

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

In ref to appeal No. 1543 /2022

Ahmad Shah

Petitioner

VERSUS

Government of KP through Chief Secretary and others.

Respondent

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for Additional Documents		1-2
2.	Affidavit		3
3.	Copies of relevant documents	A	4-14

Applicant/Petitioner

Through

(Signature)
05/03/2024
Khursheed Khan

Advocate High Court.

Dated:

08/03/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

In ref to appeal No: 1543/2022

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 11623
Dated 5/3/24

Ahmad Shah

Petitioner

VERSUS

Government of KP through Chief Secretary and others.

Respondent

APPLICATION FOR PLACING ON FILE ADDITIONAL DOCUMENTS
AND CONSIDERING THE SAME AS PART AND PARCEL OF THE
INSTANT APPEAL .

Respectfully Sheweth:

1. That above captioned appeal is pending before this Hon'ble Court and is fixed for 12-03-2024.
2. That in above titled appeal no.1543/2022 certain documents were not annexed as they were not in hand at that time, but whose submission is necessary and required, hence the undersigned submit the copy of appeal against order dated 02-02-2022 to Director Elementary and Secondary Education KPK, writ petition along with attested order, notification issued by Secretary School Education, Date: 16th May-2023, and calculation mark sheet of

undersigned. (Copies of relevant documents are attached as annexure "A").

3. That the annexed documents are very much relevant to the matter in question, therefore, are required to be placed on file and considered as part and parcel of the appeal.

It is, therefore, most humbly prayed that on acceptance of the instant application, the additional documents may very kindly be placed on file and considered as part and parcel of this appeal.

Applicant/Petitioner

Through


Khursheed Khan

Advocate High Court.

Dated: 18⁰³/₂₀₂₄

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

In ref to appeal No 1543 /2022

Ahmad Shah

Petitioner

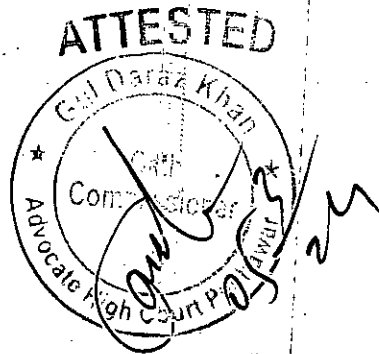
VERSUS

Government of KP through Chief Secretary and others.

Respondent

AFFIDAVIT

I, Ahmad Shah S/O Shad Meer R/O Ali Masjid, Jamrud, Khyber, do hereby solemnly affirm and declare on Oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court



[Signature]
Deponent

CNIC No. 21202-9531102-1

Cell # 0331-9408689

Identified by:
[Signature]
Khursheed Khan

Advocate High Court.

Annex "A" 4

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

Subject:- APPEAL AGAINST THE IMPUGNED ORDER ISSUED BY DEO (M) KHYBER VIDE NO.2783-89 DATED 02.04.2022.

Dear Sir,

With great honour it is stated that the undersigned has some grievences which are recorded/mentioned as under:

- That the undersigned was appointed against the post of CT (IT) at GHS Landi Kotal District Khyber Vide Endst: No. 7252-59 dated 24.09.2021.
- That the undersigned performed his duties regularly w.e.f 24.09.2021 to 02.04.2022 almost Six months but in the meanwhile the DEO (M) Khyber has issued the termination from service in respect of the undersigned with the plea that due to possession of B.Ed (Hons) 4 Year Bachelor Program.
- That Higher Education Commission has issued equiency to the undersigned that B.Ed (Hons) 4 Years Program after 12 years schooling is equivalent to corresponding Master Degree in Education Involving 16 Years of Schooling.

Owing to the above facts, it is requested to withdraw the impugned order issued by District Education officer (Male) Khyber Vide No. 2783-89 DATED 02.04.2022, & Obligated, Please.

Encls: Supporting Documents.

Yours Obediently

Ahmad Shah
CT (IT) at GHS Landi Kotal
District Khyber
Mobile No. 0331-9408689

Dated: 13th April, 2022.

ڈائریکٹر
تعمیر و
تربیت

1138
14-04-2022

ATTESTED



042-99019000

GOVERNMENT OF THE PUNJAB
SCHOOL EDUCATION DEPARTMENT

185

SECTION (SE-I)

Dated Lahore, the 16th May, 2023

NOTIFICATION

NO.SO(SE-I)1-105/2023: Pursuant to the recommendations of Qualification Equivalence Determination Committee (QEDC) in its meeting dated 16.05.2023, it is notified that MA Education, M.Ed. and BS Education are equivalent degrees to B.Ed.(4 years) / B.Ed. (Hons). BS.Ed (4 years degree) B.Ed. 2.5 years (after 14 years qualification) and B.Ed 1.5 years (after 16 years qualification) for the purpose of recruitment and for promotion of teachers. All these disciplines / nomenclatures are Professional as well as Academic and Vice Versa. The committee unanimously decided that the said decision will be enforced with immediate effect i.e. from the date of commencement of this QEDC.

