

کیا وزیر برائے اعلیٰ تعلیم ارشاد فرمائیں گئے کہ

<p><u>الف</u> درست ہے۔ یونیورسٹی ماڈل سکول یونیورسٹی آف پشاور کے ماتحت کام کر رہا ہے۔</p>	<p>(الف) آیا یہ درست ہے کہ یونیورسٹی ماڈل سکول یونیورسٹی آف پشاور کے ماتحت کام کر رہا ہے؟</p>
<p>یونیورسٹی ماڈل سکول یونیورسٹی آف پشاور میں درجہ ذیل آسامیاں خالی ہیں:</p> <p>1۔ ایڈیشنل سینئر مسٹریس بی پی ایس-19 (01) 2۔ مسٹریس بی پی ایس-18 (01) 3۔ اسسٹنٹ مسٹریس بی پی ایس-17 (04) 4۔ ٹرینڈ گریجویٹ ٹیچر بی پی ایس-16 (13)</p> <p>* قابل ذکر ہے کہ مندرجہ بالا آسامیوں میں سے ٹرینڈ گریجویٹ ٹیچر بی پی ایس-16 کی بھرتی کے لئے اخبارات میں اشتہار مشہور کیا جاتا ہے۔ جبکہ باقی ماندہ آسامیاں: جن میں ایڈیشنل سینئر مسٹریس بی پی ایس-19، مسٹریس بی پی ایس-18، اسسٹنٹ مسٹریس بی پی ایس-17 شامل ہیں پر سکول کے اساتذہ میں سے پروموشن کے ذریعے تعیناتی کی جاتی ہیں۔ علاوہ ازیں پشاور یونیورسٹی کے مروجہ قوانین کے مطابق جامعہ کے سکول ایلویشن کمیٹی کی سفارشات کی روشنی میں موزوں زامیدواروں کو ان آسامیوں پر تعیناتی کے لئے جامعہ کے مجاز اتھارٹی کے سامنے رکھا جاتا ہے۔ (تشکیل کردہ کمیٹی کی تفصیل لف-1 ہے، جبکہ ایلویشن رولز لف-2 ہے)</p>	<p>(ب) اگر (الف) کا جواب اثبات میں ہو تو (i) یونیورسٹی ماڈل سکول یونیورسٹی آف پشاور کے خالی آسامیوں کی تفصیل فراہم کی جائے</p>
<p>(ii): یونیورسٹی ماڈل سکول یونیورسٹی آف پشاور میں کوئی اینگیجڈ گریجویٹ ٹیچر نہیں ہے۔ تاہم 13 اساتذہ جو سکول کے پرائیوٹ فنڈ سے سال 2009، 2010 میں سکول کے پرنسپل نے اپنے صوابدید پر لئے تھے جنکو یونیورسٹی ایکٹ 2012 (ترمیم شدہ) کی شق (3) اور سنڈیکٹ کے فیصلے کی روشنی میں اپریل 2016 سے کنٹریکٹ ختم ہونے پر مزید توسیع نہیں دی گئی۔ فی الوقت یونیورسٹی ماڈل سکول میں کوئی اینگیجڈ گریجویٹ ٹیچر نہیں ہے۔ مذکورہ فیصلے کے برخلاف پرائیوٹ فنڈ سٹاف نے پشاور ہائی کورٹ میں رٹ پٹیشن جمع کی جسے عدالت عالیہ نے خارج کر دیا ہے۔ پشاور ہائی کورٹ کا فیصلہ لف-3 ہے۔</p>	<p>(ii): یونیورسٹی ماڈل سکول یونیورسٹی آف پشاور Engage Graduate Teacher کی کل تعداد کتنی ہے؟ تمام اساتذہ کی تعلیمی قابلیت، مدت، ملازمت اور تنخواہ کی تفصیل فراہم کی جائے۔</p>
<p>(iii): سابقہ اینگیجڈ گریجویٹ ٹیچر کو خیبرپختونخوا یونیورسٹی ایکٹ 2012 (ترمیم شدہ) کی شق (3) اور سنڈیکٹ کے فیصلے کی روشنی میں 31.03.2016 کے بعد کنٹریکٹ میں مزید توسیع نہیں دی گئی</p>	<p>(iii): Engage Graduate Teacher بعض اعلیٰ تعلیم یافتہ اساتذہ ہیں جو کہ سکول ہذا میں عرصہ دراز سے تعینات ہیں۔ کیا حکومت ان اساتذہ کو مذکورہ سکول کی آسامیوں پر مستقل طور پر بھرتی کرنے کا ارادہ رکھتی ہے؟ تفصیل فراہم کی جائے۔</p>

