



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

Subject:- **MINUTES OF THE 14TH MEETING OF KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION HELD ON 01.02.2024 & 14.02.2024**

Minutes of the 14th Meeting of Khyber Pakhtunkhwa Public Service Commission held on 01.02.2024 and 14.02.2024 are enclosed herewith for information / appropriate action accordingly.

Deputy Director Admin

No.KPSC/DDA/49-V/00003441

Dated: 29/02/2024

Copy to:-

1. The Director Recruitment, KP PSC.
2. The Director Examination, KP PSC.
3. The Director C & R, KP PSC.
4. The Senior Psychologist, KP PSC.
5. The Psychologist, KP PSC.
6. All Deputy Directors, KP PSC.
7. The Senior Law Officer, KP PSC.
8. All Assistant Directors / P.I.O, KP PSC.
9. The Controller Examination (Secrecy & Conduct), KP PSC.
10. The Accounts Officer, KP PSC.
11. The Registrar, KP PSC.
12. PS to Hon'ble Chairman, KP PSC.
13. PS to Hon'ble Member-I, II, III, IV, V, VI, VII & VIII, KP PSC.
14. PS to Secretary, KP PSC.

Deputy Director (Admn)



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

Subject:- **MINUTES OF THE 14TH MEETING OF KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION HELD ON 01.02.2024 & 14.02.2024**

14th meeting of the Khyber Pakhtunkhwa Public Service Commission (KP PSC) was held on 01.02.2024 at 03:00 pm and, because of adjournment due to paucity of time for the remaining agenda items, on 14.02.2024 at 10:00 am in Conference Room of KP PSC. The following attended:-

1. Capt. Sikander Qayyum (Retd.), Hon'ble Chairman, KP PSC (In chair)
2. Mr Shad Muhammad, Hon'ble Member-I, KP PSC
3. Mr Sadiq Kamal Khan, Hon'ble Member-II, KP PSC
4. Mr Laiq Zaman, Hon'ble Member-III, KP PSC
5. Mr Masud ur Rehman, Hon'ble Member-IV, KP PSC
6. Syed Kamran Shah, Hon'ble Member-V, KP PSC
7. Mr Farman Ullah Anjum, Hon'ble Member-VI, KP PSC
8. Dr Tahir Nadeem Khan, Hon'ble Member-VII, KP PSC
9. Dr Razia Sultana, Hon'ble Member-VIII, KP PSC
10. Mr Muhammad Nadir Khan Rana, Secretary, KP PSC

ON SPECIAL INVITATION

11. Syed Ilyas Shah, Director Recruitment, KP PSC
12. Mr Rashid Khan, Director Curriculum & Research, KP PSC
13. Mr Hayat Hussain, Director Examination, KP PSC
14. Mr Munawar Khan, Deputy Director Admn., PSC
15. Mr Muhammad Kashif, Deputy Director IT, PSC
16. Mr Faheemullah, Senior Law Officer, PSC

2. Proceedings started with the recitation of the Holy Quran, where-after the Hon'ble Chairman formally welcomed the participants in the first meeting of the Commission in 2024. He further said that the objective of convening the meeting was to review the performance and achievements of the Commission during the period from 2021 to 2023.

3. Hon'ble Chairman PSC shared that a compendium of KP PSC laws, rules and regulations had been compiled, which would soon be made available to all the Hon'ble members and officers of the PSC. He also informed that a booklet of the minutes of the Commission's previous meetings would also be compiled in due course. Expressing his satisfaction over the performance of the Commission during the period under review, Hon'ble Chairman intimated that backlog of the previous years had been successfully cleared.

N. Qayyum
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over the work done with the hope that KP PSC would continue to perform well in the same spirit in future as well.