SECRETARY SCHOOL EDUCATION

NO. & DATE EVEN.

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

1. The Accountant General, Punjab.
2. The Director Public Instruction (SE/EE), Punjab, Lahore/South Punjab, Multan.
3. All Acting Chief Executive Officers (DEAs), Punjab.
4. All Deputy Commissioners, Punjab.
5. All District Education Officers (SE/EE-M/EE-W), Punjab/South Punjab.
6. All the District Accounts Officers in Punjab.
7. Director Monitoring, CMMF, School Education Department.
8. PS to Secretary & Special Secretary, School Education Department/Multan.
9. PS/PA to Additional Secretary (Schools)/DEA/General/B&P.
10. PSO to Secretary, Regulations Wing, S&GAD.
11. Director Recruitment, Punjab Public Service Commission Lahore.
12. Controller of Examination, Lahore College for Women University, Lahore
13. Director, Institute of Education & Research, University of Punjab.
14. Director/Dean, Faculty of Education, University of Education, Lahore
15. Chairman Science Education, Dean Faculty of Social Sciences, University of Lahore.
16. PA to Deputy Secretary (SE), SED.

16/5/23
(ALI ASADULLAH)
SECTION OFFICER (SE-I)

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Calculation score of Mr. Ahmad Shah s/o Shad meer

S No.	Roll #	Name	F. Name	ETEA Marks	SSC obtain marks	SSC Total marks	SSC score out of 90	HSSC obtain marks	HSSC Total marks	HSSC score out of 90	B.ed (Hons) obtain marks	B.ed (Hons) total marks	Score out of 40
	55937	AHMAD SHAH	SHAD MEER	60	807	1050	15.37	715	1100	13.00	3760	4760	32

Therefore, the total marks of the candidate is 120.37 out of 200.

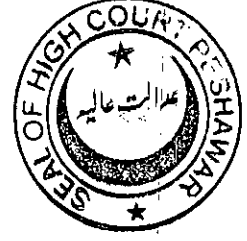
ATTESTED

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

In ref to W/P No _____/2022

Ahmad Shah S/O Shad Meer R/O Koki Khel Abdaal Khel, Ali Masjid
Jamrod, District Khyber.

.....Petitioner.



VERSUS

1. Government of Khyber Pukhtunkhwa through its Chief Secretary,
Civil Secretariat, Peshawar.
2. Secretary Elementary and Secondary Education, Khyber
Pukhtunkhwa, Peshawar.
3. District Education officer (Male), Khyber.
4. Director elementary and Secondary Education Khyber Pukhtunkhwa,
Peshawar.

.....Respondents.

**Writ Petition under Article 199 of
the Constitution of Islamic
Republic of Pakistan 1973.**

**ATTESTED
EXAMINER**
Peshawar High Court
Peshawar

Prayer:

(2)

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On acceptance of instance writ petition, order dated 02/04/2022 passed by Respondent No: 03 may please be declared as illegal, unlawful, unwarranted and against the fundamental rights of the petitioner. Any act/inquiry subsequent to the appointment of the petitioner be declare as illegal and without law full authority. And the Respondent be directed to cancel the impugned order with all back benefits.

Respectfully sheweth:

1. That petitioner is law abiding and peaceful citizen of Pakistan and permanent resident of District Khyber, having Qualification of Bachelors of Education (hons). (Copies of the academic record are attached as annexure A)
2. That Respondent No: 03 advertised various posts of teachers including CT (IT) Lab In charge (BPS 07) by inviting applications through advertisement as per certain criteria and requirement including NTS etc. (copy of the advertisement is attached as annexure B)
3. That as per criteria laid down by the respondents in their advertisement petitioner declared a successful candidate being in the merit list at serial No: 07. (Copy of merit lists are attached as annexure "C")
4. That subsequent thereto, in the light of department letter issued by respondent petitioner assumed the charge on September 2021.

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

- ③
- ⑨
5. That Petitioner had also applied for the post of CT (BPS 15) but the petitioner was not recommended despite merit list so the Petitioner filed a Writ Petition bearing No: 5118-P/2021 on 29-11-2021. After issuing the notices in the said Writ Petition Respondent No: 03 started harassing the Petitioner through different means and finally issued impugned order dated 02/04/2022. (Copy of the writ Petition is attached as annexure "D")
 6. That Respondent No: 03 with an illegal, unlawful, unjust, contra legume and unwarranted order dated 02-04-2022 terminated the service of the Petitioner just for the reason that Petitioner filed writ bearing NO: 5118-P/2021 before this Hon'ble Court. (Copy of the impugned Order is attached as annexure E)
 7. That the Respondent were requested to redress the grievance of the Petitioner but Proved to be futile exercise so the petitioner has got no other appropriate/adequate Remedy except to invoke the constitutional jurisdiction of this hon'ble Court on the following Grounds among the others:

GROUND:

- a. That the act of Respondent No: 03 with regard to the impugned order dated 02-04-2022 is a classic example of discrimination illegal and unjustified of use of authority which has extremely prejudice the protected rights granted by the constitution of Pakistan 1973.
- b. That fundamental rights of the petitioner have been *flagrantly violated* by the respondents just to deprive the petitioner from his due rights recognized under the law governing the subject.

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

- ④
- ⑧
- c. That as per advertisement and formula of the respondents marks obtained in 4 years in BS were to be multiplied by 40 but the same has been overlooked and denied by the Respondent at the time of issuance of the impugned order.
- d. That the impugned order is counter blast of writ Petition bearing No: 5118-P/2021 filed by the petitioner on 29/11/2021. So, the impugned order is apparently is glaring violation of basic rights of the Petitioner recognized under the Law.
- e. That despite repeated request by the petitioner, respondents have acted in manner not warranted under the law, which has caused great prejudice to the rights of the petitioner.
- f. That the petitioner has neither been treated equally nor in accordance with law. Even the Law procedure regarding the termination has not been followed/ observed.
- g. That as per doctrine of *locus poenitentiae*, vested and legal rights in favor of petitioner have been accrued which cannot be suppressed by denial on the part of the respondents without any legal and moral justifications.

ATTESTED
EXAMINER
Peshawa High Court
Peshawar

It is therefore, humbly prayed that, On acceptance of instance writ petition,

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On acceptance of instance writ petition, order dated 02/04/2022 passed by Respondent No: 03 may please be declared as illegal, unlawful, unwarranted and against the fundamental rights of the petitioner. Any act/inquiry subsequent to the appointment of the petitioner be declare as illegal and without law full authority. And the Respondent be directed to cancel the impugned order with all back benefits

Any other relief which has not been specifically asked for but this Hon'able Court deems appropriate may also be awarded to meet the ends of justice.

Interim Relief:

By way of interim relief respondents No: 03 may please be restrained for making appointments on the post of CT (IT) Lab In charge (BPS 07).

Petitioner

Through

Date: 16-05-2022

AMJAD HASSAN TANOLI

Advocate High Court, Peshawar.

Certificate:

Certified as per instructions/information received from the client that except wp no5118-P/2021. (for another post) No other writ petition of similar nature has been filed by the petitioners regarding the post of CT(IT).

Counsel

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

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In ref to W/P No _____/2022

Ahmad Shah

VS

Govt of KPK etc

AFFIDAVIT

I, Ahmad Shah S/O Shad Meer R/O Ali Masjid, Jamrod, Khyber, do here by solemnly affirm and declare on oath that the contents of this accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

Identified by

Deponent

AMJAD HASSAN TANOLI
ADVOCATE HIGH COURT.

CRIC 21202-9531102-1
0331 9408689

9807

Meer
Shad Meer

18
Ahmad Shah
Khyber
Amjad Hassan Tanoli

[Signature]
18/05/2022

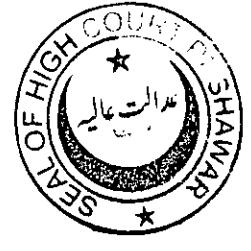
CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Qanun-e-Shahadat Act 1984
01 FEB 2024

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

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Date of Order or Proceedings	Order or others Proceedings, with Signature of Judge
1	2
22.06.2022	<p>W.P.No. 1942-P/2022 with IR.</p> <p>Present: Mr. Amjad Hassan Tanoli, Advocate, for the petitioner.</p> <p>*****</p> <p>MUSARRAT HILALI, J.- Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner (Ahmad Shah) has prayed for the following relief;</p> <p><i>"On acceptance of instant writ petition, order dated 02.04.2022 passed by the respondent No.3 may please be declared as illegal, unlawful, unwarranted and against the fundamental rights of the petitioner. Any act/inquiry subsequent to the appointment of the petitioner be declared as illegal and without lawful authority. And respondent be directed to cancel the impugned order with all back benefits."</i></p> <p>2. We have heard arguments of learned counsel for the petitioner and have perused the documents available on the file.</p>




Handwritten signature/initials


ATTESTED
EXAMINER
Peshawar High Court
Peshawar



3. Admittedly, the petitioner is a civil servant and his grievance relates to the terms and conditions of service, so it exclusively falls within the jurisdiction of the Service Tribunal. Constitutional jurisdiction of this Court is expressly barred under Article 212(2) of the Constitution of Islamic Republic of Pakistan, 1973.

4. In view of the above, this writ petition is dismissed, being not maintainable.


JUDGE


JUDGE

Announced
22.06.2022

CERTIFIED TO BE TRUE COPY
EXAMINER
 Peshawar High Court Peshawar
 Authorized Under Article 8.7 of
 the Qanoon-e-Shahadat Act 1984
01 FEB 2024

(DB) Hon'ble Justice Musarrat Hilali
 Hon'ble Mr. Justice Abdul Shakoore

Noor Shah

31589

Date of Presentation of Application 01-02-2024

No of Pages 8-P

Copying fee 32-W

Total 01-02-2024

Date of Preparation of Copy 01-02-2024

Date of Delivery of Copy 01-02-2024

Amount Rs *rup*