


FORM OF ORDER SHEET

Court of _____

Appeal No. 639/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/05/2024	<p>The appeal of Muhammad Tariq resubmitted today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: center;"> REGISTRAR</p>

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

C. M. No. 639 / 2024

IN

S.A. No. /2024

Muhammad Tariq

versus

Secretary & Others

**APPLICATION FOR HEARING OF THE SUBJECT
APPEAL AT THE PRINCIPAL SEAT AT PESHAWAR:**

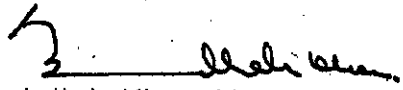
Respectfully Sheweth,

1. That applicant filed the subject appeal before this hon'ble Tribunal today.
2. That R. No. 01 to 03 hails at Peshawar and appellant also temporarily resides at Peshawar, so it will be convenient for appellant to heard the subject case on the Principal seat at Peshawar.

It is, therefore, most humbly prayed that the application be accepted as prayed for.

Appellant

Through


Saadullah Khan Marwat
Advocate

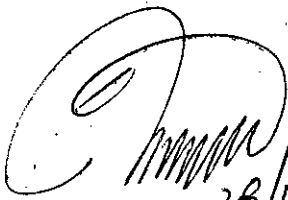
Dated 26-04-2024

The appeal of Mr. Muhammad Tariq received today i.e on 26.04.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Address of respondent no.4 is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Annexures of the appeal are unattested.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 960 /S.T,

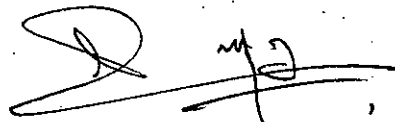
Dt. 29/4 /2024.


29/4/24
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv.
High Court Peshawar.

Sir,

Re-submitted after removing
the objections.


9/5/24

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. **639** /2024

Muhammad Tariq

versus

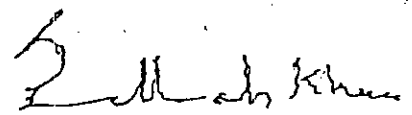
Secretary & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Educational Qualification M. Phil Physics	"A"	5
3.	Advertisement dated 05-05-2021	"B"	6-11
4.	Merit List	"C"	12-13
5.	Appointment order dated 29-06-2022	"D"	14-16
6.	Writ Petition No. 1918/22 dated 24-5-22	"E"	17-22
7.	Judgment dated 24-08-2022	"F"	23-27
8.	Withdrawal order dated 01-11-2023	"G"	28
9.	Representation dated 29-12-2023	"H"	29-31

Appellant

Through



Saadullah Khan Marwat
Advocate.

21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676

Dated: 24-04-2024

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 639 /2024

Muhammad Tariq S/O Abdul Wahab
R/O Village Gharshin Khwazakhela
Swat. Ex-Lecturer in Physics, Govt.
Degree College Bagh Dherai Swat Appellant

VERSUS

1. Secretary, Govt. of KP, Higher
Education Department, Peshawar.
2. Chief Secretary, Govt. of KP,
Civil Secretariat, Peshawar.
3. Chairman, Public Service Commission,
2-Fort Road, Peshawar.
4. Rizwan-ul-Haq S/O Ihsan ul Haq
R/O Ashar Kore Tehsil Samar Bagh
District Dir Lower. Lecturer in Physics
Govt. Degree College Lal Qilla, Maindan
Dir Lower Respondent

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE NOTIFICATION NO SO (C-II) / HED /
11-1 / 2022 / PHYSICS DATED 01-11-2023 OF R. NO.
01 WHEREBY APPOINTMENT ORDER OF APPELLANT
DATED 29-06-2022 WAS WITHDRAWN AB INITIO AND
R. NO. 04 WAS APPOINTED AS LECTURER IN PHYSICS
IN HIGHER EDUCATION DEPARTMENT AND
REPRESENTATION DATED 29-12-2023 WAS NOT
HONORED TILL DATE:**

Respectfully Sheweth:

1. That appellant is highly qualified having M. Phil degree (Physics) at his credit passed in 1st division. (Copy as annex "A")

2. That on 05-05-2021, Commission advertised total 91 posts for appointment as Lecturer in Physics, 15 posts were credited to Zone 3. (Copy as annex "B")
3. That appellant applied to the said post for recruitment and after observing the due codel formalities, his name was placed at S. No. 92 of the merit list, while name of R. No. 04 was placed at S. No. 95. (Copy as annex "C")
4. That in pursuance of the aforesaid merit list, order of appointment of appellant was issued by R. No. 01 on the recommendation of Public Service Commission vide order dated 29-06-2022 at S. No. 85. The charge of the said assignment was assumed on 15-07-2022 at GDC Chakeser Shangla. (Copies as annex "D")
5. That appellant was performing his official duties to the best of the ability and to the entire satisfaction of the superiors when in the meanwhile, R. No. 04 filed Writ Petition No. 1918/22 on 24-05-2022 before the Peshawar High Court, Peshawar for appointment as such as he was not awarded one distinction mark by the Commission. (Copy as annex "E")

Here it would be not out of place to mention that appellant was never made party in the said Writ Petition, so the Writ Petition / judgment of the hon'ble Court was legally not applicable to him.

6. That anyhow, the said Writ Petition came up for hearing on 24-08-2022 and then the hon'ble bench was pleased to hold:-

"In view of the above discourse, this Writ Petition is admitted and allowed with directions to the respondents to grant one distinction mark to the petitioner in accordance with marking criteria and reconsider his merit position by placing him amongst the candidates figured at S. No. 44 to 60 as per merit policy and recommend him for appointment against the post of Male Lecturer Physics (B-17) if he otherwise eligible". (Copy as annex "F")

Here it would be again not out of place to mention that no direction was given to the department to oust appellant from service.

7. That on 01-11-2023, R. No. 01 issued Notification wherein Notification of appointment of appellant dated 29-06-2022 was withdrawn and order of appointment of R. No. 04 in Physics in the department was issued in one and the same Notification. This order was received from the office on 30-11-2023. (Copy as annex "G")
8. That on 29-12-2023, appellant submitted representation before R. No. 02 for reinstatement in service and to set aside order dated 01-11-2023 of appointment of R. No. 04 but in vain. (Copy as annex "H")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That appellant performed his official duties since 01-03-2019 in various capacities. He was finally performing his official duties as SST B-16 in the Education Department but due to appointment as Lecturer in Physics in the department, he then tendered resignation from the said post.
- b. That after observing all the due code formalities enumerated in the law for appointment, appellant was appointed as Lecturer in Physics B-17 on the recommendation of PSC.
- c. That appellant has no concern with the case of R. No. 04 before High Court because he was not made party in the Writ Petition despite the fact that if the Writ Petition was succeeded, then he would be affected from the same
- d. That the Writ Petition of R. No. 04 as well as judgment of the hon'ble bench has no binding effect upon the fate of appellant because he was neither heard, rather condemned unheard.
- e. That before issuing order dated 01-11-2023 by R. No. 01, service of Show Cause Notice upon appellant was mandatory regarding the aforesaid situation of the case of R. No. 04 but the legal aspect was ignored at all for ulterior motive.

