

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**CAMP COURT ABBOTTABAD.**

**Service Appeal No. 1494/2019**

BEFORE: **MR. KALIM ARSHAD KHAN** ... **CHAIRMAN**  
**MISS. FAREEHA PAUL** ... **MEMBER(E)**

**Asim Fazal S/O Fazal-Ur-Rehman, CT.IT, GHS Chando Maira**  
**(Kunj) Qadeem Tehsil & District Abbottabad.**

.... (*Appellant*)

Versus

- 1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.**
- 2. Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar.**
- 3. District Education Officer (Male) Tehsil & District Abbottabad.**

...(Respondents)

Mr. Malik Saeed Akhtar  
Advocate ... For appellant

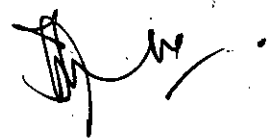
Mr. Muhammad Riaz Khan Paindakhel,  
Asstt. Advocate General ... For respondents

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Date of Institution.....06.11.2019  
Date of Hearing.....18.05.2022  
Date of Decision.....19.05.2022

**JUDGEMENT**

**FAREEHA PAUL MEMBER (E)** The service appeal in hand was a Writ Petition before Honorable Peshawar High Court, Abbottabad Bench, converted into Service Appeal. The appellant has filed this appeal for his promotion to the post of SST (IT), on regular basis, and impugned the Notification Endst: No.7248/File No.03/Promotion to SST(IT) B-16 Dated Peshawar the 28.05.2019 as illegal, unlawful and against his rights.

2. Brief facts of the case, as per memorandum of appeal, are that the appellant was appointed on 10.02.2007 on contract basis as Lab Incharge (BPS-07) in GHS Chando Maira. Later on he was regularized on 10.12.2007



w.e.f 01.07.2007 on specified terms and conditions. The appellant claims that his position was upgraded and re-designated as Certified Teacher-IT (BPS-12) on the directions of Peshawar High Court vide its order dated 10.12.2013 in a writ petition No. 2866-P/2012. Any order of the Government is not found in the case file. The appellant through the instant appeal wants to be promoted to the post of SST (IT) BS-16 on regular basis.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the Assistant Advocate General and perused the case file with connected documents in detail.

4. Learned counsel for the appellant contented that the appellant obtained a degree of MBA with three subjects relating to Computer Science and hence was eligible for promotion to the post of SST (IT) BS-16 on regular basis as per service rules for that post. He read out the service rules for the post as follows:

"2. Secondary School Teacher (Information Technology)  
(SST-IT) BPS-16

Minimum qualification for appointment by initial recruitment:

- i. At least Second Class Master Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Hons 4 years) or Bachelor Degree with a subject of Computer Science or equivalent Qualification from a recognized University; and
- ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.

Note: A candidate who did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.

Method of Recruitment:

- a). Fifty percent by promotion on the basis of seniority cum-fitness from amongst the Certified Teacher IT with five years service as such and having the qualification prescribed for the post of Secondary School Teacher-IT.
- b). Fifty percent by initial recruitment.



Provided that if no suitable candidate is available for promotion then by initial recruitment."

5. The learned AAG contended that the appellant did not fulfill the conditions as laid down in the service rules notified on 24.04.2017. He invited the attention to the fact that the appellant passed his Bachelor Degree without the requisite subject i.e Computer Science, and hence not eligible for promotion.

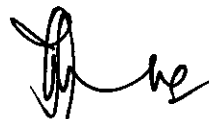
6. After going through the available record and hearing the learned counsel for the appellant and the learned AAG, it transpires that the Service Rules for appointment and promotion to the post of SST (IT) BS-16 are very clear when they mention "*at least second class Master Degree in Computer Science (BCS/BSCS Hons 4 years) or Bachelor Degree with a subject of Computer Science or Equivalent qualification from a recognized university*". It is important to note that the same condition applies both for 50% initial appointment and 50% promotion from amongst the Certified Teacher IT with five years service.

7. In view of the forgoing we are of the view that appellant did not study Computer Science as a full subject at Bachelor level and that mere studying two or three computer related subjects at MBA level does not qualify him for promotion to the post of SST (IT) BS-16 as per service rules currently in place. Hence the appeal in hand is dismissed. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal this 19<sup>th</sup> day of May, 2022.*



**(KALIM ARSHAD KHAN)**  
Chairman



**(FAREEHA PAUL)**  
Member (E)

**Service Appeal No. 1494/2019**

Mr. Malik Saeed Akhtar, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 03 pages, we have arrived at the conclusion that the Service Rules for appointment and promotion to the post of SST (IT) BS-16 are very clear when they mention "*at least second class Master Degree in Computer Science (BCS/BSCS Hons 4 years) or Bachelor Degree with a subject of Computer Science or Equivalent qualification from a recognized university*". It is important to note that the same condition applies both for 50% initial appointment and 50% promotion from amongst the Certified Teacher IT with five years service. As the appellant did not study Computer Science as a full subject at Bachelor level and that mere studying two or three computer related subjects at MBA level does not qualify him for promotion to the post of SST (IT) BS-16 as per service rules currently in place. Hence the appeal in hand is dismissed. Consign.

3. Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal this 19<sup>th</sup> day of May, 2022.



**(KALIM ARSHAD KHAN)**  
Chairman



**(FAREEHA PAUL)**  
Member (E)

15.02.2022

Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 18.05.2022

Reader

18.05 2022

Malik Saeed Akhtar, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

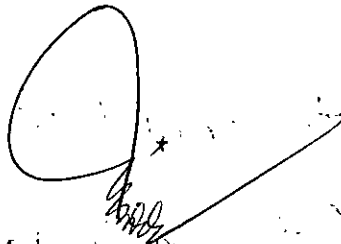
Arguments heard. To come up for order before D.B on 19.05.2022 at camp court Abbottabad.



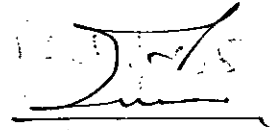
(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

22.12.2021 Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst. AG alongwith Mr. Sohail Ahmad Zeb, Assistant Litigation for respondents present and sought adjournment for submission of reply of application for condonation of delay. Last opportunity given. To come for reply/arguments on application as well as arguments on main appeal before D.B on 15.03.2022 at camp court Abbottabad.

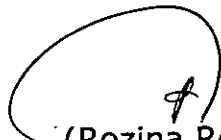


(Mian Muhammad)  
Member(E)

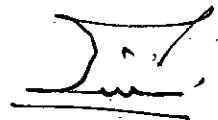


(Salah Ud Din)  
Member(J)  
Camp Court Abbottabad

19.01.2022 Appellant alongwith his counsel present. Mr. Sohail Ahmed Zeb, Litigation Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of reply to the application for condonation of delay. Adjourned. To come up for reply and arguments on application as well as arguments on main appeal on 15.02.2020 before the D.B at Camp Court Abbottabad.



(Rozina Rehman)  
Member (J)  
Camp Court A/Abad




(Salah-ud-Din)  
Member (J)  
Camp Court A/Abad

18.11.2020

Counsel for appellant is present. Mr. Usman Ghani, District Attorney and Mr. Sohail Ahmad Zeb, Litigation Officer, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department requests for further time for submission of written reply/comments. Time is given. File to come up for written reply/comments on 20.01.2021 before S.B at Camp Court, Abbottabad.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD


*20.1.2021 Due to COVID-19, the case is  
adjourned to 20-9-2021 for the same.*

*Ready*

20.09.2021

Appellant in person present. Mr. Sohail Ahmed Zeb, Litigation Officer alongwith Mr. Usman Ghani, District Attorney for the respondents present and submitted comments/reply, copy of which handed over to appellant.

Appellant submitted application for condonation of delay in filing of appeal, copy of which is handed over to learned District Attorney. Adjourned. To come up for reply as well as arguments before the D.B on 22.12.2021 at Camp Court Abbottabad.

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

Due to covid ,19 case to come up for the same on / /  
at camp court abbottabad.

Reader


Due to summer vacation case to come up for the same on  
18 19 20 at camp court abbottabad.

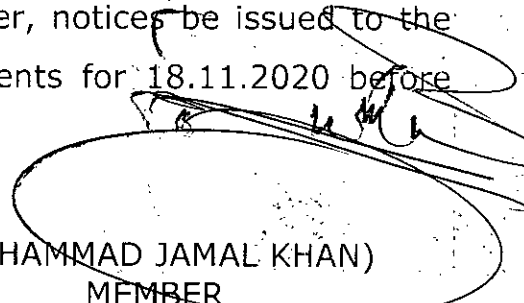
  
Reader

18.09.2020

Appellant himself alongwith Mr. Malik Saeed Akhtar, Advocate are present. The epitome of what has been agitated at the bar by the learned counsel, is that respondent No. 2 under notification No. Endst:No 7248/File No. 03/Promotion to SST (IT) BPS-16 dated Peshawar the 28.05.2019 promoted 20 ITs in (BPS-12) to the post of SST (IT) BS-16 against the vacant posts. In this regard he further submitted that Government of Khyber Pakhtunkhwa i.e respondent No. 2 lays down the method of recruitment qualification specified in the appendix of notification NO. SO(G)/E&SE/I.T/2017, appellant fulfill the criteria set for promotion but he was not considered for promotion on regular basis. The result of departmental appeal did not yield positively necessitating the filing of the instant appeal.

Since the issue of promotion alongwith other attached questions are involved in the instant appeal, therefore, the appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 18.11.2020 before S.B at Camp Court, Abbottabad.

  
Appellant Deposited  
Security & Process Fee

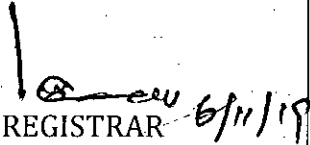
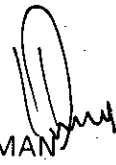
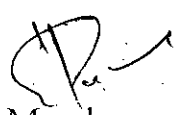
  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT ABBOTTABAD



Form-A  
FORM OF ORDER SHEET

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

Case No. 1494/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/11/2019	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Abbottabad Bench and the Hon'ble High Court vide its order dated 30.10.2019 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"> REGISTRAR 6/11/19</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on 24-1-2020.</p> <p style="text-align: right;"> CHAIRMAN</p>  <p>24.01.2020</p> <p>Appellant in person present and seeks adjournment on the ground that his counsel is not available. Adjourn. To come up for preliminary hearing on 20.03.2020 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Member Camp Court, A/Abad</p>



THE  
**PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Ph: 0992-9310058  
Fax: 0992-9310055

No: 17

Dated Abbottabad 4th November, 2019

From

The Additional Registrar,  
Peshawar High Court,  
Abbottabad Bench.

To

The Honourable Chairman Service Tribunal,  
KPK Peshawar.

Subject :

WRIT PETITION NO. 935-A/2019.

ASIM FAZAL

PETITIONER

VERSUS

GOVT. OF KPK & OTHERS

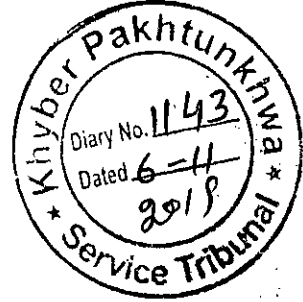
RESPONDENTS

Sir,

I am directed to forward herewith Writ Petition No. 935-A/2019/<sup>in original</sup> titled "Asim Fazal Vs Govt. of KPK & others" total sheets (39) alongwith a copy of judgment of the Honourable Division Bench dated 30.10.2019 for necessary action please.



Yours Faithfully,

  
(Additional Registrar)



**PESHAWAR HIGH COURT, ABBOTTABAD BENCH.**

**FORM OF ORDER SHEET**

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
30.10.2019	<p><b><u>W.P.No. 935-A/2019.</u></b></p> <p>Present: Malik Saeed Akhtar, Advocate, for the petitioner.</p> <p style="text-align: center;">***</p> <p><b><u>SHAKEEL AHMAD, J.-</u></b> Through this petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks promotion as SST (Information Technology) in light of Notification No. SO (G)/E&amp;SE/I.T/2017 dated 24.04.2017.</p> <p>2. Admittedly, the petitioner is a civil servant and the dispute relates to the terms and conditions of service, therefore, in view of embargo placed by Article 212 (2) of the Constitution of Islamic Republic of Pakistan, 1973, this court lacks jurisdiction to adjudicate upon the matter.</p> <p>3. In view of the above, we deem it appropriate to send this case in original to the Khyber Pakhtunkhwa Services Tribunal for adjudication in accordance with law, after retaining its photocopy for record.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

Seif. GS.

Hon'ble Mr. Justice Ijaz Anwar  
Hon'ble Mr. Justice Shakeel Ahmad

**SCANNED**

10/10/19

WP NO: 935/19

Adjourned/Leftover by Hon'ble Court from No D.B on 02/10/19 and fix before  
Hon'ble Court D.B on 30/10/19. Inform parties and their counsel. *petitioner & hi*

**ADDITIONAL REGISTRAR**

Adjourned/Leftover by Hon'ble Court from \_\_\_\_\_ and fix before  
Hon'ble Court D.B on \_\_\_\_\_. Inform parties and their counsel.

**ADDITIONAL REGISTRAR**

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Hon'ble Court D.B on \_\_\_\_\_. Inform parties and their counsel.

**ADDITIONAL REGISTRAR**

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Hon'ble Court D.B on \_\_\_\_\_. Inform parties and their counsel.

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Hon'ble Court D.B on \_\_\_\_\_. Inform parties and their counsel.

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Hon'ble Court D.B on \_\_\_\_\_. Inform parties and their counsel.

**ADDITIONAL REGISTRAR**

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**ADDITIONAL REGISTRAR**

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Hon'ble Court D.B on \_\_\_\_\_. Inform parties and their counsel.

**ADDITIONAL REGISTRAR**

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Hon'ble Court D.B on \_\_\_\_\_. Inform parties and their counsel.

