) teachers challenged the Federal Service Tribunal's judgement before the Supreme Court and the Apex Court remanded the case to the Federal Service Tribunal with the following observations: -

"4. In any case both the learned counsel agreed that let this matter and the connected matters be remanded to the Federal Service Tribunal for decision afresh with the directions to consider the point as to whether there was one report by the High Powered Committee or there were two reports and whether there was tampering in these reports and as to whether the name of the petitioners had been recommended for appointment in any of the report.

5. The learned Federal Service Tribunal is directed to finally conclude the hearing and decide the case within two months positively from 01.02.2001. Both parties be allowed to bring on record whatever additional documents they want to produce."

3. On remand, these appeals were reheard by the Bench comprising Mr. Aftab Ahmed and Mr. Mohammad Ayub Khan. Since Mr.

Aftab Ahmed was a stranger on the Bench the case has been again remanded to this Tribunal by the Supreme Court.

(59/)

4. The learned Counsel for the Appellants stated that the Appellants were validly appointed after due process of interview and scrutiny of their record by the Departmental Promotion Committee. The Appellants were issued appointment letters which were either withheld or cancelled on 05.11.1996. The Appellants were reinstated and again after a second review by the High Powered Committee the services of the Appellants were terminated vide the impugned order dated 25.06.1999 which was void ab initio and unlawful as neither any Show Cause Notice was issued nor personal hearing was afforded to the Appellants. He further argued that the Appellants' case was on all fours with Mrs. Tanweer Kausar who had been reinstated by the Supreme Court vide its Judgement in appeal bearing No.648/2000 filed by her. The operative part of the Supreme Court Judgement is reproduced as under: -

"4. In the circumstances, we convert this petition into appeal and while allowing the same set aside the impugned order of the Tribunal and direct the respondents to consider the case of the appellant for reinstatement in service in the light of the recommendations made by the High Power Committee within 30-days from the receipt of a copy of this order under intimation to the Registrar of this Court. No order as to costs."

5. The learned Counsel for the Appellants also quoted the case of Ghazala Shaheen and Shazia Shaheen who filed Writ Petitions No.1567/1995 etc. in the Punjab High Court which were accepted and they were reinstated in service by the Respondents as they had improved their qualifications. The learned Counsel for the Appellants also referred to the recent judgement of the Federal Service Tribunal in Appeal No. 60@(CS)/2000 filed by Zarin Shal wherein the services of the Appellant were regularized and he was ordered to

be reinstated in service. The learned Counsel for the Appellants further argued that some of the Appellants have improved their qualification and now meet the required criteria for recruitment. He pleaded that the impugned order be set aside as it violates the vested right of the Appellants. He also cited the case of Mst. Alia Ashfaq who had been reinstated by the Respondents without any order of Federal Service Tribunal or the Apex Court. He also referred to the case of Mrs. Lubna Manzoor whose services were also terminated but her orders were held in abeyance without any reason.

6. The learned Counsel for the Respondents did not oppose the appeals. He presented a summary of status of the Appellants which is reproduced as under: -

"Summary of the case

In pursuance of the scrutiny of High Powered Committee vide its report dated 08.06.1999, 27 candidates/persons (17 Female teachers, 08 Male teachers and 02 non teaching staff) who were not eligible at the time of appointment on the basis of academic and professional qualifications or age and also could not obtain the requisite qualifications on date of report were not considered for regularization and their services were terminated accordingly. Out of these 27 following persons have been reinstated upon the orders/judgments of courts:

S #	Name	Post	Deficiency	Reinstatement in pursuance of Court's order
1.	Tanveer Kausar	Untrained D.M.	Professional Qualification	Supreme Court order dated 05.12.2000
2.	Ghazala Shaheen	T.U.G.T.	Professional Qualification	High Court order dated 04.01.2002
3.	Shazia Shaheen	M.U.T.T.	Lack required Division 3 rd Matric	High Court order dated 04.01.2002
4.	Zarin Shal	T.U.G.T.	Lack required Division 3 rd F.A.	F.S.T. order, dated 13.06.2002
5.	Alia Ashfaq	T.U.G.T.	Lack Professional Qualification	F.S.T. order dated 26.03.2001.

Now the appeals of following persons are to be adjudicated by this Honourable Tribunal.

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Islamabad

SCMR #	Appeal No.	Name of Appellant	Post	Deficiency
1.	2356(R)(CS)/99	Rehana Hamid	U.D.M.	Lack Professional Qualification.
2.	2357(R)(CS)/99	Razia Sultana	M.U.T.T.	Lack Professional Qualification Matric 3 rd Division.
3.	2360(R)(CS)/99	Najma Bibi	U.U.G.T.	Lack Professional Qualification
4.	102(R)(CS)/2000	Imrana Yasmeen	T.U.G.T.	F.A (3 rd Division)
5.	106(R)(CS)/2000	Nahced Akbar	M.U.T.T.	Lack Professional Qualification.
6.	107(R)(CS)/2000	Saleema Parveen	U.U.G.t.	F.A. 3 rd Division.
7.	108(R)(CS)/2000	Seema Talat	M.U.T.T.	Lack Professional Qualification.
8.	130(R)(CS)/2000	Shahida Nasreen	M.U.T.T.	Lack Professional Qualification Matric 3 rd Division.
9.	162(R)(CS)/2000	Mr. Khalilullah	P.T.I.	Lack Professional Qualification

It is pertinent to mention here that all the seventeen female teachers were terminated vide order dated 25.06.1999. Out of these seventeen teachers four teachers have already been reinstated in service upon the orders/judgement of Supreme Court, High Court and F.S.T.

