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REGISTERED
No. C.P.L.A. 724,3676-P/2023 - SCJ
SUPREME COURT OF PAKISTAN
Islamabad, dated 09-10-2024

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

Khyber Pakhtunkhwa
Service Tribunal

To The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Disry No. 16750
Dated 15-10-24

Subject: CIVIL PETITION 724,3676-P/2023
Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and
others

(in C.P.L.A.724-P/2023)

Professor Dr. Faridullah Shah

(in C.P.L.A.3676/2023)

Versus

Prof. Khurshid Ahmad and others

(in C.P.L.A.724-P/2023)

The Government of Khyber Pakhtunkhwa through Chief Secretary, Govt.
of Khyber Pakhtunkhwa, Peshawar and others

(in C.P.L.A.3676/2023)

On appeal from the Order/Judgment of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar dated 22/09/2023 in Appeal-1474/2023.

Dear Sir,

In continuation of this Court's letter of even number dated 14/11/2023, I
am directed to enclose herewith a certified copy of the Order of this Court dated
20/09/2024 disposing of the above Civil Petitions in the terms stated therein for
information and further necessary action.

The relevant portion of the order is reproduced as under

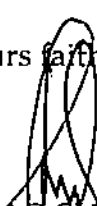
" ... 11 The notification dated 2 August 2024 shall
immediately be circulated to all the Professors of KPK by the Higher
Education Department KPK. All the eligible professors (BPS-20) of KPK
shall submit applications with their Curriculum Vitae (' CV') to the
Higher Education Department KPK within thirty days of the circulation.
The scrutiny committee will recommend a penal of three eligible
candidates to the Chief Minster KPK for consideration. Appointment of
the most suitable candidate as Director Higher Education KPK shall be
finalized within a period of two months."

Please acknowledge receipt of this letter along with its enclosure

immediately.

Encl: Order

Yours faithfully,


(MUHAMMAD SHAHID HABIB)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

54/24

Present:

Justice Qazi Faez Isa, CJ
Justice Naeem Akhtar Afghan
Justice Shahid Bilal Hassan

Civil Petition Nos.724-P and 3676 of 2023

(On appeal against the judgment dated 22.09.2023 of the Khyber Pakhtunkhwa Services Tribunal, Peshawar passed in S.A. No. 1474 of 2023)

The Govt. of KP through Chief (CP 724-P/2023)
Secretary, Peshawar and others

Professor Dr. Faridullah Shah (CP 3676/2023)

...Petitioners

Versus

Professor Khurshid Ahmad & another (CP 724-P/2023)
The Govt. of KP through Chief (CP 3676/2023)
Secretary, Peshawar and others

...Respondents

For Govt of KPK: Mr. Shah Faisal Ilyas, Addl.A.G., KP
Mr. Ghulam Saeed Khan, Spl. Secy., (HED)

For Prof. Khurshid Ahmad Mr. Shumail Butt, ASC

For Prof. Dr. Faridullah Shah Syed Qalb-i-Hassan, Sr. ASC
Ch. Akhtar Ali, AOR

Prof. Dr. Muhammad Shafi In-person

Date of Hearing: 20.09.2024

ORDER

NAEEM AKHTAR AFGHAN, J. Due to retirement of Mr. Zahoor-ul-Haq, Director Higher Education, Khyber Pakhtunkhwa, ('KPK') Associate Professor Khursheed Ahmad (BPS-19) (respondent No. 1 in CPLA No.724-P/2023 and respondent No.4 in CPLA No. 3676/2023), being posted as Additional Director (P&D) (BPS-19) Directorate of Higher Education, in addition to his own duties, was assigned look-after charge of the post of Director Higher Education (BPS-20) KPK by the Secretary, Higher Education Department, Government of KPK *vide* notification dated 9 December 2021.

2. On 13 December 2022 Establishment Department of the Government of KPK issued notification whereby Associate Professor Khursheed Ahmad alongwith sixty one other Associate Professors (BPS-19) were promoted as Professors (BPS-20) (college cadre) of the Higher Education Department on regular basis with immediate effect.

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Court Associate
Supreme Court of Pakistan
Islamabad

3. Professor Khursheed Ahmad/Additional Director (Dev) Directorate of Higher Education, KPK was transferred and posted as Director Higher Education, KPK by the Chief Secretary, Government of KPK *vide* notification dated 21 December 2022.

4. With the approval of the Chief Minister KPK, transfer/posting notification dated 22 March 2023 was issued by the Chief Secretary Government of KPK whereby Professor Khursheed Ahmad, Director Higher Education KPK was transferred as Professor to the Government Degree College, Hayatabad and Professor Dr. Faridullah Shah (BPS-20) (petitioner in CPLA No.3676/2023 and respondent No.2 in CPLA No.724-P/2023) was transferred from Government Degree College, Hayatabad and posted as Director Higher Education, KPK.

5. Professor Khursheed Ahmad challenged the above transfer/posting notification before the KPK Services Tribunal, Peshawar (**'the Tribunal'**) by filing Service Appeal No. 1474/2023 which was accepted *vide* impugned judgment dated 22 September 2023 and after setting aside the transfer/posting notification dated 22 March 2023, Professor Khursheed Ahmad was allowed to complete his normal tenure of two years on the post of Director Higher Education KPK.

