

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**  
**AURANGZEB KHATTAK** ... **MEMBER (Judicial)**

**Service Appeal No. 534/2022**

Date of presentation of Appeal.....07.03.2022  
Date of Hearing.....24.07.2024  
Date of Decision.....24.07.2024

**Sana Ullah**, SPST, Government Primary School, Togh Bala, District Kohat. ....**Appellant**

Versus

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa, GT Road, Peshawar.
3. District Education Officer (Male) District Kohat.
4. Deputy District Officer (M) Kohat.
5. Higher Education Commission of Pakistan.
6. Muhammad Shafi, GPS Daqqar, Banda, District Kohat.
7. Vice Chancellor, University of Lakki Marwat.

.....(**Respondents**)

Present:

Mr. Asif Ali Shah, Advocate.....For appellant  
Mr. Muhammad Jan, District Attorney .....For respondents

**JUDGMENT**



**KALIM ARSHAD KHAN, CHAIRMAN:** According to the facts gathered from the record are that the appellant is serving as Senior Primary School Teacher and is the senior-most in the SPST cadre with the specific qualification for SST (Maths/Physics). A meeting of departmental promotion committee (DPC) was held wherein private respondents No. 6 was promoted to SST (Maths/Physics) vide

impugned Notification dated 29.10.2021, while the appellant was ignored. Feeling aggrieved, the Appellant filed a departmental appeal which was remained undecided within the statutory period, hence the appellant filed the instant service appeal for redressal of his grievance.

2. On receipt of the appeal and its admission to regular hearing, the respondents were summoned. Respondents put appearance through their respective representative and contested the appeal by way of filing para-wise reply, raising therein numerous legal as well as factual objections.

3. The learned counsel for the appellant contended that the appellant has been serving as a Senior Primary School Teacher for several years and possesses the required qualifications and experience to be promoted to the post of SST (Maths/Physics). He next argued that the Government of Khyber Pakhtunkhwa had issued a Notification in the year 2012 framing the policy for appointment/promotion and transfer, which entitled the appellant to promotion. He further contended that despite being the most senior in the SPSTs with the required qualifications, the appellant was not considered for promotion, while private respondent No. 6, who lacked the required qualifications, was promoted. In the last he argued that the appeal in hand might be accepted and the impugned order dated 29.10.2021 might be set-aside. In a DPC meeting, Respondent No. 6, who allegedly lacked the requisite qualifications, was promoted fraudulently, whereas the Appellant, despite his eligibility, was not promoted, he concluded.



4. Conversely, learned District Attorney for the respondents contended that the appellant did not possess the required criteria for promotion, and that the promotion of private respondent No. 6 was made according to rules and policy. He next contended that the appellant did not meet the criteria for promotion, as indicated by the seniority list dated 11.08.2021, where the appellant was at serial No. 6 of the seniority list. He next contended that the Notification cited by the appellant had been amended by another Notification dated 24.07.2014, which changed the applicable rules. In the last he contended that the department conducted all activities within established rules, therefore, the appeal in hand was liable to be dismissed with cost.

5. We have heard the arguments of learned counsel for the appellant as well as learned District Attorney for the respondents and have perused the record.

6. A perusal of the record would show that appellant has filed the instant appeal for his promotion to the post of SST (Maths / Physics) Technical. A crucial part of the appellant grievance pertains to the qualifications and the process by which private respondent No. 6 obtained an additional marks degree in Physics from the University of Lakki Marwat. The appellant alleged that private respondent No. 6 additional qualification was attained fraudulently. Matters concerning the validity of academic qualifications and adherence to university regulations fall under the exclusive jurisdiction of the University of Lakki Marwat and the Higher Education Commission (HEC). This Tribunal has no jurisdiction to adjudicate the authenticity of academic


degrees or qualifications issued by educational institutions. Furthermore, this Tribunal's mandate does not extend to reviewing or interpreting the regulations of a university or the HEC concerning the legitimacy of examinations and qualifications. Such matters must be brought before the appropriate educational or judicial fora designated to handle educational disputes. Moreover, challenging the qualification of private respondent No. 6 relating to his additional subject in Physics from the University of Lakki Marwat directly involves the interpretation of academic regulations, which this Tribunal is not empowered to determine. In the given jurisdictional limitations and the nature of the grievances presented by the appellant relating to academic qualifications of private respondent No. 6 fall outside the purview of this Tribunal.

7. Consequently, this Tribunal thus does not have jurisdiction and original appeal as well as copies of documents be returned to the appellant/his counsel against proper receipt while original order sheets, copies of appeal and documents be retained and it be consigned.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 24 day of July, 2024.*



**KALIM ARSHAD KHAN**  
Chairman




**AURANGZEB KHATTAK**  
Member (Judicial)

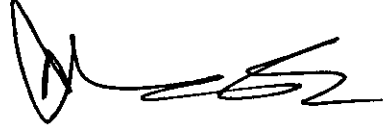
Service Appeal No. 534/2022 titled "Sana Ullah Versus Government of Khyber Pakhtunkhwa, through Secretary Elementary & Secondary Education, Civil Secretariat Peshawar and others".

**ORDER**

24<sup>th</sup> July, 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for official respondents present. Arguments heard and record perused.
2. Vide our judgment of today placed on file, this Tribunal does not have jurisdiction in the instant matter and original appeal as well as copies of documents be returned to the appellant/his counsel against proper receipt while original order sheets, copies of appeal and documents be retained and it be consigned.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 24 day of July, 2024.*

  
(Aurangzeb Khattak)  
Member (Judicial)

  
(Kalim Arshad Khan)  
Chairman