**ADDITIONAL REGISTRAR**

**IN THE PESHAWAR HIGH COURT ABBOTTABAD BENCH.**

WP (C)

NO

935

of 2019

Petition Presented By Malik Saeed Akhtar W/O

Petitioner Personally). The Petition is in proper form and is accompanied by copies of all necessary documents. Register and place before a Judge/DB

for order on the 2nd

Day of October 20 19

A slip showing the date of hearing has this day been delivered to the petitioner.

Dated 7/8/19

*[Handwritten signature]*

*[Handwritten signature]*  
7/8/19  
Reader

Countersigned

*[Handwritten signature]*  
ADDITIONAL REGISTRAR  
Additional Registrar *[Handwritten signature]*

**IN THE PESHAWAR HIGH COURT, PESHAWAR  
OPENING SHEET FOR WRIT BRANCH**

Date of Filing: \_\_\_\_\_

District: Abbottabad

Case Type: Writ Petition

Nature of Original Proceeding: \_\_\_\_\_

Category Code: 

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(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of: 

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Writ of: 

Habeas Corpus		Prohibition		Mandamus		Quo Warranto		Certiorari	
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If Certiorari:

Forum which passed impugned order	Date	(I)nterlocutory/ (F)inal Order

Case Pertains to

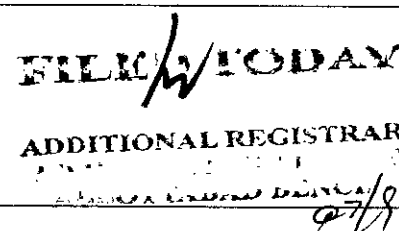
- SB  
 DB

Petitioner Name	Asim Fazal
Mobile No.	
Address	Kunj Jadeed Abbottabad
CNIC No.	
Email Address	

Counsel for Petitioner (s)	Malik Saeed Akhtar Advocate
Mobile No.	0301-8171929
Address	Abbasi Law Associate Sherpao Plaza District Kutchery Abbottabad
CNIC No.	13101-6561170-3
Email Address	<a href="mailto:samalik08@gmail.com">samalik08@gmail.com</a> <a href="mailto:samalik08@yahoo.com">samalik08@yahoo.com</a>

Respondents	Secretary Education Government of KP, Director Elementary & Secondary Education Peshawar, EDO Education Male Abbottabd
Address	

Original Order/Action/Inaction Complained of:



**FILED TODAY**  
**ADDITIONAL REGISTRAR**

Prayer  
 Declaring Notification No. Endst: No.7248/File No.03/Promotion to SST (IT) B-16 Dated Peshawar the 28/05/2019 of respondent No. 02 to be illegal and unlawful against the rights of Petitioner and Respondent No. 2 may kindly be directed to promote the petitioner being eligible on merit for the post of SST (IT) BPS-16 on regular basis.

Law/Rules/governing the original proceedings/action/Inaction

  
Signature

Note: Any suggestion to improve the proforma will be appreciated.

# PESHAWAR HIGH COURT, ABBOTTABAD BENCH

## Advocate Detail

Full Name: Malik Saeed Akhtar

Father Name: Akhtar Hussain

Date of Birth: January 05, 1972

CNIC#: 13101-6561170-3

Permanent Address: Allama Iqbal Colony Murree Road Nawanshehr Abbottabad

Present Address: As Above

Email: samalik08@gmail.com

District: Abbottabad

Mobile #: 0301-8171929

License No. DC: bc-10-2572

Issue Date: March 22, 2008

License No. HC: bc-10-21572

Issue Date: Dec 18, 2013

License No. SC:

## MENTION YOUR PENDING CASES:

Case No:	Petitioner	Respondent
	Muhammad Shabbir	Shagufta Perveen
	Muhammad Shabbir	Shagufta Perveen
	Adnan Tariq	Govt of KP
	Taimour Rafique	Registrar High Court

FILED TODAY

ADDITIONAL REGISTRAR

2/13



**BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD**  
**BENCH, ABBOTTABAD**

Service Appeal No. 1494/2019 W.P. No. 935/2019

Asim Fazal S/O Fazal-Ur-Rehman Lab Incharge, GHS Chando Maira (Kunj Qadeem Tehsil & District Abbottabad

...Petitioner

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar & Others

...Respondents

**INDEX**

S#	PARTICULARS	ANNEXURES	PAGES
1.	Writ Petition with Affidavit & List of Books etc		1-5
2.	Copy of appointment letter and Notification	"A & B"	6-7
3.	Copy of Honourable Court order for up-gradation & re-designation of Lab In-charge/CT (IT) post BPS-12	"C"	8-9
4.	Copies of Academic qualification	"D"	10-14
5.	Copy of the Notification for Promotion	"E"	15-17
6.	Copy of Notification for recruitment policy	"F"	18-20
7.	Copy of Departmental Appeal	"G"	21
8.	Copy of Letter by Respondent No. 01	"H"	22
9.	Copy of Letter by Respondent No. 02	"I"	23
10.	Copy of Letter by Respondent No.03	"J"	24
11.	Copies of Judgments by Honourable Court Peshawar High Court ATD Bench	"K"	25-34
12.	Copies & Receipts of Notices	"L"	35-36
13.	Court Fee		37
14.	Wakalatnama		38

**SCANNED FILE**

Date 05/09/19

Sign

Petitioner  
Through Counsel

**BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD**  
**BENCH, ABBOTTABAD**

Service Appeal No. 1494/2019 W.P. No. 935/2019

Asim Fazal S/O Fazal-Ur-Rehman CT.IT, GHS Chando Maira (Kunj  
 QADEEM Tehsil & District Abbottabad

...Petitioner

**VERSUS**

- ① 2. Government of Khyber Pakhtunkhwa through Secretary Elementary & Secondary education Khyber Pakhtunkhwa Peshawar.
- ② 3. Director Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar.
- ③ 4. District Education Officer (Male) Tehsil & District Abbottabad

...Respondents

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

**Respectfully Sheweth,**

1. That the petitioner was appointed on February 10, 2007 on contract basis as a Lab In-charge BPS-07 in GHS Chando Maira. Later on, Petitioner was regularized on Dec-10-2007 w.e.f. 01.07.2007. (Copy of appointment letter and Notification are **ANNEXURE-A&B**)
2. That subsequently, Petitioner's position was up graded and re-designated as CT-IT (BPS-12) upon the directions of Honorable High Court Peshawar, Peshawar and Petitioner continued the job as Lab-In-charge as well as computer teacher in the said school. (Copy of Order of the Honourable Court is **ANNEXURE-C**)
3. That the Petitioner is highly qualified and got the Degree of MBA that includes the additional subjects of computer Science, besides, Petitioner also have M.Ed B.Ed, Degree and DIT. (Copies of academic qualification are attached as **ANNEXURE-D**)
4. That Respondent No.2 under the Notification No.Endst:No 7248/File No.03/Promotion to SST (IT) B-16 Dated Peshawar the 28.05.2019 promoted 20 ITs (BS-12) to the post of SST (IT) BS-16 against the vacant posts. (Copy of Notification for promotion is attached as **ANNEXURE-E**)

NO 14909  
 07-09-2019

*[Handwritten signature and notes]*

5. That the Respondent No.02 under the Notification No. SO (G)/E&SE/I.T/2017 lays down the method of recruitment, qualification and other conditions specified in the Appendix of the said Notification. (Copy of Notification for recruitment policy is **ANNEXURE-F**)
6. That the petitioner fulfilled the criteria of seniority-com-fitness. He has also obtained the MBA Degree including the required three additional subjects of Computer Science. Besides, Petitioner has almost 12 years of experience as teacher in computer science.
7. That afterward the Petitioner was supposed to be promoted as SST (IT) B-16 on regular basis. But it was utter surprise and disappointment for the Petitioner to know that Respondent No. 2 excluded the name of the Petitioner from the promotion list.
8. That the Petitioner, on 12/06/2019, appealed through proper channel to the office of Respondent No. 1, as being appointing authority, and submitted his grievances for not promoting the Petitioner being eligible and qualified on merit, but of no avail. (Copy of appeal is **ANNEXURE-G**)
9. That the Appellate Authority on 18.06.2019 examined the appeal and forwarded the said appeal to respondent No. 2 for "*further necessary action as per rules/policy*". (Copy of letter by Respondent No.1 is **ANNEXURE-H**)
10. That the Directorate of elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, on 09/07/2019, further throw the ball into the court of Respondent No.03, by stating "*to deal the case as per rules policy*". (Copy of letter by Respondent No.02 is **ANNEXURE-I**)
11. That the situation further aggravated when Respondent No.03, on 13/07/2019, shifting his baby on the shoulder of respondent No.02 by stating that "*Petitioner is regular C.T (IT) teacher since 10.02.2007 and presently working at GHS Chandu Maira Abbottabad as the post is lying vacant in this school since long*" in addition it is also stated that "*the instant case is beyond the competency of the undersigned*". This attitude on the part of Respondents is merely to linger on the process and put the Petitioner to lurk and lull and make him the rolling stone. (Copy of Letter by Respondent No. 03 s attached as **ANNEXURE-J**)
12. That impugned promotion order NO. Endst: No.7248/File No.03/Promotion to SST (IT) B-16 Dated Peshawar the 28/05/2019. wherein, name of the Petitioner is not added is not sustainable in the eyes of Law, hence, same is liable to be modified and revised inter-alia on the following grounds:-

**GROUND**

- i. That the impugned Notification for promotion has been prepared in complete disregard of the law and criteria as lay down. While Respondent No. 2 by not considering the petitioner for the said promotion to SST (IT) B-16, not only throw the dust in the eyes of the Petitioner but also shirk from its own criterion laid down
- ii. That the Petitioner qualified all the requisites qualifications laid down in the Notification attached as ANNEXURE-E, issued by respondent No 01. Even the Petitioner is highly qualified with additional subjects of computer and holding high degree should not be deprived from consideration and promotion.
- iii. That Respondent # 01 has violated their own method of recruitment policy and prevalent law of the country, hence the impugned order is not maintainable from all corners of law as they affect the Petitioner's right. It is also against the Principles of Law.
- iv. That non-inclusion of Petitioner's name in the impugned list amounts to penalizing the Petitioner and he has been penalized by not considering his worth and qualification. That the Principle of natural Justice has also been violated in the instant case.
- v. That series of Judgments of Honorable Peshawar high Court, Abbottabad Bench has been passed in such like cases by stating that the higher qualification does not debar the Petitioner. (Copies of Judgments are attached as ANNEXURE-K)
- vi. That there is no other efficacious remedy available to the Petitioner, therefore, he is invoking writ Jurisdiction of this Honourable Court through the instant Writ Petition.
- vii. That notices for filing writ petition have been given to Respondents. (Copies & Receipts are ANNEXURES-L)
- viii. That addresses of the parties given in the heading of the Petition are correct for affecting service by this Honourable court

- ix. Court fee stamp worth Rs. 500/- have been annexed herewith.

TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
PESHAWAR BENCH

**PRAYER:**

In aforementioned circumstances, it is humbly prayed that instant writ petition may kindly be accepted for declaring Notification No. Endst: No.7248/File No.03/Promotion to SST (IT) B-16 Dated Peshawar the 28/05/2019 of respondent No. 02 to be illegal and unlawful against the

rights of Petitioner and Respondent No. 2 may kindly be directed to promote the petitioner being eligible on merit for the post of SST (IT) BPS 16 on regular basis.

Through: Petitioner  
Counsel  
Malik Saeed Akhtar  
Advocate High Court

**AFFIDAVIT**

I, Asim Fazal S/O Fazal-Ur-Rehman do hereby solemnly affirm on oath that the contents of above petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable court. It is further declared that no such Writ Petition has ever been filed earlier.

Dated: 04/09/2019.

 Deponent

Asim Fazal S/O Fazal-Ur-Rehman  
Abbottabad

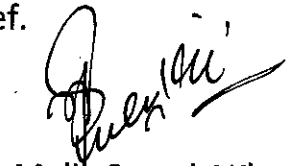
CNIC: 13101-5206673-7

Verification: It is verified that the contents of the writ as furnished by my client are correct to the best of my knowledge and belief.

**AFFIDAVIT**

S.No: 944779 Receipt No: 29

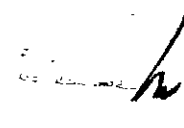
Certified that the above was verified on Solemn affirmation Asim before me on this 8 day of September by Asim Fazal S/O Fazal-Ur-Rehman who was identified by Mrs. Gulistan Begum S/O Asim who is personally known to me

  
Malik Saeed AKhtar

Advocate High Court Abbottabad.

Oath Commissioner  
(Additional Registrar)  
Peshawar Bench Abbottabad Bench

5-9-19

  
ADDITIONAL REGISTRAR

P-5

**BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD**  
**BENCH, ABBOTTABAD**

W.P. No. 935 /2019

Asim Fazal S/O Fazal-Ur-Rehman Kunj Qadeem Tehsil & District  
Abbottabad

...Petitioner

**VERSUS**

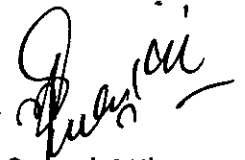
1. Government of Khyber Pakhtunkhwa through Secretary & Others

...Respondents

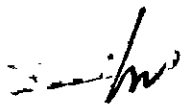
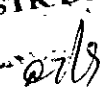
**LIST OF BOOKS**

1. The constitution of Islamic Republic of Pakistan, 1973
2. Case Law shall be cited at the Bar

Dated: 04 / 09 /2019 .



Malik Saeed AKhtar  
Advocate High Court  
Abbottabad

 TODAY  
ADDITIONAL REGISTRAR  
Abbottabad  




**BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD**

**BENCH, ABBOTTABAD**

W.P. No. 935<sup>A</sup>/2019

Asim Fazal S/O Fazal-Ur-Rehman Kunj Qadeem Tehsil & District  
Abbottabad

...Petitioner

**VERSUS**


Government of Khyber Pakhtunkhwa through Secretary & Others

...Respondents


**ADDRESSES OF THE PARTIES**

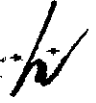
That the addresses of the parties given in the heading of the petition are  
correct for affecting service by this Honourable Court

Dated: 04/09/2019.