6. The above judgment passed by the Tribunal, has been challenged by the Government of KPK by filing CPLA No. 724-P/2023. Professor Dr. Faridullah Shah has also challenged the same by filing CPLA No.3676/2023.

7. During pendency of both the above petitions, Professor Dr. Muhammad Shafi of Government Post-Graduate College, Karak submitted CMA No. 2207/2024 for his impleadment as respondent in CPLA No. 724-P/2023 on the grounds that, he is serving in the Education Department since 1998, presently he stands amongst the senior most professors, he is aggrieved of the process of appointment to the post of Director Higher Education from amongst the junior most professors, the rules for appointment to the post of Director Higher Education lack the criteria to ensure transparency and merit, the rules for appointment to the post of Director Education are in negation of seniority, the post of Director Higher Education is coveted as the incumbent can issue directions to the principals of colleges and it becomes an anomaly when juniors issue directions to the seniors.

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Supreme Court of Pakistan
Islamabad

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8. CMA No. 2207/2024 was accepted and Professor Dr. Muhammad Shafi was impleaded as respondent No.3 in CPLA No. 724-P/2023 *vide* order dated 22 March 2024.

9. On 4 June 2024 learned Additional Advocate General, KPK stated that a proposal has been submitted to the Chief Minister KPK to determine the criteria for posting of a professor (BPS-20) to the post of Director Higher Education (BPS-20) and the decision of Chief Minister KPK is awaited.

10. It transpires that consequent upon approval granted by the Provincial Cabinet KPK, the Higher Education Department, Government of KPK has notified the following policy/guidelines for posting of a professor against the post of Director Higher Education KPK *vide* notification dated 2 August 2024: -

'Eligibility Criteria for Director (BS-20) of Higher Education (HED Teaching Staff)

- i. **Administrative Experience:** The candidate must possess administrative experience as Principal within a college or in any other public sector entity.
- ii. **Teaching Experience:** The candidate must have teaching experience within the college cadre.
- iii. **Disciplinary Record:** The candidate must not have been penalized or convicted in any disciplinary proceedings throughout his/her career.
- iv. **Committee:** The eligible candidates meeting the above criteria will be scrutinized by the following committee, keeping in view the emerging needs of the department and will recommend a panel of three candidates to the Honorable Chief Minister for consideration and the appointment of the most suitable candidate as Director of Higher Education Khyber Pakhtunkhwa:

- | | |
|---|-------------|
| a) Secretary Higher Education Department | = Chairman |
| b) Special Secretary, Higher Education Department | = Member |
| c) Additional Secretary (Colleges) | = Member |
| d) Deputy Secretary (Colleges) | = Secretary |

11. In view of the above notified policy/guidelines, learned Additional Advocate General KPK, learned counsel for Professor Dr. Faridullah Shah, learned counsel for Professor Khursheed Ahmad and Professor Dr. Muhammad Shafi appearing in person, conceded for disposing of both the petitions in the following terms:

"The notification dated 2 August 2024 shall immediately be circulated to all the Professors of KPK by the Higher Education Department KPK. All the eligible professors (BPS-20) of KPK shall submit applications with their *Curriculum Vitae* ('CV') to the Higher Education Department KPK within thirty days of the circulation. The scrutiny committee will recommend a panel of three eligible candidates to the Chief Minister KPK for consideration. Appointment of the most suitable

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Islamabad

candidate as Director Higher Education KPK shall be finalized within a period of two months."

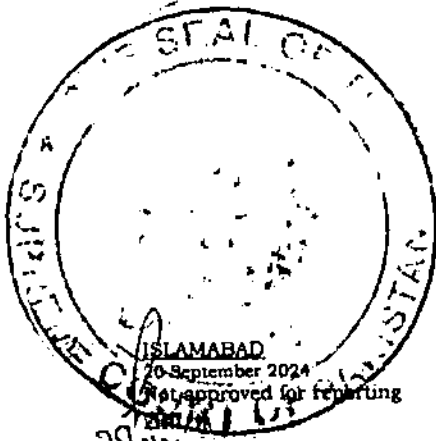
Both the petitions stand disposed of in the above terms.

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Certified to be True Copy

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Court Associate
Supreme Court of Pakistan
Islamabad



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REGISTERED
No. C.P.L.A. 217 to 226-P
926,927,1710/2024 - SCJ
SUPREME COURT OF PAKISTAN
Islamabad, dated 09-10-2024

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject: **CIVIL PETITIONS 217 To 226-P,926,927,1710/2024**

Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and
others

(in C.P.L.A.217-P/2024)
(in C.P.L.A.218-P/2024)
(in C.P.L.A.219-P/2024)
(in C.P.L.A.220-P/2024)
(in C.P.L.A.221-P/2024)
(in C.P.L.A.222-P/2024)
(in C.P.L.A.223-P/2024)
(in C.P.L.A.224-P/2024)
(in C.P.L.A.225-P/2024)
(in C.P.L.A.226-P/2024)