Sd/-
(ABDUL QAYYUM MIRZA)
DIRECTOR (SCHOOLS)"

The learned Counsel for the Respondents conceded that the Appellant's case was identical with the cases of Tanveer Kausar, Shazia Shaheen and Ghazala Shaheen and Aliya Ashfaq who have been reinstated in service.

7.. We have heard the detailed arguments of the Counsel for the Appellants and the Respondents and perused the record and have also minutely examined the documents produced by both the parties. As frequently conceded by the learned Standing Counsel for the Federal Government there are admittedly two reports by the High Powered Committee - one dated 26.12.1998 and second dated 8.6.1999. The first report was sent back to the Committee by the Secretary, Education to re-scrutinize each case and recommend only the qualified teachers for restoration. The Committee comprising the same Members re-examined the matter and made final report duly signed by all the Members on 8.6.1999. We have gone through the

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Assistant Secretary
General Services Division
Islamabad

original files/notes produced by the department in court. The Committee appears to have examined each case in detail before making recommendations. So no doubt there are two reports but for all practical purpose and in legal terms the latter report of 8.6.1999 is the only valid report/document which is to be considered for decision of the case in light of the observations of the Honourable Supreme Court as per its remand order dated 25.01.2001. It may be added that there had been no tampering in the last report dated 08.06.1999.

8. It is an admitted fact that 127 people, including the Appellants, were appointed in 1996 and only 68 met the prescribed requirements whereas in respect of others the Departmental Promotion Committee recommended appointments in relaxation of rules. These appointments were made after due process of interview and scrutiny of the antecedents of the candidates. The Respondents issued the appointment letters with full awareness that some of them did not meet the required qualifications. Assuming their appointment letters were defective and deficient yet they were implemented as the candidates joined service and thereby a vested right was created in favour of the Appellants. It would be relevant here to recall Supreme Court's ruling in the case of Secretary to Government of NWFP/ Social Welfare Department Vs Saadullah Khan reported in 1996 SCMR 413. After almost three years their services were terminated without any Show Cause Notice or chance of personal hearing which was in negation of principles of natural justice enunciated in various rulings of the Supreme Court reported in 2002 SCMR 1034, 2002 PLC (CS) 128, 2002 SCMR 103, 1998 SCMR 68 and 1994 SCMR 2232. It would also be relevant to recall Supreme Court's decision in the Pakistan Vs M. Hidayatullah Farooqui reported in PLD 1969 SC 407 where it was held that order cannot be withdrawn or rescinded once it has taken legal effect.

9. It would be relevant to recall the recommendations of the High

Powered Committee in respect of the Appellants :

Sl. No.	APPELLANT	RECOMMENDATIONS
i)	Miss Imrana Yasmeen	She is FA in 3 rd Division but C.T. in 1 st Division. Her deficiency of 3 rd Division may be relaxed by the Competent Authority in view of her 1 st Division in C.T.
ii)	Miss Tanvir Kausar	She has not done Fine Arts in F.A. However, since she has higher qualification i.e. B.Ed. she may continue as Drawing Mistress but should do some course in Fine Arts to qualify for the post.
iii)	Miss Saleema Parveen	She has no PTC but has higher degrees of F.A. C.T. and is thus eligible for appointment as MIT in 1997.
iv)	Mr. Khalilullah	The post of U.U.G.T. does not exist in Recruitment Rules nor it was advertised. He has done Matric in 2 nd Division, F.A. in 3 rd Division and B.A. in 2 nd Division. He has no teaching certificate but has taken admission in CT. in A.I.O.U. He may be allowed to continue and improve his qualification as per practice in vogue.
v)	Miss Naheed Akbar	The post of MUTT does not exist in Recruitment Rules nor it was advertised. She is trying to enroll her in C.T. in A.I.O.U. as FCE. She may be given time limit of two years to have a teaching qualification. She may be allowed to continue to improve her qualification as per practice in vogue. (She has since passed her C.T. in 1 st Division.)
vi)	Miss Aliya Ashfaq, M.Sc.	She may be allowed to continue and improve her qualification as per practice in vogue.

The remaining four Appellants, namely, Misses. Secma Talat, Rehana Hamced, Najma Bibi and Razia Sultan were not interviewed again by the High Powered Committee hence there are no recommendations of the High

Powered Committee on record in respect of these four Appellants. The qualifications of each of these Appellants are as under :

1.	Miss Rehana Hameed	M.A. B. ED. (Appointed as Drawing Mistress.)
2.	Miss Seema Talat	M.A.(Appointed as Matric Untrained Teacher.)
3.	Miss. Najma Bibi.	B.A. (Appointed as Untrained Graduate Teacher.)
4.	Miss Razia Sultana	F.A. B.A. Courses in Computer Science (DOS, MS Word and Lotus). (Appointed s Drawing Mistress.)

