

26.09.2016 Counsel for the appellant and Mr. Fazal Malik, ADO for the respondents present. Counsel for the appellant requested for adjournment. Adjournment granted. To come up for preliminary hearing on 18.10.2016.


Member

18.10.2016 Appellant with counsel, M/S Hameed-ur-Rehman, AD (lit.) and Fazle Khaliq, ADEO alongwith Mr. Kabirullah Khan Khattak, Assistant Advocate General for respondents present. The learned Assistant AG while assisting the Tribunal argued that the appellant was holding the post of Senior Primary School Teacher and under the rules was not eligible for promotion to the post of SST (BPS-16) as the rules required 2nd Division B.A while the appellant was a 3rd Divisionor. He further argued that it was the domain of the government to frame policy or amend the same and the same was not challengeable before the Tribunal and in this regard cited case law contained in SCMR 2006 page 1427 and PLC (C.S) 2015 page 825. He also invited attention to a similar nature appeal under Service Appeal No. 467/2015 which was withdrawn today by the learned counsel for the appellant in that case and added that the instant appeal was not maintainable.

The arguments of learned Assistant Advocate General carries weight and this Tribunal through its recent judgment has decided and dismissed a large number of appeals where policy notification pertaining to amendment in service rules regarding method of appointment, qualification etc were questioned. Since the instant appeal involve same question of facts and law, the same is therefore not maintainable and dismissed in limine. File be consigned to the record room.

ANNOUNCED
18.10.2016.


(ABDUL LATIF)
MEMBER

18.07.2016

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

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


Member

18.07.2016




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


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 468/2016


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02.05.2016	<p>The appeal of Mr. Niaz Ali Khan resubmitted today by Mr. Amjid Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>11-5-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.5.2016	<p>Junior to counsel for the appellant present. Seeks adjournment as his senior is busy before the august Supreme Court of Pakistan. on <u>23-6-2016</u></p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Niaz Ali Khan son of Meera Khan r/o Mohallah Khan Khel Tehsil Lahor Distt. Swabi received to-day i.e. on 22.04.2016 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

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


No. 642 /S.T,

Dt. 22/4 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Adv. Mardan.

Resubmitted after removal
of objection


22/5/16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Service Appeal No. 468 /2016

Niaz Ali Khan **Appellant**

VERSUS

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

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S.No.	Description of documents.	Annexure	Page No
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2.	Copies of academic testimonial	A	9-22
3.	Copy of appointment order dated 20.10.2004	B	23-25
4.	Copy of Notification dated 13.11.2012	C	26-29
5.	Copy of Notification dated 24.07.2014	D	30-32
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11.	Wakalatnama		69

Appellant

Through

Amjad Ali (Mardan)

Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

Dated:

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 468 /2016

K.P. Service Tribunal
Disty No. 410
Date: 22/4/2016

Niaz Ali Khan S/o Meera Khan
R/o Mohallah Khan Khel, Tehsil Lahor District Swabi

.....Appellant

VERSUS

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

.....Respondents

Appeal u/s 4 of KPK Service Tribunal

Act against not considering appellant

for promotion in working paper came

to notice of appellant, Departmental

Appeal dated 03.09.2015, which

remained un-responded even after 90

days is illegal against law facts.

~~_____~~
~~_____~~
22/4/16

Re-submitted
21/5/16
to-day

Sir,

Appellant humbly submits as under;-

- 1) That the appellant is serving in Government Primary School Sherdil Koti in BPS-14
- 2) That appellant is equipped with qualification such as *MSc (1st Division), B.Ed (1st Division), M.A English (2nd Division), M.Phil Education (1st Division), Ph.D in progress.* (Copies of academic testimonial are Annex "A")
- 3) That appellant is putting more than 10 years as obvious from appointment order dated 20.10.2004. (Copy of appointment order dated 21.10.2004 is Annex 'A/B')
- 4) That appellant is BSc in **Physicals, Maths in 3rd Division**, however, his B.Ed in the same subject is **1st Division**, **MSc Maths is 1st Division**, **M.A English is 2nd Division**, **M.Phil Education in same subjects is 1st Division**, **Ph.D in same subjects is in progress.** ~~Copies of DMC of Testimonials are Annex "B"~~
- 5) That the purpose of improving of qualification by appellant is to be promoted as Secondary School Teacher (BPS-16) in view of past notification/rules, for precedent Notification Peshawar dated November 13, 2012, which reads as under:

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.468/2016

1. Niaz Ali Khan S/O Meera Khan R/O Mohallah Khan Khell, Tehsil Lahor District Swabi**Appellant**

VERSUS

1. Govt:of Khyber Pakhtunkhwa thorough Secretary, Elementary & Secondary Education Civil Secretariat Peshawar
2. Director, Elementary&Secondary Education Khyber Pakhtunkhwa, Peshawar.
3. Departmental Promotion Committee through its Chairman, District Education Officer, Elementary & Secondary Education Swabi.
4. Secretary Law and Parliamentary Affairs, Govt: of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
5. Secretary Establishment , Govt: of Khyber Pakhtunkhwa,Civil Secretariat Peshawar.
6. Secretary Finance Govt: of Pakhtunkhwa, Civil Secretariat Peshawar.

.....**Respondents**.....

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S#	Description of Documents	Annexure	Page
1	Parawise Comments	-	01-04
2	Present prevailing recruitment policy 2014	"A & B"	05-11

**DISTRICT EDUCATION OFFICER
(MALE) SWABI**

**Distt: Education Officer
(Male) Swabi**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No.468/2016

- 1. Niaz Ali Khan S/O Meera Khan R/O Mohallah Khan Khell, Tehsil Lahor District Swabi**Appellant**

VERSUS

- 1. Govt:of Khyber Pakhtunkhwa thorough Secretary, Elementary & Secondary Education Civil Secretariat Peshawar
- 2. Director, Elementary&Secondary Education Khyber Pakhtunkhwa, Peshawar.
- 3. Departmental Promotion Committee through its Chairman, District Education Officer, Elementary & Secondary Education Swabi.
- 4. Secretary Law and Parliamentary Affairs, Govt: of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
- 5. Secretary Establishment , Govt: of Khyber Pakhtunkhwa,Civil Secretariat Peshawar.
- 6. Secretary Finance Govt: of Pakhtunkhwa, Civil Secretariat Peshawar.

.....**Respondents**.....

PARAWISE COMMENTS OF BEHALF OF RESPONDENTS 01 TO 06

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1. That the Honouable Tribunal has gotten no jurisdiction to entertain this appeal.
- 2. That the Appellant has no locus standi or cause of action to file the instant Appeal.
- 3. That the instant Appeal is badly time barred.
- 4. That the Appellant has filed the instant Appeal just to pressurize the respondents.
- 5. That the Appeal is bad for misjoinder and non joinder of necessary party.
- 6. That the Appellant has not come to the Tribunal with clean hands.
- 7. That the Appellant concealed the material facts from Honourable Tribunal.
- 8. That the Appellant is, estopped by his own conduct. *to file instant appeal*
- 9. The Rule 3 (2) of NWFP Civil servants (Apptt: & Promotion & Transfer) rules, 1989, authorize the department to lay down method of appointment qualification and other conditions applicable to post in consultation with *E&A* and Finance Department.
- 10. That, the Appeal is not maintainable in the present form and also in the present circumstances of the issue because *of* lack of the basic prescribed qualification.
- 11. That, the instant Appeal is against the prevailing law and rules.
- 12. That, the Appeal is not maintainable in eye of law and rules.

ON FACTS.

- 1. That the Para relates to the Service record of the appellant.

2. That the Para relates to the qualification of the appellant which shows that the appellant passed B.Sc in 3rd Division. The appellant is not eligible to be appointed as SST.
3. That the Para relates to the service length of the appellant.
4. That the appellant has accepted by himself that he is B.Sc 3rd Division and for the appointment of SST the initial basic prescribed qualification is 2nd Class Bachelor Degree with two subjects i.e. Physics, Maths with MA Education or B.Ed. The appellant is not entitled for SST post because he is 3rd Division Bachelor Degree which he has admitted by himself.
5. Incorrect, and denied, there is no notification which has declared that persons having additional higher qualification would be considered, even if he has not attained the basic prescribed qualification up to the required mark. The appellant is not eligible to be appointed as SST as per Government present prevailing Policy. (Appointment Policy is attached as Annexure-A).
6. Incorrect and denied, the notification for the appointment of SST has been issued after full consideration and concentration by the Government of KPK and the appellant does not fulfill the basic prescribed qualification in the light of the referred notification. Hence the appellant is not eligible according to the stated notification.
7. Admitted to the extent, if the University Administration has declared 3rd division as failed, so it means that the appellant has not yet passed B.Sc Examination. Moreover a person having 3rd division in B.Sc is of no use for Education Department to be given a chance of teaching to the youth of nation at Secondary level as per notifications issued from time to time having the same condition of B.Sc 2nd division.
8. Incorrect and denied, that the Education is wholly a provincial subject and no province is required to adopt the decision of another province, because every province has its own circumstances and requirements. Hence the notification mentioned in this para relates to Sindh Government and is of no use for Education Department of Khyber Pakhtunkhwa.
9. Incorrect and denied, that the seniority No.1789 of the appellant is not for the appointment of SST. It is seniority No. of his current cadre i.e PST.
10. Incorrect and denied, the Public Service Commission of Khyber Pakhtunkhwa has adopted the procedure of screening test and a full fledged interview but here is departmental promotion Committee for appointment of SST post SST (BPS-16), no screening test and interview are taken, here the criteria is to fulfill prescribed basic academic and professional qualification with 05 years of experience of teaching. Furthermore nowadays the SST initial recruitment under 25% quota is made through NTS as per prevailing policy of the present Government of KPK.
11. Incorrect and denied, the referred notification has no such sentence that qualification of lower class has been relaxed by higher qualification. It is an admitted fact that for the appointment in each and every cadre a prescribed basic qualification is must.
12. That the instant appeal is for getting SST BPS-16 post which has some yardstick which the appellant does not fulfill. If he is eligible for Subject Specialist post then he may apply through proper forum/Channel.

