



## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 20<sup>th</sup> SEPTEMBER, 2022.

### PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

#### NOTIFICATION

Dated Peshawar, the 20<sup>th</sup> September, 2022.

No. PA/Khyber Pakhtunkhwa/Bills-245/2022/4642.— The Khyber Pakhtunkhwa Teachers (Appointment and Regularization of Services) Bill, 2022 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 12<sup>th</sup> September, 2022 and assented to by the Governor of the Khyber Pakhtunkhwa on 16<sup>th</sup> September, 2022 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

#### THE KHYBER PAKHTUNKHWA TEACHERS (APPOINTMENT AND REGULARIZATION OF SERVICES) ACT, 2022. (KHYBER PAKHTUNKHWA ACT NO. XLI OF 2022)

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 20<sup>th</sup> September, 2022).*

#### AN ACT

*to provide for the appointment and regularization of the services of certain teachers appointed on ad-hoc/contract basis in the Elementary and Secondary Education Department in the Province of Khyber Pakhtunkhwa*

WHEREAS, it is expedient to provide for the appointment and regularization of the services of certain teachers appointed on ad-hoc/contract basis in the Elementary and Secondary Education Department in the Province of Khyber Pakhtunkhwa, in the public interest;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

- Short title, application and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Teachers (Appointment and Regularization of Services) Act, 2022.  
(2) It shall apply to all the teachers, as defined in clause (d) of sub-section (1) of section 2 of this Act.  
(3) It shall come into force at once.
- Definitions.**— (1) In this Act, unless the context otherwise requires,-

- (a) "Government" means the Government of Khyber Pakhtunkhwa;
- (b) "law or rules" means the law or rules, for the time being in force, governing the selection and appointment of civil servants;
- (c) "post" means a post of teacher in the Elementary and Secondary Education Department; and
- (d) "teachers" mean duly qualified persons, who are appointed as Primary School Teachers, Certified Teachers, Drawing Masters, Physical Education Teachers, Theology Teachers, Arabic Teachers, Qari/Qaria Teachers, Certified Teachers IT, Primary Teachers and Secondary School Teachers, having different pay scales, in the Elementary and Secondary Education Department, on ad-hoc/contract basis, through National Testing Service/the Khyber Pakhtunkhwa Educational Testing and Evaluation Agency (ETEA) or any other testing service, but does not include the teachers engaged on work charge basis or who are paid out of contingencies or engaged by Parent Teachers Council.

(2) The expressions "ad-hoc appointment" shall have the same meaning as is respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

**3. Regularization of services of teachers.**---(1) Notwithstanding anything contained in any law or rules, for the time being in force, all the teachers, who are holding various posts from 08.03.2017 till the commencement of this Act, shall be validly appointed, on regular basis, from the date of their initial appointment; provided that,-

- (a) they possess the same qualification and experience required for a regular post;
- (b) they have not resigned from their services or terminated from services on account of misconduct, inefficiency or any other ground, before the commencement of this Act;
- (c) the service promotion quota of all service cadres shall not be affected; and
- (d) they shall be entitled for seniority and pay from the date of their initial appointment on ad-hoc/contract basis.

(2) The services of the teachers shall be deemed to have been regularized only on the publication of their names in the official Gazette.

**4. Overriding effect.**--- Notwithstanding anything to the contrary contained in any other law or rules for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules, to the extent of inconsistency to this Act, shall cease to have effect.

**BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA**

**(KIFAYAT ULLAH KHAN AFRIDI)**  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa