

IN THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Ali Baqar Najafi

Mr. Justice Muhammad Karim Khan Agha

F.C.P.L.A. No.338 of 2025

*(Against the judgment dated 23.10.2025 of the Peshawar High Court,
Mingora Bench (Dar-ul-Qaza), Swat in AWP No.1381-M/2020)*

Shams uddin

... Petitioner

Versus

Govt of KPK & others

... Respondents

For the Petitioner: Syed Abdul Haq, ASC

Respondents: N.R.

Date of Hearing: 27.01.2026

ORDER

Muhammad Karim Khan Agha, J.- Shams-ud-Din (“**petitioner**”), through the present petition for leave to appeal, calls into question the judgment dated 23.10.2025 (“**impugned judgment**”) passed by the Peshawar High Court. By the impugned judgment, the High Court dismissed the writ petition filed by the petitioner, wherein he had sought a direction to the authorities concerned to award him the marks in respect of his qualification of Shahadat-ul-Aalmiya, to revise his merit position accordingly and to consider him for appointment in accordance with his entitlement. The petitioner had also challenged the condition contained in the advertisement denying marks for Shahadat-ul-Aalmiya/Darja-e-Alia, seeking a declaration that it was illegal, without lawful authority and liable to be struck down.

2. Briefly stated, the facts are that the petitioner applied for the post of Qari (BPS-12) in the Elementary and Secondary Education Department, Chitral, Khyber Pakhtunkhwa, for which the prescribed qualifications were a Bachelor’s degree from a recognized university and a *Sanad* of Qirat from a recognized institution. Although the petitioner possessed Shahadat-ul-Aalmiya, the marks for the said qualification were not counted on the ground that it was relevant only for the posts of Arabic Teacher and Theology Teacher. Aggrieved thereby, the petitioner approached the High Court through a writ petition, which was, however, dismissed by the impugned judgment.

3. Learned counsel for the petitioner contended that the petitioner had applied for the post of Qari (BPS-12) pursuant to an advertisement published by the Elementary and Secondary Education Department, Chitral, Khyber Pakhtunkhwa. It was argued that, despite possessing the requisite qualifications and legitimately expecting appointment on merit, the petitioner was informed that the marks for his *Sanad* of Shahadat-ul-Aalmiya would not be counted, on the ground that the said qualification was relevant only for the posts of Arabic Teacher and Theology Teacher. Learned counsel further submitted that the condition contained in the advertisement denying the award of marks for Shahadat-ul-Aalmiya is without lawful authority, lacks legal backing and is therefore liable to be struck down.

4. We have heard learned counsel for the petitioner and perused the record.

5. The main grievance of the petitioner is that he was not appointed to the post of Qari (BPS 12) because he did not achieve the required marks as his marks for his *Sanad* (Shahadat-ul-Aalmiya) were excluded when according to him they ought to have counted which would have lead to his appointment in the post which he had applied for; that such exclusion of his marks did not have any legal basis and therefore was not sustainable under the law.

6. The key to the case of the petitioner is whether the petitioner met the required terms, conditions and qualifications contained in the advertisement for the job in question being Qari (BPS-12).

7. As per the job advertisement the required qualification was Bachelor Degree from a recognized university and a *sanad* of Qirat from a recognized university. For ease of reference the qualification as mentioned in the advertisement is set out below;

قاری/قاریہ (BPS-12)

- (i) کسی بھی تسلیم شدہ یونیورسٹی سے بچلر ڈگری، سند قرأت کسی بھی منظور شدہ ادارے سے۔
(ii) سلیکشن اور تقرری کے بعد 9 ماہ کی ٹریننگ حکومتی اداروں RITE/PITE سے حاصل کرنی ہوگی۔

And it has been mentioned in the advertisement in clear term that;

"TA اور TT امیدواروں کیلئے شہادہ العامیہ کو ایم اے کے برابر تسلیم کرتے ہوئے مارکس ایم اے کے برابر دیے جائیں گے۔ البتہ شہادہ العامیہ، شہادہ الخاصہ اور شہادہ العالیہ کے کوی نمبر نہیں دیے جائیں گے۔
AT اور TT کے علاوہ کسی اور کیڈر کے لیے شہادہ العامیہ کے کوی نمبر / مارکس نہیں ہوں گے۔"

8. As such, from a plain reading of the advertisement, which the petitioner applied under, it was made clear from the very outset that his *Sanad* (Shahadat-ul-Aalmiya) would **not** be acceptable for the position for which he had applied and as such, his contention is without merit.

9. With regard to the exclusion of his *Sanad* (Shahadat-ul-Aalmiya) not being anchored in law, this is also misconceived.

10. The method of recruitment, qualification and other conditions as mentioned in the advertisement are in line with the Notification bearing No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre dated 13.11.2012 as well as the relevant rules [Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989]. For the convenience of reference, relevant part of the *ibid* Notification is reproduced herein below;

S. No.	Nomenclature of the post	Minimum qualification and experience for initial appointment or by transfer	Age limit	Method of recruitment
1.	2	3	4	5
22	Qari (BPS-12)	Intermediate with Hafiz-e-Quran and Qirat Sanad from a recognized Institution	18 to 35 years	By initial recruitment

11. **Subsequently, qualification for the post in question has further been enhanced to that of Bachelor Degree** by way of Notification bearing No.SO(PE)4-5/SSRC (Meeting/2012/Teaching Cadre/2017 dated 30.01.2018, wherein the following amendments have been made in columns No.3 and 4 of the earlier Notification dated 13.11.2012;

3	4
(i) Bachelor's Degree from a recognized University and Qirat Sanad from registered Institution; and	19 to 35 years
(ii) Nine months in service mandatory professional training at Regional Institute for Teacher Education (RITE) or Provincial Institute for Teacher Education (PITE)	

12. When seen on the above touchstone, the very contention of learned counsel for the petitioner with regard to not awarding marks of Shahadat-ul-Aalmiya is misconceived as it has specifically been mentioned in general conditions of the advertisement reproduced earlier that marks of Shahadat-ul-Aalmiya would **not** be given to other cadres except for the post of TT and AT.

13. We have also noted that it was not the petitioner alone who was not given marks of Shahadat-ul-Aalmiya but all competing candidates were treated alike and no special treatment has been

extended to anyone. These conditions as mentioned in the advertisement have also been backed by the Notifications *ibid*, which have been made in pursuance of the provisions as contained in sub-rule (2) of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

14. As such we find that the petitioner was not qualified for the post which he applied for, that the required qualifications were anchored in law and that the petitioner was not discriminated against vis-a-vis other applicants and as such we find the petition to be without merit, refuse leave to appeal and uphold the impugned Judgment.

Judge

Judge

Islamabad:
27.01.2026
(Muhammad Ahmad)
Approved for reporting