13. Incorrect and denied, the notification 13.11.2012 has mere a clerical mistake which has misguided the appellant i.e. the word "or" and it is the word "and" as it is quite apparent from all such like notifications that every post in any department has two kinds of qualification. One is academic and the other is professional, so if it is read carefully, it means that " 2nd Class Bachelor Degree with two subjects as Physics, Maths A or Maths B from a recognized University and MA Education or Bachelor Degree in Education from a recognized University.

The same has been corrected in the next notification which is presently prevailing in the Education Department of KPK issued on 24.07.2014. (Annexure-A attached).

The academic and professional qualification have been collaborated clearly.

14. Incorrect and denied, that the departmental appeal of the appellant has no weight, hence was not considered.
15. Court matter, hence no comments.
16. That the appellant has no cause of action to file the instant appeal and appeal in hand is liable to be dismissed on the following grounds.

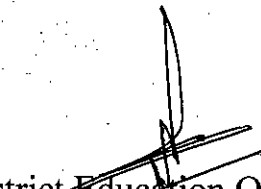
GROUND.

- A. Court matters, hence no comments.
- B. Incorrect and denied, being 3rd division in B.Sc, the appellant is not eligible to be appointed as SST. If the appellant is eligible for SS he may approach to the proper forum. For each and every cadre there are its own requirements. To fulfill the basic prescribed qualification for the cadre is must.
- C. Incorrect and denied, the appellant has no prescribed qualification i.e. B.Sc 2nd division with MA Education or B.Ed. Higher qualification is not the requirement, the appellant should acquire the basic prescribed qualification. Due to lack of prescribed basic qualification the appellant is not eligible for appointment against the post of SST.
- D. Incorrect and denied, each and every person will be treated in accordance to the present prevailing policy of the Government of Khyber Pakhtunkhwa.
- E. Incorrect and denied, PST, CT,DM etc; all are of different cadre posts and there is different prescribed basic qualification as per requirement of the cadre.
- F. Incorrect and denied, if the appellant is highly qualified he may join the proper forum as the policy does not allow him to be appointed in BPS-16 as SST.
- G. Court matter, hence no comments.
- H. Incorrect and denied, policy for SST appointment is B.Sc 2nd division with MA Education or B.Ed as the appellant is B.SC 3rd division and is not eligible to be appointed as SST.
- I. Incorrect and denied, in Government Sector Universities, there is no provision for admission in B.Ed for Bachelor 3rd division holder candidates as a regular students. This office does not know that from what forum he has gained the

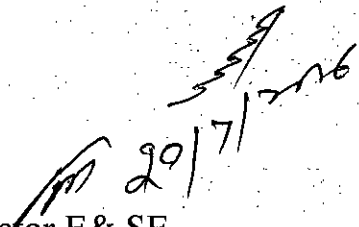
B.Ed. It may be possible that he appeared for B.Ed as Private candidate. The appellants lack basic prescribed qualification, hence not eligible for appointment against SST post. Further mover, admission and recruitment are two separate subjects that having different criteria and Elementary & Secondary Education Department has no concern with Universities.

J. Incorrect and denied, it is just initial appointment and is not promotion. Plea of the appellants is incorrect. It has been written clearly in all notifications, the requirements and conditions for each and every cadre separately and the department is bound to follow them.

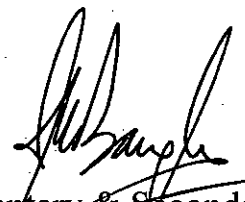
In wake of the above submissions, it is requested that this Honourable Tribunal may graciously be pleased to dismiss the instant appeal with cost in favour of the respondents.

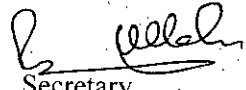

District Education Officer
(Male) Swabi

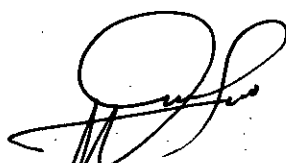
Distt: Education Officer
(Male) Swabi


Director E& SE,
Khyber Pakhtunkhwa, Peshawar

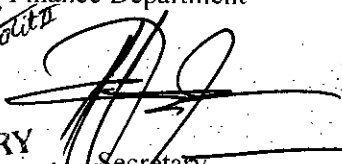
Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar


Secretary Elementary & Secondary Education
Department Govt:of KPK

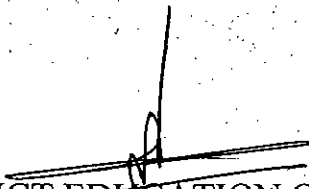

Secretary
Finance Department


Secretary
Etab: Department

AFFIDAVIT


SECRETARY
Govt: of Khyber Pakhtunkhwa
Law Department

I do hereby solemnly affirm declare that the contents of the comments submitted by respondents is true and correct to the best of my knowledge and belief that nothing has been concealed from this Honourable Court.


DISTRICT EDUCATION OFFICER
(MALE) SWABI
Distt: Education Officer
(Male) Swabi

Supdt: (OS)
7/8/14



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Peshawar, dated the 24th July, 2014.

NOTIFICATION

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

AMENDMENTS

In the Appendix,-

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

1	2	3	4	5
1.	Subject Specialist (BPS-17)	<p>i. At least second class Master's Degree or four years BS Degree in the relevant subject; and</p> <p>ii. Bachelor of Education or Master of Education (Industrial Art or Business Education) or M.A Education or equivalent qualification from a recognized University.</p>	23 to 35 years	<p>(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, for the relevant subject from amongst the Secondary School Teachers (BPS-16), with at least five years service as such and having qualification mentioned in column No. 3.</p> <p>Note: If no suitable candidate is available in the relevant subject the post falling in their promotion quota shall be filled by initial</p>

Dist. Education Officer
(Male) Swabi

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

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

				recruitment; and (b) fifty percent by initial recruitment.
1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and</p> <p>(b) fifty percent by initial recruitment"; and</p>

			<p>Primary School Head Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least seven years service as Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No.3:</p> <p>Provided further that if no suitable candidate is available from amongst Senior Primary School Teachers for promotion then the post shall be filled from amongst Primary School Teachers with at least seven years service as such and having qualification mentioned in column No. 3; and</p> <p>(ii) twenty Five percent by initial recruitment.</p> <p>Note:</p> <p>I. If no suitable candidate is available in the relevant cadre of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment.</p> <p>II. Posts of General SST and SSTs-1 Science and SST-2 Science shall be filled by promotion or initial recruitment, each on need basis separately."</p>
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~~Dist: Education Officer
(Male) Swabi~~

			<p>Provided that if no suitable candidate is available from amongst Senior Theology Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst Theology Teachers with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(e) three per cent from amongst the Senior Qaris (BPS-16), with at least five years service as Senior Qari and Qari and having qualification mentioned in column No.3:</p> <p>Provided that if no suitable candidate is available from amongst the Senior Qaris then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from Qaris with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>(f) twenty per cent from amongst the Primary School Head Teachers (BPS-16), with at least seven years service as Primary School Head Teachers and Senior Primary School Teachers and Primary School Teachers and having qualification mentioned in column No. 3:</p> <p>Provided that if no suitable candidate is available from amongst</p>
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Distt. Education Officer
(Male) Swabi

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

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


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

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

**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 Director, Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
7. The Director of Education (FATA) Peshawar.
8. The Director, Curriculum and Teacher Education Khyber Pakhtunkhwa Abbottabad.
9. The Director, (PITE) Khyber Pakhtunkhwa Peshawar.
10. The Director, ESRU Elementary and Secondary Education Department Khyber Pakhtunkhwa Peshawar.
11. Manager Government Printing Press Khyber Pakhtunkhwa Peshawar.
12. The Deputy Director, EMIS (S&SE) Department Khyber Pakhtunkhwa Peshawar.
13. All District Education Officer (M&F) in Khyber Pakhtunkhwa.
14. All District Account Officer in Khyber Pakhtunkhwa.
15. All Agency Education Officer in FATA
16. All Agency Account Officer in FATA.
17. PS to Governor Khyber Pakhtunkhwa. Peshawar.
18. PS to Chief Minister Khyber Pakhtunkhwa. Peshawar.
19. PS to Chief Secretary Khyber Pakhtunkhwa. Peshawar.
20. PS to Minister E&SE Khyber Pakhtunkhwa. Peshawar.
21. PS to Secretary E&SE Khyber Pakhtunkhwa. Peshawar.
22. Master file


**District Education Officer
(Male) Swabi**


**(ZAMIN KHAN MOMAND)
SECTION OFFICER (PRIMARY)**

S#	Nomenclature of post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Secondary School Teacher (BPS-16)	<p>1. Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or</p> <p>ii) M.A in Education or Bachelor's Degree in Education, from a recognized University</p>	18 to 35 years	<p>a. Fifty percent by promotion on the basis of seniority-cum-fitness, in the following:</p> <ul style="list-style-type: none">i. Forty per cent from amongst the Certified Teachers (General), Certified Teachers (Agriculture), Certified Teachers (Industrial Arts) and Certified Teachers (Home Economics) with at least five years service as such and having qualification mentioned in column No.3ii. Four percent for amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3iii. Four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No.3iv. One percent from amongst the Instructional Material Specialist with at least five years as such and having qualification mentioned in column No.3; andv. One percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No.3; and <p>b. Fifty per cent by initial recruitment.</p>

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

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

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

- 7) That the University Administration in the year 2014 declared third division would be considered fail and it is no more in field (3rd Division).

