

Service Appeal No.12450/2020 titled "Muhammad Shoaib Vs. Education Department" and two other similar cases.

Department" wherein the Tribunal has already dismissed the appeals similar in nature. Relevant paragraph of the judgment is reproduced below:

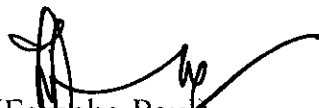
"9. We have observed that the requirement of 2nd Division/Class Bachelor Degree for promotion to the post of Secondary School Teacher (BPS-16) is not person specific and would be applicable for promotion as well as initial recruitment to the post of SST (BPS-16). While going through the contents of the appeal, we have observed that no allegation of any mala-fide has been raised by the appellants. It is a settled proposition that the Government is entitled to make service rules in the interest of expediency of service and to remove anomaly in service rules, which in the absence of demonstrable mala-fide could not be assailed. August Supreme Court of Pakistan in its judgment reported as 2004 SCMR 1427 has graciously held as below:-

"The government is always empowered to change the promotion policy and the domain of the government to prescribe the qualification for a particular post through amendment in the relevant rules, is not challengeable. This is also a settled law that notwithstanding fulfillment of the required qualification and other conditions containing the rules, the promotion cannot be claimed as a vested right."

10. In view of the above discussion, the appeal in hand as well as connected Service Appeals No. 8648/2020, 8649/2020, 8650/2020, 8651/2020, 8652/2020, 8653/2020, 8655/2020, 8656/2020, 8657/2020 and 8658/2020, being devoid of merit stands dismissed. Parties are left to bear their own costs. File be consigned to the record room."

5. Being similar in nature to the above mentioned case, instant service appeals are also dismissed. Costs shall follow the event. Copy of this order be placed in files of connected cases. Consign.

6. Pronounced in open Court at Abbottabad given under our hands and seal of the Tribunal on this 29<sup>th</sup> day of April, 2024.

  
(Faceeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah.\*

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ORDER

29<sup>th</sup> Apr. 2024

**Kalim Arshad Khan, Chairman:** Through this single order this appeal and other two similar nature appeals i.e. Service Appeal No.12452/2020 and 922/2021, are being decided together as all are of similar nature

2. Learned counsel for the appellants and Mr. Muhammad Jan, District Attorney alongwith Mr. Muhammad Shahab ASDEO for the respondents present.

3. The appellants have challenged the Notification No. SO(PE)4-5/SSRC/meeting/2013/Teaching Cadre dated 24<sup>th</sup> July, 2014 to the extent, whereby Second Class Bachelor Degree from a recognized University has been mentioned as first requirement for initial recruitment as well as promotion to the post of Secondary School Teacher (BPS-16). The appellants have alleged that as they have obtained Master Degrees in various subjects, therefore, they were eligible to have been considered and promoted to the post of SST (BPS-16) particularly, when other colleagues of the appellants have been granted the same relief by August Peshawar High Court, Peshawar. The appellants availed departmental remedy through filing of departmental appeals, which were not responded, therefore, they have now invoked the jurisdiction of this Tribunal for redressal of their grievance.

4. During the course of arguments, attention of the bench was drawn to a consolidated judgment passed in Service Appeal No.8647/2016 titled "Wisal Muhammad & others Vs. Education