- f. That appellant lost his services for no legal reason but due to the illegal approach of the respondents to the matter. At present two post of the same category are lying vacant with the department.
- g. That the impugned order dated 01-11-2023 is of no legal effect, withdrawing Notification of appointment of appellant dated 29-06-2022 and appointment of R. No. 04 as such is based on malafide, favoritism and discrimination.


It is, therefore, most humbly prayed that on acceptance of the appeal, Notification dated 01-11-2023, withdrawing Notification of appointment of appellant dated 29-06-2022 of R. No. 01 by appointing R. No. 04 as Lecturer in Physics B-17 be set aside and appellant be restored to his original status since 01-11-2023 with all consequential benefits with such other relief as may be deemed proper and just in circumstances of the case.

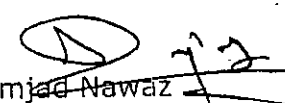
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Appellant

Through


Saadullah Khan Marwat


Arbab Saiful Kamal


Amjad Nawaz
Advocates

Dated: 22-04-2024

CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.


Advocate

AFFIDAVIT

I, Muhammad Tariq S/O Abdul Wahab (appellant), do hereby solemnly affirm and declare that contents of Service Appeal are true and correct to the best of my knowledge and belief

77
DEPONENT

UNIVERSITY OF MALAKAND
PAKISTAN

Serial No. 04071



Session 2015-2017

MUHAMMAD TARIQ Son of ABDUL WAHAB Registration No. 20100110018 having completed the course of

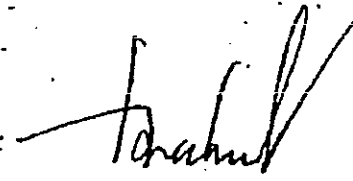
study approved by the University and passed the prescribed examination has been admitted to the Degree of

Master of Philosophy

in the subject of Physics

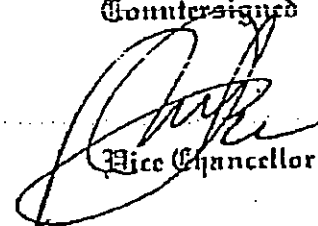
The field of specialization being

Quantum Optics


Controller of Examinations

Result Declared on 02-Feb-2018

Issuance Date 06-Mar-2018

Countersigned

Vice Chancellor

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213663, 9213750, 9212897

Dated: 05.05.2021

ADVERTISEMENT No. 06/2021

- Online applications are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa by **13.07.2021**
- Candidates are advised to fill all columns carefully especially Academic Qualification column i.e. marks obtained for every certificate and degree.

آن لائن درخواستیں: آخری تاریخ کے شام 5 بجے (دفتری اوقات کار) تک وصول کی جائے گی۔
شام 5 بجے کے بعد کوئی درخواست قابل قبول نہیں ہوگی۔ لہذا آخری تاریخ کا انتظار نہ کریں۔

Applications other than online will not be accepted. To apply, visit any Jazz Cash & Easy Paise Agent, deposit application fee of RS.500/- excluding service charges up to official timing of the closing date (05:00 PM) and get transaction I.D through SMS. Visit PSC website www.kppsc.gov.pk and apply online.

1. ONE THOUSAND & FIFTY SEVEN (1067) POSTS OF MALE LECTURERS (BPS-17) (NINE HUNDRED & EIGHTY THREE (983) TO GENERAL QUOTA, FIFTY THREE (53) TO MINORITY QUOTA AND TWENTY ONE (21) DISABLE QUOTA) IN VARIOUS SUBJECTS IN HIGHER EDUCATION DEPARTMENT.

QUALIFICATION: (a) 2nd Class Master's Degree in the relevant subject or equivalent qualification from a recognized university, OR

(b) 3rd Class Master Degree's in English from a recognized university for teaching English subject with Post Graduate diploma in English language from Allama Iqbal Open University

ALLOCATION:

(a). Nine Hundred & Eighty Three (983) Posts for General Quota:

S.NO	SUBJECT	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-6	Total
i.	BOTANY	12	08	09	08	06	06	49
ii.	BIO INFORMATICS	-	-	01	01	-	-	02
iii.	COMPUTER SCIENCE	24	15	18	16	12	11	94
iv.	CHEMISTRY	23	18	15	15	12	12	93
v.	ECONOMICS	08	05	05	05	03	04	30
vi.	ELECTRONICS	01	01	01	01	-	-	04
vii.	ENGLISH	29	20	20	20	14	14	117
viii.	ENVIRONMENTAL SCIENCE	01	01	01	-	-	-	03
ix.	GENDER STUDIES	01	01	01	01	-	-	04
x.	GEOGRAPHY	03	02	03	02	01	01	12
xi.	HEALTH & PHYSICAL EDU:	06	04	04	04	03	03	24

as per information
of my client -

xii.	HISTORY	02	01	01	02	01	01	08
xiii.	INFORMATION TECHNOLOGY	-	-	01	01	-	-	02
xiv.	INTERNATIONAL RELATIONS	-	-	01	01	-	-	02
xv.	ISLAMIC STUDIES	09	06	08	06	05	04	38
xvi.	MANAGEMENT SCIENCE	02	02	01	01	01	01	08
xvii.	MATHS	21	14	13	13	10	10	81
xviii.	MICRO BIOLOGY	01	01	01	01	01	01	08
xix.	PASHTO	04	03	03	02	02	02	16
xx.	PAKISTUDY	07	04	04	04	04	03	26
xxi.	PHYSICS	23	15	16	15	11	11	91
xxii.	POLITICAL SCIENCE	16	11	11	12	08	08	66
xxiii.	PSYCHOLOGY	03	02	02	01	01	01	10
xxiv.	SOCIOLOGY	08	05	05	04	04	04	30
xxv.	STATISTICS	03	02	02	02	02	02	13
xxvi.	URDU	22	15	15	15	11	11	89
xxvii.	ZOOLOGY	16	11	12	12	08	08	67
GRAND TOTAL								983

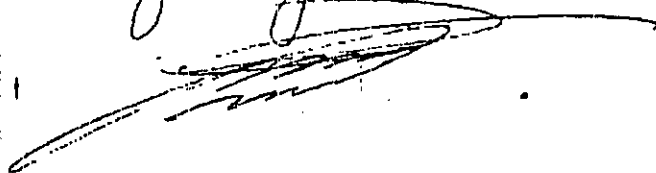
(b). Fifty Three (53) posts for Minority Quota:

S.NO	Subject	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
i.	Botany	04	-	-	-	-	-	04
ii.	Computer Science	04	-	-	-	-	-	04
iii.	Chemistry	04	-	-	-	-	-	04
iv.	Economics	01	-	-	-	-	-	01
v.	English	08	-	-	-	-	-	08
vi.	Geography	01	-	-	-	-	-	01
vii.	Gender Studies	01	-	-	-	-	-	01
viii.	History	03	-	-	-	-	-	03
ix.	Health & Physical Edu:	03	-	-	-	-	-	03
x.	Management Science	01	-	-	-	-	-	01
xi.	Maths	04	-	-	-	-	-	04
xii.	Pashto	01	-	-	-	-	-	01
xiii.	Pak Study	03	-	-	-	-	-	03
xiv.	Physics	04	-	-	-	-	-	04
xv.	Political Science	04	-	-	-	-	-	04
xvi.	Statistics	01	-	-	-	-	-	01
xvii.	Urdu	05	-	-	-	-	-	05
xviii.	Zoology	03	-	-	-	-	-	03
Grand Total								53