UNIVERSITY OF PESHAWAR

OFFICE ORDER


No. 1196 /Estt:

Dated: 12 / 1 / 05 /2009

Under the provision of Section 13 (3) of the University of Peshawar Act 1974, the Vice Chancellor is pleased to accord approval for deletion of Section-I (3) of Statutes for Appointment/Promotion of the University School Teachers, BPS-16 and above.

Further, the Vice Chancellor is also pleased to constitute a committee of the following to evaluate the candidates in accordance with the criteria defined in Section-II of the Statutes for Appointment/ Promotion of the University School Teachers, BPS-16 and above and submit report to the Selection Board through Establishment Section:-


- | | | | |
|----|--|---|------------------|
| 1. | Senior most Dean of the University | = | Convener |
| 2. | Member of the Syndicate to be nominated by the Vice Chancellor | = | Member |
| 3. | Two Nominees of the Vice Chancellor | = | Member |
| 4. | Registrar or his nominee | = | Member/Secretary |


Additional Registrar
University of Peshawar
o/c

No. 9244-47 /A-IV/Estt.

Copy to:

1. The Principal, University Public School
2. The Principal, University Model School
3. PS to Vice Chancellor
4. PS to Registrar


Additional Registrar
University of Peshawar
o/c



The Registrar
UNIVERSITY OF PESHAWAR

No. 117 /A-I/Academic

Dated 24-06 /2009

NOTIFICATION

It is notified for the information of all concerned that the Syndicate in its meeting held on 30.05.2009 confirmed the action taken by the Vice-Chancellor whereby it approved the amendment in Section II & deletion of Section III of Rules for Appointment/ Promotion of the University School Teachers in BPS-16 and above:

EXISTING	PROPOSED																										
<p>II MARKS ALLOCATION FORMULA FOR EVALUATING THE PERFORMANCE OF THE TEACHER</p> <p><u>Events</u> <u>Marks</u></p> <table border="0"> <tr> <td>1. Punctuality</td> <td>20</td> </tr> <tr> <td>2. ACR for the last 05 years</td> <td>20</td> </tr> <tr> <td>3. Teaching Methodology/ Communication Skill</td> <td>20</td> </tr> <tr> <td>4. Result</td> <td>20</td> </tr> <tr> <td>5. Additional responsibilities in school</td> <td>10</td> </tr> <tr> <td>6. Additional Qualification</td> <td>10</td> </tr> </table> <p>III EXPLANATIONS</p> <ol style="list-style-type: none"> Punctuality marks will be awarded to a teacher on the basis of his/her overall performance in teaching and regularity in classes. ACR marks will be allocated as under: <table border="0"> <tr> <td>i. Outstanding</td> <td>= 04 Marks per year</td> </tr> <tr> <td>ii. Excellent/Very Good</td> <td>= 03 Marks per year</td> </tr> <tr> <td>iii. Good</td> <td>= 02 Marks per year</td> </tr> <tr> <td>iv. Satisfactory</td> <td>= 01 Marks per year</td> </tr> </table> Marks regarding the Teaching Methodology /Communication Skill will be awarded by the Committee as defined under Section-2 of these Rules. Result marks will be awarded to a teachers according to the %age of his/her result during the last 05 years 10 Marks will be awarded to a teacher for the additional duties assigned to him/her in the school 05 Marks per additional Master degree will be awarded with a maximum of 10, however, no marks will be awarded for a degree with 3rd division. 	1. Punctuality	20	2. ACR for the last 05 years	20	3. Teaching Methodology/ Communication Skill	20	4. Result	20	5. Additional responsibilities in school	10	6. Additional Qualification	10	i. Outstanding	= 04 Marks per year	ii. Excellent/Very Good	= 03 Marks per year	iii. Good	= 02 Marks per year	iv. Satisfactory	= 01 Marks per year	<p>II. EVALUATION/MARKING SYSTEM</p> <p>The total marks for evaluation shall be one hundred to be awarded as under:</p> <p>I. Academic Record = 30 marks*</p> <p><i>*Sum of the marks obtained per prescribe: qualification X 30</i> Sum of the total maximum marks per prescribed qualification</p> <p>ii. Experience = 30 marks</p> <p>While awarding marks for experience, the period of minimum requisite experience shall be deducted and thereafter 02 marks shall be awarded per year up to a maximum of 30 marks.</p> <p>iii. Distinction = 10 marks (Maximum) (05 Marks each for 1st Class 1st Position (Gold Medal) for University Examinations).</p> <p>iv. Over & above qualification = 10 marks (M.A/M.Sc = 04 marks and M.Ed. = 06 marks) No marks shall be awarded to an examination passed in 3rd division.</p> <p>v. C.R. for the last 5 years = 20 marks</p> <table border="0"> <tr> <td>a. Excellent/Very Good</td> <td>= 4 marks per year</td> </tr> <tr> <td>b. Good</td> <td>= 3 marks per year</td> </tr> <tr> <td>c. Average/ Satisfactory</td> <td>= 2 marks per year</td> </tr> </table> <p>General Decimal fraction of 0.5 and above shall be considered as one mark while less than that shall be ignored in all cases.</p>	a. Excellent/Very Good	= 4 marks per year	b. Good	= 3 marks per year	c. Average/ Satisfactory	= 2 marks per year
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Furthermore, the Syndicate directed that merit / gold medal certificate should not be issued to those students who passed examinations in parts (either Previous or Final).