  
(Asim Fazal)  
Petitioner

Through:

  
Malik Saeed AKhtar  
Advocate High Court  
Abbottabad

  
ADDITIONAL REGISTRAR  
27/9



**BEFORE THE PESHAWAR HIGH COURT, ABBOTTABAD**  
**BENCH, ABBOTTABAD**

W.P. No. 935<sup>A</sup> /2019

Asim Fazal S/O Fazal-Ur-Rehman Kunj Qadeem Tehsil & District  
Abbottabad

...Petitioner

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary & Others

...Respondents

**CONSTITUTIONAL PETITION**

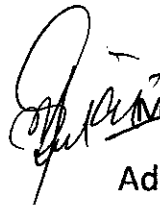
**CERTIFICATE**

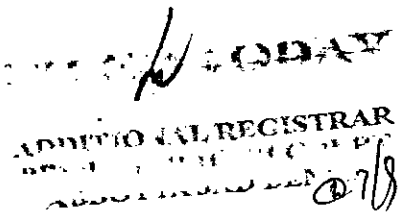
5. It is certified that this is the first Constitutional Petition on the subject matter. No other petition on the same subject matter is pending nor decided by any court of law.

Dated: 04 / 09 / 2019.

  
(Asim Fazal)  
(Petitioner)

Through:

  
Malik Saeed AKhtar  
Advocate High Court  
Abbottabad

  
ADDITIONAL REGISTRAR  
Abbottabad

OFFICE OF THE PROJECT DIRECTOR  
IT COMPUTER TEACHER/COMPUTER LABS PROJECT  
GOVERNMENT OF NWFP  
SCHOOLS & LITERACY DEPARTMENT

Dated Peshawar the February 10, 2007

ORDER

No. PD/IT/CS/S&L/4- /Rec: /2004: On the recommendation of Departmental Selection Committee, the Competent Authority is pleased to appoint the following Male/Female Candidates as Lab Incharge in the school noted against each in BP/S-07 plus usual allowances as admissible under the rules /Urdu on contract basis up to 30/06/2007 or till the completion of the project which ever is earlier.

**DISTRICT: - ABBOTTABAD.**

R. No.	Name	Father Name	U/Council	School Name	Based on
161.	Samia Afzal	Ghazi Khan	Sherwan	GGHS Sherwan	Union Council
172.	Ibrar Ahmed	Muhammad Ashraf	Banda Pir Khan	GHS Bandian Dhondian	Union Council
165.	Qadeer Muhammad	Nazir Muhammad	Ghangi	GHS Sol	District
194.	Asim Fazal	Fazal-ur-Rehman	Urban City	GHS Chando Maira	District
210.	Zia Khurshid	Khurshid Ahmed Khan	Gahri Phulgran	GHS Rajoya	Union Council

**DISTRICT: - CHITRAL**

R. No.	Name	Father Name	U/Council	School Name	Based on
195.	Fathullah Jan	Attaullah Jan	Droshi-I	GHSS Darosh	Union Council

**DISTRICT: - DIR LOWER**

R. No.	Name	Father Name	U/Council	School Name	Based on
186.	Hamayun Khan	Akbar Khan	Khanpur	GHS Khanpur	Union Council
167.	Gohar Ali Shah	Muhammad Zahir Shah	Khungi	GOMHS Timergara	Tehsil

**DISTRICT: - HARIPUR**

R. No.	Name	Father Name	U/Council	School Name	Based on
190.	Yasir Shahzad	Shoukat Nawaz	Pandak	GHS NO. 2 Haripur	Tehsil

**DISTRICT: - KOHAT**

R. No.	Name	Father Name	U/Council	School Name	Based on
171.	Akbar Alam	Khurshid Alam	Semi Gumbat	GHSS Gumbat	Union Council
154	Taslim Kousar	Muhammad Zaman	Kohat	GGHS Baira Banda	District

**DISTRICT: - MANSEHRA**

R. No.	Name	Father Name	U/Council	School Name	Based on
156.	Bibi Sadia	Muhammad Javaid	City No. 3	GGHS No.2 Mansehra	District
155.	Bushra Javaid	Muhammad Javaid	City No. 3	GGHS Data	District
123.	Bibi Sabira	Qazi Badrud Islam	Phutra	GGHS Dharia	District

*AUCS*  
*Head M. I.*  
*Govt. High School*  
*Chando Maira Attd*

DISTRICT - PESHAWAR

R. No.	Name	Father Name	U/Council	School Name	Location
1501	Sadia Mansoor-Gia	Ghulam Jilani	Chand Khan	CHS No. 1 Peshawar	District
1502	Sahna Bibi	Sardar Gul	Audim Tewa	CHS No. 1 Peshawar	District
2001	Abdullah	Abdul Aziz	Mahro	CHS No. 1 Peshawar	District

DISTRICT - SWAT

R. No.	Name	Father Name	U/Council	School Name	Location
1001	Kawab Khan	Hayat Khan	Karju	CHS No. 1 Peshawar	District

THE TERMS AND CONDITIONS ARE AS UNDER:

1. Their appointment is purely on contract basis up to 30-09-2017 for the completion of the project which ever is earlier. They will have no claim on any gratuity, pension, regularization etc.
2. Their services can be terminated at one month notice without any compensation whatsoever.
3. In case they wish to resign at any time, one month's notice will be given with the amount of one month's pay in advance.
4. The offer is subject to the condition that they are citizens of Pakistan, are not a resident of NWFP, medically fit and police report is OK.
5. Their appointment to the above post will be on the basis of their previous appointment/absorption against the post of U.C. Peshawar only.
6. Their appointments are subject to the verification of character and antecedents to the satisfaction of the Appointing Authority.
7. Their services will be liable to be terminated with or without notice if they are found absent from duty for more than 15 days in a month.
8. They will produce a medical certificate from a registered medical officer of the Government Hospital Peshawar.
9. They will be governed by the rules and regulations of the Government of NWFP.
10. They will report to the Project Director at the Government of NWFP, Peshawar, on or before 10-09-2017. Their pay will be paid only after the completion of the project.
11. Their academic disbursements will be paid by the EDO, SWP, Government of NWFP. Their services will be on the basis of their previous appointment/absorption against the post of U.C. Peshawar only.
12. Their appointments are subject to the verification of character and antecedents to the satisfaction of the Appointing Authority.
13. Their services will be liable to be terminated with or without notice if they are found absent from duty for more than 15 days in a month.
14. They will report for duty at the project office on or before 10-09-2017.

SECRETARY  
SCHOOL EDUCATION DEPARTMENT  
GOVT. OF NWFP

1. The Director of Education, NWFP
2. The Secretary, Education, NWFP
3. The Director of Education, Peshawar
4. The Director of Education, Mardan
5. The Director of Education, Swat
6. The Director of Education, Dir
7. The Director of Education, FATA
8. The Director of Education, Gilgit
9. The Director of Education, Chitral
10. The Director of Education, Buner
11. The Director of Education, Abbottabad
12. The Director of Education, Rawalakot
13. The Director of Education, Poonch
14. The Director of Education, Mirpur
15. The Director of Education, Jhelum
16. The Director of Education, Multan
17. The Director of Education, Faisalabad
18. The Director of Education, Lahore
19. The Director of Education, Islamabad
20. The Director of Education, Karachi

*Amir Khan*  
*Waqar*  
 Govt. of NWFP  
 Chief Planning Officer, School Education Department

Schools & Training Department  
 Govt. of NWFP  
 Project Director

*Better copy*  
*6B*

**OFFICE OF THE PROJECT DIRECTOR**  
**IT COMPUTER TEACHER/LABS PROJECT**  
**GOVERNMENT OF NWFP**  
**SCHOOL & LITERACY DEPARTMENT**  
Dated peshwar the February 20, 2007

**Order**

No. PD/IT/CS/S&L4- /Rec: 2004: on the recommendations of Departmental Selection Committee, the competent Authority is pleased to appoint the following Male/female candidate as Lab incharge in the school noted agansit each in BPS-07 Plus usual allowances as admissible under rules purely contract basis up to 30/06/2007 or till the completion of the project which ever is earlier.

**DISTRICT:- ABBOTTABAD.**

R.No	Name	Father Name	U/Council	School Name	Based On
161	Samia Afzal	Ghazi Khan	Sherwan	GGHS Sherwan	Union Council
172.	Ibrar Ahmed	Muhammad Ashraf	Banda Pir Khan	GHS Bandi Dhondian	Union council
165	Qadeer Muhammad	Nazir Muhammad	Ghangi	GHS Boi	District
194	Asim Fazal	Fazal-ur-Rehman	Urban city	GHS Chando Maira	District
210	Zia Khurshid	Khurshid ahmed Khan	Gahri Phulgran	GS Rajoya	Union Concil

**DISTRICT:- CHITRAL.**

R.No	Name	Father Name	U/Council	School Name	Based On
195	Fathullah jan	Attaullah jan	Drosh.I	GHSS Darosh	Union council

**DISTRICT:- DIR LOWER**

R.No	Name	Father Name	U/Council	School Name	Based On
186	Hamayun Khan	Akbar Khan	Khanpur	GHS Khanpur	Union Council
167	Gohar Ali Shah	Muhammad Zahir Shah	Khungi	GCMHS Timergara	Tehsil

**DISTRICT :-HARIPUR**

R.No	Name	Father Name	U/Council	School Name	Based On
190.	Yasir Shahzad	Shoukat Nawaz	Pandak	GHS NO .2 Haripur	Tehsil

**DISTRICT:- KOHAT**

R.No	Name	Father Name	U/Council	School Name	Based On
171	Aftab Alam	Khurshid Alam	Semi Gumbat	GHSS Gombat	Union Council
154.	Taslim kosar	Muhammad Zaman	Kohat	GHSS Been Banda	District

**DISTRICT:-MANSEHRA**

R.No	Name	Father Name	U/Council	School Name	Based On
156.	Bibi Sadia	Muhammad Javaid	City No 3	GGHS No.2	District
155.	Bushra Javaid	Muhammad Javaid	City No .3	GGHS Data	District
223.	Bibi Sabira	Qazi Dadud Islam	Phulra	GGHS Dhadial	District

R.No	Name	Father Name	U/Council	School Name	Based On
150.	Sadia Murad din	Murad din	Junaid Abad	GGHS No.1	District
159.	Saima Bibi	Sami-Ul-Haq	Muslim Town	GGHS Badhair	District
208.	Abdullah	Abdul Aziz	Matria	GHSS No .1 City	District

## District Swat:-

R.No	Name	Father Name	U/Council	School Name	Based On
183.	Nawab Khan	Hayat Khan	Kanju	GHSS MANKYAL	District

## TERMS AND CONDITION AS UNDER:-

1. Their appointment is purely on contract basis up to 30-06-2007 and they will have no claim/right what so ever for regularization etc. Their services under the present contract shall not qualify them for pension/gratuity.
2. Their services can be terminated at one month notice without any reason. In case they wish to resign at any time, one month's notice will be necessary or in Lieu thereof one month's pay shall be forfeited.
3. Their services will be liable to termination without any notice if their performance is not found satisfactory subsequently.
4. They will produce a medical certificate of fitness from the concerned Civil Surgeon/Medical Superintendent.
5. They will be governed by Provincial Government Rules concerning contract appointment as amended from time to time.
6. Their academic documents will be verified by the District Education Officer (Male) concerned. If found fake their services will be terminated and they will be proceeded against under the law.
7. Their pay will be released subject to the condition that their academic documents are verified by the District Education Officer (Male) concerned.
8. Their appointments are School based and non-transfer able.
9. Their joining time of this offer is 20 days failing which, the offer will stand cancelled and the next candidate on merit list will be considered for appointment.
10. They will submit Charge Report to all the concerned.
11. They will produce a medical certificate of fitness from the civil surgeon/Medical superintendent from the respective DHQ Hospital
12. The offer is subject to condition that they are the citizen of Pakistan and resident of NWFP. Medically fit and police should ok
13. In case they wish to resign any time one Moth notice before
14. They will get BPS 07 Plus usual Allowances with computer as admissible under rules .

(Secretary)  
School and Literacy Directorate IT  
GOVT:NWFP

## Copy for Information to:

1. Accountant General NWFP PESHAWAR
2. Secretary To Govt Of NWFP Finance Department.
3. Director Education Directorate Of Schools & Literacy NWFP Peshawar.
4. All The Executive District Officer Schools & Literacy NWFP.
5. All The District Accounts Officer NWFP.
6. All The Concerned Principals Of School NWFP.
7. Ps To Secretary To Govt Of NWFP Schools & Literacy Department.
8. Personal File Of Official Concerned.