(c). Twenty One (21) posts for Disable Quota:

S.NO	Subject	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
i.	Botany	01	-	-	-	-	-	01
ii.	Computer Science	01	-	-	-	-	-	01
iii.	Chemistry	01	-	-	-	-	-	01
iv.	English	03	-	-	-	-	-	03
v.	Geography	01	-	-	-	-	-	01
vi.	History	01	-	-	-	-	-	01
vii.	Islamic Studies	01	-	-	-	-	-	01
viii.	Management Science	01	-	-	-	-	-	01
ix.	Maths	01	-	-	-	-	-	01
x.	Pashto	01	-	-	-	-	-	01
xi.	Pak Study	02	-	-	-	-	-	02

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xii.	Physics	02	--	--	--	--	--	02
xiii.	Political Science	01	--	--	--	--	--	01
xiv.	Urdu	02	--	--	--	--	--	02
xv.	Zoology	02	--	--	--	--	--	02
Grand Total								21

AGE LIMIT: 21 to 30 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Male.

2. **EIGHT HUNDRED & FOURTY THREE (843) POSTS OF FEMALE LECTURERS (BPS-17) (SEVEN HUNDRED & EIGHT FOUR (784) TO GENERAL QUOTA, FOURTY TWO (42) TO MINORITY QUOTA AND SEVETEEN (17) TO DISABEL QUOTA) IN VARIOUS SUBJECTS IN HIGHER EDUCATION DEPARTMENT.**

QUALIFICATION: (a) 2nd Class Master's Degree in the relevant subject or equivalent qualification from a recognized university, OR

(b) 3rd Class Master Degree's in English from a recognized university for teaching English subject with Post Graduate diploma in English language from Allama Iqbal Open University

ALLOCATION:

(a). Seven Hundred & Eighty four (784) Posts for General Quota:

S.NO	SUBJECT	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
xvi.	BOTANY	22	15	15	15	11	10	88
xvii.	CHEMISTRY	25	17	16	16	12	13	99
xviii.	COMPUTER SCIENCE	06	04	04	04	04	03	26
xix.	ECONOMICS	02	02	02	02	01	--	9
xx.	ENGLISH	24	16	16	16	12	12	96
xxi.	FOOD SCIENCE	01	--	--	--	01	01	03
xxii.	GEOGRAPHY	--	01	--	--	01	01	03
xxiii.	HEALTH & PHYSICAL EDU:	03	02	02	02	01	01	11
xxiv.	HISTORY	01	--	--	--	--	--	01
xxv.	HOME ECONOMICS	01	--	--	01	--	--	02
xxvi.	ISLAMIC STUDIES	15	10	10	10	09	09	63
xxvii.	MANAGEMENT SCIENCE	01	01	--	--	--	--	02
xxviii.	MATHS	09	07	06	06	04	04	36
xxix.	MICRO BIOLOGY	01	01	01	--	--	--	03
xxx.	PAK STUDY	03	02	02	02	01	02	12
xxxi.	PHYSICS	08	05	05	05	04	03	30
xxxii.	POLITICAL SCIENCE	18	13	12	12	09	09	73
xxxiii.	PSYCHOLOGY	08	08	05	05	04	04	32
xxxiv.	SOCIOLOGY	03	03	02	02	02	02	14
xxxv.	STATISTICS	02	01	02	02	01	01	09
xxxvi.	URDU	21	15	14	14	11	11	86
xxxvii.	ZOOLOGY	22	15	14	14	11	11	87
GRAND TOTAL								784

(b). Forty Two (42) posts for Minority Quota:

S.NO	Subject	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
i.	Botany	04	--	--	--	--	--	04
ii.	Computer Science	02	--	--	--	--	--	02
iii.	Chemistry	05	--	--	--	--	--	05

etc

*as per information
of my client.*

[Signature]

iv.	Economics	01	--	--	--	--	--	01
v.	English	05	--	--	--	--	--	05
vi.	Geography	01	--	--	--	--	--	01
vii.	History	01	--	--	--	--	--	01
viii.	Home Economics	01	--	--	--	--	--	01
ix.	Health & Physical Edu:	01	--	--	--	--	--	01
x.	Management Science	01	--	--	--	--	--	01
xi.	Maths	02	--	--	--	--	--	02
xii.	Pak Study	02	--	--	--	--	--	02
xiii.	Physics	02	--	--	--	--	--	02
xiv.	Political Science	03	--	--	--	--	--	03
xv.	Psychology	01	--	--	--	--	--	01
xvi.	Sociology	01	--	--	--	--	--	01
xvii.	Statistics	01	--	--	--	--	--	01
xviii.	Urdu	04	--	--	--	--	--	04
xix.	Zoology	04	--	--	--	--	--	04
Grand Total								42

(c). Seventeen (17) posts for Disable Quota:

S.NO	Subject	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
i.	Botany	02	--	--	--	--	--	02
ii.	Computer Science	01	--	--	--	--	--	01
iii.	Chemistry	01	--	--	--	--	--	01
iv.	English	02	--	--	--	--	--	02
v.	Geography	01	--	--	--	--	--	01
vi.	History	01	--	--	--	--	--	01
vii.	Islamic Studies	02	--	--	--	--	--	02
viii.	Maths	01	--	--	--	--	--	01
ix.	Pak Study	01	--	--	--	--	--	01
x.	Physics	01	--	--	--	--	--	01
xi.	Political Science	01	--	--	--	--	--	01
xii.	Psychology	01	--	--	--	--	--	01
xiii.	Urdu	01	--	--	--	--	--	01
xiv.	Zoology	01	--	--	--	--	--	01
Grand Total								17

AGE LIMIT: 21 to 30 years. **PAY SCALE:** BPS-17 **ELIGIBILITY:** Female.

IMPORTANT INSTRUCTIONS

- (i) Candidates are advised to fill in all the columns carefully.
- (ii) Only one application is required for one serial, however the candidates applying for various quotas should mention serial number of (1)a, (1)b or (1)c in the application form specifically.
- (iii) Incomplete applications will be summarily rejected.
- (iv) Documents are not required at the time of submission of application; candidates who qualify the test will have to submit their documents within one week time after announcement of the result.
- (v) Candidates are required to make correct entries in the online application which can be documentarily proved as on the basis of their claim / entries they will be called for screening / ability test.