(5)

8) That as per notification No.SO(B&F)E&L/RE-DESIG-POSTS/201-15(DISTRICT)/2014 dated 14.10.2014 issued by Government of Sindh the criteria mentioned at S.No.6 which is reproduced as under:-

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

- 9) That as per seniority list for promotion from PST to SST (BPS-16) appellant is at S.No.1789. ~~_____~~
~~_____~~
- 10) That for initial appointment as SST (BPS-16) through PCS there is no restriction of BSc in 3rd Division and candidates are awarded marks as per their divisions, which is clear discrimination prohibited under Article 25/27 of the Constitution of Islamic Republic of Pakistan, 1973.
- 11) That as per notification of S&GAD in view of higher qualification the 3rd Division in lower class is relaxed. (Copy of notification is Annex "F")
- 12) That it is strange that appellant as per current qualification is fulfilling the yardsticks for subject specialist BPS-17 at S.No.1 of Notification of 2014, as there is no restriction of B.Ed in 3rd Division, but require M.A in 2nd Division, whereas appellant is MSc in 1st Division, which is clear

discrimination, contradiction in the same notification of 2014. (6)

- 13) That Hon'ble Peshawar High Court vide judgment dated 04.06.2015 in W.P.No.58-P/2014 titled as "Waris Khan Vs. Govt" accepted the writ petition and set-aside notification dated 20.12.2013 and 23.12.2013 to the extent of change criteria for recruitment for the post of SST and respondents are directed to prepare seniority list as per criteria mentioned in notification Dated 13.11.2013. (Copy of judgment dated 04.06.2015 is Annex "G")
- 14) That the appellant filed departmental appeal dated 3.9.2015, but invain. (Copy of departmental appeal is Annex "H")
- 15) That appellant filed W.P.No.3793/2015, wherein the Hon'ble Court directed appellant to approach Service Tribunal. (Copy of order of High Court in W.P.NO.3793/15 is Annex "I")
- 16) That appellant now approaches this Hon'ble Court on following grounds:-

GROUND

- A. Because appellant as per 2006 SCMR 1185 and 2009 SCMR Page-1 has a fundamental right to be extended the benefit in judgment dated 04.06.2015 of Hon'ble Peshawar High Court in W.P.No.58-P/2014.
- B. Because impugned notification is discriminatory qua qualification of subject specialist (BPS-17) as compared to SST (BPS-16) as the reason of

rejection from working paper is not available in SS (BPS-17)

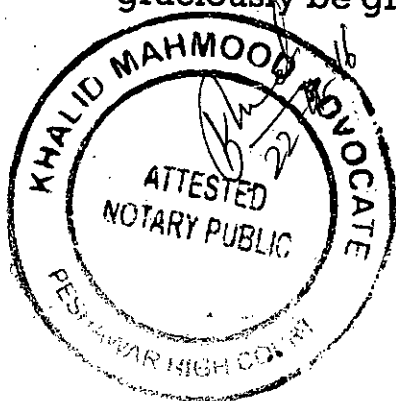
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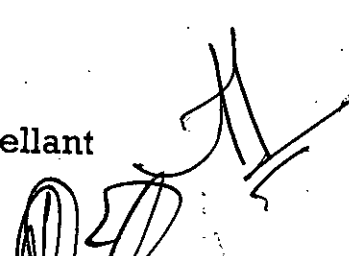
- C. Because appellant having higher qualification can't be thrown out of selection.
- D. Because BSc of appellant in the year 1995 and the rules in 2014 can't be applied to the case of appellant.
- E. Because there is no restriction of 3rd Division in recruitment of PST, CT, Drawing Master etc, which speak of double standard.
- F. Because it is strange that on the basis of same qualification appellant is eligible to be appointed as lecturer BPS-17 in College, Professor (BPS-20) in Universities, able to teach higher classes but not to 9th, 10th class is beyond comprehension and logic.
- G. Because Federal Service Tribunal and Education Secretary Comprising high powered committee relaxed the FA 3rd Division in view of High qualification in case of Zarin Shall. (Copy of judgment of Federal Service Tribunal in case of Zarin Shall is Annex "J")
- H. Because appellant has secured 1st Division in B.Ed in the same subjects, so it can't be presumed that he is incapable of teaching.
- I. Because of this BSc 3rd Division was so bad, the admission in B.Ed, M.Ed in the same education department can't be justified on any plain.

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

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

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



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

VERIFICATION

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


Denonant

Sc. No 219111

(19)

Ann A

Board of Intermediate & Secondary Education PESHAWAR

DETAILED MARKS CERTIFICATE Secondary School Certificate Examination (SCIENCE GROUP)

(9)

Session 19 90 (Annual/Supplementary)

Name Niaz Ali Idwan

Father's Name Mirza Idwan Roll No. 307 307

SUBJECT	Total number of marks allotted	MARKS OBTAINED	
		In figures	In words
1. English	150	57	505
2. Urdu	150	82	
3. Islamiyat Comp	75	54	
4. Pakistan Studies	75	47	
5. Mathematics	100	58	
6. Physics	100	56	
7. Chemistry	100	84	
8. Biology	100	67	
Total	850	505	

This certificate is issued errors and omissions excepted.

Prepared by _____

Checked by _____

Date 5/11 19 _____

[Signature]

Controller of Examinations
Board of Intermediate & Secondary Education
PESHAWAR

[Signature]

[Signature]
21/10/19

[Signature]
attested
[Signature]

s. No. 0727098

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 31307

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION
Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION 1990 (ANNUAL)



THIS IS TO CERTIFY THAT Niaz Ali Khan

Son/Daughter of Mira Khan

and a student of Govt. High School, Lahor (Swabi)

has passed the Secondary School Certificate Examination
of the Board of Intermediate & Secondary Education, Peshawar held in March 1990
as a Regular candidate. He/She obtained 505 Marks out of 850
and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

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

He/She has been awarded Grade C on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form is Tenth February,

one thousand nine hundred and Seventy Three (10-2-1973)

[Signature]
Asslt. Secretary
11th August 1990

[Signature]
Secretary

This certificate is issued without alteration or erasure.

[Signature]

[Signature]
PRINCIPAL
Govt. High School
Lahor (Swabi)

S. No. 0277229

Roll No. 3303

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

20

11

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION



Peshawar N.W.F.P. Pakistan
INTERMEDIATE EXAMINATION

Pre-Engineering Group
SESSION (SUPPLEMENTARY) 1992

THIS IS TO CERTIFY THAT Niaz Ali Khan

Son/Daughter of Mira Khan

and a resident of Swabi District

Registered No. 82-B/LHR-90 has passed the *Intermediate Examination* of
the Board of Intermediate & Secondary Education, Peshawar held in December 1992

as a *Private candidate*. He/She obtained 483 Marks out of 1100

and has been placed in Grade D Representing Fair

The Examination was taken as a whole/in parts.

J. Ali
Asstt. Secretary

M. Khan
Secretary

This certificate is issued without alteration or erasure.

File
MR. MPAF
Gov. High School
Lahor (Swabi)



University of Peshawar (Pakistan)

Detailed Marks Certificate No. 005859

B.Sc. Part-11 Examination 1995

Mr. / Ms. Niaz Ali Khan

Roll No. 7010

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

SUBJECTS	Marks allotted	Marks obtained	Marks in Words	
Physics	75	29	Twenty nine	
Maths — A	75	24	Twenty four	
Maths — B	75	25	Twenty five	
Pakistan Studies	40	23	Twenty three	
B.Sc. Part-1 marks :	285	126	one hundred & twenty six	
Errors and omissions are subject to subsequent rectification	Total ...	550	227	Two hundred & twenty seven

The Examination was taken as a WHOLE / IN PARTS.

Result Declaration date.....

Verified & Found Correct

Date 27/2/96

Deputy Cont. University of Peshawar

Dated 27/2/96

Controller of Examinations, University of Peshawar.

Principal, Govt. High school, Lahor (Swabi)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

University of Peshawar

(Pakistan)

DUPLICATE

HAZ ALI KHAN

SON OF MIRA KHAN

and a student of GOVT DEGREE COLLEGE SWABI

having passed the prescribed examination held in August 1995

is this day admitted by the University of Peshawar to the Degree of

Bachelor of Science

in THIRD Division

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

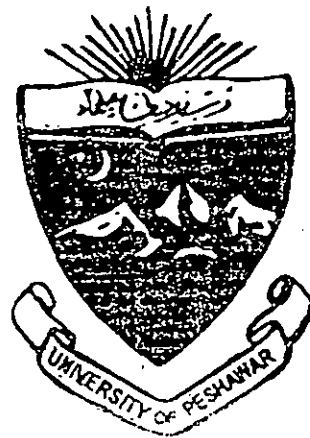
Serial No. 030701

Registration No. 53-S-2631

Roll No. 7010

Result declared on MARCH 05, 1996

DUPLICATE ISSUED ON NOVEMBER 28, 2007



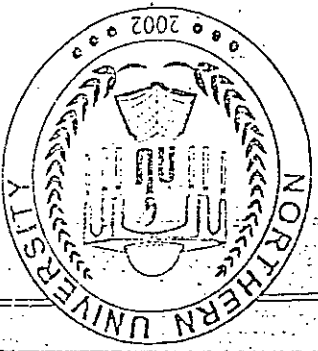
[Signature]
Registrar

Countersigned

M. Iqbal Khan
Vice-Chancellor

[Signature]
PRINCIPAL
Govt. High School
Lahur (Swabi)

Northern University



M.A Degree
English

(14)

has conferred on

Mrs. Ali Khan

the Degree of

Master of Arts in English

and all the rights and privileges thereto appertaining.

In Witness Whereof, this degree duly signed has been issued and the seal of the University affixed.

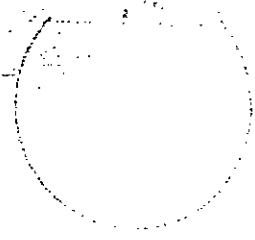
Awarded on this Twentieth Day of April 2010

at Peshawar, P. M. S. D. Pakistan

Principal
Govt. High School
Lahor (Shahi)

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Handwritten flourish





M.Sc (Maths)

15 60

University of Peshawar

(PAKISTAN) 806856

Detailed Marks Certificate

M.Sc Mathematics Examination 1999 (Annual / Supplementary)

Mr./Ms. Niaz Ali Khan Roll No. 25631

The candidate secured the following marks and has been placed in First Division.

SUBJECTS	MARKS ALLOTTED	MARKS OBTAINED	MARKS IN WORDS
Measure Theory	100	72	Seventy Two
Linear algebra-II	100	45	Forty Five
Numerical analysis	100	47	Forty Seven
Mathematical Statistics	100	58	Fifty Eight
Differential Geometry	100	57	Fifty Seven
...	100	60	Sixty only.
M.Sc-Previous marks	500	329	Three Hundred Twenty Nine
TOTAL :	1100	668	Six Hundred Sixty Eight

Errors & omissions are subject to subsequent rectification.