Deputy Registrar (Acad),
University of Peshawar

No. 5641-5700 / Acad-I, of even date

Copy to:

- The Deans of the Faculties.
- The Director of the Centers/Institutes/Academy.
- The Chairmen/Chairpersons of the Teaching Departments.
- The Principals of Constituent Colleges/Schools.
- The Treasurer, University of Peshawar
- The Additional Registrar (Establishment)
- The Assistant Registrar (Meetings).



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 490 P/2016

1. Sardar Akhtar S/o Akhtar Ali, TGT, University Public School, University of Peshawar, Peshawar appointed on 01.11.2010.
2. Hamid Khan S/o Kushal Khan, TGT, University Public School, University of Peshawar, appointed on 20.09.2010.
3. Sar Anjam S/o Khar Sahib, TGT, University Public School, University of Peshawar, appointed on 16.05.2011.
4. Syed Mubashir S/o Akbar Hussain, TGT, University Public School, University of Peshawar, appointed on 18.02.2011.
5. Shahid Kamal S/o Din Muhammad, TGT, University Public School, University of Peshawar, appointed on 10.01.2011.
6. Karim Khan S/o Malik Ayaz, TGT, University Public School, University of Peshawar, appointed on 01.01.2007
7. Ms. Muneeba Haroon D/o Haroon-ur-Rashid, TGT, University Public School, University of Peshawar, appointed on 01.10.2009.
8. Ms. Sadaf Syed D/o Syed Sher Shah, TGT, University Public School, University of Peshawar, appointed on 01.09.2010.
9. Ms. Shaista Noor D/o Noor Muhammad, TGT, University Public School, University of Peshawar, appointed on 01.04.2011.
10. Ms. Taiba Hassan D/o Hassan Shah Afridi, TGT, University Public School, University of Peshawar, appointed on 05.09.2011.



FILED TODAY
Deputy Registrar
Peshawar High Court

ATTESTED
EXAMINER
Peshawar High Court
2016

117

court. Reliance in this respect is advantageously placed on "Tehsil
 Municipal Officer, TMA Kahuta and another vs. Gul Fraz Khan"
 (2013 SCMR 13), "Federation of Pakistan through Secretary
 Law, Justice and Parliamentary Affairs vs. Muhammad Azam
 Chattha" (2013 SCMR 120) and "Muzaffar Khan and others vs.
 Government of Pakistan and others" (2013 SCMR 304).