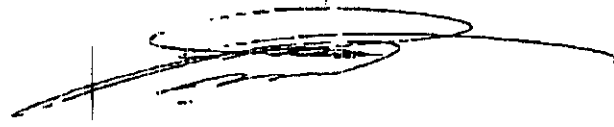
CTC

as per information
of my client

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- (vi) Candidates applying for experienced posts, are required to submit year wise affiliation/ registration with B.I.S.E upto 2016 and P.S.R.A from 2017 in case of private school experience while HERA in case of private Colleges with their documents.
- (vii) Overage candidates after apply must obtain age relaxation orders from the respective Departments to avoid any difficulty.
- (viii) Candidates applying against disable quota will be required to submit disability certificates issued by the Provincial Council for Rehabilitation of Disabled Persons as well as from the respective Medical Superintendent / Medical Board showing therein the specific disability on or before the date of interview.
- (ix) Govt. / Semi Govt. / Autonomous / Semi Autonomous Bodies employees may apply direct but their Departmental Permission Certificates will be required before interview.
- (x) Call letters for test will be placed on PSC website. Candidates must keep visiting the PSC website from time to time.
- (xi) Degrees / Diploma / Experience Certificates / Testimonials of unrecognized Institution are not accepted. Only original Degrees / Certificates / DMCs are accepted.
- (xii) Domicile, qualification and its registration with Medical/ Engineering or other related institutions, experience possessed on the closing date of the advertisement shall be taken into consideration.
- (xiii) Candidates possessing dual domicile on our closing date will be rejected.
- (xiv) Candidates who have not the prescribed qualification but equivalent or higher qualification, they are required to be in possession of equivalency/ relevancy certificate from Higher Education Commission (HEC) while applying.
- (xv) Candidates who possess qualification equivalent/higher than the prescribed qualification in the relevant field of studies will be considered eligible.
- (xvi) Age shall be reckoned on closing date of the advertisement. Maximum age limit as prescribed in the recruitment rules shall be relaxable up-to 10 years for Disabled persons / Divorce women / Widow / Govt Servants who have completed Two (2) years continuous service and up-to Three (3) years for candidates belonging to backward areas specified in the appendix attached to the Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to Govt Servants, general or disabled candidates, whichever is relevant and applicable to them. Employees or ex-employees of development projects of the Government of Khyber Pakhtunkhwa and employees or ex-employees of development projects of the Federal Government under the administrative control of the Government of Khyber Pakhtunkhwa shall also be entitled to age relation equal to the period served in the projects, subject to a maximum limit of ten years provided that this age relaxation shall not be available in conjunction with any other provisions of the age relaxation rules.
- (xvii) Applicants married to Foreigners are considered only on production of the Govt Relaxation Orders.
- (xviii) A female candidate if married before entry into government service shall acquire the domicile of her husband. If otherwise she will possess her own domicile. However,

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married female candidates are allowed to opt one of the domicile of her choice. Option once exercised shall be final and changes therein shall not be allowed.

- (xb) Experience wherever prescribed shall be counted after the prescribed qualifications for the post(s) if not otherwise specified in the service rules. The experience certificates should be on prescribed forms available on PSC website.
- (xc) Government reserves the right not to fill any or fill less than the advertised post(s).
- (xd) In case the number of applications of candidates is disproportionately higher than the number of posts, short listing will be made in any one of the following manner: -
 - (a) Written Test in the Subject.
 - (b) General Knowledge or Psychological General Ability Test.
 - (c) Academic and / or Professional record as the Commission may decide.

Note: Candidate who apply for the post(s) are advised to make sure that they are eligible for the post in all respects because eligibility of the candidate will be determined strictly according to the rules after conduct of all tests.

(ILYAS SHAH)
DIRECTOR RECRUITMENT
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION

CTC

MALE LECTURER PHYSICS (Advertisement No.06/2021 & Post. Serial No. 1)

SEARCH RESULT BY NKC (WITHOUT DASHES)

756025457927



Name	Father Name	Roll	Zone	Obtained Marks	Orbit Quota	Total Marks
MUHAMMAD TARIQ	ABDULYAHAB	24300	3	32	Merit	40

Tentative Target Marks In each Zone/Quota

Merit	General Quota					Female Quota	Disability Quota	Hindus Quota
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5			
32	27	29	28	25	23	25	14	

Those candidates who are coming in the orbit of tentative marks must submit their all documents to Commission within 03 days positively along with Deficient Documents Submission Proforma containing advertisement and post details clearly.

NO request for re-totalling of marks in Ability/Screening Test Papers checked through OMR machine, will be entertained.

Download Deficient Documents Submission Proforma

Test Result Uploaded at: November 2, 2021, 4:02 pm

*CTC
as per information
of my client*

- Home
- Advertisement
- Schedule
- E-Letters
 - Interview Call up / Shall stand rejected / Rejection e-Letters
 - Ability Test e-Letters
- Test Results
 - Ability Test Results
 - Steno Test Results
- Interview Results
- KPSC Wings
 - KPSC Members
 - Ex Chairman & Members
 - KPSC Officers
 - KPSC IT Team
- Contacts
- Apply Online

89.	19	33				19	67	01-03-93	S/O Muhammad IQbal	2
91.	16	31	1			19	67	10-03-97	Hafiz Muhammad Haroon S/O Hafiz Gul Zaman	DI Khan / 4
92.	16	32		1		18	67	05-04-90	Muhammad Tariq S/O Abdul Wahab	Swat / 3
93.	15	34			1	17	67	04-04-88	Gul Shah Jahar S/O Abas Khan	Lakki Marwat / 4
94.	15	32	2	1		17	67	01-11-92	Asif Gul S/O Fazal Gul	Swat / 3
95.	16	35				16	67	04-02-98	Rizwanul Haq S/O Dhanul Haq	Dir Lower / 3
96.	13	30				23	66	05-02-84	Zahoor Rehman S/O Muhammad Sadig	Lakki Marwat / 4
97.	14	29				23	66	12-03-92	Khushnood Niaz S/O Niaz Muhammad	Nowshera / 2
98.	13	30		1		22	66	15-03-88	Tanveer Akhtar S/O Ali Bahadar	Mardan / 2
99.	14	30				22	66	03-01-95	Mutahir Khan S/O Sndal Khan	Kohat / 4
100.	15	30				21	66	31-03-89	Tahir Khan S/O Douran Shah	Khyber Agency / 1
101.	13	32				21	66	30-06-85	Ejaz Ahmad S/O Binayameen	Abbottabad / 5

CTC
 as per information
 of my chart.