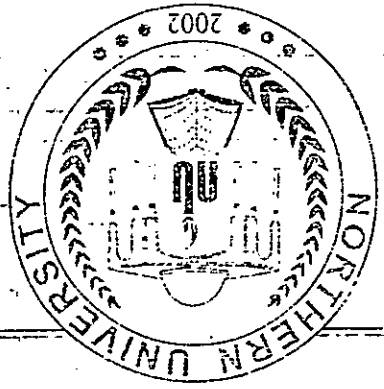
The examination was taken as a ~~WHOLE~~ IN PARTS

CONTROLLER OF EXAMINATIONS
UNIVERSITY OF PESHAWAR

Dated _____

Principal
Gov. High school
Lahor (Swabi)

B.Ed. Degree



Northern University

has conferred on

Pras Ali Khan

the Degree of

Bachelor of Education

and all the rights and privileges thereto appertaining. In Witness Whereof, this degree duly signed has been issued and the seal of the University affixed.

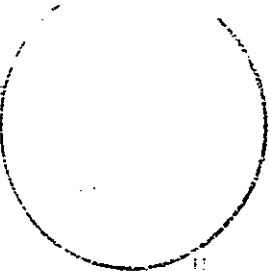
Awarded on this Twentieth Day of April 2011 at Dowsheera, F.W.P., Pakistan.

KIRANMAT ALLI
S.S. Chaudhary, M.A., M.Ed.
S.S. Chaudhary, M.A., M.Ed.
District S.W.-40

Reg# 10-NUN-0075

Degree# 0803

President
Vice-President
Sector
Registrar



161
57

Northern University
General Transcript

B.Ed D.M.C

Name Niaz Ali Khan
Father's Name Mira Khan
Reg No 101-NUN-0075

Discipline Bachelor of Education

GPA 3.03 ✓



(17)

Semester: SPRING 2010

Course #	Course Description	Credits	Score	Grade	GPoints
HED-302	Modern Approaches To Learning	3(3-0)	85	A	4
HED-305	Curriculum & Educational Planning	3(3-0)	80	A-	3.66
ICS-300	Introduction To Computers	3(2-3)	71	B	3
AMG-403	Introduction To Human Resource Managemen	3(3-0)	68	B-	2.66

Semester: SUMMER 2010

Course #	Course Description	Credits	Score	Grade	GPoints
HED-317	Women Education & Special Education	3(3-0)	94	A	4
HED-301	Philosophy Of Education	3(3-0)	80	A-	3.66

Semester: FALL 2010

Course #	Course Description	Credits	Score	Grade	GPoints
HEN-310	Technical & Business Writing	3(3-0)	51	D	1
HED-303	School Administration & Management	3(3-0)	76	B+	3.33
HED-316	Teaching Of Islamiat	3(3-0)	70	B	3
HEN-300	English Comprehension	3(3-0)	60	C	2

Registrar

MIRAMAT ALI
B.S (Islamiyat), UPS-17
G.H.S.S Ghannai (Gannai)
District Swabi

Notes:

- a. This Transcript is issued without alteration or erasure.
- b. Issued on the authority conferred by the Charter of Northern University.
- c. Errors and omissions accepted. Correction request to be submitted within 15 days of issue date.
- d. The entries appearing in this Transcript do not in themselves confer any right or privilege independently until the grant of a degree, which will be issued under the regulations in due course.
- e. This Transcript is only valid when signed by the Registrar of Northern University.

Prepared by

Northern University

Registrar

Checked by

Issued Vide NU/Reg/167/NOTICES dated 21/5/2011

Grading Period upto 22nd November 2009.

Grading Effective Date 23rd November 2009.

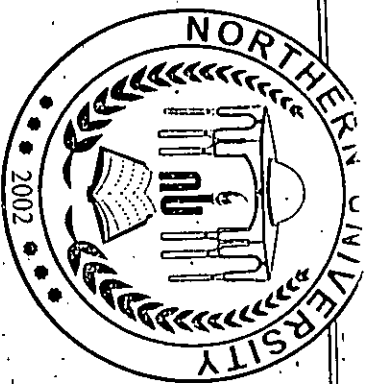
Grade	Percentage	Grade Points
A	85-100%	4.00
A-	80-84.9%	3.66
B+	75-79.9%	3.33
B	70-74.9%	3.00
B-	65-69.9%	2.66
C+	60-64.9%	2.33
C	55-59.9%	2.00
C-	50-54.9%	1.66
D+	45-49.9%	1.33
D	40-44.9%	1.00
F	<40%	0.00
W	Course Withdrawn	
I	Course Incomplete	
T	Course Transferred	
Total GPA: 4.00		

Grade	Percentage	Grade Points
A	85-100%	4.00
A-	80-84.9%	3.66
B+	75-79.9%	3.33
B	70-74.9%	3.00
B-	65-69.9%	2.66
C+	62-64.9%	2.33
C	59-61.9%	2.00
C-	56-58.9%	1.66
D+	53-55.9%	1.33
D	50-52.9%	1.00
F	<50%	0.00
W	Course Withdrawn	
I	Course Incomplete	
T	Course Transferred	
Total GPA: 4.00		

Northern University, 3-The Mall, Nowshera Cantt, Pakistan. Email: registrar@northern.edu.pk

Ph. No. 0923-613485, 613486. Fax No. 0923-613487

18



ROTHMAN UNIVERSITY

has conferred on

Riaz Ali Khan

the Degree of

Master of Education

and all the rights and privileges thereto appertaining. In witness whereof, this degree duly signed has been issued and the seal of the University affixed.

Awarded on this Twentieth Day of April 2012
at Rawalpindi, Feroz Khan Noon Road, Pakistan.

Reg# 111-NU-0088

AND
Sh. M. A. KHAN
Principal
Govt. High School
Lahor (Sindh)

Reg# 291



[Signature]
Vice President

[Signature]
Vice President

[Signature]
Rector

[Signature]
Registrar



Northern University General Transcript

19



Name: NIAZ ALI KHAN Reg No: 122-NUN-0337
 Father's Name: MIRA KHAN Discipline: MS EDUCATION
 Degree Status: COMPLETE GPA: 3.53

Semester: SUMMER 2012

Course	Course Description	Credits	Score	Grade
HED-740	TEACHER EDUCATION IN COMPARATIVE PERSPEC	3(3-0)	73	B

Semester: FALL 2012

Course	Course Description	Credits	Score	Grade
HED-730	FOUNDATIONS OF EDUCATION	3(3-0)	89	A
HED-732	RESEARCH METHODS IN SOCIAL SCIENCES	3(3-0)	67	B-
HED-733	EDUCATION POLICY PLANNING AND IMPLEMENT	3(3-0)	0	

Semester: SPRING 2013

Course	Course Description	Credits	Score	Grade
HED-734	TESTING AND ASSESSMENT IN EDUCATION	3(3-0)	70	B-
HED-738	MANAGEMENT OF EDUCATION	3(3-0)	85	A

Semester: SUMMER 2013

Course	Course Description	Credits	Score	Grade
HED-739	ORGANIZATIONAL BEHAVIOR IN EDUCATION	3(3-0)	86	A

Semester: FALL 2013

Course	Course Description	Credits	Score	Grade
HED-731	CURRICULUM PROCESS-ISSUES AND PROBLEMS	3(3-0)	86	A
HED-736	SEMINAR IN RESEARCH	3(3-0)	85	A

Semester: SPRING 2014

Course	Course Description	Credits	Score	Grade
HED-733	EDUCATION POLICY PLANNING AND IMPLEMENT	3(3-0)	75	B+
HED-735	INSTRUCTIONAL TECHNOLOGY AND TEACHING TE	3(3-0)	75	B+

Handwritten signature
 PRINGIPAL
 Govt. High school
 Lahor (Swabi)

Handwritten signature

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VERIFIED & ATTESTED
 NORTHERN UNIVERSITY
 Nowshera, Khyber Pakhtunkhwa

REGISTRAR

27/9/2014

M.S/M.Phil Degree.



20

Northern University

has conferred on
Niaz Ali Khan
the Degree of
MS Education


and all the rights and privileges thereto appertaining.
In Witness Whereof, this degree duly signed has
been issued and the seal of the University affixed.

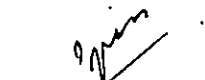
Awarded on this Twenty Sixth Day of August 2014
at Nowshera, Khyber Pakhtunkhwa, Pakistan.


Reg# 122-NUN-0337

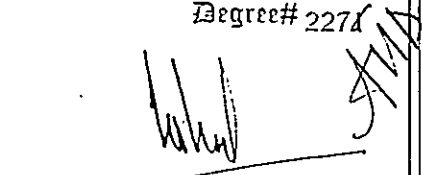
Degree# 2276




President


Vice President


Rector


Registrar


PRINCIPAL
Govt. High School
Lahore (District)



Northern University
Nowshera
Ph: 0923-210641-642

PhD.

(32)
(21)

NU/NSR/Summer 2014

Date: 26-09-2014

Subject: Bonafide Student

1. Mr. Niaz Ali, Khan S/O Mira Khan is enrolled in Northern University, Nowshera with effect from Summer 2014 in PhD Education Degree program under Reg# 142-NUN-0566.
2. The minimum full time residency period for completing the PhD program is 3 years and it may be extended to maximum 6 years.
3. His Classes Timings are 3.00 P.M to 6:00 P.M.
4. The student is on a bonafide list of the University.
5. This letter is being issued on the request of the student.

Zafar Iqbal
Additional Registrar



Northern University
City Campus Hakimabad Nowshera, Ph: No0923-613485-86.

MIA
Ahmad
PRINCIPAL
Govt. High school
Lalor (Swabi)

28

حکومت پاکستان
قومی شناختی کارڈ
16202-0928521-7

نام: محمد حامد
جنس: مرد
والد کا نام: سید اعلیٰ
شناختی علامت: پیشانی پر درخ
تاریخ پیدائش: 05/04/1978

دستخط: محمد حامد
دستخط: علی ارشد حکیم

دستخط: محمد حامد

0300 9088856

شناختی نمبر: 16202-0928521-7
تاریخ اجراء: 15/01/2009
تاریخ منقطع: 31/12/2018


موجودہ پتہ: باگ، ٹانگا، تاجی آباد، تحصیل و ضلع صوابی
پتہ: ہسٹل پتہ بلوچا

تاریخ اجراء: 15/01/2009
تاریخ منقطع: 31/12/2018

کرنل و کارڈ بننے پر قریبی پتہ کی تصویریں منسلک ہیں

V2G6BV

13078382148



Niaz G.R. Khan S-70 Miraklani
LAHORE

Ann-B

23

OFFICE OF THE EXECUTIVE DISTRICT OFFICER(SCHOOLS & LITERACY) SWABI
OFFICE ORDER
APPOINTMENT OF PST (MALE)

Consequent upon the approval of the competent authority, the following Male candidates are hereby appointed as PST in BPS-07 (Rs.(2220-120-5820) plus usual allowances as admissible under the rules on regular/contract basis, school specific in the school noted against each in the best interest of the service with immediate effect.