(Muhammad Tariq Khan )  
PROJECT Director

## DIRECTORATE OF SCHOOLS &amp; LITERACY N.W.F.P PESHAWAR P-7A

Dated: Peshawar the December 10, 2007

NOTIFICATION:

A23-Ministerial (Lab-Incharge)-2007:- Consequent upon the approval of the Competent Authority, the following candidates are hereby appointed as Computer Lab-Incharge in BPS-07 of the National Pay Scale (29-10-160-77-10) plus usual allowances Male/Female on regular basis (Non Pension-able) w.e.f 01-07-2007 and posted them as the present post in the schools as noted against their names:-

S.No.	Name	Father's Name	District	Posted At
<b>Males</b>				
1	Ibrar Ahmad	Muhammad Ashraf	Abbottabad	GHS BANDIAN DHUNDAN
2	Qadeer Muhammad	Nazir Muhammad	Abbottabad	GHS HOI
3	Asim Fazal	Fazal-Ur-Rehman	Abbottabad	GHS CHANDO MAIRA
4	Zia Khurshid	Khurshid Ahmed Khan	Abbottabad	GHS AJCIYA
5	Anjad Ali	Mohammad Ashraf	Abbottabad	GHISS LORA
6	Farman Ullah	Hakeem Khan	Bannu	GHS B.A KHAN
7	Khalid Usman	Ghulam Hussain	Bannu	GHS GHORIWALA
8	Tufail Muhammad	Mohammad Gaffar	Batagram	GHS BATTAGRAM
9	Muti Kifayat Ullah (A)	Mohammad Mustafa	Batagram	GHS KUZA BAND
10	Rahat Ali Shah	Zareem Shah	Buner	GHS GAGRA
11	Anjad Ali	Sardar Ali	Buner	GHS TOTALAI
12	Kamran Ali	Ismatullah	Charsadda	GHS NO.1 TANGI
13	Zia Jan	Sultan Muhammad	Charsadda	GHS IBRAHIM ZAI
14	Fawad Khan	Noor Rehman	Charsadda	GHS NISATTA
15	Fathullah Jan	Attullah Jan	Chitral	GHS DROSHI
16	Shah Ul Rehman	Abdur-Ur-Rehman	Chitral	GHS G/CHASHIMA
17	Attullah Khan	Ghulam Ali Khan	Chitral	GHS SHAGRAM
18	Nadeem Irfan	Abdur Rehman	D.I. Khan	GHS NO.2 PAHARPUR
19	Muhammad Imran Khan	Fazal-Ur-Rehman	D.I. Khan	GHS NO.1 KULACHI
20	Kaleem Ullah	Abdullah Khan	D.I. Khan	GHS PANIALA
21	Saeed Ahmad Khan	Basheer Ahmed	D.I. Khan	GHS PAROA
22	Muhammad Iqbal	Mohammad Ravizan	D.I. Khan	GHS DRABAN KALAN
23	Tilawat Hakim	Fazal Hakim	Dir (Upper)	GHS DIR
24	Ayub Khan	Khaki Mohammed	Dir (Upper)	GHS GANDIGAR
25	Gohar Ali Shah	Mohammad Zahir Shah	Dir (Lower)	GHS TIMERGARA
26	Arif Waseem	Sahibzada Abdallah	Dir (Lower)	GHS OUCHI
27	Hamayun Khan	Akbar Khan	Dir (Lower)	GHS KHANPUR
28	Rasool Din	Khana Mir	Hangu	GHS KARBOGHA
29	Rehan Anjum	Amir Khan	Haripur	GHS GHIAZI
30	Yasir Shehzad	Shoukat Nawaz	Haripur	GHS HARIPUR No. 2
31	Zubair Khan	Ch: Muhammad Khan	Haripur	GHS C.T.S NO. 2
32	Zafar Ali	Miskin Ali	Haripur	GHS KALENJER
33	Obaidullah Asghar	Hafiz Ur Rehman	Haripur	GHS SARRI

S.No.	Name	Father's Name	District	Posted At
1.2	Salma Bibi	Sami-Ul-Haq	Peshawar	GGHS BADABER
1.3	Nasreen Begum	Tilla Muhammad	Peshawar	GGHS TARNAB
1.4	Mahrukh Durani	Dil Khuram Jan Durani	Peshawar	GGHS HAYAT ABAD
1.5	Zainub	Hazrat Yousaf	Shangla	GGHS LILOWNAI
1.6	Nasiba Begum	M. Nafees Ahmad	Swabi	GGHS KALABAT
1.7	Uzma	Karim Shah	Swabi	GGHS ZARQBI
1.8	Saima Islam	Muhammad Islam	Swabi	GGHS DOBIAN
1.9	Ghazala	Sher Afzal Khan	Swat	GGHS MINGORA NO. 2
1.10	Sheema	Sher Bahader Khan	Swat	GGHS SAIDU SHARIF NO. 2
1.11	Waheeda Begum	Ali Akbar	Swat	GGHS KABAL
1.12	Kalsoon Ara	Muhammad Zaman Khan	Swat	GGHS UDIGRAM
1.13	Hasnat	Imayat Majeed	Swat	GGHS MATTA

**Terms and conditions of their appointments:-**

1. Their Services will be considered regular but without pension or gratuity in terms of section 19 of the NWFP Civil Servant Act 1973 as amended vide NWFP Civil Servant (amendment act 2005). They will however be entitled to Contributory provided fund in such manner and in such rates as may be described by the Government.
2. They will be governed by such rules & regulation as may be prescribed by the Govt. from time to time for category of the Govt. servants to which they belong.
3. In case of resignation without prior notice their one month pay plus usual allowances will be forfeited in lieu thereof.
4. Their seniority will be determined in accordance with the merit of Departmental Selection Board/Committee.
5. Their appointment are purely temporary, and their services can be terminated at one month's notice without assigning any reason.
6. They shall be required to provide attested copies of all their certificates/degrees, charge report, medical report along with two recent photos with in 15 days to the Project Director IT Schools & Literacy Department Govt. of NWFP Peshawar.
7. The in-service candidates shall be allowed to join and shall be handed over charge by the Principal Concerned.
8. They will get pay in BPS-07 plus usual allowances with computer allowance as admissible under the rules.

**DIRECTOR EDUCATION  
DIRECTORATE OF SCHOOLS & LITERACY  
GOVERNMENT OF N.W.F.P**

Copy forwarded for information and necessary action to the:-

1. Accountant General NWFP, Peshawar.
2. Secretary to Govt. of NWFP Finance Department.
3. Director Education Directorate of Schools & Literacy NWFP Peshawar.
4. All the Executive District Officer Schools & Literacy NWFP.
5. All the District Accounts Officer NWFP.
6. All the concerned Principals of school NWFP.
7. PS to Secretary to Govt. of NWFP Schools & Literacy Department.
8. Personal File of Official concerned.

*(Signature)*  
DEPUTY DIRECTOR (ESTAB)  
DIRECTORATE OF SCHOOLS & LITERACY  
GOVERNMENT OF N.W.F.P

				fort
86	Shaista	Mumtaz ahmad	Charsadda	Gghs boobak
87	Shahida begum	Said akbar	Charsadda	Gghs harichani
88	Shahuda bibi	Muhammad hashim khan	Chitral	Gghs denin
89	Danish mehmoood	Mehmood ilahi	Chitral	Gghs drosh
90	Shaira bibi	Muhammad baig	Chitral	Gghs booni
91	Miss shehla ambreen	Haji abdur rehman	D.I Khan	Gghs kulachi
92	Dur e shehwar	Sanaullah	D.I Khan	Gghs paniala
93	Irum sultan	Abdur rahim khan	D.I Khan	Gghss paharpur
94	Nusrat jabeen	Habib ur rehman	Dir (upper)	Gghss dir
95	Hasina amin	Muhammad amin	Hangu	Gghs hangu
96	Nighat gul	Ayub shah	Haripur	Gghs bandi muneem
97	Nuzhat iqbal	Muhammad iqbal	Haripur	Gghs kts no 3
98	Toseer fatima	Abbas ali shah	Haripur	Gghs bagka
99	Kalsoom	Rizwan ullah	Karak	Gghs gghs latambar
100	Nasira sultan	Khan nawaz khan	Karak	Gghs ahmad abad
101	Nasira khatoon	Pio ziarat khan	Karak	Gghss chokara
102	Riffat sultana	Khan nawaz khan	Kohat	Gghs no 1kohat
103	Mehwish zeb	Aurangzeb	Kohat	Gghs no 2 kohat
104	Tasleem khansar	Muhammad zaman	Kohat	Gghss babri banda
105	Tahira raheem	Abdur raheem	Lakki	Gghs no 1 lakki
106	Faheem akhtar nosheen	Sheikh muhd akhtar	Lakki	Gghs shahbaz khel
107	Safia	M.rasool khan	Malakand	Gghs batkhala
108	Hamida bibi	M.rasool khan	Malakand	Gghs Allah dano
109	Bushra javed	Muhammad javed	Mansehra	Gghs datta
110	Bibi sabira	Qazi badi ul islam	Manshera	Gghs dhodial
111	Bibi sadia javed	Malik muhammad javed	Mansehra	Gghs no 2 mansehra
112	Rabia javed	Malik muhammad javed	Mansehra	Gghss baffa
113	Sadaf	Fazal mehmoood	Mardan	Gghs katlang
114	Tahira naz	Jahanzab	Mardan	Gghss shah sano baba
115	Ghazala	Noor islam	Mardan	Gghs gujar ghari
116	Fauqiat nafees	Muhammad nafees ahmad	Nowshera	Gghs pabbi
117	Nighat ara	Muhammad ali	Nowshehra	Gghs badrashi
118	Haleema ishaq	Muhammad ishaq	Nowshehra	Gghs akora khattak
119	Sadaf rani	Muhammad yaqub rana	Nowshera	Gghss pir pai
120	Hoor bibi	Gul hafeez	Peshawar	Gghs irregation
121	Noreen tabassum	Muhammad irshad	Peshawar	Gghs nishtarabad
122	Salma bibi	Sami ul haq	Peshawar	Gghs bahaber
123	Nasreen begum	Tilla muhammad	Peshawar	Gghs tarnab
124	Mahrukh durrani	Dil khuram jan durrani	Peshawar	Gghss hayat abad
125	Zainab	Hazrat yousaf	Shangla	Gghs lillownai
126	Nasiha begum	Muhammad nafees ahmad	Swabi	Gghs kalabat
127	Uzma	Karim shah	Swabi	Gghs zarobi
128	Saima islam	Muhammad islam	Swabi	Gghs dobian
129	Ghazala	Sher afzal khan	Swat	Gghs mingora no 2
130	Sheema	Sher bahdur khan	Swat	Gghs saidu sharif no 2
131	Waheeda begum	Ali akbar	Swat	Gghs kabal
132	Kalsoom ara	Muhammad zamin	Swat	Gghs udigram



		khan		
133	Hasnat	Inayat majeed	Swat	Gghss matta

TERMS AND CONDITIONS OF THEIR APPOINTMENTS:

1. Their services will be considered regular but without pension or gratuity in terms of section 19 of the NWFP Civil Servant Act 97 has amended vide NWFP Civil Servant (amendment act 2005). they will however be entitled to contributory provided fund in such manner and in such rates as may described by the government.
2. They will be governed by such rules or regulation as may be prescribed by thr Govt from time to time for category of the govt servants to which they belong.
3. In case of resignation without prior notice their one month pay plus usual allowances will be forfeited in lieu thereof..
4. Their seniority will be determined in accordance with the merit od Departmental Selection Board/Committee.
5. Their appointment are purely temporary and their services can be terminated at one month notice without assigning any reason.
6. their shall be required to provide attested copies of all then certificates/degrees, charge report, medical report along with two recent photos within 15 days to the Project Director TT schools & literacy department govt of NWFP Peshawar.
7. The in- service candidates shall be allowed to join and shall be handed over charge by the Principal Concerned.
8. They will get pay in BPS-07 plus usual allowances will computer allowance as admissible under the rules.

DIRECTOR EDUCATION  
DIRECTORATE OF SCHOOLS & LITERACY  
GOVERNMENT OF NWFP

Copy forwarded for information and necessary action to the:-

1. Accountant General Nwfp Peshawar
2. Secretary To Govt Of Nwfp Finance Department.
3. Director Education Directorate Of Schools & Literacy Nwfp Peshawar.
4. All The Executive District Officer Schools & Literacy Nwfp.
5. All The Districy Accounts Officer Nwfp.
6. All The Concerned Principals Of School Nwfp.
7. Ps To Secretary To Govt Of Nwfp Schools & Literacy Department.
8. Peraonal File of Official concerned.

DEPUTY DIRECTOR (ESTAB)  
DIRECTORATE OF SCHOOLS & LITERACY  
GOVERNMENT OF NWFP.

FORM "A"  
FORM OF ORDER SHEET

Court of .....

Case No .....

Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
10.12.2013	<p data-bbox="702 601 957 646"><u>WP No.2866-P/2012.</u></p> <p data-bbox="702 725 1292 805"><u>Present:</u> Mr. Ijaz Anwar, Advocate for petitioners.</p> <p data-bbox="845 816 1292 895">Syed Qaisar Ali Shah, AAG, for respondents.</p> <p data-bbox="702 997 1308 1530"><u>NISAR HUSSAIN KHAN, J.:</u> Petitioners through this Constitutional petition, seek issuance of an appropriate writ directing the respondents to upgrade the posts of Computer Lab Incharge from BPS-07 to BPS-12 to bring it at par with the other similar teaching posts in respondents department w.e.f. 1.7.2012 and that denial of the same relief by the respondents be declared as illegal, unlawful and without lawful authority.</p> <p data-bbox="702 1576 1308 1859">2. The respondents in Para-5 of their para-wise comments alleged that working papers with regard to upgradation of posts of Computer Lab Incharge of petitioners have been prepared and sent to the Competent Authority for further</p>

necessary action. Learned AAG present in Court has also conceded the stance as reflected in the comments. During course of arguments consensus developed between the parties that let this petition be treated as representation of petitioners and be sent to the respondents to conclude the process of upgradation of petitioners within a shortest possible time.

3. In this view of the matter, we admit and allow this petition with the direction to respondents to complete the process of upgradation of the subject posts of petitioners within a period of three months positively and petitioners would be at liberty to knock at the door of this Court, if their grievance is not redressed.

Announced,  
Dated: 10.12.2013.

*[Signature]*  
JUDGE

*[Signature]*  
JUDGE

Form "A"

FORM OF ORDER SHEET

COURT \_\_\_\_\_

CASE NO \_\_\_\_\_

Date of order Proceeding	Order or other proceeding of judge or Magistrate and of parties or counsel where necessary.
10-12-2013	<p data-bbox="576 607 815 637">WP NO 2866-P/2012</p> <p data-bbox="576 666 1150 811">Present Mr Ijaz Anawr Advocate for petitioner Syed qasisar Ali shah .AAG for respondents</p> <p data-bbox="587 938 1214 1378"><u>NISAR HUSSAIN KHAN.J</u> Petitioner through this constitutional petition seek issuance of an appropriate writ directing the respondents to upgrade the posts of computer Lab incharge from BPS-07 to BPS -12 it at par with the other similar teaching posts in respondents department w.e.f 1-07-2012 and that denial of the same relief by the respondents be declared as illegal unlawful without authority.</p> <p data-bbox="603 1446 1225 1635">2 The respondents in para-5 of their para-wise comments alleged that working paper with regard to up gradation of posts of computer Lab incharge of petitioners have been prepared and sent the Competent Authority for further</p>

necessary action Learned AAG present in the court has also conceded the stance of arguments consensus developed between parties that let this petition and be sent to the respondents to conclude the process of upgradation of petitioners within a shortest possible time.