7. Thence, Deputy Director IT briefed the Commission about the results of the pilot survey conducted regarding the newly launched E-application Form for the posts of Provincial Planning Service Officers (BPS-17) recently advertised by KP PSC with 01.01.2024 as the closing date. He informed that in all 7341 applications had been received. Accordingly, feedback regarding the newly introduced E-application Form had been solicited from those 7341 applicants, out of whom 2354 had responded. As per the feedback received, 43% candidates were **very satisfied**, 12.1% **more than satisfied**, 36.7% **satisfied**, some of the candidates were **partially satisfied** and very few numbers of candidates were **not satisfied at all**. He further apprised that against the requisitions of 1729 posts received during the year 2023, 569 posts had been advertised. When inquired by the Hon'ble Chairman PSC for the reason of the less number of the posts advertised, Deputy Director IT explained that in fact 1160 posts had to be returned to the Administrative Departments concerned for various anomalies including discrepancies in the service rules and not working out zonal allocation according to the revised Zonal Allocation Formula etc. Hon'able Chairman appreciated the efforts of Hon'ble Member-VII, Deputy Director IT and his team in designing the E-Application Form.

Decisions:-

- i. Senior Law Officer PSC will submit detailed report / reasons for adverse decisions in 12 litigation cases during the 2023 within a week positively.
- ii. Deputy Director IT shall further deliberate on the newly designed E-Application Form in coordination with Dr. Tahir Nadeem Khan, Hon'ble Member-VII for further improvement therein.

AGENDA ITEM NO.2

CUT-OFF DATE FOR SUBMISSION OF DEFICIENCIES / DOCUMENTS BY CANDIDATES AND PROPOSED ADDITION IN REGULATION 12 OF THE KP PSC REGULATIONS, 2017

8. It was informed that the Commission in its 13th meeting held on 29.11.2023 had constituted a committee comprising Mr. Shad Muhammad, Hon'ble Member-I, Dr. Tahir Nadeem Khan, Hon'ble Member-VII, Syed Ilyas Shah, Director Recruitment and Mr. Hayat Hussain, Director Examination for determining cut-off date / specific period for submission of documents by the candidates. The committee had since completed the task and submitted its report. Accordingly, Director Recruitment presented the recommendations of the report, apprising that the committee recommended 30 days for submission of documents by the candidates. In this regard, the committee proposed the following amendments / insertions in Regulation 12 and 13 of the KP PSC Regulations, 2017:-

Reg No.	Existing	Proposed
12	(a) Only eligible candidates shall normally be called for examination, written test, Interview/ viva-voce. However, in case of large number of applications for the post(s) the examination/	(a) Old may be intact. (b) Old may be intact. (c) Those candidates who pass the ability test or competitive examination and fall within the orbit of