25% Open Merit

S#	Name	Father's Name	U/Council	Address	Score	Posted	Remarks
1	Muhammad Zahir	Hibor Khan	Jalal	Jalal	64.37	GPS-1 Jalal	AVP/Contract
2	Hamid Iqbal	Tunsa Khan	Sw. Maneri	Sw. Maneri	63.68	GPS Maenn Shah K...	AVP/Contract
3	Jali Ahmad	Ghulam Syed	Lahor-E	Lahor	63.68	GPS Walid Abad	AVP/Regular
4	Aurang Zeb	Diyar Khan	Parj Pir	Kah	62.94	GPS Maenn Shah K...	AVP/Contract
5	M.Raveel Khan	Qal Muhammad	Gabsoni	M.Chal	61.66	GPS-3 Chahal	AVP/Contract
6	Ijaz Hussain	Subhanullah	KSK	KSK	61.52	GPS Jamal Abad KSK	AVP/Contract
7	M.Feyyaz	Alam Baz	Kalabal	Kalabal	61.48	GPS-2 Topi	AVP/Contract
8	Sadik Ali	Khan Sadi	Bachal	Wazirabad	61.47	GPS Maenn Shah K...	AVP/Contract
9	Alamgir Khan	Fazal Akbar	Tarakai	Tarakai	61.39	GPS Milan Kiti	AVP/Contract
10	Faisal Rahman	Sajah Shah	Manki	Manki	61.13	GPS Shaga	AVP/Contract
11	Rafiq Ullah	Dilwar Khan	Parj Pir	Parj Pir	60.77	GPS-1 Jalal	AVP/Contract
12	Munjab Shah	Babu Shah	Jalal	Jalal	60.25	GPS Kubganj	AVP/Contract
13	S.Zameer Khan	Zikri Shah	Gabsoni	M.Chal	60.17	GPS Sher Dil Koley	AVP/Regular
14	Qutub Ahmad	Sher Aman	Salim Khan	Salim Khan	59.82	GPS-2 Swabi	AVP/Contract
15	Aminul Haq	Sard Muhammad	Swabi Khag	Swabi	59.7	GPS. Bahkara	AVP/Contract
16	Bashant Ali	Said Quresh	Tarakai	Tarakai	59.68	GPS 2 Swabi	AVP
17	Ismailah	Amazulab	KSK	KSK	59.66	GPS Chahab Abad (P)	AVP/Contract
18	Muhammad Ali	Latif Khan	Sudhar	N.Saddi	59.66	GPS Chahab Abad (P)	AVP/Contract
19	M.Uzair	Berkat Ullah	K/Khan	K/Khan	59.57	GPS Bacha Banda (BK)	AVP/Contract
20	Tarab Ali	Hameed Gul	Shewa	Shewa	59.52	GPS Sher Shah Danda	AVP/Contract
21	Salar Khan	Akbar Shah	Gabsoni	Saddi	59.2	GPS-1 Jehangira	AVP/Contract
22	Aswar Ali	Mirwanullah	Manki	Manki	59.2	GPS-3 Sher Darro	AVP/Contract
23	Zafar Ali	Sabb Zada	Pemoli	Ghulaman	58.9	GPS Jalal Shouari	AVP/Contract
24	Hazir Khan	Muhammad Ghani	Jalal	Jalal	58.88	GPS Gohar Abad	AVP/Contract
25	Waqar Ahmad	Fazil Wahid	Imania	Imania	58.87	GPS-1 Bamkheil	AVP/Contract
26	Roz Rahman	Roz Aman	Bamkheil	Bamkheil	58.86	GPS Zehra	AVP/Contract
27	Ash Khan	Sarfaraz Khan	Pemoli	Pemoli	58.83	GPS Khaili	AVP/Contract
28	Mujahid Amin	M.Amin	Pemoli	Pemoli	58.83	GPS Khaili	AVP/Contract
29	Muhammad Shabbir	Majid Khan	Zarobi	Zarobi	58.72	GPS Saund Depo	AVP/Contract
30	Ali Johar	Jamshid	Lahor-W	Lahor	58.72	GPS Shamal Jalal	AVP/Contract
31	Noorul Wadad	Abdul Ghaffar	Jalal	Jalal	58.69	GPS Shehbaz (Jehang)	AVP/Contract
32	Muhammad Ali Shah	M.Ansar	Doblan	Doblan	58.69	GPS Qasim Abad (P)	AVP/Contract
33	Fida Muhammad	Noor Muhammad	Gabsoni	M.Chal	58.61	GPS	AVP/Contract
34	Sher Khan	Said Moin Khan	Sidhar	Sann	58.54	GPS Said Bahawal Han	AVP/Contract
35	Sajid Zada	Wazir Zada	Gabsoni	Gabsoni	58.54	GPS	AVP/Contract
36	Raveen Ullah	Sher Afzal	Salim Khan	Salim Khan	58.48	GPS-1 Ambar	AVP/Contract
37	Mikar Ahmad	Said Jamil	Ambar	SirDheri	58.42	GPS. Naro Jaded	AVP/Contract
38	Mu Hussain	Rabiz Zada	Yaqubi	Nal Banda	58.25	GPS-1 Ambar	AVP/Contract
39	Zar Muhammad	Munir Khan	Jalal	Jalal	58.24	GPS-1 Dher	AVP/Contract
40	Gohar Zaman	Muhammad Khan	Gabsoni	M.Chal	58.24	GPS-Galla	AVP/Contract
41	H.Munir Khan	Faqir Muhammad	Jalal	Jalal	58.18	GPS-6 Jalal	AVP/Contract
42	Ashad Ali	Uzma Ghani	Yaqubi	Jaganath	58.13	GPS-1 Tordher	AVP/Contract
43	M.Bhal	Banoor Khan	Batakara	Batakara	57.95	GPS, Hinder	AVP/Contract
44	Imdadur Rahman	Maid Afzal	Kunda	Kunda	57.9	GPS-4 Kunda	AVP/Contract
45	Kader Ali	Yousaf Khan	C.Noddi	Ahad Khan	57.85	GPS Anwar Kot	AVP/Contract
46	Hussain Ullah	Fazil Moin	Thandkol	Thandkol	57.85	GPS, W.Baz K. Komna	AVP/Contract
47	S.Kadim Ali	S.Munir Khan	KSK	KSK	57.82	GPS Sher Ali Danda	AVP/Contract
48	Yasin Ali	Hassan Muhammad	Pemoli	Pemoli	57.81	GPS Anwar Staff	AVP/Contract
49	Intiaz Ahmad	Sawar Khan	Adina	Adina	57.81	GPS Qamar Dhandaji	AVP/Contract
50	Akmal Khan	Qasid Shah	Ghanchetra	Uria	57.75	GPS Benak	AVP/Contract
51	Noorul Haq	Muhammad Uta	Lahor-W	Lahor	57.67	GPS, Lahor Pany	AVP/Contract
52	Fazil Shar	Fazil Akbar	Adina	Adina	57.59	GPS Gohar Abad	AVP/Contract
53	Fazil Malik	Fazil Ghani	Sw. Maneri	Sw. Maneri	57.55	CIMPS Nam Khel Dar	AVP/Contract
54	Ramzan Iqbal	Ramzan Iqbal	Kalshat	Kalshat	57.53	GPS-1 Benak	AVP/Contract
55	Arif Ali	Mohsin Taj	K/Khan	K/Khan	57.49	GPS-2 Pabani	AVP/Contract
56	Gul Ayed Shah	Nazir Shah	G...	Uria	57.49	GPS Small Abad Daro	AVP/Contract
57	Sheral Iqbal	Sher Aman	Salim Khan	Salim Khan	57.49	GPS Pabani	AVP/Contract
58	Shahraz Khan	Sherin Khan	Ghanchetra	Dewal	57.43	GPS Kala Dhand S.K	AVP/Contract
59	Ramzan Khan	Qul Rox Khan	Salim Khan	Salim Khan	57.41	GPS, Swabi (Pabani D)	AVP/Contract
60	Raveel Khan	Munir Khan	Gabsoni	Gabsoni	57.41	GPS Swabi	AVP/Contract
61	Muhammad Rehman	M.Iqbal	Lahor-B	Lahor	57.31	GPS Swabi	AVP/Contract
62	Shah Khalid	Abdul Qadir	Yaqubi	Shahdai Kuli	57.26	GPS, Chahab	AVP/Contract
63	Hamsyan	Shamir Qamar	Tordher	Tordher	57.23	GPS-2, Tordher	AVP/Contract

Attested
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1	Masood Ahmad	G.Mohammad	Dachal	Mathra	56.05	GPS Sap...	AVP/Contract
2	Masud Ali	Masud Ali	Jahai	Jahai	56.84	GPS 2, Jahai	AVP/Contract
3	Shahid Ahmad	Mohammad Masr	Jahai	Jahai	56.59	GPS 3, Jahai	AVP/Contract
4	Imdad Ali	Noor	Jahai	Jahai	56.18	GPS 4 Jahai	AVP/Contract
5	Zahir Shah	Bakira Shah	Jahai	Jahai	54.88	GPS 4 Jahai	AVP/Contract
6	Muhammad Khan	Yasir Khan	Jahai	Jahai	54.32	GPS 4 Jahai	AVP/Contract
7	Muhammad Aswar	Barrat Ullah	Manki	Manki	52.76	GPS 5 Manki	AVP/Contract
8	Muhammad Ali	Amir Nawab	Manki	Manki	49.08	GPS Koterabad Man	AVP/Regular
9	Amir Ali	Faqir Bache	Beka	Barar	56.96	GPS 1	AVP/Contract
10	Muhammad Rahman	Raza Khan	Beka	Tano	53.28	GPS 1 Beka	AVP/Contract
11	Amir Ali	Noor Ahmad	Beka	Tano	49.08	GPS Nali	AVP/Contract
12	Yasir Ali	Amir Zada	Beka	Nali	48.93	GPS Nali	AVP/Contract
13	Feroze Akbar	Habib ul Akbar	Ambar	Ambar	54.55	GPS 1, Ambar	AVP/Contract
14	Gul Khan Ullah	Khalid Durrani	Ambar	Ilahi	51.54	GPS Ilahi, Ambar	AVP/Contract
15	Muhammad Ali	Abdur Raziq	Ambar	Sh Dheri	51.50	GPS Haryana	AVP/Contract
16	Imdad Ali	Khalid Gul	Ambar	Ambar	50.61	GPS 2 Jahai, Dheri	AVP/Contract
17	Zahir Abdool	Fazal Mar	Ambar	Ambar	50.56	GPS 1 Saah	AVP/Contract
18	Amir Muhammad	Nasim Parvaiz	Ambar	Salah	49.15	GPS 2 Saah	AVP/Contract
19	Khalid Khan	Abdur Razaq	Ambar	Sh Dheri	48.76	GPS 1, Ambar	AVP/Contract
20	Dilawar Khan	Tamara Khan	Kunda	Pak Kia	57.15	GPS Pak Kia	AVP/Contract
21	Muhammad Riaz	Amir Muhammad	Kunda	Khurshid Dan	56.82	GPS Khurshid Danda	AVP/Contract
22	Muhammad Khan	Tamara Khan	Kunda	Pak Kia	56.07	GPS Jahi Banda	AVP/Contract
23	Zahir Rahman	Durga Gul	Sudber	P/Banda	56.92	GPS 2 Sudber	AVP/Contract
24	Liaqat Ali	Razaq Ullah	Sudber	U/Dheri	56.25	GPS Nam Nani	AVP/Contract
25	Muhammad Khan	Sheh Bhatti	Lahor-W	Lahor	56.44	GPS Samad Depot	AVP/Contract
26	Nasim Madi	Fazal Raziq	Lahor-W	Lahor	56.08	GPS Dal Karoon	AVP/Contract
27	Abdur Khan	Gulzar Khan	Lahor-W	Lahor	54.28	GPS Qam Abad	AVP/Contract
28	Muhammad Ali	Ali Bahar	Lahor-W	Lahor	52.74	GPS Samad	AVP/Contract
29	Muhammad Khan	Sheh Bhatti	Lahor-E	Lahor	56.89	GPS Dal Korona	AVP/Contract
30	Abdur Rahman	Muhammad Farooq	Lahor-E	Lahor	55.91	GPS Umar Dhok	AVP/Contract
31	Muhammad Ali	Jehan Zeb	Lahor-E	Lahor	55.77	GPS Waktel Abad	AVP/Contract
32	Niaz Ali Khan	Muhammad Khan	Lahor-E	Lahor	53.34	GPS Umar Dhok	AVP/Contract
33	Muhammad Ali	Lahor Rahman	Tordher	Tordher	52.12	GPS-3 Tordher	AVP/Contract
34	Muhammad Arif	Abdul Azim	Tordher	Tordher	51.77	GPS, Wilayat Khel Teh	AVP/Contract
35	Gul Khan	Khan Jan	Jehangira	Jehangira	51.73	GPS-3 Jehangira	AVP/Contract
36	Muhammad Muhammad	Abdul Aziz	Jehangira	Jehangira	48.30	GPS-2 Jehangira	AVP/Contract
37	Zahir Abdool	Muhammad Jan	Jehangira	Jehangira	47.76	GPS-2 Jehangira	AVP/Contract
38	Nasir Ali	Sulaiman Ullah	Jehangira	Jehangira	40.22	GPS-3 Jehangira	AVP/Contract
39	Muhammad Khan	Sheh Bhatti	Jehangira	Jehangira	36.11	GPS-1 Jehangira	AVP/Contract
40	Zahir Khan	Muhammad Khan	Jehangira	Jehangira	32.14	GPS Shaheed JHR	AVP/Contract
41	Muhammad Khan	Muhammad Khan	Jahai	Jahai	56.18	GPS Mian D...	AVP/Contract
42	Muhammad Khan	Muhammad Khan	Jahai	Jahai	56.10	GPS Jahai Shamah	AVP/Contract
43	Muhammad Khan	Muhammad Khan	Jahai	Jahai	54.46	GPS Chaudhri	AVP/Contract
44	Muhammad Khan	Muhammad Khan	Jahai	Jahai	54.38	GPS Chaudhri	AVP/Contract
45	Muhammad Khan	Muhammad Khan	Jahai	Jahai	54.27	GPS P...	AVP/Contract
46	Muhammad Khan	Faqir Muhammad	Jahai	Jahai	51.24	GPS Jahai Shamah	AVP/Contract
47	Nasir Muhammad	Fazal Muhammad	Jahai	Jahai	49.43	GPS-3, Jahai	AVP/Regular
48	Amir Ali	Gul Rahman	Jahai	Jahai	49.11	GPS Uch, Khawar	AVP/Contract
49	Muhammad Muhammad	Taj Muhammad	Jahai	Jahai	48.80	GPS Re...	AVP/Contract
50	Muhammad Wajid	Chaud Gul	Jahai	Jahai	48.52	GPS Bakhtiar A...	AVP/Contract
51	Muhammad Ullah	Tajdar Ullah	Jahai	Jahai	47.68	GPS Sber Ullah Banda	AVP/Contract
52	Muhammad Ali	Hassan Gul	Y/Hussain-E	Y/Hussain	51.78	GPS Kanmullah Kotay	AVP/Regular
53	Muhammad Ali	Gul Muhammad	Y/Hussain-W	Y/Hussain	51.89	GPS-1 Y/Hussain	AVP/Contract
54	Muhammad Ali	Azra Khan	Y/Hussain-W	Y/Hussain	51.60	GPS-1 Y/Hussain	AVP/Contract
55	Muhammad Ali	Muhammad Khan	Sard Chha	Uch Khawar	56.86	GPS, A.N. Killi	AVP/Contract
56	Muhammad Rahman	Gul Ullah	Sard Chha	Rokhany	56.62	GPS, Beka Khel	AVP/Contract
57	Fazal Khan	Muhammad Khan	Sard Chha	Och Khawar	56.59	GPS, Sokhla	AVP/Contract
58	Muhammad Khan	Muhammad Khan	Doblan	Doblan	55.23	GPS, Khat	AVP/Contract
59	Muhammad Khan	Muhammad Khan	Doblan	Doblan	50.63	GPS, Khoro	AVP/Regular
60	Muhammad Khan	Muhammad Khan	Yaqui	Shahdad Kibi	56.83	GPS Shahdad Kibi	AVP/Contract
61	Muhammad Rahman	Noor Muhammad	Yaqui	Bal Banda	56.68	GPS Jamil Abad	AVP/Contract
62	Muhammad Khan	Muhammad Khan	Yaqui	Shahdad Kibi	55.54	GPS, Puzhala	AVP/Contract
63	Muhammad Ali	Muhammad Khan	Matali Chang	Tordher	51.00	GPS-2 Tordher	AVP/Contract
64	Muhammad Khan	Muhammad Khan	Matali Chang	Tordher	43.49	GPS, Puzhala Haram	AVP/Contract
65	Muhammad Khan	Muhammad Khan	Matali Chang	Tordher	40.39	GPS, T. Tordher	AVP/Contract
66	Muhammad Khan	Muhammad Khan	Matali Chang	Tordher	32.01	GPS, Tordher 2	AVP/Contract
67	Muhammad Khan	Muhammad Khan	Matali Chang	Tordher	30.74	GPS, Bahli Haram	AVP/Contract

Stop gap Arrangement

1	Muhammad Umar	Gul Shah	Tordher	Tordher	51.59	GPS, Aiz Dher	AVP/Contract
2	Amir Bahadar	Ali Bahar	Kotla	Kotla	43.15	GPS, Balakara	AVP/Contract

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ORDER 9004

OFFICE ORDER COPY
October 20, 2004

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Conditions:-

These appointments are purely temporary and liable to termination without assigning any reason and without any prior notice.

They will have to produce Health & Age certificate from the Medical Superintendent DHQ Hospital Swabi before taking over charge.

In case of fresh candidates they should not be handed over charge if their age is below 18 or above 33+5 years.

They must take over charge of the post within 14 days of the issue of this order failing which the appointment order will automatically stand cancelled.

All the original academic/professional certificates/degrees should be verified from the concerned Board/University through the DDO concerned officially. If any discrepancy is found at any stage, a legal action will be taken against the person concerned under the law.

Release of pay will be subject to the production of a certificate from the concerned Deputy District officer (Male) Swabi/Lahor regarding the verification of all certificates, Degrees, Donucils, Union Council residences certificate & National Identity Card on the following pattern "Certified that I have officially verified all the original documents from the concerned authorities in respect of Mr _____ S/O _____ and found correct who has been appointed against PST post at GPS _____"

After completion of verification process and subject to the provision of O.K certificate required in para-6 above, a proper order will be issued by this office for release of their pay against the post occupied by them.

In case of resignation, a one month prior notice will be required under the rules. Otherwise one moth pay will be forfeited to the Government Treasury. After tendering resignation, acceptance of the resignation will be at the discretion of the competent authority and no leave will be allowed during this period.

All fresh candidates will have to sign an agreement with the concerned Deputy District officer on a stamp paper of at least of Rs. 10/- that they will serve:-

- a) Schools & Literacy Department Swabi as a PST teacher on contract basis in the School of initial appointment for a period of three years
- b) Their services will automatically be terminated on completion of three years (starting from the date of taking over charge), until an extension is notified by the competent authority subject to the production of satisfied annual performance report for the period served.
- c) Any clause of this contract can not be challenged in any court of law.

All regular candidates (coming from other government Departments as regular employee), will have to produce their original initial appointment order along with original Service Book & LPC (duly countersigned by the District Accounts officer/Agency Accounts officer concerned) failing which they will be treated as fresh contract employees and clause 3 & 9 above will be applied to them.

In case any one of the above appointees deprives of receiving charge due to non-availability of a vacant post (in the school indicated against his name) anywhere in the above mentioned schools, the services of junior next on merit in the relevant category will automatically be stood as dispensed with.

They will be governed by the service rules framed by the Govt. from time to time.