In view of the foregoing discussion, this and the connected
 writ petitions being meritless stand dismissed.

Announced:
07.06.2016.

Call no - Waqar Ahmad Bhatt J
Call no - Quresh Rashid bin J

Qaseem

JUDGE

 JUDGE

CERTIFIED TO BE TRUE COPY

Poshawan District Court, Peshawar
 Authenticated by Order No. 975 of
 1986

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2/09/16

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 Received By J. S. H. K. I. S. V. P. S.

Notifications

29th May 2012 | Act No.10 of 2012

The Khyber Pakhtunkhwa Universities Act, 2012

AN ACT

to reconstitute and reorganize the Universities established or to be established by the Government of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to reconstitute and reorganize the Universities established or to be established by the Government of the Khyber Pakhtunkhwa to further improve their governance and management by ensuring accountability, transparency and giving due representation to all stakeholders in decision making, so as to enhance the quality of higher education in the Province of the Khyber Pakhtunkhwa.

It is hereby enacted as follows:

CHAPTER -I

PRELIMINARY

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Universities Act, 2012.

(2) The provisions of this Act shall come into force with respect to the Universities listed in the Schedule on such date as may be specified by Government by notifications published in the official Gazette as the date of repeal of the Act or Ordinance constituting each of the University specified in the Schedule.

(3) This Act shall apply to all Universities established by Government after the commencement of this Act.

2. Definitions.---In this Act, unless the context otherwise requires, the following expression, shall have the meanings hereby respectively assigned to them, that is to say,-

(a) "Academic Council" means the Academic Council of the University;

(a-i) "Academic Search Committee" means the Academic Search Committee constituted by the Chancellor under sub-section (2) of section 12;

(a-ii) "administrative officer" means an officer other than the teaching and research staff working in the administration of the University in BPS-17 and above, only appointed by Syndicate;

(b) "affiliated college" or "affiliated institution" means a college or institution affiliated to the University, but not maintained or administered by it;

(c) "Authority" means any of the Authorities of the University specified in section 18;

(d) "Chairperson" means the head of a Teaching Department;

(3) The Syndicate shall after considering the recommendations of the Affiliation Committee, dispose of the application for affiliation in accordance with such procedure as may be prescribed and may grant or refuse affiliation; provided that affiliation shall not be refused, unless the educational institution has been given an opportunity of making a representation against the proposed decision.

(4) *The application for affiliation of the private sector educational institution, imparting higher education shall be preceded with provisional registration of the institute concerned with Higher Education Regulatory Authority (HERA) as per requirements of Commission.*

33. **Extension of Affiliation.**---When an affiliated educational institution desires to alter or expand the courses of studies, number of seats and fee structure in respect of which it is granted affiliation, the procedure prescribed for affiliation of college shall, as far as possible, be followed.

34. **Inspection and Reports.**---(1) Every affiliated educational institution shall furnish such reports, returns and other information as the University may require to enable it to judge the efficiency of the educational institution.

(2) The University may call upon any affiliated educational institution to take, within a specified period, such action in respect of any matter mentioned in sub-section (1) as the University may deem fit.

35. **Disaffiliation.**---(1) If an educational institution affiliated to the University has failed to fulfill any requirement of this Act or has failed to observe any of the conditions of affiliation or its affairs are conducted in a manner prejudicial to the interest of education, the Syndicate may, in accordance with the prescribed Statutes, and after considering any representation that the educational institution may wish to make, modify or withdraw all or any of the privileges conferred on the educational institution by the affiliation.

(2) Where any educational institution has been refused affiliation or all or any of the privileges conferred on any educational institution by affiliation have been modified or withdrawn under sub-section (1), it may, within the prescribed period, apply for review to the Syndicate against such refusal and the application shall be disposed of in such manner as may be prescribed.

CHAPTER -VI **UNIVERSITY FUND**

36. **University Fund.**---(1) There shall be a Fund of the University to be called the University Fund to which shall be credited all money received by it from fees, donations, trusts, bequests, endowments, contributions, grants and other sources.