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	<p>screening test may be held without first holding scrutiny of applications but once the shortlisted candidates are identified, the applications of such candidates shall be scrutinized before proceeding further. If found ineligible in scrutiny, such candidates shall not be called for psychological test/ interview even if they qualify the examination/ test].</p> <p>(b) In all cases, before finalizing a case for interview, all entries of the application form and the particulars reported therein shall be checked, by the concerned sections of Recruitment or Examination Wing, whatever the case may be, against the documents provided by the candidate. Such an exercise shall be more meticulously conducted gain at the last stage of selection process before sending out recommendation to the requisitioning department.</p>	<p>short listing for interview, or those candidates who are decided by the Commission to be shortlisted for direct interview or through short listing on academic basis, whatever the case may be, shall be informed by the IT Section through SMS, and / or Email address of the candidate registered at the time of submitting online Application Form, and / or Commission's Official Website to provide all their required documents along with the duly signed Documents Submission Proforma to the Commission in a manner that the same reach the Commission's Office not later than thirty (30) days of the issuance of this intimation. In case of public holiday on the last date fixed for receipt of documents, the next official working day shall be considered as the last date for receipt of these documents at the Commission's Office.</p> <p>(d) The Application as well as candidacy of a candidate shall stand rejected without any further processing if the required documents are received in the Commission's Office after the timeline provided in Regulation 12 (c) above.</p> <p>(e) It shall be the responsibility of candidates to keep their mobile phone and Email address, registered at the time of submission of online Application Form, and internet active all the times in order to timely receive any intimation from the Commission made through any of these channels. Once intimated through any of the above channels, the Commission shall neither be responsible nor shall give a relaxation of any kind to a candidate for delay in receiving or non-receipt of any communication from the Commission in relation to his/her candidacy and / or any other aspect of recruitment / selection process regarding the post the candidates have applied for.</p> <p>(f) The concerned offices / sections of the Commission shall start and complete the scrutiny of above received documents at the earliest without waiting for the completion of deadline provided in the Regulation 12 (c) irrespective of the scheduling of interviews for the advertised posts.</p>
Reg No.	Existing	Proposed
13	<p>Member Incharge shall determine eligibility of candidate. Initially, the Director concerned shall put up application of candidate fulfilling criteria of eligibility to the Member Incharge for approval of eligibility or otherwise. Application of candidate not approved shall be returned to the Director for initial rejection. Application of candidate who does not fulfill eligibility criteria shall be rejected by the Director concerned under general supervision of Member Incharge and reason(s) of rejection intimated to the candidate concerned accordingly. Appeal of candidate against rejection shall be put up to the Member Incharge by the Director concerned alongwith proposal for approval of eligibility or otherwise. The candidate aggrieved by decision of the Member Incharge may submit representation to the Chairman whose decision shall be final.</p>	<p>(a) Honourable Member Incharge shall determine eligibility of the candidates. The Director concerned shall put up applications of candidates to the Honourable Member Incharge for decision of rejection or eligibility of the individual candidates for the applied post/s.</p> <p>(b) The candidates shall be intimated about the rejection of his/her application and candidacy by the concerned Section of the Recruitment Wing of the Commission through SMS, and / or Email address of the candidate registered at the time of submitting online Application Form.</p> <p>(c) Candidates aggrieved by decision of the Member Incharge, as in Regulation 13 (b) above, may appeal against the decision to the Honourable Chairman of the Commission in a manner that it reaches the Commission's Office not later than fifteen days of the intimation of the decision being appealed against. Decision of the Honourable Chairman of the Commission into the appeal shall be final.</p>

9. Thereafter, the proposed amendments / modifications in the relevant provisions of the KP PSC Regulations, 2017 were discussed in detail, during the course of which the Hon'ble Chairman instructed that the contents of the proposed Regulation 12 (e) particularly respecting "Internet" needed to be re-visited / reviewed as it would neither be desirable nor legally tenable to bound prospective candidate to have mobile phone with internet facility opened all the time. The highlights of the discussion were as under:-

- i. Hon'ble Member-I PSC drew attention to the analogy of FPSC, which prescribed 15 days for submission of documents, also providing that in case candidate fails to submit the documents within the stipulated time, his / her candidature stands rejected with zero tolerance for any delays.
- ii. Hon'ble Member-IV proposed that the provisions, phrases and explanation given in the committee report needed further deliberation and improvements.
- iii. Member-V proposed that thirty (30) days cut-off date in clause 12 (c) was required to be substituted with 15 days and those candidates who fails to submit their documents after the expiry of 15 days should be summarily rejected and further 15 days be given to those candidates whose documents were found deficient in scrutiny, for rectifications / removal of deficiencies. He also pointed out that the word "normally" used in the existing first sentence of Regulation 12 (a) was required to be deleted for a strict enforcement of the requirements.
- iv. Hon'ble Member-VII opined that those candidates who failed to submit their documents within the deadline of 30 days should stand rejected automatically and no further extension in timeline be allowed.
- v. Director Examination indicated that 30 days cut-off date in Regulation 12 would not be compatible with the existing Regulation 38 & 40 of the KP PSC Regulations, 2017.
- vi. Director Recruitment, referring to the relevant proposal of the committee, advocated that Regulation 13 of the KP PSC Regulations, 2017 be modified for assigning power of initial rejection to the Member In-charge instead of Director Recruitment. However, majority of Hon'ble Members was of the view that there was no need to bring in any change in that behalf. However, there was a need to prescribe timeline for filing appeals, against the initial rejection, to the Member In-charge concerned.
- vii. As regards the need for any modification / improvement in Regulation 16 for ensuring its compatibility with the other relevant provisions of KP PSC Regulations, 2017, there was a general consensus that the same may be examined carefully in order to obviate any chances of inconsistency, conflict or ambiguity in the application of the regulations.