In case of fresh appointees their services are un-transferable. As such they will not try/apply for transfer to any other station at any circumstances.

No TADA is allowed to any one.

Charge report should be submitted to all concerned.

EMIS Personal data form of all the fresh appointee teachers must be sent to the undersigned already circulated to the schools/DDO's office.

(KHAN SHER)

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

Dated Swabi the October, 20, 2004

at No. 6991-C /

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

- 1. PS to the Minister Schools & Literacy, Government of NWFP, Peshawar.
- 2. PA to Secretary Schools & Literacy Department, Government of NWFP, Peshawar.
- 3. PA to the Director Schools & Literacy, NWFP, Peshawar.
- 4. District Nazim, Swabi.
- 5. District Coordination Officer, Swabi.
- 6. Deputy District Officer (Male) Swabi/Lahor.
- 7. District Accounts Officer, Swabi.
- 8. Candidates Concerned.

AIP
Principal
Govt. High School
Lahor (Swabi)

EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY, SWABI

In the name of



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13, 2012.

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

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

Endst. No. & Date as above.

Copy forwarded to:-

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

Attested
Secretary

APPENDIX

3

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

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Primary School Teacher

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

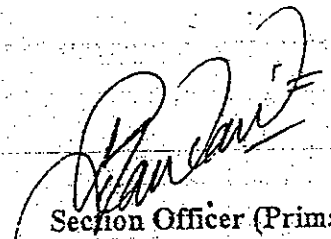
Other conditions:-

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

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

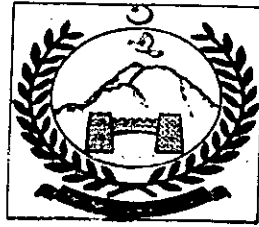

Section Officer (Primary)



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Aux - D
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Attested
[Signature]

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

Peshawar, dated the 24th July, 2014.

NOTIFICATION

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

AMENDMENTS

In the Appendix,-

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

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

(31)

1A	Director Physical Education (BPS-17)	At least second class Master's Degree in Physical Education from a recognized University.	22-35 years	<p>recruitment; and (b) fifty percent by initial recruitment.</p> <p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Physical Education Teachers (BPS-16), with at least five years service as Senior Physical Education Teacher and Physical Education Teacher and having qualification mentioned in column No. 3;</p> <p>Provided that if no suitable person is available from amongst Senior Physical Education Teachers for promotion then the post shall be filled by promotion, on the basis of seniority-cum-fitness, from amongst the Physical Education Teachers, with at least five years service as such and having qualification mentioned in column No. 3;</p> <p>Note:- If no suitable candidate is available in the relevant cadres of the above teachers, the post falling in their promotion quota shall be filled by initial recruitment; and (b) fifty percent by initial recruitment"; and</p>
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(ii) against Serial No. 1B, as so renumbered, for the existing entries, the following shall be substituted, in respective columns, namely:

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

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NOTIFICATION

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

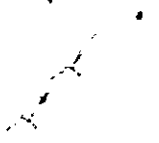
i) School Executive Service (SES)

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



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

(34)

ii) **School Management Service (SMS)**

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



SINDH EDUCATION & LITERACY DEPARTMENT



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1. The first part of the document is a list of names and addresses.

1. Mr. J. H. Smith
2. Mrs. A. B. Jones
3. Mr. C. D. Brown
4. Mrs. E. F. Green
5. Mr. G. H. White

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

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SINDH EDUCATION & LITERACY DEPARTMENT



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iii) School Finance Service (SFS)

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

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iv) Other Category Teachers

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



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

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SINDH EDUCATION & LITERACY DEPARTMENT



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

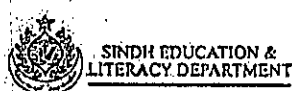
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(DR. FAZLULLAH PECHUNO)
SECRETARY TO GOVT. OF SINDH

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

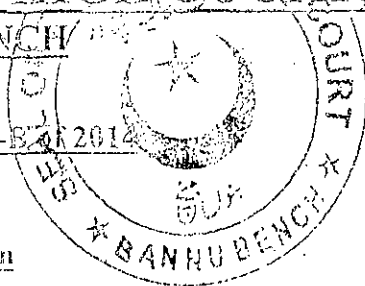
A copy is forwarded for information and necessary action to:-

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



(DADLO ZUHRANI)
DEPUTY SECRETARY (SCHOOLS)

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Ans G.

Attested

Waris Khan

Vs

Govt. of Khyber Pakhtunkhwa and five others.

Date of hearing: 04.06.2015.

Petitioner(s) by: Muhammad Ullah Khan Adv.

Respondent(s) by: Saifur Rahman Khattak Adv. A.G.

JUDGMENT

MUHAMMAD YOUNIS THAHHEEM, J.---

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

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

ATTESTED

EXAMINER
Peshawar High Court,
Bannu Bench

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IN THE PESHAWAR HIGH COURT PESHAWAR
BANNU BENCH

W.P No 58-B 2014

Waris Khan

Vs

Govt of Khyber Pakhtunkhwa and five other

Date of hearing 04-06-2015

Petitioner(s) by: Muhammad usman khan ADV

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

JUDGMENT

Muhammad Younis Tahaheem J.

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

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

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

ATTESTED

EXAMINER
Peshawar High Court,
Bannu Bench

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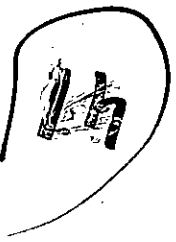
Filling the above sitted vacant post of BPS-16 bay promotions be declared in violation of notification No. so pe 4-5 SSRC/meeting/2012 teaching cadre dated 13-11-2012, service law previous policy mode and manner on the basis of which, the petitioner has been promoted to BPS 16 on DM post and thereby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

that, he was appointed as Drawing Master (D.M) on 04.09.1985, while presently the petitioner is performing his duties as a Senior Drawing Master (SDM) in Education department since 11.04.1995 and has been promoted to BPS-16 since 21.02.2013; that seniority list was prepared for the purpose of upgrading from the post of SDM (BPS-16) to Secondary School Teacher (SST) (BPS-16), wherein the name of petitioner was placed on top of the merit list. Later on Govt. of Khyber Pakhtunkhwa Elementary and Secondary Education Department introduced method of recruitment for the posts of SST (BPS-16), vide notification dated 13th November, 2012; that the petitioner was fit candidate in view of said notification, but vide impugned new notification dated 21.12.2013 and subsequent circular dated 23.12.2013 minimum qualification of at least second class degree in B.A has been imposed upon the petitioner amongst the others and vide said impugned notification and circular the name of petitioner has been deleted from the merit list and thereby deprived from his due right of promotion and respondents are adamant to work upon their so

ATTACHED

EXAMINER
Reshwar High Court,
Karnal Bench

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

called impugned criteria. Hence, the instant writ petition.

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

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

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

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

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

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

ATTESTED
EXAMINER

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Called impugned criteria Hence, the instant writ petition

3. Comments were called from the respondents, which they furnished, wherein they submitted that the academic qualification of the petitioner is very much low and not entitled for the post of SST.(BPS-16).
4. Learned ADDL: A.G present in the court in other cases was put on notice, who accepted the same.
5. Arguments of learned counsel for the parties heard and available record perused.
6. Learned ADDL: A.G at the very outset raised preliminary objection regarding maintainability of instant writ petition, as the petitioner being a civil servant and the matter regarding his promotion, this court has no jurisdiction under Article 212 of the constitution of Islamic Republic of Pakistan to interfere in the Matter.
7. To resolve preliminary objection, it would be more convenient for better understanding to reproduce section 4 of the service Tribunal Act, 1974, which read as:

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

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

Provided that-

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

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

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

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

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

(ii) the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement (17); and).

(c)

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

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ATTESTED

EXAMINER
Peshawar High Court,
Dunya Bench

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

PROVIDED THAT

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

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

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Court has ample jurisdiction to entertain the instant petition.

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

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APPENDIX.

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

3-11-13

ATTESTED

EXAMINER
Peshawar High Court
Bannu Bench

Court has ample jurisdiction to entertain the instant petition.

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

APPENDIX

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

Perusal of appendix clearly depicts that minimum

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

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

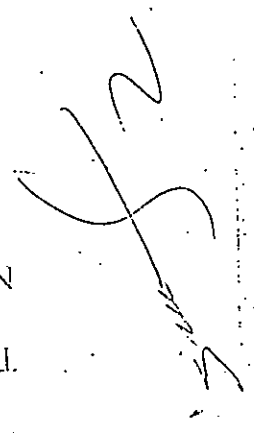
At least Second class Bachelor's

Degree from a recognized

University with the following two

subject in Humanities

ATTESTED



45

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

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

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

EXAMINER

ATTESTED

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

University;
qualification from a recognized
Education or Equivalent
Business Education) or M.A
of Education (Industrial art or
Bachelor of Education or Master
and
Subject:

equivalent groups at degree level
with English as Compulsory

46

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

And

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

Criteria given above, is that the candidates having second class bachelor's degree and Bachelor of Education or Master of Education (Industrial art or Business Education) or M.A Education or Equivalent qualification from a recognized University for recruitment for the post of Secondary School Teacher, is in derogation to the earlier notification dated 13th, November, 2012. When previous notification/policy has been issued/introduced, which may supersede the previous notification/policy the authority cannot direct to make working papers or implement policy in derogation to the policy already in field. As in the instant case, Notification dated 13th, November 2012 has not been cancelled or altered or changed, while the method for recruitment of Secondary

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

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

Announced.