REGISTERED



**GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT**

Dated Peshawar the 29th June, 2022

NOTIFICATION

NO.SD(C-II)/HED/11-1/2022/Physica Consequent upon the recommendations of Khyber Pakhtunkhwa Public Service Commission, the Chief Secretary Khyber Pakhtunkhwa, competent authority in respect of officers in BPS-17 under Rule-4(1)(b) of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 is pleased to appoint the following Lecturers (BS-17) in the subject of Physics in Higher Education Department, with immediate effect:-

Sl No	Name & Father Name
1.	Tariq S/O Hashim Khan
2.	Mohib Ullah S/O Naseeb Ullah
3.	Saeed Ali Khan S/O Qamar Zaman
4.	Furqan Ullah S/O Muhammad Afzal Khan
5.	Mohsan Shehzad S/O Fazur Rehman
6.	Shakir Ullah S/O Aziz Ud Din
7.	Zahid Ullah S/O Mati Ullah
8.	Wasim Ullah S/O Ata Ullah
9.	Aqil Zada S/O Sherin Zada
10.	Afnan Bakht S/O Bakhta Jan
11.	Mohammad Zir Khan S/O Mohammad Rauf
12.	Yousaf Ali Shah S/O Mehraban Shah
13.	Salar Ahmad S/O Muhammad Khan
14.	Muhammad Azam Khan S/O Nazim Ud Din Khan
15.	Umer Zada S/O Aslam Jan
16.	Muhammad Waqqas S/O Muhammad Rizaz
17.	Dillawar Khan S/O Inar Khan
18.	Ihsan Ur Rehman S/O Amir Murad
19.	Inayat Ullah S/O Pordal Khan
20.	Ikram Ullah Khan S/O Shafaat Khan
21.	Inam Ullah S/O Rafiq Ullah
22.	Ilyas Khan S/O Noor Islam
23.	Junaid Khan S/O Muhammad Yousaf
24.	Muhammad Jamshid S/O Janat Khan
25.	Zohab Ahmad S/O Hikmat Khan
26.	Salman Ahmed S/O Muhammad Ilyas
27.	Ubaid Zaman S/O Amir Zaman Khan
28.	Muhammad Faisal Hayat S/O Hayat Ullah Khan
29.	Muhammad Rizwan S/O Chan Zaib
30.	Tariq Mahmood Khan S/O Ismail Khan
31.	Atta Ullah S/O Wazir Muhammad
32.	Muhammad Asim S/O Daulat Khan
33.	Waqar Ahmad S/O Nimat Gul
34.	Jahan Zeb Khan S/O Shah Wali Khan
35.	Rizwanullah S/O Rafiullah
36.	Gohar Rehman S/O Ramdad Khan
37.	Naveed Khan S/O Muambar Khan
38.	Himayat Ali S/O Shamshud Ali

Date 1/7

CTC
as per information
of my client.

41.	Abdul Wahab S/O Gul Wali
42.	Tahir Rehman S/O Muhammed Rehman
43.	Yousaf Ali S/O Akhtar Nabi
44.	Umer Wahid S/O Lajbar
45.	Javed Iqbal S/O Zar Bad Shah
46.	Abdul Manan S/O Gul Rehman
47.	Yasir Mehmood S/O Durman
48.	Tahir Khan S/O Couran Shah
49.	Kashif Murad S/O Murad Ali
50.	Nauman Khan S/O Sher Muhammad Khan
51.	Muhammad Khan S/O Gul Rahman
52.	Darish Rehman S/O Syed Rehman
53.	Abdul Hameed S/O Muhammad Younas
54.	Shah Zeb Ullah S/O Wali Bad Shah
55.	Iqbal Ul Haq S/O Ansala Khan
56.	Mubarak Ali S/O Sayed Hussain Shah
57.	Zeeshan S/O Sadullah Khan
58.	Muhammad Irfan S/O Muhammad Luoman
59.	Hanaza Ali S/O Mahboob Khan
60.	Fayaz Ahmad S/O Fazil Rahim
61.	Amjad Hussain S/O Gul Muhammad
62.	Shoukat Ali Khan S/O Muhammad Ashraf
63.	Masood Khan S/O Bakr Ullah Jan
64.	Muhammad Awais S/O Muhammad Rafique
65.	Abdul Malik S/O Noora Jan
66.	Muhammad Amir S/O Faqir Gul
67.	Naseer Ahmad S/O Ihsan Ullah
68.	Asim Mehmood S/O Sher Zaman Khan
69.	Muhammad Shoab Khan S/O Abdul Zahir Shah
70.	Israr Ur Rehman S/O Azim Khan
71.	Muhammad Afzaal Ghazi S/O Sher Ghazi
72.	Mudasir Shah S/O Mushraf Shah
73.	Irfan Ullah S/O Haji Bashir Muhammad
74.	Jawad Khan S/O Aslam Khan
75.	Abdul Waqas S/O Said Muhammad
76.	Muhammad Sohail Khan S/O Muhammad Rehman
77.	Mian Abdur Rashid S/O Mian Muhammad Shaif
78.	Naveed Ullah Jan S/O Rooh Ullah Jan
79.	Irfan Shah Alam S/O Gul Shah Alam
80.	Waheed Khan S/O Bahadar Sher
81.	Ataf Ur Rahman S/O Bacha Rahman
82.	Fida Hussain Khan S/O Juma Khan
83.	Noor Sadullah S/O Azam Khan
84.	Himayat Ullah S/O Riwayat Khan
85.	Muhammad Tariq S/O Abdul Wahab
86.	Karam Zaman S/O Imam Bakhsh
87.	Saif Ullah Khan S/O Shahid Khan
88.	Ejaz Ahmad S/O Binyameen
89.	Abrar Hussain S/O Laif Hussain

29/6/23

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as per information
of my client



90.	Attullah S/O Haleem Shah
91.	Ajmal Khan S/O Saifdar Khan

2. Posting/transfer order of the Lecturers concerned will be issued, later on.
3. The appointment of the above Lecturers will be subject to the following terms and conditions:-

TERMS AND CONDITIONS:

- i. They will have all rights / privileges contained in the Khyber Pakhtunkhwa Civil Servants Act, 1973 with all amendments therein including Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 and the rules made thereunder.
- ii. The appointees are required to join their posts within thirty (30) days of the issuance of this Notification, failing which it shall be presumed that they are not interested to join the same. The Director, Higher Education Khyber Pakhtunkhwa, Peshawar shall furnish a certificate to the effect that the appointees have joined the posts or otherwise, after one month of the issuance of this Notification.
- iii. In case of disciplinary matters, Khyber Pakhtunkhwa Civil Servants Act, 1973 and Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 shall be applicable.
- iv. They will be on probation for a period of one (01) year extendable for another year by specific order of the Competent Authority within two months of the expiry of first year of probation period, under Rule-15, amended on 07.12.2017 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
- v. They will get pay of BS-17 including usual allowances as admissible under the rules.
- vi. In case of resignation, the officers will have to give one month's prior notice. In case of absence of such notice, their one month's pay / allowance will be forfeited to Government.

-Sd-
SECRETARY
HIGHER EDUCATION DEPARTMENT

ENDS: NO. & DATE EVEN.

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director, Higher Education, Peshawar alongwith copy of application forms received from the (KPPSC, medical fitness certificates for record, with the request to ensure verification of all documents/testimonials of the officers during the period of probation.
3. Director Recruitment, Khyber Pakhtunkhwa Public Service Commission, Peshawar w/r to his letter No.PSC/SR-IV/027311 dated 24-05-2022.
4. Manager, Govt. Printing Press, Peshawar.
5. Deputy Director-IT (HEMIS), Higher Education Department.
6. District Accounts Officers, concerned.
7. Principals, concerned.
8. PS to Secretary, Higher Education Department.
9. Lecturers concerned.
10. Master File.


(SAMEERA SABA)
SECTION OFFICER (COLLEGES-II)

CTC
as per information
of my client.