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Decisions:-

- i. The Commission agreed in principle for prescribing specific period / cut-off date of 30 days for submission of documents by candidates after qualifying ability test / competitive examination or, as the case may be, by those candidates summoned by KP PSC for direct interview or shortlisted on academic basis / record.
- ii. As regards Regulation 13, the existing provision / procedure of initial rejection of the candidate by the Director Recruitment will be retained. However, an appropriate timeline will be prescribed for filing of appeal, against the initial rejection by the Director Recruitment, to Member-Incharge.
- iii. A committee headed by Mr. Masud ur Rehman, Hon'ble Member-IV who is incharge of litigation section and Mr. Faheemullah, Senior Law Officer will re-examine the proposed amendments in the light of the report (of the committee headed by Mr. Shad Muhammad, Hon'able Member-I) as well as the suggestions / views put forth during the discussion of the Commission on this agenda item. Hon'ble Member-V may also be consulted if need be. The Committee will submit its recommendations within five working days.
- iv. The committee may also look into the need for retention, or otherwise, of the word "*normally*" used in the existing Regulation 12 (a).
- v. Moreover, the committee will also look into the Regulations 13, 16, 19 (b), 38 and any other regulation(s) with a view that there may not be left any ambiguity, conflict, incompatibility or inconsistency between the relevant provisions, which could be misused, abused or manipulated at any stage after the insertion of proposed 12 (c) or any other new provisions in the Regulations.

AGENDA ITEM NO.3

DISCUSSION ON THE REPORT PREPARED BY DIRECTOR (C & R) WITH REGARD TO REMOVAL OF FLAWS / BOTTLENECKS IN THE EXISTING SERVICES RULES OF REQUISITIONING DEPARTMENTS

10. While presently the agenda item, Mr. Rashid Khan, Director (C&R) briefed the forum in detail on his report regarding anomalies / flaws in the existing service rules of the requisitioning Departments etc. Main features of his briefing / report were as under:-

- i. Poor understanding of non-joiner cases by the departments. The Administrative Departments do not properly examine or willfully neglect the policy instructions of the Provincial Government in the non-joiner cases. Processing of such cases is not done by the

departments within the prescribed timeline i.e. within three months of the issuance of offer of appointment.

- ii. Issue of post-qualification experience certificates and required "qualification" for the post. As per the KP PSC Regulations 2017, "experience" means the required experience which the candidate has acquired after completion of his qualification. However, Service Rules of the requisitioning departments often do not prescribe the experience as "post qualification". None mention of prefix "post" sometime creates ambiguity / problems, leading to unnecessary litigation.
- iii. Changed policy of the HEC and introduction of BS Programmes / Degrees are causing technical issues of equivalency / relevancy and consequent delays in selection processes.
- iv. Delay in submission of Departmental Permission Certificate (DPC) and Age Relaxation Certificate (ARC) by the candidates due to their own laxity or because of delayed processing on the part of administrative departments concerned also causes delay in selection processes and add to litigations.
- v. Emergence of new disciplines / technologies and resultant introduction of new degrees / qualifications as well as changes in the HEC Policies have rendered, in most cases, the service rules of different categories of posts of the departments deficient / out dated. Also adding to the requirement for seeking equivalency / relevancy certificates from the HEC by the candidates.
- vi. Miscellaneous issues (non observance of new zonal allocation formula). Requisitioning departments either do not accurately apply new Zonal Allocation Formula or fail to properly workout different zonal / special quotas.

11. The report and the specific points highlighted by Director (C&R) were discussed, one by one, by the Commission in detail and necessary decisions were taken in each case accordingly. During the course of discussion, Director Examination opined that age relaxation certificate might be required from the over aged candidates prior to their appointment as per Rule 6 of the Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of upper age limit) Rules, 2008. However, Hon'ble Member-V opposed the idea of calling the over aged candidate for interview without obtaining the age relaxation from the competent authority for their, at that time, being ineligible to be considered for selection or calling for interview particularly in the presence of other qualified candidates eligible in all respects.