04.06.2015

Sd/- Ikramullah Khan, J

Sd/- Mubhammad Yamin, Theobson, J

CERTIFIED TO BE TRUE COPY

RECORDED

For Secretary High Court Sindh Bench
Authorized under Article 87 of
The Islamic Shariat Ordinance 1984

10/9/15

07/9/15



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

10. For the reason discussed above, the instant writ petition is allowed, the instant writ petition is admitted and swallowed impugned letter dated 20th December, 2013 and dated 23. 12.2013 are set aside to the extent of change of criteria for the recruitment for the posts of Secondary School Teacher and respondents are directed to prepare seniority list as per criteria mentioned in appendix attached with notification dated 13, November 2012

Announced.
04.06.2015

To,

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

Aux - H
48

Subject: DEPARTMENTAL APPEAL

Sir,

Applicant humbly submits as under:-

- 1) That the applicant is serving in Government Primary School Sherdil Koti in BPS-14
- 2) That applicant is equipped with qualification such as MSc (1st Division), B.Ed (1st Division), M.A English (2nd Division), M.Phil Education (1st Division), Ph.D in progress.
- 3) That applicant is putting more than 10 years as obvious from appointment order dated 21.10.2004.
- 4) That applicant is BSc in Physicals, Maths in 3rd Division, however, his B.Ed in the same subject is 1st Division, MSc Maths is 1st Division, M.A English is 2nd Division, M.Phil Education in same subjects is 1st Division, Ph.D in same subjects is in progress.
- 5) That the purpose of improving of qualification by applicant is to be promoted as Secondary School Teacher (BPS-16) in view of past notification/rules, for precedent Notification Peshawar dated November 13, 2012, which reads as under

Attest
[Signature]

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

(49)

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

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

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

7) That the University Administration in the year 2014 declared third division would be considered fail and it is no more in field (3rd Division).

(50)

8) That as per notification No.SO(B&F)E&L/RE-DESIG-POSTS/201-15(DISTRICT)/2014 dated 14.10.2014 issued by Government of Sindh the criteria mentioned at S.No.6 which is reproduced as under:-

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

9) That as per seniority list for promotion from PST to SST (BPS-16) applicant is at S.No.1789.

10) That for initial appointment as SST (BPS-16) through PCS there is no restriction of BSc in 3rd Division and candidates are awarded marks as per their divisions, which is clear discrimination prohibited under Article 25/27 of the Constitution of Islamic Republic of Pakistan, 1973.

11) That as per notification of S&GAD in view of higher qualification the 3rd Division in lower class is relaxed.

12) That it is strange that applicant as per current qualification is fulfilling the yardsticks for subject specialist BPS-17 at S.No.1 of Notification of 2014, as there is no restriction of B.Ed in 3rd Division, but require M.A in 2nd Division, whereas applicant is MSc in 1st Division, which is clear discrimination, contradiction in the same notification of 2014.

13) That Hon'ble Peshawar High Court vide judgment dated 04.06.2015 in W.P.No.58-P/2014 titled as "Waris Khan Vs. Govt" accepted the writ petition and set-aside notification dated 20.12.2013 and 23.12.2013 to the extent of change criteria for recruitment for the post of SST and respondents are directed to prepare seniority list as per criteria mentioned in notification Dated 13.11.2013.

14) That the applicant being aggrieved is filing present departmental appeal on the following grounds amongst others:-

GROUNDS

A. Because applicant as per 2006 SCMR 1185 and 2009 SCMR Page-1 has a fundamental right to be extended the benefit in judgment dated 04.06.2015 of Hon'ble Peshawar High Court in W.P.No.58-P/2014.

B. Because impugned notification is discriminatory qua qualification of subject specialist (BPS-17) as compared to

SST (BPS-16) as the reason of rejection from working paper is not available in SS (BPS-17)

51

- C. Because applicant having higher qualification can't be thrown out of selection.
- D. Because BSc of applicant in the year 1995 and the rules in 2014 can't be applied to the case of appellant.
- E. Because there is no restriction of 3rd Division in recruitment of PST, CT, Drawing Master etc, which speak of double standard.
- F. Because it is strange that on the basis of same qualification applicant is eligible to be appointed as lecturer BPS-17 in College, Professor (BPS-20) in Universities, able to teach higher classes but not to 9th, 10th class is beyond comprehension and logic.
- G. Because Federal Service Tribunal and Education Secretary Comprising high powered committee relaxed the FA 3rd Division in view of High qualification in case of Zarin Shall.
- H. Because applicant has secured 1st Division in B.Ed in the same subjects, so it can't be presumed that he is incapable of teaching.
- I. Because of this BSc 3rd Division was so bad, the admission in B.Ed, M.Ed in the same education department can't be justified on any plain.
- J. Berceuse for promotion the length of service, seniority are material as per Civil Servant Act, 1973 and practice of all departments and not divisions, thus impugned rules are ultravires to the extent of condition of B.Sc 3rd Division.

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

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

Appellant

Niaz Ali Khan
S/o Meera Khan
R/o Mohallah Khan Khel, Tehsil
Lahor District Swabi

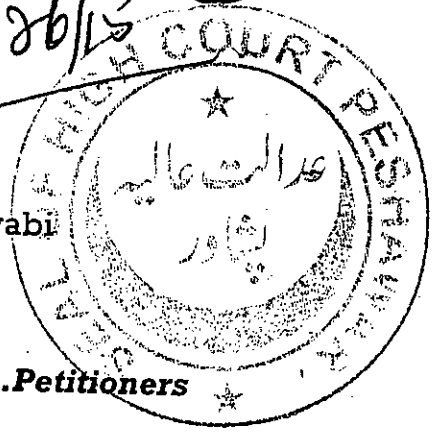
3-9-2015

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR,

52

W.P.No. 3783P/2015

H. 4786/15



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

.....Petitioners

VERSUS

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

.....Respondents

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

Respectfully Sheweth:-

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

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

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06 NOV 2015

ATTESTED

EXAMINER
Peshawar High Court

06 JAN 2016

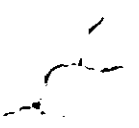
- 2) That the petitioners having higher qualification i.e. petitioner No.1 M.Sc Maths, M.A English, M.Phil, (Ph.D in progress), and petitioner No2 having BSc, B.Ed, PTC, & M.A Pashto respectively. (Copies of academic testimonials are attached as Annex "B")
- 3) That the petitioners are having more then 10 and 7 years experience respectively on their posts.
- 4) That the respondent No.3 issued the impugned notification No.SO(PE)4-5/SSRC/Meeting/2013/Teaching Cadre dated 24.07.2014, which is illegal and unlawful regarding S.No.1(IB) to the extent of petitioners which reproduced are as under:-

53

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

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Deputy Registrar
06 NOV 2015

ATTESTED
EXAMINER
P. S. COURT
03 JAN 2016



12

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14

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

- 5) That the respondents refused to entertain the credential/working papers submitted by the petitioners for promotion to SST (BPS-16). (54)
- 6) That being aggrieved now the petitioners approached this Hon'ble Court for their redressal on the following grounds amongst others:-

GROUND

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

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06 NOV 2015

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EXAMINER
06 JAN 2016

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

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

(Copy of the notification dated 14.10.2014 is attached)

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

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

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

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Deputy Registrar

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ATTESTED

EXAMINED
Peshawar High Court

06 JAN 2016

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

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

Seniority

Writ

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

56

INTERIM RELIEF

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

Petitioners

Through

Rehman Ullah
Advocate

Supreme Court of Pakistan

CERTIFICATE:

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

Advocate

LIST OF BOOKS:

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

FILED TODAY

Deputy Registrar

08 NOV 2015

ATTESTED

EXAMINER
Peshawar High Court

08 JAN 2016

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

57

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

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ATTESTED
EXAMINER
Peshawar High Court
06 JAN 2016

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

SP
58

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

Sd. Waqar Ahmad Sethi 5
Sd. Musnurat Hillovi

CERTIFIED TO BE TRUE COPY

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

06 JAN 2016

No. *11304*

Date of Presentation of Application *28-11-15*

No of Pages *7P*

Copying fee *14.00*

Urgent Fee *06-01-16*

Total *06-01-16*

Date of Receipt of Fee *06-01-16*

Received By *Sadiq Shah PS*



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11

Judgment Sheet

Aux-J

FEDERAL SERVICE TRIBUNAL, ISLAMABAD.

(59)

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

Duplicate copy

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

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

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

Attest
[Signature]

For reference only
JUDGEMENT

~~ATTESTED~~
Assistant Registrar
Federal Service Tribunal
Islamabad

~~ATTESTED~~
Assistant Registrar
Federal Service Tribunal
Islamabad

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

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

(60)

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

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

ATTESTED

Assistant Secretary
Federal Service Tribunal
Islamabad

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

(61)

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

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

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

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

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

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

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

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

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

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

"Summary of the case

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

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

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

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Assistant Registrar
Federal Service Tribunal

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

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

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

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

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

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

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

9. It would be relevant to recall the recommendations of the High Powered Committee in respect of the Appellants :

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

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

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

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

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

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

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

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

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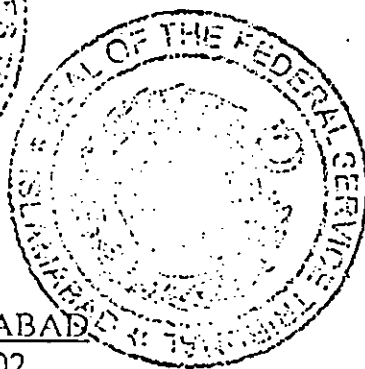
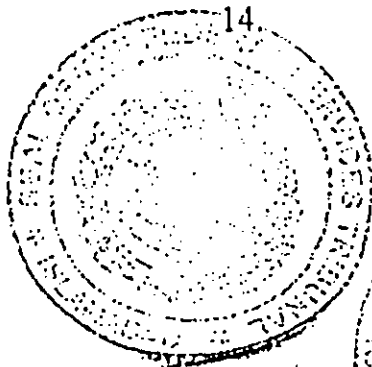
"The case of respondent Ghazala Shaheen and Shazia Shaheen is exactly similar to the case of Mst. Tanvir Kausar. Since the Supreme Court has already set aside the termination order dated 25.6.99, hence apparently, there is no merit. The filing of petition in the Supreme Court will not serve any useful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

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

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

14. No order as to costs.

14. Parties to be informed accordingly.



MEMBER

MEMBER

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Assistant Registrar
Federal Service Tribunal
Islamabad

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FEDERAL SERVICE TRIBUNAL 1-9-2002

Application No. 942/02
Dated. 21-12-02
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Islamabad

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21/12/02

Service Tribunal بعدالت

Atk Peshawar

Appellant 20/6 منجانب
بنام

Niaz Ali

Govt باعث تحریر آنکہ

موزخہ
مقدمہ
دعویٰ
جرم

Fahad Nawaz Advocate مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
Amjad Ali Mandan Peshawar کے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ماہ _____ 20

Accepted

وہ العی و العی
مقام کے لئے منظور ہے۔

Amjad Ali
Mandan
Adv