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IN THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 1918 /2022

Rizwan-ul-Haq S/o Ihsan-ul-Haq R/o Village Asharkore,
Tehsil & P.O Samarbagh, District Dir Lower. . . PETITIONER

VERSUS

1. The Khyber Pakhtunkhwa Public Service Commission, through its Secretary, 2-Fort Road, Peshawar.
2. The Chairman, Khyber Pakhtunkhwa Public Service Commission, 2-Fort Road, Peshawar.
3. The Director Recruitment, Khyber Pakhtunkhwa Public Service Commission, 2-Fort Road, Peshawar.

.....RESPONDENTS

WRIT PETITION UNDER ARTICLE 199

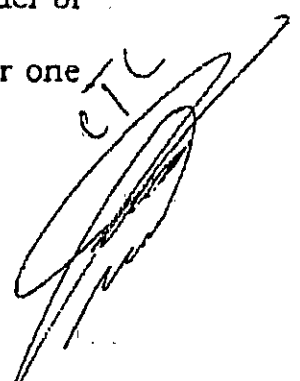
OF THE CONSTITUTION OF ISLAMIC

REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth:

1. That the petitioner is permanent resident of District Dir Lower. (Copies of the CNIC and Domicile are annexed as annexure "A" & "B" respectively).
2. That the petitioner studied upto BS (4 years) in Physics and got/obtained 1st position in order of

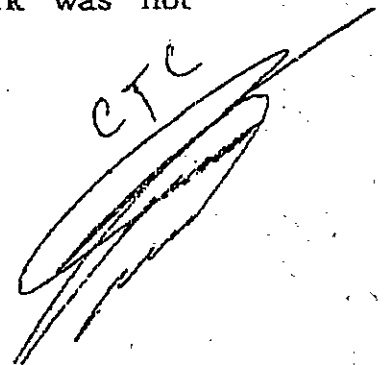
- merit from University of Malakand. (Copies of Academic Record are annexed as annexure "C", "C/1" & "C/2" respectively).
3. That the respondents advertised post of Male Lecturership Physics. (BPS-17). (Copy of the Advertisement is annexed as annexure "D").
 4. That petitioner alongwith others applied online for the said post, and the petitioner qualified his written test by securing 35/45 marks in the said test.
 5. That, thereafter, the petitioner was called for interview and after accumulation of academic marks with written test and interview marks the petitioner succeeded to earned 95th position on the merit list by obtaining 67 marks. (Copy of the Tentatively Recommended List is attached as annexure "E").
 6. That the petitioner had got 1st position in order of merit, Gold Medalist and in this respect the University of Malakand has issued a merit certificate vide registration No.1604017 dated 03.11.2021. (Copy of Certificate is attached as annexure "F").
 7. That as the petitioner has got 1st position in order of merit in the University, hence he is entitled for one



distinction mark as per Part-VII of Marking System for posts filled by other than syllabus based competitive examinations, which is mentioned at Sr.No.(ii). (Copy of Rules is attached as annexure "G").

8. That at the time of submission of documents on first time, the petitioner provided provisional BS Physics certificate issued by Head of the Physics Department, which was placed at page No.10 of the concerned file, relates to the petitioner laying in the office of Khyber Pakhtunkhwa Public Service Commission. (Copy of Provisional Certificate is attached as annexure "H").
9. That before conducting the interview, held on 07.02.2022, the petitioner supplied original BS (4 years) in Physics certificate, issued by the University of Malakand, which was kept on page 16 of the concerned file of the office of Khyber Pakhtunkhwa Public Service Commission. (Copy of Original Certificate is attached as annexure "I").
10. That in the tentative recommendation list prepared by respondents, one distinction mark was not

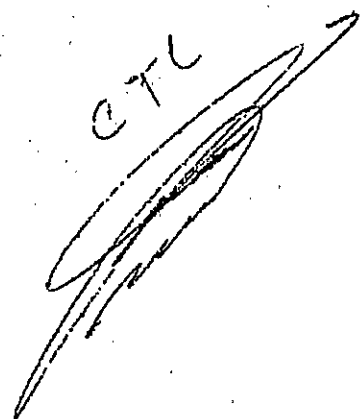
CTC



awarded to the petitioner for which he is entitled as per his 1st position in BS (Physics), and on query the respondents stated that due to non-mentioning the said original certificate by the concerned clerk of the office, the same has not been considered mistakenly at the time of preparation of tentative recommendation list.

11. That in this regard the petitioner submitted appeal/representation before the respondents department, vide diary No.2607 dated 12.04.2022 for redressal of his grievance regarding awarding of one distinction mark but the same was not accepted. (Copy of Appeal is enclosed as annexure "J").
12. That the petitioner has applied vide diary No.3491 dated 23.05.2022 for obtaining the refusal order passed on the appeal, but the same was not provided till now.
13. That as there is no other adequate and efficacious remedy for the redressal of his grievances, hence petitioner is constrained to move this Hon'ble Court for the following amongst other grounds;

CTC



GRUNDS:

- A. That act of the respondents by not awarding one distinction mark to the petitioner is against the law, facts and rules, hence not sustainable in the eyes of law.
- B. That the petitioner provided original certificate issued by the University of Malakand well within time before conducting the interview of the candidates, but the same was not considered without any lawful justification.
- C. That the said one distinction mark has been given to the other candidates and ignored the petitioner which is discrimination and injustice on the part of respondents with the petitioner.
- D. That the lame excuse of the respondents that the said certificate has not been mentioned in the record by the concerned clerk of the respondents department is not applicable to the mind prudent person, as it is admitted fact that the same has been provided to the respondents department well within time.

E. That any other ground with the permission of this Hon'ble Court will be raised at the time of arguments.

It is therefore, humbly prayed that on acceptance of this writ petition, the respondents may be directed to award one distinction mark to the petitioner as per rules.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to petitioner.

INTERIM RELIEF:

As the petitioner has a good prima facie case and if the respondents acted upon the tentative recommended list, the petitioner will suffer an irreparable loss, hence the respondents may be restrained from further proceeding, till the final decision of the instant writ petition.

Petitioner
Through

Muhammad Safdar Khan
Muhammad Safdar Khan
Advocate Supreme Court

Dated: 24.05.2022

CTC

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR,
JUDICIAL DEPARTMENT.

Writ Petition No. 1918-P/2022

Rizwan Ul Haq.. vs.. KP Public Service Commission

ORDER

Date of hearing.....24.8.2022.....

Petitioner(s) by:- Mr. Mohammad Safdar Khan,
Advocate.

Respondent (s):- Mr. Rab Nawaz Khan, AAG alongwith
Mehtab Gul Law Officer.

ROOH-UL-AMIN KHAN, J:- By invoking the
constitutional jurisdiction of this court, the seeks the
following relief:

" It is therefore, humbly prayed that on
acceptance of this writ petition, the
respondents may be directed to award one
distinction mark to the petitioner as per
rules. Any other relief as deemed
appropriate in the circumstances of the case
not specifically asked for may also be
granted to the petitioner."