12. He also referred to *Regulation 12 (a)* (read with Regulation 15) of the PSC Regulations, 2017, which provides that only eligible candidates shall normally be called for examination, written test, interview/ viva-voce. Grant of age relaxation or otherwise was a matter between the Provincial Government / competent authority concerned and the over aged candidates, and not between such candidates and KP PSC, he maintained. As such the PSC was required to select the eligible candidates strictly in accordance with the service rules of the posts concerned, he urged.


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Decisions:-

- i. The issue of non observance of non joiner policy of the Provincial Government will be taken up with the Establishment Department for issuance of necessary instructions to all the administrative departments urging processing of such cases is strictly in accordance with the requirement / parameters laid down in that policy.
- ii. Dr. Tahir Nadeem Khan, Hon'ble Member-VII will prepare a draft letter for Establishment Department for onward circulation to all Administrative Departments, highlighting the issues, anomalies and deficiencies in the their existing service rules with the instructions for their updation in view of the emergence of new disciplines / subjects and introduction of new degrees programmes particularly BS Programmes as approved by the HEC in the public / private universities and colleges.
- iii. Director C&R will examine the existing format of DPC for further improvement therein and submit a self contained proposal within 15 days positively. He may consult Hon'ble Member-V or other Hon'ble Members if need be. Moreover, a DPC duly filled in, authenticated / signed, stamped and issued by the responsible officer concerned of the Administrative Department will serve the purpose and thus be acceptable even if the same is without a covering letter.
- iv. In age relaxation cases, the status quo may be maintained and the over aged candidates shall continue to produce / submit Age Relaxation Certificate from the competent authority concerned as per the existing Regulations of the KP PSC.
- v. All requisitions forwarded by the administrative departments, which are either without service rules or wherein the service rules have been amended / modified but instead old / previous service rules are provided, should be returned with the observations of the KP PSC accordingly. In case the department fails to make good the anomalies / discrepancies in the light of KP PSC observations within one month time, the case may be closed with the approval of the Hon'ble Chairman PSC under intimation to Establishment Department.
- vi. On receipt of requisition from an administrative department, KP PSC will minutely examine and tailor the zonal allocation of the posts in the light of its own record. In case any discrepancy is found, back reference shall be made, within 02 days of the decision by the member Incharge, to the department concerned for necessary rectifications accordingly. Moreover, the Department shall be required to complete and re-submit the case / requisition within one month as per the existing Regulation 4 (a) of Regulation 2017 otherwise the case would be closed with the approval of the Hon'ble Chairman under intimation to Establishment Department.


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AGENDA ITEM NO.4

DISCUSSION ON THE PROPOSED ADDITIONS / DELETIONS AND AMENDMENTS IN THE REGULATION 19 (b) OF KP PSC REGULATIONS, 2017 WITH PARTICULAR REFERENCE OF SUBMISSION DEGREES BY THE CANDIDATES BEFORE THE INTERVIEW

13. Presenting the agenda item, Hon'ble Member-V informed that the issue originated from a note moved by him to the Hon'ble Chairman PSC pointing out the misuse / manipulation of Regulation 19 (b) by the quarters concerned of the KP PSC. In this case the candidate had been interviewed for the post of Stenographer in 2021 on 13.12.2023 on the basis of DMC without his original degree. In fact he had failed to produce the original degree, after more than 5.5 years, despite the fact that the date of declaration of his degree examination result was 09.04.2018. The candidate had not bothered to get his original degree even after applying for the post on 13.09.2021, rather till the date of his interview i.e. 13.12.2023. Moreover, he had also failed to produce any concrete documentary proof of his having applied for the issuance of original degree, showing laxity, irresponsibility and non seriousness attitude on the part of the candidate and connivance and undue favouritism on the part of the PSC officials.