3 in this view of the matter. We admit and allow this petition with direction to respondents to complete the process of upgradation of the subject post of petitioners within a period of three months positively and would be at liberty to knock at the door of this Court if their grievance is not redressed.

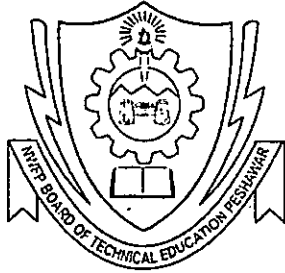
Announced.  
Dated :10.12.2013

JUDGE

JUDGE

S. No. \_\_\_\_\_

# NWFP BOARD OF TECHNICAL EDUCATION



## PESHAWAR DETAIL MARKS CERTIFICATE

### DIPLOMA IN INFORMATION TECHNOLOGY (2nd SEMESTER)

Name of Candidate Asim Fazal  
 Father's Name Fazal Ur Rehman  
 Roll No 10152 Session 1st Term 2007  
 Institute/College Institute of Computer Languages Abbottabad

S.NO	Subject Name	Total Marks	Marks Obtained	
			In Fig:	In Words
	1st Semester Marks	800	461	
1.	Oracle- DBA	T-100 P-100	42 74	forty-two seventy-four
2.	System Analysis & Design	T-100	42	forty-two
3.	Introduction to E-Commerce & internet programming	T-100 P-100	52 73	fifty-two seventy-three
4.	Visual Basic	T-100 P-100	44 75	forty-four seventy-five
5.	Business Communication	T-100	51	fifty-one
6.	Project	100	71	seventy-one
	<b>Total Marks</b>	<b>1700</b>	<b>985</b>	<b>nine hundred eighty-five</b>

NOTE:  
 Theory passing Marks = 40%  
 Practical passing Marks = 50%

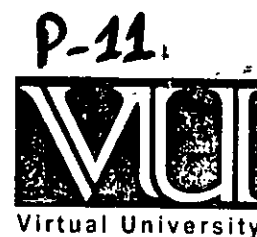
Checked by [Signature]  
 Errors and Omissions Excepted

[Signature]

CHAIRMAN

Serial No: A005753

Virtual University of Pakistan



TRANSCRIPT OF RECORD

Master of Business Administration (2 year program)

Specialization : Management

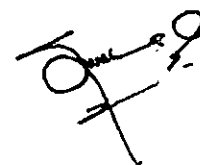
Student ID: MC060201076  
Name: AASIM FAZAL  
Father's Name: FAZAL-UR-REHMAN

Registration No: 006-VU-001452  
Registration Date: March 27, 2006  
Result Notification No: VU-CE/Masters/14/0055  
Result Notification Date: October 10, 2014

Code	Course Title	Cr. Hrs.	Grade	G.P.	Remarks
CS101	Introduction to Computing	3	B-	2.87	
MGT101	Financial Accounting	3	C	2.33	
MGT301	Principles of Marketing	3	D	1.50	I
MGT501	Human Resource Management	3	D	1.10	I
MGT503	Principles of Management	3	C	2.27	
MTH302	Business Mathematics & Statistics	3	C	2.47	
ECO401	Economics	3	C	2.13	
ENG301	Business Communication	3	D	1.80	I
MGT201	Financial Management	3	D	1.00	
MGT402	Cost & Management Accounting	3	D	1.50	
MGT502	Organizational Behaviour	3	D	1.80	I
MGT603	Strategic Management	3	B-	2.93	
IT430	E-Commerce	3	D	1.30	I
MGT411	Money & Banking	3	D	1.50	
MGT602	Entrepreneurship	3	D	1.80	R
MGT613	Production / Operations Management	3	C	2.40	
MKT501	Marketing Management	3	D	1.80	I
STA630	Research Methods	3	C	2.00	
CS507	Information Systems	3	C	2.47	R
MGMT510	Total Quality Management (original code=MGT510)	3	B-	2.73	R,I
MGMT611	Human Relations (alt. code=HRM611)	3	C	2.47	I
MGMT627	Project Management	3	D	1.70	R
MGMT628	Organizational Development (alt. code=HRM628)	3	C	2.27	I
MGT619	Internship Report-Management	3	P	-	

P: Pass (Final Projects/ Internships are graded Pass/Fail only)

CGPA: 2.00  
Credits earned: 72  
Credits transferred: 0  
Credits exempted: 0  
Credits counted towards degree: 72  
Credits required 72  
All degree requirements completed



Controller of Examinations

Serial No. 22886

P-12

ALLAMA IQBAL OPEN UNIVERSITY, ISLAMABAD  
PROVISIONAL RESULT CARD

Name: MASIM FAZAL  
Fathers's Name: FAZAL UR REHMAN  
Address: H NO. K-A19/2 KUNJ GADEEM

Roll No: N432947  
Registration No: 03NAD0440  
Final Semester: SPR- 2005

Tehsil: ABBOTTABAD  
District: ABBOTTABAD

has successfully completed BACHELOR OF ARTS (GENERAL GROUP) Programme.  
The detail of passed courses are as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 03	0416	ISLAMIAT (C)	100	60
SPR- 03	0417	PAKISTAN STUDIES(C)	100	67
SPR- 03	0435	FUNCTIONAL ENGLISH	100	54
AUT- 03	0436	SEERAT-E-TAYYABA	100	57
AUT- 03	0437	ISLAMIC STUDIES(E)	100	51
SPR- 04	0429	LITERACY AND MASS EDUCATION	100	55
SPR- 04	0430	PRINCIPLES OF JOURNALISM	100	62
AUT- 04	0409	COMMERCIAL GEOGRAPHY	100	50
SPR- 05	0413	SOCIOLOGY-II	100	56
SPR- 05	0451	PUBLIC RELATIONS	100	65

*Attested*  
*Waqar*

Head Master  
Govt. High School  
Chandol, Chakira Atd

CREDITS: 8

Total Marks / Obtained 1000 / 577

Result Declared on MARCH 01, 2006

Percentage / Grade 58 C

Date of issue MARCH 06, 2006

*Controller of Examinations*

Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.



Serial No. 498777

## PROVISIONAL RESULT CARD



P-13

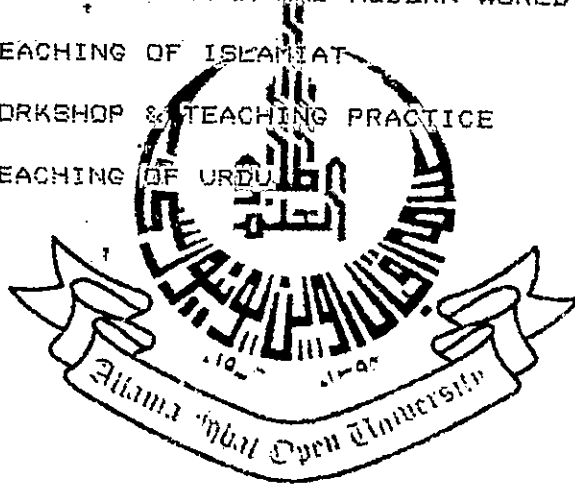
Name AASIM FAZAL  
 Father's Name FAZAL UR REHMAN  
 Address H NO. K-419/2 KUNJ GADEEM

Roll No. AP634015  
 Registration No. 03NADO440  
 Final Semester SPR-2013

Tehsil ABBOTTABAD  
 District ABBOTTABAD  
 BACHELOR OF EDUCATION (B. ED)  
 has successfully completed

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
AUT- 12	0512	PERSPECTIVES OF EDUCATION	100	60
AUT- 12	0513	SCHOOL ORGANIZATION	100	54
AUT- 12	0514	EVALUATION, GUIDANCE & RESEARCH	100	72
AUT- 12	0515	EDUCATIONAL PSYCHOLOGY & CURRICULUM	100	61
AUT- 12	0651	ENGLISH (COMPULSORY)	100	66
AUT- 12	0652	ISLAM, PAKISTAN AND MODERN WORLD	100	75
SPR- 13	0654	TEACHING OF ISLAMICAT	100	64
SPR- 13	0655	WORKSHOP & TEACHING PRACTICE	100	80
SPR- 13	0658	TEACHING OF URDU	100	56



CREDITS: 6

Total Marks / Obtained

900 / 588

65 B

Result Declared on DECEMBER 26, 2013

Percentage / Grade

Date of issue JANUARY 07, 2014

Controller of Examinations

## Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

Serial No. 129324

## PROVISIONAL RESULT CARD

Name AASIM FAZAL  
Father's Name FAZAL UR REHMAN  
Address H NO. K-419/2 KUNJ GADEEMRoll No. AY637961  
Registration No. 03NAD0440  
Final Semester SPR-2015Tehsil ABBOTTABAD  
District ABBOTTABADhas successfully completed MASTER OF EDUCATION ( M. ED )  
TEACHER EDUCATION

The detail of passed courses is as under:

Semester	Course Code	Title of Course	Marks	
			Maximum	Obtained
SPR- 14	0840	EDUCATIONAL PSYCHOLOGY	100	67
SPR- 14	0831	FOUNDATIONS OF EDUCATION	100	64
SPR- 14	0837	EDUCATIONAL RESEARCH	100	64
SPR- 14	0838	CURRICULUM DEVELOPMENT & INSTRUCTIONS	100	63
AUT- 14	0828	HIGHER EDUCATION	100	62
AUT- 14	0827	SECONDARY EDUCATION	100	48
AUT- 14	0826	ELEMENTARY EDUCATION	100	67
AUT- 14	0829	TEACHER EDUCATION IN PAKISTAN	100	52
SPR- 15	6553	TEXTBOOK DEVELOPMENT-II	100	70
SPR- 15	6552	TEXTBOOK DEVELOPMENT-I	100	70
SPR- 15	6505	ISLAMIC SYSTEM OF EDUCATION	100	59
SPR- 15	6507	EDUCATIONAL MEASUREMENT & EVALUATION	100	59

CREDIT HOURS: 36

Total Marks / Obtained

1200 / 745

Result Declared on MARCH 08, 2016


Percentage / Grade

62 B

Date of issue MARCH 18, 2016

## Disclaimer:

This result card is issued provisionally, errors and omission excepted, as a notice only. Any entry appearing in this card does not itself confer any right or privilege on a candidate for the grant of certificate/degree/diploma, which will be issued under the rules/regulations on the basis of the original record of the university student.

  
**Controller of Examinations**

Directorate of Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar**NOTIFICATION.**

To be substituted with the same No. and date.

Consequent upon the recommendations of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa Elementary and Secondary Education Notification NoSO(G)/E&SE/1-85/I,T/2017 dated 24<sup>th</sup> April, 2017, the following CTs (IT), BS-12 are hereby promoted to the post of SST (IT) BS-16, and posted against the vacant post of SST (IT) in the School noted against each BPS-16 (Rs. 18910-1520-64510) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, on the terms and condition given below in the interest of Public Service with immediate effect.

S. No	S.L. No.	Name of Official & Present Place of Posting	Date of Birth	Domicile	Date of Appott: as Regular CT IT	Proposed place of posting.	Remarks
1	1	Farman Ullah Khan GHS B/Ahmad Khan Bannu	13/7/1979	Bannu	1/9/2004	GHS, Bazar Ahmad Khan Bannu	Against Vacant Post
2	2	Aziz Ullah C/O E&SE Departmnt	13/10/1980	Peshawar	1/9/2004	GHS, PAF Shaheen Camp Peshawar	Against vacant post after actualaizati on, he will rejoin the present post in E&SE Departmnt
3	3	Laiq Ur Rehman GHS Gandeeri Khattak Karak	20/10/1972	Karak	1/9/2004	GHS, Gandeeri Khattak Karak	Against Vacant Post
4	6	Badshah Hussain GHS Julagram Malakand	12/3/1981	Malakand	1/9/2004	GHS, Julagram Malakand	--do--
5	9	Muhammad Shoaib GHSS, Totakan Malakand	3/4/1975	Malakand	1/9/2004	GSZHS No.1 Dagai Malakand	--do--

	14	Muhammad Iqbal GHS Daraban Kalan DIKhan	15/2/1973	DIKhan	1/9/2004	GHS No.6 DIKhan	--do--
	17	Muhammad Niaz GHS No.2 Mansehra	1/4/1975	Mansehra	1/9/2004	GHSS, Phulra Mansehra	--do--
8	18	Qayum Rashid GHSS S/Nourang Lakki	12/11/1975	Lakki Marwat	1/9/2004	GSMGCM HS No.1 Lakki Marwat	--do--
9	20	Sabir Shah GHS Aman Kot Swat	1/1/1981	Swat	1/9/2004	GHS, Guli Bagh Swat	--do--
10	21	Saeed Ahmad Khan GHS Paroa DIKhan	30-10-1977	DIKhan	1/9/2004	GHSS, Ramak DIKhan	--do--
11	22	Gohar Ali Shah GCMHS Timargara Dir Lower	20/3/1980	Dir Lower	15/4/2005	GHS, Haji Abad Dir Lower	--do--
12	24	Inuran Ullah GHSS Khadi Zai Kohat	1/4/1979	Kohat	15/4/2005	GHSS, Khadi Zai Kohat	--do--
13	28	Lutfullah GHSS Maidain Swat	13/4/1982	Swat	15/4/2005	GHS Kandil Swat	--do--
14	29	Rasool Din GHS Karbogha Hangu	1/9/1979	Hangu	15/4/2005	GHSS, Karbogha Hangu.	--do--
15	30	S.Kashif Hussain Shah GSFHCMHS No.4 Peshawar Cantt	4/3/1977	Peshawar	15/4/2005	GSFHCM HS No.4 Peshawar Cantt	--do--
16	37	Ayub Khan GHS Gandigar Dir Upper	12/4/1983	Dir Upper	29/6/2006	GHS Panakot Dir Upper	--do--
17	41	Hamayun Khan GHSS Khanpur Dir Lower	1/4/1978	Dir Lower	10/2/2007	GHS Sehsada Dir Lower	--do--
18	42	Nawab Khan GHS No.4 Mingora Swat	11/3/1976	Swat	10/2/2007	GHS No.4 Mingora Swat	--do--
19	45	Ibrar Ahmad GHSS Bandi Dhundian Abbottabad	14/4/1983	Abbottabad	10/2/2007	GHSS, Bandi Dhundian Abbottabad	--do--

47	Aftab Alam GHSS Gumbat Kohat	19/2/1982	Kohat	10/2/2007	GHS, Nasrat Khel Kohat	--do--
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**Terms and conditions:-.**

- 1 They would be on probation for a period of one year extendable for another one year as specified in Rule-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.
- 2 They will be governed by such rules and regulations as may be issued from time to time by the Govt.
- 3 Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be preceded under the rules framed from time to time.
- 4 Charge report should be submitted to all concerned.
- 5 Their Inter-Se- seniority on lower post will remain intact.
- 6 No TA/DA is allowed for joining his duty.
- 7 They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of this order will be recovered and if he/she is wrongly promoted he/She will be reversed.
- 8 Before handing over charge once again their document may be checked if they have not the required relevant qualifications as per rules, they may not be handed over charge of the post.