2. According to the contents of the writ petition, the
respondents published an advertisement in the daily
news paper inviting application from the eligible
candidates for appointment against the posts of Male

For the Court

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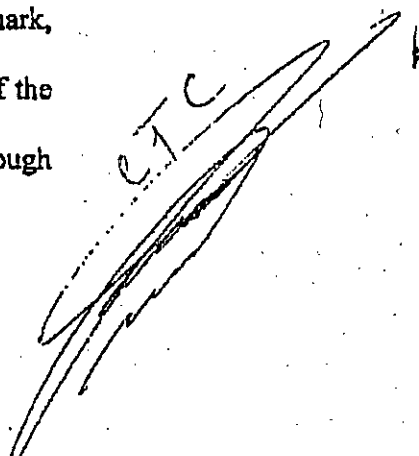
Lecturers Physics (BPS-17) in the Higher Education Department. The petitioner having the requisite qualification applied for the said post online and qualified the written test by securing 35 out of 45 marks. He was called for interview and after accumulation of academic marks with written test and interview, the petitioner name was placed at serial No. 95 of the general merit list by obtaining 67 marks. The petitioner had got 1st position in order of merit, Gold medalist and in this respect the University of Malakand has issued a merit certificate vide Registration No. 1604017 dated 3.11.2021. Since the petitioner has got 1st position in order of merit in the University, hence he is entitled for one distinction marks as per Par-VII of Marking System for posts filled by other than syllabus based competitive examination. At the time of submission of documents on first time and before conducting the interview held on 7.2.2022, the petitioner had supplied all the documents including BS Physics certificate original BS (4 years) in Physics certificate issued by the University of Malakand to the respondents, but in the tentative recommendations list prepared by the respondents, the one distinction mark was not awarded to the petitioner, on the unfounded and frivolous ground of non mentioning the aforesaid original certificate in the initial application,

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therefore, at the time of preparation of tentative recommendations list, the awarding of one (01) distinction mark was not considered. The petitioner has mentioned his distinction, position in the online application and subsequently provided the certificate at the time of interview, however the same was not considered and the petitioner was deprived of his legal right, hence this petition.

3. Arguments heard and record perused.
4. Initially comments of respondents (Public Service Commission) were called, which were submitted accordingly, wherein the claim of petitioner was refuted on the sole ground that the petitioner has not provided the requisite information about first position in BS Physics, well within time, therefore, the distinction mark could not be awarded.
5. It is undisputed that the petitioner has qualified BS Physics examination with distinction by securing 1st position in order of merit from University of Malakand he is entitled to be awarded one mark for obtaining 1st position in the BS examination. However, the KP Public Service Commission while calculating the aggregate marks over sighted the marking of one distinction mark, whereas the petitioner was placed at serial No. 95 of the general merit list with obtaining total 67 marks. Though

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the respondents have refuted the claim of the petitioner on the sole ground that the petitioner could not produce the BS certificate before calculation of total marks for preparation of general merit list. But record divulge that alongwith the comments the respondents have placed the certificate of BS Physics duly issued by the University of Malakand on 3.11.2021, whereas the interview of petitioner has been conducted on 7.2.2022, wherein he has produced the original certificate before the interview committee it is manifest from record that the petitioner has disclosed the factum of BS Physics with distinction. The learned AAG alongwith representative when confronted with the online application wherein information about first division has been provided, they could not wriggle out of the situation and remained tightlipped. It is established from the record that the petitioner was entitled for one additional mark on account of his first position in BS Physics, but the same was not awarded during calculation of total marks for preparation of merit list. On awarding of one distinction marks the petitioner will get a place amongst the candidates having 68 marks shown in the merit list from serial No. 44 to 60 of the general merit list as such was eligible to be recommended for the post of male Lecturer

Law in Sum

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Physics, however due to mis-calculation of the PSC, the petitioner was deprived of his vested right.

6. In view of above discourse, this writ petition is admitted and allowed with directions to the respondents to grant one distinction mark to the petitioner in accordance with marking criteria and reconsider his merit position by placing him amongst the candidates figured at serial No. 44 to 60 as per merit policy and recommend him for appointment against the post of Male Lecturer Physics (BPS-17), if he otherwise eligible.

Announced on;
24th of August, 2022


SENIOR PUISNE JUDGE


JUDGE

REGISTERED



GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES &
LIBRARIES DEPARTMENT

Dated Peshawar the November 01, 2023

NOTIFICATION

NO.SO(C-II)/HED/11-1/2022/Physics: /102594-100
In pursuance of recommendations of the Khyber Pakhtunkhwa Public Service Commission read with para 4(d) of the Election Commission of Pakistan notification No.F.2(1)/2023-Cord dated 22.01.2023 in compliance with the Peshawar High Court Peshawar orders dated 24.08.2022 in writ petition No.1918-P/2022, the Chief Secretary, Khyber Pakhtunkhwa being competent authority under Rule-4(1)(b) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 is pleased to appoint Mr. Rizwanul Haq S/O Ihsanul Haq (Domicile/Zone; Dir Lower/3) as Lecturer (BPS-17) in the subject of Physics in Higher Education Department subject to the provision of requisite documents (medical/character certificates & Police Verification etc).

2. In addition to above, appointment order issued vide this Department notification of even No. dated 29.06.2022 upto the extent of Mr. Muhammad Tariq S/O Abdul Wahab appearing at S.no.85 is hereby withdraw ab-initio.

3. Posting/transfer order of the Lecturer concerned will be issued, later on.

4. The appointment of the above Lecturer will be subject to the following terms and conditions:-

TERMS AND CONDITIONS:

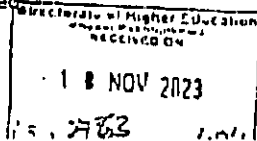
- i. He will have all rights / privileges contained in the Khyber Pakhtunkhwa Civil Servants Act, 1973 with all amendments therein and the rules made thereunder.
- ii. The appointee is required to join his post within thirty (30) days of the issuance of placement Notification to be issued in pursuance of this notification, failing which it shall be presumed that he is not interested to join the same. The Director, Higher Education Khyber Pakhtunkhwa, Peshawar shall furnish a certificate to the effect that the appointee has joined the post or otherwise, after one month of the issuance of placement Notification.
- iii. In case of disciplinary matters, Khyber Pakhtunkhwa Civil Servants Act, 1973 and Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 shall be applicable.
- iv. He will be on probation for a period of one (01) year extendable for another year by specific order of the Competent Authority within two months of the expiry of first year of probation period, under Rule-15, amended on 07.12.2017 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.
- v. He will get pay of BS-17 including usual allowances as admissible under the rules.
- vi. In case of resignation, the officer will have to give one month's prior notice. In case of absence of such notice, his one month's pay / allowance will be forfeited to Government.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION DEPARTMENT

ENCL: NO. & DATE EVEN.