14. Hon'ble Member-V proposed that in order to avoid any abuse, misuse or undue use of the relevant provision in future, the Regulation 19 (b) of KP PSC Regulations, 2017 needed to be suitably rationalized. The improvement was also required because it contained contradictory contents creating ambiguities and gaps for manipulation, he added. However, he cautioned that a holistic approach was needed for any amendment(s) in the Regulations so as to ensure that no ambiguity, incompatibility, inconsistency or contradiction occurred between different provisions, which otherwise might render them susceptible or pliable to manipulation, misuse or even abuse. In this regard he referred to Regulation No.12, 13, 16 and 38 specifically.

15. Thereupon, Hon'ble Chairman also showed his concern over undue favour and support for candidates in such like cases. Hon'ble Member-VII too endorsed the views as to the misuse of the provision of Regulation 19 (b) of KP PSC Regulation, 2017 by the officials. He further stated that such candidates did not deserve any concession or relaxation, who should rather be legally bound to produce original degree(s) before interview otherwise their candidature shall be rejected.

16. Hon'ble Member-I was of the view that the proposed Regulation 12 (c) once incorporated would appropriately address such issues. Similarly, Hon'ble Member-II suggested ascertaining the practice being followed by other Public Service Commissions in such matters. Likewise, Hon'ble Member-VIII informed that after declaration of results, the graduates became entitled for obtaining their degrees without waiting for convocation.

Decisions:-

- i. The committee headed by Mr. Masud ur Rehman Hon'ble Member-IV and Senior Law Officer will examine the proposed amendments / modifications in the Regulation 19 (b), also taking care of its compatibility / consistency with the Regulation 12, 13, 16, and 38 of the KP PSC Regulations, 2017.

- ii. Mr. Masud ur Rehman, Hon'ble Member-IV will present the committee's recommendations on MS Power Point, also highlighting the existing regulations, proposals of the committee headed by Mr. Shad Muhammad, Hon'ble Member-I and further any proposed amendments / additions / improvements in the KP PSC Regulation, 2017.

AGENDA ITEM NO.5

PROPOSED ADDITION / DELETION / REPLACEMENT OF THE LAST SENTENCE OF THE REGULATION 20 (e) OF THE KP PSC REGULATION, 2017 AS THE EXISTING SENTENCE OF REGULATION 20 (e) IS CONTRADICTORY WITH ONLINE APPLICATION FORM DEALS WITH MARRIED FEMALE CANDIDATES

17. Presenting the agenda item, Director Recruitment informed the forum that difficulties were faced during the scrutiny process as to female candidates who in their online application had opted for their husbands' domicile but subsequently before test / examination requested for consideration on the basis of their own domicile and vice versa. He, therefore, was of the opinion that the option exercised at the time of the submission of application forms should be treated final and not be changed at later stage. Accordingly, Director Recruitment proposed the following amendment in the Regulation 20 (e):-

Existing Regulation 20 (e)	Proposed Regulation 20 (e)
CITIZENSHIP / DOMICILE CERTIFICATE/ PHOTOGRAPH	CITIZENSHIP / DOMICILE CERTIFICATE/ PHOTOGRAPH
(e) A female candidate if married before entry into government service shall acquire the domicile of her husband. If otherwise she will possess her own domicile. However, a female married candidate, if wants to retain her own domicile, shall inform the Commission in writing before test/ examination.	(e) A female candidate (<i>not in Govt: service</i>) if married before entry into government service shall acquire the domicile of her husband. If otherwise she will possess her own domicile. However, a female married candidate once exercise the option in her online application form shall be final and not be allowed to alter / change the status of her domicile later on.

18. Hon'ble Member-V too, emphasized against the frog jumping of the candidates particularly female candidates who on second thought went for change of domicile as an easy way to be adjusted against another zone with less competition or competitors. Mr. Laiq Zaman, Hon'ble Member-III also endorsed the views of Hon'ble Member-V.

Decision:-

- i. The Commission agrees in principle on deletion of the last sentence of the existing provision of Regulation 20 (e) to be replaced with a more improved version of the contents proposed by the Director Recruitment. The committee headed by Mr Masud ur Rehman, Hon'ble Member-IV may look into the proposed amendment for further improvement of its legal language.