(Hafiz Dr. Muhammad Ibrahim)

Director


Elementary and Secondary Education  
Khyber Pakhtunkhwa Peshawar


Endst: No. 7248/ File No.03/Promotion to SST (IT) B-16:

Dated Peshawar the 28-05-2019

Copy forwarded for information and necessary action to the: -

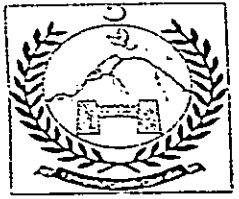
1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. District Education Officer (M) concerned.
3. District Accounts Officer concerned.
4. Section Officer (Primary) E&SE Department, Peshawar.
5. Principals concerned.
6. Official Concerned.
7. PS to the Secretary to Govt: Khyber Pakhtunkhwa E&SE Department.
8. PA to the Director E&SE Khyber Pakhtunkhwa, Peshawar.
9. M/File.

  
 Dy: Director (E&SE)  
 Elementary and Secondary Education  
 Khyber Pakhtunkhwa Peshawar

  
 29/5/19

120

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT



Peshawar, dated the April 24, 2017.

NOTIFICATION

No.SO(GYE&SE/1-S5/I.T/2017:- 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 the notification issued in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment & Administration Department and Finance Department hereby lays down the method of recruitment, qualification and other conditions specified in column No. 2 to 5 of the Appendix to the Notification which shall be applicable to the posts of Information Technology Teaching Cadre (Male/Female) in the Elementary and Secondary Education Department as specified in column No.2 of the said Appendix:

APPENDIX

S.No	Nomenclature of the post	Minimum qualification for appointment by initial recruitment transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Subject Specialist-Information Technology (SS-IT) (BPS-17)	i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or equivalent qualification from a recognized University; and ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.  Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.	21-35	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Secondary School Teacher-IT with at least five years service; and b) Fifty percent by initial recruitment:  Provided that if no suitable candidate is available for promotion, then by initial recruitment.

2.	Secondary School Teacher-Information Technology (SST-IT) (BPS-16)	<p>i. At least Second Class Master's Degree in Computer Science or Information Technology or Bachelor's Degree in Computer Science (BCS/BSCS Honours 4 years) or Bachelor's Degree with a subject of Computer Science or equivalent Qualification from a recognized University; and</p> <p>ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	21-35	<p>a). Fifty percent by promotion on the basis of seniority cum-fitness from amongst the Certified Teacher-IT with five years service as such and having the qualification prescribed for the post of Secondary School Teacher-IT.</p> <p>b). Fifty percent by initial recruitment.</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p>
3.	Certified Teacher-Information Technology (CT-IT) (BPS-12)	<p>i. At least 2<sup>nd</sup> Division Intermediate School Certificate or equivalent qualification from a recognized Institution or Board with one year Diploma in Information Technology Computer Science from any recognized institution; and</p> <p>ii. Certified Teacher Certificate (CT) or Associate Degree in Education (ADE) from any recognized institution/ University</p> <p>Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.</p>	18-35	By initial recruitment.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Endst : of even No & date:

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department Peshawar.
2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department Peshawar.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law Department Peshawar
4. The Secretary Khyber Pakhtunkhwa, Public Service Commission Peshawar.

5. The Accountant General Khyber Pakhtunkhwa Peshawar.
6. The Registrar, Peshawar High Court Peshawar.
7. The Director, Elementary and Secondary Education, Khyber Pakhtunkhwa Peshawar.
8. The Director of Education (FATA) Peshawar.
9. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
10. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
11. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
12. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
13. The Deputy Director, EMIS (E&SE) Department Khyber Pakhtunkhwa Peshawar.
14. All District Education Officers (Male & Female) in Khyber Pakhtunkhwa.
15. All District Accounts Officers in Khyber Pakhtunkhwa.
16. All Agency Education Officer in FATA.
17. All Agency Accounts Officers in FATA.
18. All the Principal/Head Master/Head Mistress concern.
19. PS to Governor Khyber Pakhtunkhwa, Peshawar.
20. PS to Chief Minister Khyber Pakhtunkhwa, Peshawar.
21. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
22. PS to Minister E&SE Khyber Pakhtunkhwa, Peshawar.
23. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.
24. Master file

  
(YASIR QAYYUM)  
SECTION OFFICER (GEN)



To

The Secretary,  
E&SE, Khyber Pakhtunkhwa,  
Peshawar.

ANNEXURE-4  
P-21


**Subject: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION NO. 7248 DATED 28/05/2019 ISSUED BY DIRECTOR E&SE PESHAWAR.**

Respected Sir,

With profound veneration it is submitted as under:

1. That the appellant was appointed as Lab Incharge BPS -7 on 10/02/2007 and later on the post of Lab Incharge was re-designated as CT-IT (BPS-12) and appellant presently working against the post of CT-IT at GHS Chando Maira Abbottabad.
2. That the qualification of appellant is MBA (with three subjects of Computer Science) M.Ed, B.Ed, DIT. Academic & professional (Copies of certificates attached).
3. That as per seniority list the name of appellant falls at Sr. No. 42.
4. That the name of appellant was dropped in the DPC due to not-having the prescribed/requisite qualifications and worthy director E&SE issued notification No 7248 Dated 28/05/2019 wherein, twenty CT-ITs (BPS-12) were promoted as SST-IT (BPS-16). (Copy of notification Dated 28/05/2019 attached).
5. That in pursuance to the Judgment of Peshawar High Court Abbottabad Bench passed in WP No. 790 of 2011 dated 28-02-2012; it was held that the mere possession of higher education does not debar the petitioner from seeking appointment. Furthermore, appellant has done his Master in Business Administration with three subjects of computer science whereas, the requisite qualification for the post of SST-IT is as under:-
  - a. Bachelor Degree/Master Degree computer science.
  - b. BCS/BS Computer Science OR Bachelor Degree with Subject Computer ScienceTherefore, appellant stands on better footing as compared to other promotees. (Copy of judgment dated 28-02-2012 is appended herewith for your kind perusal).
6. That another judgment of Peshawar High Court Abbottabad Bench passed in WP No. 484 of 2012 dated 05-03-2013; on the same subject matter is also appended herewith for your kind perusal please.
7. That the instant departmental appeal is well within time.
8. That the valuable rights of appellant are involved.
9. That The Post of SST- IT is Lying Vacant at GHS Chando Maira Abbottabad since last 08 Months.

Under the above referred facts & circumstances, it is humbly requested that on acceptance of instant departmental Appeal Notification dated 28-05-2019 may please be set aside and appellant may kindly be promoted having higher qualification in accordance with the judgments referred above in order to meet the ends of justice accordingly.

  
Asim Fazal (CT-IT)  
GHS Chando Maira  
Abbottabad  
Cell # 0313-5815850

Dated: 12/06/2019



GOVERNMENT OF KHYBER PAKHTUNKHWA  
 ELEMENTARY & SECONDARY EDUCATION DEPARTMENT  
 No. SO(PE)2-4/Internal Meeting/DESE/2019  
 Dated Peshawar the 18.06.2019

ANNEXURE-H  
P-22

To.

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

Subject: - DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION NO. 7248 ✓  
DATED 28/05/2019 ISSUED BY DIRECTOR E&SE PESHAWAR

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of an application bearing No. 2261 dated 03.06.2019 alongwith connected documents in respect of Mr. Asim Fazal (CT-11), GHS Chando Maira, District Abbottabad, for further necessary action as per rules/policy, please.

Yours Faithfully,

*Handwritten notes:*  
 P.A. 22/6/19  
 22/6/19  
 Dated: 22/6/19

*Signature of M. Roy*

SECTION OFFICER (PRIMARY)

Encl: as above.

Encls: of even Number & Date:  
 Copy to:-

1. The DEO (Male), District Abbottabad, for similar necessary action.
2. PS to Secretary, E&SE Department, Peshawar.

*Handwritten notes:*  
 Attached  
 24/6

*Signature of M. Roy*

SECTION OFFICER (PRIMARY)

*Handwritten notes:*  
 611  
 25/6

*Handwritten notes:*  
 DD/m  
 25/6

*Handwritten notes:*  
 2261  
 13/6

Dated 12/06/2019

*Handwritten notes:*  
 S  
 19/6

Asim Fazal (CT-11)  
 GHS Chando Maira,  
 Abbottabad  
 Cell # 0313-581588



ANNEXURE - I

P-23

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.

No. 2083 /F. No. CT-IT-To SST.  
Dated Peshawar the 09/7/2019.

To,

The District Education Officer (M)  
Abbottabad .

Subject: -

DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION  
NO.7248 DATED 25/5/2019.

Memo:-

I am directed to refer to the letter No. SO (PE) E&SED/2-4/Internal/DSE/2019.  
Dated 18.6.2019, received from Section Officer (PE) E&SE KP on the subject cited above along  
with an letter to deal the case as per rules policy.

Endst: No. \_\_\_\_\_



*M. J. 9/07/2019*  
Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

*9/7/2019*

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.

Assistant Director (Estab :)  
Elementary & Secondary Edu:  
Khyber Pakhtunkhwa Peshawar.

*ADDO (EIS)*  
*Pl: Talke*  
*Furley N/4*

*11-7-19*

**OFFICE OF THE DISTRICT EDUCATION OFFICER (M) ABBOTTABAD**



No. 7938/ADEO (Lit)

Dated: 13 /7/2019



0992-9310102, 0992-330131



[EDO.Education.Atd@gmail.com](mailto:EDO.Education.Atd@gmail.com)

To

**The Director,  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.**

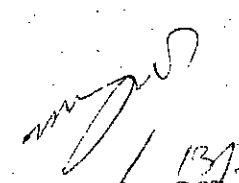
Subject :-

**DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION  
NO.7248 DATED 25.05.2019.**

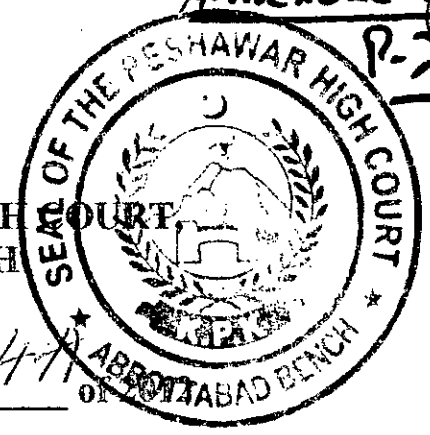
With reference to your good office letter No.2083/F.No.CT-IT to SST Dated 09.07.2019 on the subject noted above and stated that this Office has already been requested vide letter No.7684/ADEO (Lit) dated 08.07.2019 with the remarks that the instant case is beyond the competency of the undersigned.

However, it is submitted for your kind information that the appellant is a regular C.T( IT) teacher since 10.02.2007 and presently working at GHS Chandu Maira A.Abad as the Post of SST( IT) is lying vacant in this school since long.

Hence, the instant case along with all documents received from your good office vide above referred letter is hereby returned for favorable action please.

  
District Education Officer (M)  
Abbottabad.

BEFORE THE PESHAWAR HIGH COURT  
ABBOTTABAD BENCH



W.P No. 4847

Muhammad Faheem Khan son of Khalid Khan resident of Baffa Khurd, Tehsil and District Mansehra .....Petitioner

VERSUS

1. Govt. of Khyber Pakhtun Khwa through Secretary Elementary and Secondary Education Peshawar.
2. Director Elementary and Secondary Education Department, KPK Peshawar.
3. Executive District Officer Elementary and Secondary Education, Mansehra.
4. District Co-ordination Officer, Mansehra.
5. District Account Officer, Mansehra.
6. Muhammad Asad son of Ali Asghar resident of Sangar, Tehsil Balakot District Mansehra at present appointed as P.E.T GHS Bandi Prawo.
7. Adil Shahzad son of Muhammad Haroon resident of Mansehra, Tehsil and District Mansehra at present appointed as P.E.T GMS Narbeer.
8. Basharat Rehman son of Fazal-ur-Rehman resident of Mangloor, Tehsil and District Mansehra at present appointed as P.E.T GMS Halkaloo.
9. Muhammad Sabir son of Sain Muhammad resident of Atter Shisha, Tehsil and District Mansehra at present appointed as P.E.T GHS Matserian.
10. Zameer Alam son of Mehboob Alam resident of Labarkot, Tehsil and District Mansehra at present appointed as P.E.T GMS Khakoo.
11. Karam Nawaz son of Ghulam Muhammad Farooq resident of Jabbori, Tehsil and

Certified to be True Copy  
EXAMINER  
2 JUN 2019  
Peshawar High Court Atd. Bench  
Authorized Under Sec-75 Evid Ordns.

No 2034  
11-6-12

*[Handwritten signature]*  
11/6/12

District Mansehra at present appointed as P.E.T GMS Daveii.

12. Abdul Kafeel son of Abdur Rab resident of Baffa, Tehsil and District Mansehra at present appointed as P.E.T GHS Batdoga.
13. Muhammad Aslam son of Abdul Wahid resident of Oghi, Tehsil Oghi District Mansehra at present appointed as P.E.T GMS Sunj.....Respondents.