The above four Appellants also possess much higher qualifications than required for the posts against which they were appointed.

10. There are no rules under which a Government employee appointed after due process can be terminated without Show Cause Notice. The Appellants were appointed on temporary basis for indefinite period against regular posts after due process and interviews etc. and, as such, their services could not have been terminated except under relevant E&D Rules. Secretary Education was not competent to order termination of employees in such an arbitrary manner and without due process.

11. To sum up, the Appellants were appointed after proper process by a proper Departmental Promotion Committee with the approval of the Competent Authority. All the Appellants obtained service without deceit or misrepresentation. Their appointment letters were complied with creating a legal vested right in favour of the Appellants which cannot be terminated without issuing Show Cause Notice or affording personal hearing. Most of the Appellants possess either higher qualifications than prescribed or have since acquired necessary qualification. We are also fortified by the judgments of the Supreme Court and the High Court in the cases of Tanvir Kausar, Ghazala Shaheen and Shazia Shaheen referred to earlier in this judgement.

65

Even the Deputy Attorney General when the Lahore High Court Rawalpindi Bench's order dated 04.01.2002 was referred to him opined as under :-

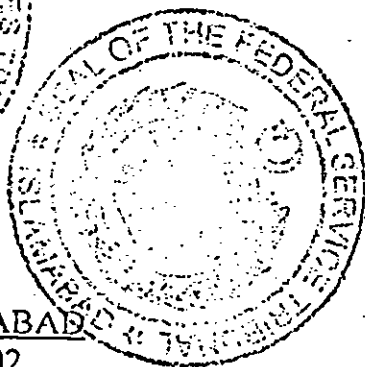
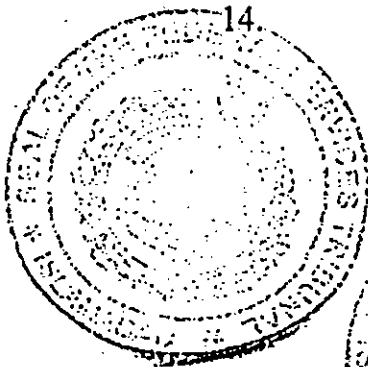
"The case of respondent Ghazala Shaheen and Shazia Shaheen is exactly similar to the case of Mst. Tanvir Kausar. Since the Supreme Court has already set aside the termination order dated 25.6.99, hence apparently, there is no merit. The filing of petition in the Supreme Court will not serve any useful purpose....."

12. In view of the aforesaid reasons, we set aside the impugned order dated 25.06.1999 and direct the Respondents to reinstate the Appellants with full consequential back benefits except the Appellant, Mst. Alia Ashfaq, in Appcal No.105(R)/CS/2000 who has already been reinstated by the Respondents. The Respondents may afford reasonable time limit to all those Appellants to acquire the prescribed qualifications who are still deficient.

13. Short order already announced in open Court on 03.08.2002.

14. No order as to costs.

14. Parties to be informed accordingly.



MEMBER

MEMBER

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Islamabad

ISLAMABAD

FEDERAL SERVICE TRIBUNAL 1-9-2002

Application No. 942/02
Dated. 21-12-02
Words. 10 = 100/-
Copying fee. 10 = 100/-
Surgent fee. 02 = 02/-
Total. 12 = 100/-

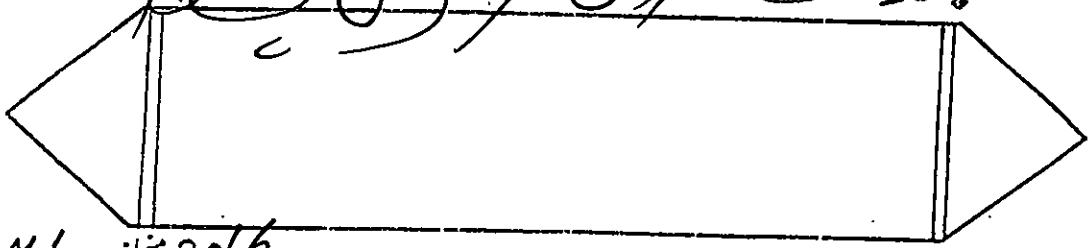
25.9.02

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Assistant Registrar
Federal Service Tribunal
Islamabad

Presented on 21-12-02
Accepted on 21-12-02

28/12/02

بعد التمسک سے شریعتی لٹریچر



2016ء منجانب رہنما لٹریچر

بنام حکومت

عمر حامد

موزخہ - 2016/4/14

مقدمہ
دعویٰ

Service Appeal

باعث تحریر یا نکتہ

سید نواز احمد لٹریچر

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کے کارروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لایا۔ اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فرجہ و ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted

Ali Ahmad

کے لئے منظور ہے۔

المترجم

بمقام

عمر حامد