(2) The Fund shall be utilized for such purposes as may be prescribed by Statutes.

37. **Recovery of University Dues.**---All dues of the University shall be recoverable as arrears of land revenue.

38. **Audits and accounts.**---(1) The Accounts of the University shall be maintained and audited in such form and in such manner as may be prescribed.

(2) The Teaching Departments and all other bodies designated as such by the Syndicate in terms of Statutes shall be independent cost centers of the University with authority vested in the head of each cost centre to sanction expenditure out of the budget allocated to it:

Provided that re-appropriation from one head of expenditure to another may be made by the head of a cost centre in accordance with and to the extent prescribed by the Statutes.

(3) All funds generated by a Teaching Department, constituent colleges or other units of the University through consultancy, research or other provision of service shall be credited to the University fund:

Provided that the Teaching Department, constituent college or other unit concerned may be allowed enhanced budget allocation equivalent to a part of the funds generated in accordance with prescribed rules.

(4) No expenditure shall be made from the funds of the University, unless a bill for its payments has been issued by the head of the cost centre concerned in accordance with the Statutes and the Treasurer has verified that the payment is provided for in the approved budget of the cost centre, subject to the authority to re-appropriate the fund available to the head of the cost centre.

(5) Provision shall be made for an internal audit of the finances of the University.

(6) The University shall cause to carry out audit of its accounts by the Auditor-General of Pakistan.

Provided that the observations of the Auditor General of Pakistan, if any, together with such annotations as the Treasurer may make, shall be considered by the Syndicate and shall be placed before the Senate within six months of closing of the financial year.

Provided further that the University shall also cause to carry out its yearly academic, administrative and financial audit by a third party of national or international repute.

Provided also that the Government shall have the power to carry out financial and performance audit of all activities carried out by the Universities out of the funds provided by National and Provincial exchequer, grants and loans whether local or foreign. The Government shall notify the procedure for such audit.

CHAPTER -VII GENERAL PROVISIONS

39. **Opportunity to show cause.**---Except otherwise provided by law, no Officer, Teacher or other employee of the University, holding a permanent post, shall be reduced in rank, or removed or compulsorily retired from service for cause arising out of any act or omission on the part of the person concerned, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

40. **Appeal.**---Where an order is passed punishing any Officer (other than the Vice-Chancellor), Teacher or other employee of the University or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed by the Vice Chancellor or any other Officer or Teacher of the University, have the right to appeal to the Syndicate against the order, and where the order is passed by the Syndicate, have the right to appeal to the Chancellor.

Provided that such appeal shall be submitted to the Vice Chancellor, who shall place it before the next meeting of the Syndicate or the Chancellor, as the case may be, with his views.

Provided further that no order shall be passed on the said appeal unless the person concerned is given an opportunity of being heard:

Provided further that when the Syndicate is considering the appeal of an employee punished by the Vice Chancellor, the Vice Chancellor should not be a part of the proceedings and the meeting of the Syndicate shall be chaired by a senior member of the Syndicate instead of the Vice Chancellor.

BRIEF OF THE CASE

- 13 Trained Graduate Teachers were engaged out of the school private fund by the Principal University Model School at her desecration in the years 2009 – 2010.
- Their contract were renewed from time to time by the concerned principal
- Subsequent to abolishing of private fund by the syndicate of the university in compliance with Khyber Pakhtunkhwa universities act 2012 (amended) and subsequent decision of the syndicate committee, their engagement/ contract were not renewed after 31.03.2016.
- Feeling aggrieved from the decision the private fund staff approached the Honorable Peshawar High Court Peshawar vide writ petition no. P/490 2016 for renewal of their contracts/ regularization of their service
- The Honorable Peshawar high court Peshawar dismissed the subject as well as connected writ petition in its judgment 07.03.2016, operative part of the decision is reproduce here under:
 - *"In view of the foregoing discussion, this and the connected writ petitions being meritless stand dismissed."*
- The Private Fund Staff have now approached the Supreme Court of Pakistan against the decision of the Peshawar High Court Peshawar and the case is subjudice.