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

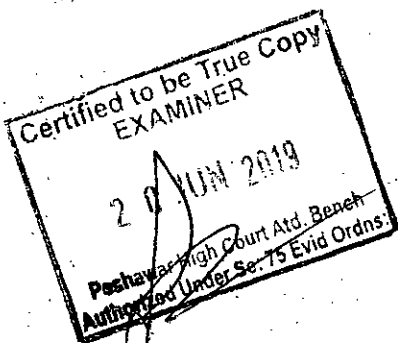
May it please your lordship!

1. That, the petitioner is permanent resident of Dhodiari Baffa Khurd union Council Baffa, Tehsil and District Mansehra.

*Copy of Domicile Certificate is annexed as annexure "A".*

2. That, the petitioner did his matric from Board of Secondary Education Karachi and passed F.Sc. from board of Intermediate Education, Karachi and did B.Com and M.A from University of Karachi.

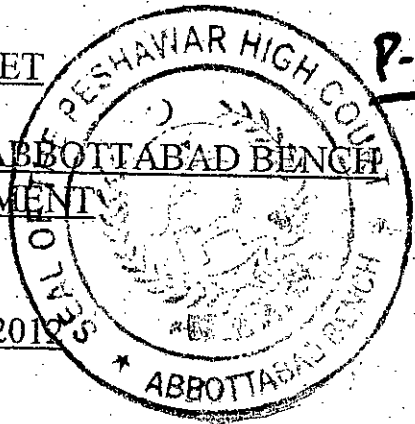
*(Copies of matric, F.Sc. B.Com and M.A certificate and degrees are annexed as*



*[Handwritten signature]*  
*11/6/14*

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, ABBOTTABAD BENCH  
JUDICIAL DEPARTMENT



W.P No: 484-A of 2019

JUDGMENT

Date of hearing..... 05-03-2013

Appellant(s)/Petitioner (s) (M. Faheem) by M.M. Rafique Jaurang

Respondent (s) (Govt.)

\*\*\*\*\*

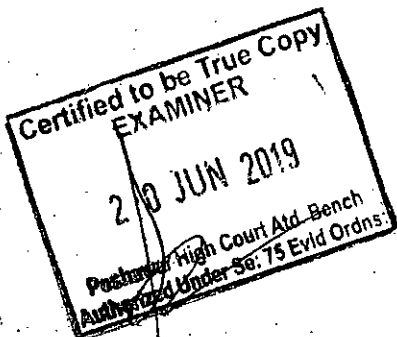
YAHYA AFRIDI :-J:

Muhammad Faheem

Khan, petitioner, seeks the constitutional jurisdiction of this Court, praying that;

“The order issued by the respondent No.3 whereby respondents NO.6 to 13 have been appointed, may kindly be declared void, illegal, unlawful, without lawful authority and ineffective upon the rights of the petitioner and respondents No.1 to 5 may kindly be ordered to appoint the petitioner in accordance with the law and merit on the post of P.E.T.”

2. In essence, the petitioner in response to the advertisement has applied for the post of Physical Education Teacher (“PET”) having the requisite qualification of Bachelor of Physical education; that the petitioner appeared in the test and in interview and



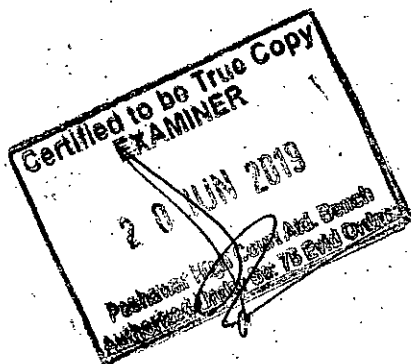
Q

thereafter respondent No.3 issued merit list of the candidates wherein he got 3<sup>rd</sup> position in the whole District; that respondent No.3 issued the appointment orders, however, the petitioner was not appointed; and that the petitioner filed representation whereupon he was apprised that the petitioner has senior diploma in physical education while the post of PET was for the candidates having junior diploma in physical education.

2. The learned AAG present in Court in a different matter accepts notice of this petition and he was asked to go through the judgments earlier passed by this Court in a similar matter and thereafter apprised the Court about his stance in this regard. After going through the judgments he did not oppose the present petition.

3. In similar matter this Court has already decided the issue in W.P No.652/1999 decided on 02.05.2000, the relevant portion of which reads as follows;

*"We heard the learned counsel for the petitioners in support of his averments made in the writ petition and the Additional Advocate General for respondents No.1 to 3. There is no dispute that SDPE is higher qualification than the JDPE so the candidates possessing higher qualification could not be deprived of appointment as PET for which*

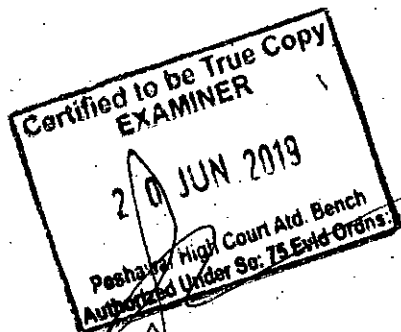


9



the minimum required qualification is F.A/F.Sc. with JDPE while the petitioners are holding Bachelor's Degree with SDPE. The merit list of the screening test and interview produced by respondents reveals that petitioners have successfully passed through the screening test and interview by placing them at serial No.2,3,5,6,8,9 and 10 while the names of respondents are appearing at Serial No.1,4 and 11.

In view of the above admitted factual position the higher qualification of the petitioner and the merit list of the screening test, the learned Additional Advocate General did not seriously oppose the relief claimed by the petitioners. In these facts and circumstances of the case we admit this writ petition. The learned Additional Advocate General present on pre admissions notice in this case accepts notice for today. We, therefore, accept this writ petition for the simple reason that petitioners are highly qualified than the required qualification and they successfully got through the screening test held by respondent No.2 for filling the advertised posts or PETs. We direct respondent No.2 to issue appointment orders of the petitioners without any delay. No order as to costs."



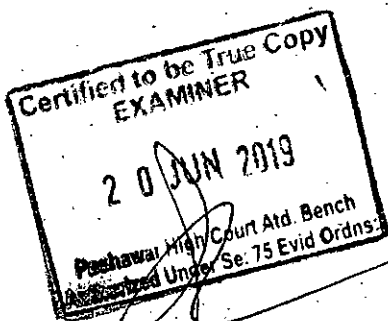
4. In these circumstances, when the petitioner has higher qualification than that of the respondents and as per averment of the petitioner that he got 3<sup>rd</sup>

position in the merit has been deprived of his right of appointment without any legal justification.

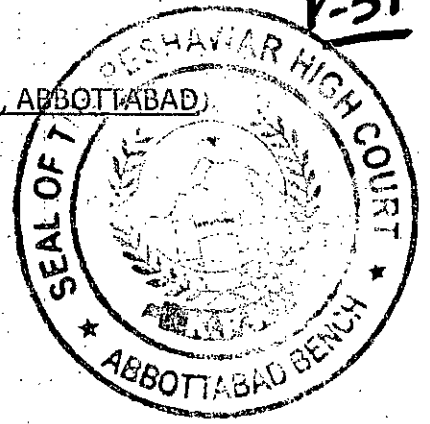
5. Accordingly, for the reasons stated hereinabove, this petition is allowed and the respondents are directed to appoint the petitioner against the post of PET as per merit list and in accordance with the principle laid down in the aforementioned judgment of this Court.

Announced:  
05.03.2013p

*Sd/ Judge*  
*Judge*



IN THE PESHAWAR HIGH COURT, CIRCUIT BENCH, ABBOTTABAD



W.P. NO. 790 /2011

Abida Amir daughter of Amir Khan,  
Resident of Bandi Satian, Union Council  
Dheni – Boi, District Abbottabad.

Petitioner

Versus

- 1- The Government of Khyber Pakhtunkhwa,  
Through Secretary Education,  
Elementary & Secondary Education,  
Peshawar.
- 2- The Executive District Officer,  
Elementary & Secondary Education,  
Abbottabad.
- 3- The Director,  
Khyber Pakhtunkhwa,  
Education Testing and Evaluation Agency '(ETEA)',  
Peshawar.

Respondents

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

RESPECTFULLY SHEWETH

No 4692  
15/12/11

That the Respondent No. 2 vide advertisement dated 20<sup>th</sup> May 2011 in the News Paper sought applications for the different post in Respondents department wherein the Petitioner applied for the post of Physical Education Teacher ('PET'). Copy of the advertisement is annexed herewith as Annexure 'A'.

Certified to be True Copy  
EXAMINER

20 JUN 2019

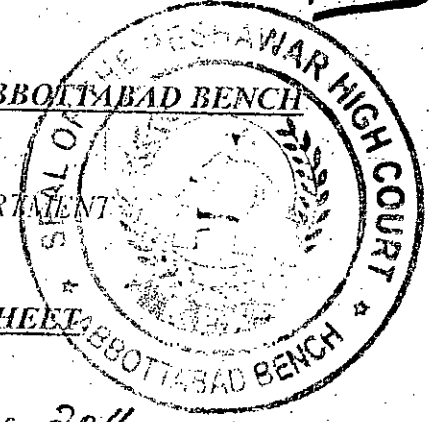
Peshawar High Court Atd. Bench  
Authorized Under Sec: 75 Evid Ordns

That the Petitioner applied for the post being qualified and eligible candidate and holder of Bachelor of Science Degree from the University of Peshawar and passed her Master of Science Degree from the College of Physical Education Mardan (Pvt.) Limited affiliated with Gomal University Dera Ismail Khan. Petitioner also obtained her Senior Diploma in Physical Education Degree in the Year June 2006 as a student of National College of Physical Education Mardan (Pvt.) Limited. Copies of the Degrees and Detail Marks Certificate are annexed herewith as Annexures 'B1 to B10' respectively.

PESHAWAR HIGH COURT ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

JUDGMENT SHEET



W.P.No. 790 of 2011

Date of hearing 28-02-2012

Petitioner (Abida Amir) by Sardar Ali Raza, Advocate.

Respondents (Court)

KHALID MAHMOOD, J. Abida Amir seeks the constitutional jurisdiction of this Court praying for :-

*Handwritten initials*

“ that on acceptance of these writ petition, the appointment of PETs whereby holder of Senior Diploma in Physical Education is illegal, unlawful, against the law and Constitution and judgments already given on the subject by this Court; omitting of the name of petitioner on the ground of her higher qualification is without lawful authority, illegal and is of no legal effect and that respondents may please be directed to include the name of petitioner in the merit list for appointments of PETs”.

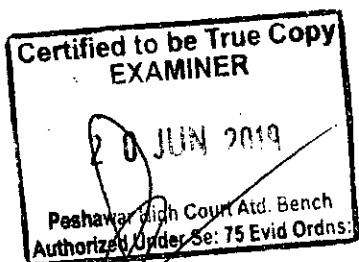
Certified to be True Copy  
EXAMINER  
20 JUN 2019  
Peshawar High Court Atd. Bench  
Authorized Under Sec. 75 Evid Ordns.

2- The facts, as mentioned in the petition, are that petitioner being qualified and eligible applied for the post of Physical Education Teacher and declared top in the merit list but due to over qualification she was dropped from appointment. Hence, this writ petition.

Learned counsel for petitioner argued that requisite qualification for PET was BA/B.Sc. degree from any recognized University alongwith one year certificate in Junior Diploma and petitioner has done her Master Science in 1<sup>st</sup> Class of the subjects of Health and Physical Education besides one year certificate course in Senior Diploma Physical Education. It was argued that she is entitled to be given preference over all other candidates in view of her qualifications but respondents have wrongly and illegally ignored the petitioner.

3- Arguments heard and record perused.

5- Admittedly, since the petitioner has done her Master Science in 1<sup>st</sup> Class of the subjects of Health and Physical Education besides one year certificate course in Senior Diploma Physical Education whereas the requisite qualification for PET is BA/B.Sc. degree from any recognized University alongwith one year certificate in Junior Diploma, therefore, petitioner stands on better footings than the candidates who are possessing the requisite qualifications for appointment as PET. Mere possessing of higher qualification does not debar the petitioner from seeking appointment as PET.



P-3414

6- In the light of the above, this petition is allowed and respondents are directed to include the name of petitioner in the merit list for appointments of PETs.

*Announced.*  
*28.02.2012*

*Sd/ Judge*  
*Judge*

Certified to be True Copy  
EXAMINER  
28 JUN 2019  
Peshawar High Court Ad. Bench  
Authorized Under Sec. 75 Evid Ordns.

**MALIK SAEED AKHTAR**

**ADVOCATE HIGH COURT**

Office #12SherpaoLawyer Plaza

Kutchery compound District Abbottabad



Cell #0301-8171929

Off. Ph# 0992-331612

samalik08@gmail.com

**P-35**


To

1. Govt of Khyber Pakhtunkhwa Through Secretary Elementary & Secondary Education, Peshawar
2. Director Elementary & Secondary Education Peshawar
3. District Education Officer (Male) District Abbottabad

Subject: **NOTICE OF FILING WRIT PETITION**

Upon the instruction of my client Asim Fazal S/o Fazal-ur-Rehman, R/o Kunj Qadeem, Abbottabad, it is intimated that the petitioner has filed the writ petition before the Hon' able Peshawar High Court, Abbottabad Bench. You are hereby served with the instant notice under requirement of law for information only.