Engineer Saleem Shah and others

(in C.P.L.A.926/2024)

Sher Azam Khan

(in C.P.L.A.927/2024)

Shah Fazil

(in C.P.L.A.1710/2024)

Versus

Furqan Shafi and others

(in C.P.L.A.217-P/2024)

Mst. Saadia Rehman and others

(in C.P.L.A.218-P/2024)

Qaiser Alam and others

(in C.P.L.A.219-P/2024)
(in C.P.L.A.927/2024)

Shah Fazil and others

(in C.P.L.A.220-P/2024)
(in C.P.L.A.926/2024)

Muhammad Imran Kazim and others

(in C.P.L.A.221-P/2024)

Muhammad Hashim and others

(in C.P.L.A.222-P/2024)

Imdad Ullah and others

(in C.P.L.A.223-P/2024)

Naseer Ahmad and others

(in C.P.L.A.224-P/2024)

Sami ud Din and others

(in C.P.L.A.225-P/2024)

Muhammad Iqbal and others

(in C.P.L.A.226-P/2024)

Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
and others

(in C.P.L.A.1710/2024)

On appeal from the Order/Judgment of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar dated 13/11/2023 in Appeal-
828,1282,1408/2022 in Appeal-347,828,863,895,896,897,1163,1480,347/2023.


Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment
of this Court dated 26/09/2024 dismissing the above cited Civil Petitions in the terms
stated therein for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure
immediately.

Encl: Order

Yours faithfully,


(MUHAMMAD SHAHID HABIB)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

64/24

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Syed Mansoor Ali Shah
Mrs. Justice Ayesha A. Malik
Mr. Justice Aqeel Ahmed Abbasi

Civil Petitions No.217-P to 226-P, 926, 927 and 1710 of 2024

(Against the judgment 13.11.2023 passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Appeals No.1282 and 1408/2022, 347, 828, 863, 895, 896, 897, 1163, 1480, 828, 347 and 828/2023)

Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar etc.	In CPLAs 217-P to 226-P/2024
Engineer Saleem Shah etc.	In CPLA 926/2024
Sher Azam Khan	In CPLA 927/2024
Shah Fazil	In CPLA 1710/2024
	...Petitioner(s)

Versus

Furqan Shafi etc.	In CPLA 217-P/2024
Mst. Saadia Rehman etc.	In CPLA 218-P/2024
Qaiser Alam etc.	In CPLA 219-P/2024
Shah Fazil etc.	In CPLA 220-P/2024
Muhammad Imran Kazim etc.	In CPLA 221-P/2024
Muhammad Hashim etc.	In CPLA 222-P/2024
Imdad Ullah etc.	In CPLA 223-P/2024
Naseer Ahmad etc.	In CPLA 224-P/2024
Sami ud Din etc.	In CPLA 225-P/2024
Muhammad Iqbal etc.	In CPLA 226-P/2024
Shah Fazil etc.	In CPLA 926/2024
Qaiser Alam etc.	In CPLA 927/2024
Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar etc.	In CPLA 1710/2024
	...Respondent(s)

In attendance:

Mr. Zahid Yousaf Qureshi, State Counsel (On behalf of A.G. KPK)
Mr. Shumail Butt, ASC
Mr. Muhammad Shoaib Shaheen, ASC
Mr. Ali Gohar Durrani, ASC
Mr. Muhammad Ajmal Khan, AOR
Mr. Anis Muhammad Shahzad, AOR
Mr. Muhammad Sharif Janjua, AOR
Mr. Muhammad Usman Mirza, AOR
Ms. Saadia Rehman, respondent in person

Date of Hearing: 26.09.2024

ORDER

Syed Mansoor Ali Shah, J.- We have heard the learned counsel for the petitioners at some length and find that neither any substantial

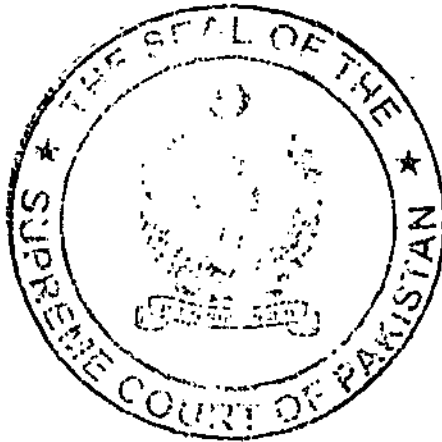
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Supreme Court of Pakistan
Islamabad

question of law of public importance has been specified in these petitions nor any has been raised before us. It is also clarified that the Service Tribunal is the highest forum for the purpose of determination of facts and only a substantial question of law of public importance arising out of the case can be taken up by this Court. See *Secretary Revenue Division v. Iftikhar Ahmed Tabbasum* (PLD 2019 SC 563). No such question is involved in the instant petitions, which are accordingly dismissed and leave refused.



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Certified to be True Copy

A handwritten signature in black ink, appearing to be "M. Waqas", is written over the text "Court Associate".

Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad, the

26th of September, 2024

Not approved for reporting

Waqas Naseer/*

Handwritten initials and a signature in black ink, possibly "M. Waqas", are written to the left of the typed name.