Copy forwarded to the:

1. Director Higher Education, Khyber Pakhtunkhwa, Peshawar alongwith copy of application form received from the KPPSC, medical fitness certificate for record, with the request to ensure verification of all documents/testimonials of the officer during the period of probation.
2. Director Recruitment, Khyber Pakhtunkhwa Public Service Commission, Peshawar w/r to his letter No.PSC/SR-IV/000774 dated 19-01-2023.
3. Director General Information, Khyber Pakhtunkhwa, Peshawar.
4. Manager, Govt. Printing Press, Peshawar.
5. Director-IT (HEMIS), Higher Education Department.
6. District Accounts Officer, concerned.
7. PS to Secretary, Higher Education Department.
8. Lecturer concerned.
9. Master File.



(ABDUL WALI KHAN)
Section Officer (Colleges-II)

01/11/2023

Handwritten notes and signatures on the left margin.

LTC

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as per information
of my client
[Signature]

To,

The Chief Secretary,
Government of KP,
Peshawar.

Subject:

REPRESENTATION AGAINST OFFICE NOTIFICATION NO SO (C-II) / HED / 11-1 / 2022 / PHYSICS DATED 01-11-2023 OF SECRETARY, GOVT. OF KP, HIGHER EDUCATION DEPARTMENT RECEIVED FROM OFFICE ON 30-11-2023 WHEREBY APPOINTMENT ORDER OF APPELLANT DATED 29-06-2022 WAS WITHDRAWN AB INITIO AND RIZWAN-UL-HAQ S/O IHSAN UL HAQ WAS APPOINTED AS LECTURER IN PHYSICS IN HIGHER EDUCATION DEPARTMENT:

Respected Sir,

1. That appellant is highly qualified having M. Phil degree in Physics at his credit passed in 1st division.
2. That on 05-05-2021, Commission advertised total 91 posts for appointment as Lecturer in Physics and 15 posts of Physics were credited to Zone 3.
3. That appellant applied to the said post for recruitment and after observing the due codel formalities, his name was placed at S. No. 92 of the merit list, while Rizwan ul Haq was placed at S. No. 95.
4. That in pursuance of the aforesaid merit list, order of appointment of appellant was issued by Secretary, Govt. of KP, Higher Education Department on the recommendation of Public Service Commission vide order dated 29-06-2022. The charge of the said assignment was assumed on 15-07-2022.
5. That appellant was performing his official duties to the best of the ability and to the entire satisfaction of the superiors when in the meanwhile, Rizwan ul Haq filed Writ Petition on 24-05-2022 before the Peshawar High Court, Peshawar for appointment as such as he was not awarded 1 distinction mark by the Commission.

Here it would be not out of place to mention that appellant was never made party in the said Writ Petition, so the judgment of the hon'ble Court was legally not applicable to him.

6. That anyhow, the said Writ Petition came up for hearing on 24-08-2022 and then the hon'ble bench was pleased to hold:-

"In view of the above discourse, this Writ Petition is admitted and allowed with directions to the respondents to grant a distinction mark to the petitioner in accordance with marking criteria and reconsider his merit position by placing him amongst the candidates figured at S. No. 44 to 60 as per merit policy and recommend him for appointment against the post of Male Lecturer Physics (B-17) if he otherwise eligible".

Here it would be not out of place to mention again that no direction were given to the department to oust appellant from service.

7. That on 01-11-2023, Secretary, Govt. of KP, Higher Education Department issued Notification wherein Notification of appointment of appellant dated 29-06-2022 was withdrawn and order of appointment of Rizwan ul Haq in Physics in the department was issued in one and the same Notification.

Hence this appeal, inter alia, on the following grounds:-

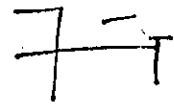
GROUND S:

- a. That appellant performed his official duties since 01-03-2019 and was finally performing his official duties as SST B-16 in the Education Department but due to appointment as Lecturer in Physics in the department he then tendered resignation from the said post.
- b. That after observing all the due code formalities enumerated in the law for appointment, appellant was appointed as Lecturer in Physics B-17 after assuming the charge of the post.
- c. That appellant has no concern with the case of Rizwan ul Haq because he was not made party in the Writ Petition despite the fact that if the Writ Petition was succeeded, then he would be ousted from the service.

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- d. That the Writ Petition of Rizwan ul Haq as well as judgment of the hon'ble bench has no binding effect upon appellant because he was neither heard, rather condemned unheard.
- e. That before issuing order dated 01-11-2023 by Secretary, Govt. of KP, Higher Education Department, service of Show Cause Notice upon appellant was mandatory regarding the aforesaid situation of the case of Rizwan ul Haq.
- f. That appellant lost his services for no legal reason but due to the illegal approach of the respondents to the matter.
- g. That the impugned order dated 01-11-2023 is of no legal effect by withdrawing Notification of appointment of appellant dated 29-06-2022 and appointment of Rizwan ul Haq as such is based on malafide, favoritism and discrimination.

It is, therefore, most humbly prayed that on acceptance of the appeal, Notification dated 01-11-2023 of Secretary, Govt. of KP, Higher Education Department by appointing Rizwan ul Haq as Lecturer In Physics B-17 and withdrawing Notification of appointment of appellant dated 29-06-2022 be set aside and appellant be restored to his original status since 01-11-2023 with all consequential benefits with such other relief as may be deemed proper and just.

Appellant

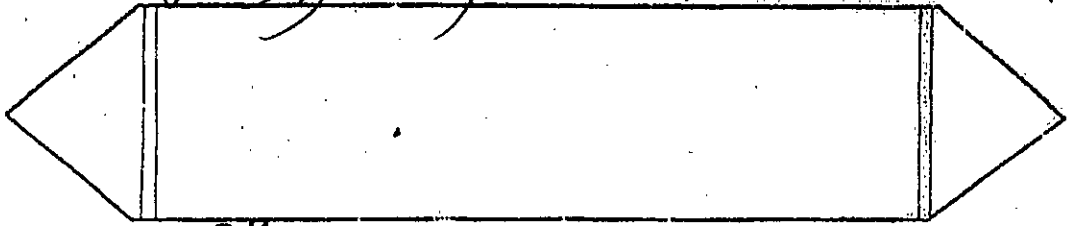


Dated: 29-12-2023

Muhammad Tariq S/O Abdul Wahab
R/O Village Gharshin Khwazakhela
Swat. Ex-Lecturer In Physics, Govt.
Degree College Bagh Dherai Swat

Cell No. 03459452542.

بعدالت جناب سروس ٹریڈنگ اور



مشرطی بنام حکمہ یا شہرہ الجودشن

سروس ٹریڈنگ

موزعہ
مقدمہ
دعویٰ
برہم

باعث تحریر آئندہ

مقدمہ بندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
آئین مقام لکھنؤ کیلئے سروس ٹریڈنگ اور بابا سنی اعلیٰ / انجم لکھنؤ / انجم لکھنؤ

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کر کے یہ تقرر تالیف فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
پابورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائرہ کرنے اپیل گمرانی 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 باختیارات حاصل ہوں گے اور اس کا سہارا
یہ داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا اوقات نامہ تکہد یا کہ سند ہے۔

المرتوم 22 ماہ اپریل 2024

تعمیر ہے

سید الشرفان بیگم

اور بابا سنی اعلیٰ

انجم لکھنؤ

انجم لکھنؤ

مشرطی