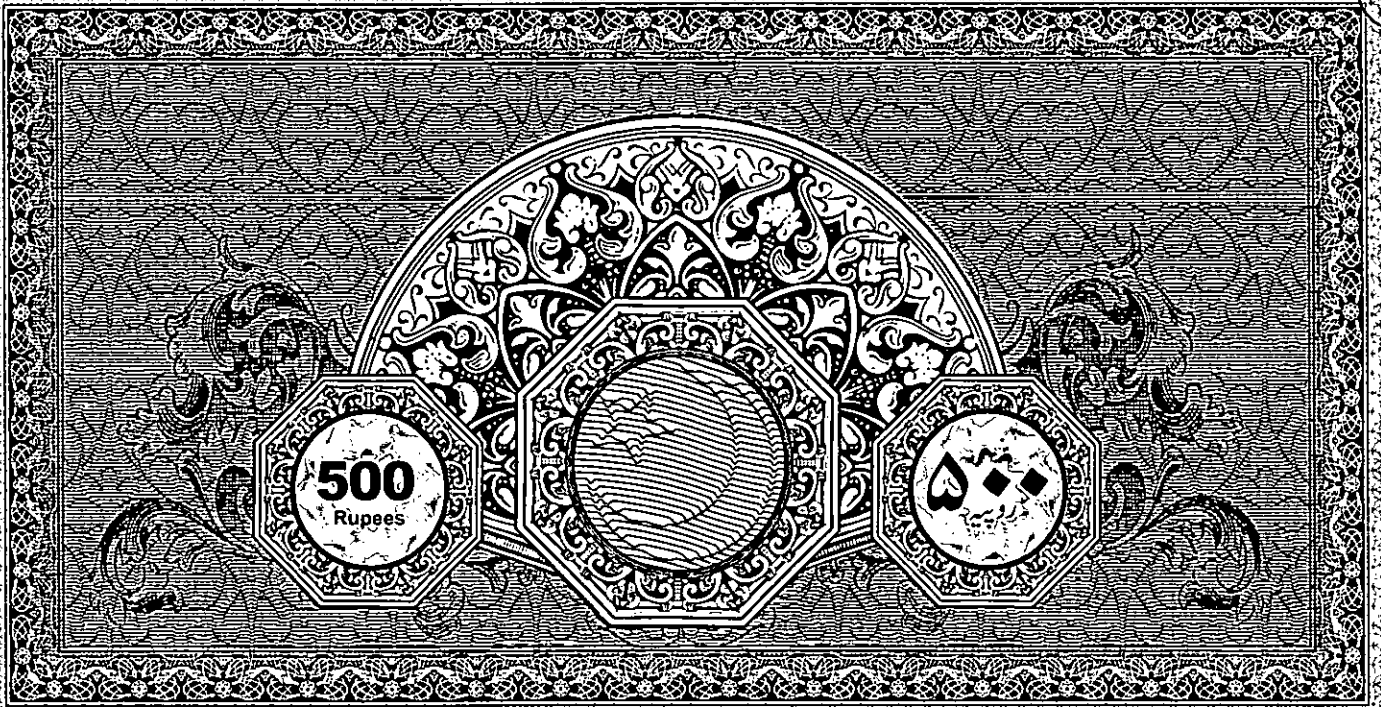
Dated 04 / 9 / 2019

  
**Malik Saeed Akhtar**  
Advocate High Court  
Abbottabad

111484



37



PAKISTAN COURT FEE

کوریج صیسی

CANCELLED

کاسم جیس جیجی

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CANCELLED

FILED TODAY

ADDITIONAL REGISTRAR  
PUNJAB HIGH COURT  
ABOTABAD  
2/1/8





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

Asim Fazal S/O Fazal-Ur-Rehman CT.IT GHS Chando Maira (Kunj Qadeem  
Tehsil & District Abbottabad.

..... **APPELLANT**

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Elementary &  
Secondary Education Khyber Pakhtunkhwa Peshawar & Others

..... **RESPONDENT**


**APPLICATION FOR CONDONATION OF DELAY IN THE FILLING OF APPEAL FOR  
PROMOTION OF APPELLANT /PETITIONER BEING ON MÉRIT.**

1. That the impugned order/Notification was issued by Dy: Director (Estab) on 29/05/2019.
2. That the Appellant submitted Departmental Appeal against the said Notification on 12/06/2019 before the Secretary E & SE Khyber Pakhtunkhwa Peshawar.
3. That in response to Departmental Appeal the Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar addressed Director Elementary & Secondary Education Khyber Pakhtunkhwa on 18/06/2019.
4. That Directorate of elementary and secondary education Khyber Pakhtunkhwa Peshawar further wrote letter to District education Officer on 09/07/2019.
5. That in the same series of correspondence finally Office of the District Education Officer (M) Abbottabad replied to Director Elementary & Secondary education, Khyber Pakhtunkhwa, Peshawar on 13/07/2019.
6. That the Appellant, keeping in view the delay on departmental part, filed writ petition before Peshawar High Court Abbottabad Bench on 04/09/2019.
7. That the Appellant submitted his departmental appeal and writ as per his knowledge well in time. Departmental correspondence took almost two months.

It is therefore, humbly prayed that the delay may kindly be condoned and the appeal may be allowed to proceed.

  
Dated 28/9/2024.

Through Counsel

**APPELLANT**  
  
Malik Speed Akhtar  
Advocate High Court  
Abbottabad


**AFFIDAVIT:**

I, Asim Fazal S/O Fazal-Ur-Rehman do hereby solemnly affirm on oath that the contents of above application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal. It is further declared that no such appeal has been filed before any tribunal.

Dated: 20/09/2020

Through Counsel

  
DEPONENT

  
Malik Saeed Akhtar  
Advocate High Court  
Abbottabad

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**CAMP COURT ABBOTTABAD.**

**Appeal No. 1494/2019**

Asim Fazal .....Appellant

VERSUS

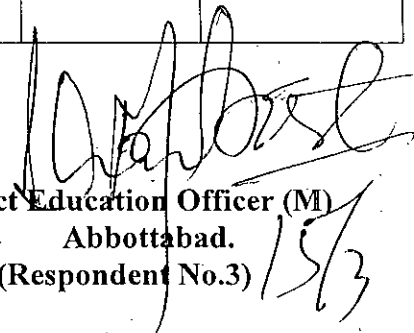
Govt: of Khyber Pakhtunkhwa & Others.....Respondents

**Parawise Comments on behalf of Respondents**

**INDEX**

Sr.#	Description	Page No's	Annexure
1	Comments alongwith Affidavit	01 to 05	

Dated: 12/03/2021

  
District Education Officer (M)  
Abbottabad.  
(Respondent No.3) 15/3

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR  
CAMP COURT ABBOTTABAD.**

**Appeal No. 1494/2019**

Asim Fazal .....Appellant

VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

**Joint Parawise Comments on behalf of Respondents**

**Respectfully Sheweth:-**

Comments on behalf of respondents are submitted as under:-

**PRELIMINARY OBJECTION:-**

1. That the appellant has no cause of action to file the instant service appeal.
2. **That the appellant failed to challenge the impugned Notification dated 28-05-2019 before this Honourable Tribunal within prescribed period of limitation hence, appeal in hand is liable to be dismissed.**
3. That the instant appeal is time barred hence, liable to be dismissed.
4. That the appellant filed writ petition No. 933-A/2019 before the Honourable Peshawar High Court Abbottabad bench as appellant is a civil servant and the dispute relates to the terms and conditions of service, therefore, in view of embargo placed by Article 212 (2) of the Constitution of Islamic Republic of Pakistan, 1973 Honourable High Court had no jurisdiction to adjudicate upon the matter.
5. **That as per judgment reported as 2013-SCMR-99, this Honourable Tribunal has got no jurisdiction to entertain the instant Service Appeal as Tribunal has got nothing to do with the fitness for promotion case hence, instant service appeal is liable to be dismissed without further proceedings.**
6. That the instant appeal is not maintainable in its present form as there is no final order.
7. That the appellant has no locus standi to file instant service appeal.

8. That the appellant has filed the present service appeal just to pressurize the respondents.
9. That the impugned Notification dated 28-05-2019 was issued in accordance with the Law, Rules & Policy hence, liable to be dismissed.
10. That the appellant has not come to this Honorable Tribunal with clean hands hence, not entitled for any relief and appeal is liable to be dismissed.
11. That the appellant is estopped to sue due to his own conduct.
12. That the instant service appeal is not maintainable due to non-joinder and mis-joinder of necessary parties.
13. That the appellant has suppressed the original facts from this Honorable Tribunal hence, not entitled for any relief and instant service appeal is liable to be dismissed without any further proceeding.
14. That the instant service appeal is against the prevailing rules and policy of the Provincial Government hence, instant service appeal is liable to be dismissed.

**Factual objections:-**



1. That the Para No. 1 of the instant service appeal relates to record hence, need no further comment.
2. That the Para No. 2 of the instant service appeal relates to service record hence, need no further comment.
3. That the Para No. 3 of the instant service appeal relates to academic record hence, need no further comment.
4. That the Para No. 4 of the instant appeal relates to record hence, need no comment.
5. That the Para No. 5 of the instant appeal relates to record.
6. That the Para No. 6 of the instant appeal as composed is incorrect hence, denied as per Notification No. SO(G)/E&SE/1-85/I.T/2017 dated 24-04-2017 the requisite criteria for the promotion of the post of SST-IT is reproduced as under:-
  - i. At least Second Class Master's Degree in Computer Science or information Technology or Bachelor's Degree in Computer

Science (BCS/BSCS Honors 4 years or Bachelor's Degree with a subject of Computer Science or equivalent Qualification from a recognized University and

- ii. Bachelor Degree in Education (B.Ed) or equivalent qualification from a recognized University.

Note: A candidate did not have the qualification under clause (ii), shall acquire the same within three years from the date of his/her appointment.

Whereas, appellant did not fulfill the above requisite criteria for promotion for the post of SST (IT) as appellant passed his Bachelor Degree without the requisite subject i.e. Computer Science hence, appellant is not entitled for promotion. (Copy of the Notification dated 24-04-2017 has already been annexed with service appeal as Annexure "F" page No. 18-19).


7. That the Para No. 7 of the instant appeal as composed is incorrect hence, denied complete record has already been given in Para No. 6 of the Factual Objections.
8. That the Para No. 8 of the instant appeal relates to record.
9. That the Para No. 9 of the instant appeal relates to record.
10. That the Para No. 9 of the instant appeal relates to record hence, need no further comment.
11. That the Para No. 11 of the instant appeal as composed is incorrect hence, denied.
12. That the Para No. 12 of the instant appeal as composed is incorrect hence, denied appellant is not entitled for promotion for the post of SST IT as he did not fulfill the basic criteria as per Notification dated 24-04-2017.

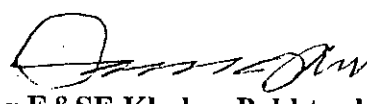
**Grounds:-**


- i. That the ground i, as composed is incorrect hence, denied. Promotion order dated 28-05-2019 was issued in accordance with Law, Rules & Policy.
- ii. That the ground ii, as composed is incorrect hence, denied complete reply has already been given in Para No. 6 of the Factual Objections.

- iii. That the ground iii, as composed is incorrect hence, denied.
- iv. That the grounds iv, as composed is incorrect hence, denied.
- v. In reply to grounds v, it is submitted that the judgments of Honourable Peshawar High Court Abbottabad Bench are not applicable in the case of appellants as the facts of the case are totally different.
- vi. That the ground vi, as composed is incorrect hence denied. Appellant failed to challenge the impugned Notification before this Honourable Tribunal hence, instant appeal may please be dismissed.
- vii. Legal, no comment.
- viii. Legal, no comment.
- ix. Legal no comment.
- x. That the respondents seek leave of this Honorable Tribunal to raise additional points at the time of hearing of the Service appeal.

Under the circumstances it is humbly requested that in the light of above referred facts appeal in hand may please be dismissed with cost.

  
Secretary E&SED Khyber Pakhtunkhwa  
Peshawar  
(Respondent No. 1)

  
Director E&SE Khyber Pakhtunkhwa  
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15/3



**Before the Honorable Khyber Pakhtunkhwa Service Tribunal**  
**Peshawar Camp Court Abbottabad.**

**Appeal No. 1494/2019**

Asim Fazal .....Appellant

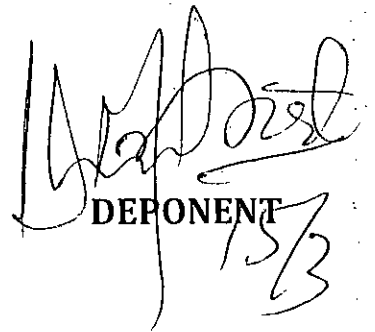
VERSUS

Govt: of Khyber Pakhtunkhwa & Others.....Respondents

**Joint Parawise Comments on behalf of Respondents**

**AFFIDAVIT**

I, Mr. Muhammad Shoukat, District Education Officer (M) Abbottabad, do hereby affirm and declare that contents of forgoing comments are correct and true according to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

  
DEPONENT  
15/3

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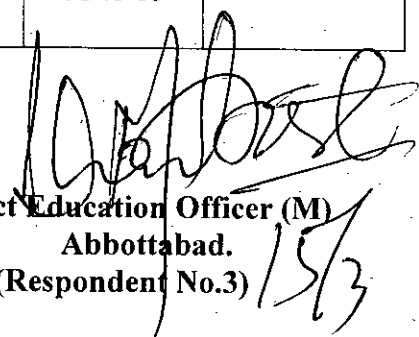
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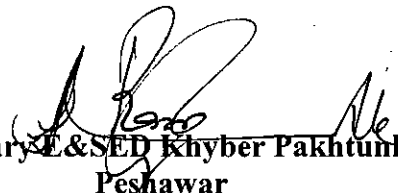
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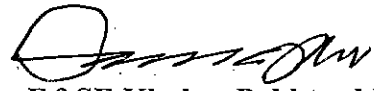
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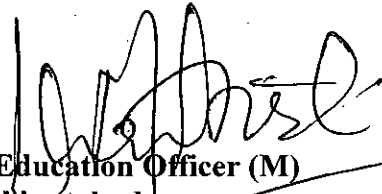
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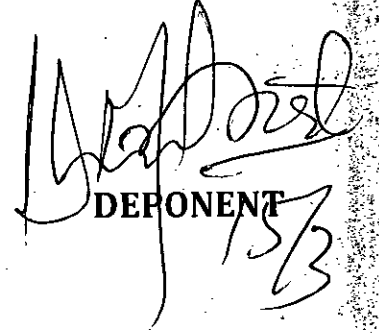
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