AGENDA ITEM NO.6

DE-ASSOCIATION OF HON'BLE CHAIRMAN, MEMBERS, OFFICERS AND STAFF OF KP PSC FROM RECRUITMENT PROCESS

19. Mr. Shad Muhammad, Hon'ble Member-I, presented the report of the committee, constituted in the 11th meeting of the Commission held on 04.08.2023 headed by him and comprising Dr. Razia Sultana, Hon'ble Member-VIII and Mr. Rashid Khan, Director (C&R), for proposing amendment in Regulation 31 (b) of the KP PSC Regulations, 2017 with a view to disassociate Hon'ble Chairman, Hon'ble Members, Officers and staff of the PSC from the recruitment process in case of appearance / candidature of their close relatives for the posts advertised by the Commission. He further stated that the objective of the committee's report / recommendations was to expand the purview of the existing provision of Regulation 31 (b) in order to ensure disengagement / recusal not only of the Hon'ble Chairman and Hon'ble Members but also that of the officials / functionaries of KP PSC in case of such conflict of interest.

20. The report was discussed in detail and there emerged a general agreement as to the need for having a proper regulatory provision / mechanism for ensuring fair play, transparency and accountability in the selection processes in such cases of conflict of interest. It would hopefully enhance the credibility, integrity and public image of the KP PSC. Hon'ble Member-V suggested that the existing provision of Regulation 31 (b) might be left intact, instead a new provision in this behalf be added in Part XIII or Part XIV, being seemingly appropriate placement, of the KP PSC Regulations, 2017.

Decisions:-

- i. The committee headed by Mr. Masud ur Rehman, Member-IV will review the report and suggest in consultation with Syed Kamran Shah Hon'ble Member-V, a suitably worded draft provision for insertion in the KP PSC Regulations, 2017, for approval of the Commission.
- ii. Necessary SOPs in this behalf, to be prepared by Director Recruitment, would later on be issued with the approval of the competent authority / forum.

AGENDA ITEM NO.7

WITHDRAWAL OF CASE FROM FEDERAL INVESTIGATION AGENCY (FIA)

21. As per the decision taken in 13th meeting of KP PSC held on 29.11.2023, Mr. Faheemullah, Senior Law Officer had been assigned to minutely examine the feasibility and legal consequences of withdrawal of the case referred to the F.I.A regarding alleged use of electronic devices etc. in the Ability Tests held on 20.06.2023 to 24.06.2023. Senior Law Officer apprised the forum that he had already submitted his report after consulting the office of Advocate General KP, District Public Prosecutor Peshawar and officials of Prosecution Department and Law Department.


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On the query by the Hon'ble Chairman as to his professional opinion, the SLO opined as under:-

"there exist no provision in the law which restrain KP PSC from request for withdrawal of case from the FIA (Cyber Wing). However, the Commission shall face legal consequences of withdrawal in the shape of malafide, accomplice and defeating the public interest. He has further stated that if the case is withdrawn it might have legal consequences, if the matter is reopened by FIA on complaint of any person or candidate in High Court in writ petition".

22. Hon'ble Member-II was of the opinion that the Commission might pursue the FIA case because withdrawal of the case by the KP PSC at this stage would defeat the public interest. Similarly, other Hon'ble Members too did not subscribe to the withdrawal of the case from FIA.

Decision:-

- i. The KP PSC will go ahead and pursue FIA case.

ADDITIONAL AGENDA ITEM: REVISION OR OTHERWISE OF RESULT OF ABILITY TEST HELD ON 22.12.2023 FOR THE POSTS OF SUBJECT SPECIALIST PHYSICS (BPS-17)

23. The additional agenda item was presented with the permission of the Hon'ble Chairman, who explained the reason for seeking approval of the Commission for revision or cancelation of the result of Ability Test for the posts of SS Physics held on 22.12.2023. It was informed that in view of the mistakes pointed out in the question paper of SS Physics, four questions had been excluded and thus result had to be compiled on the basis of 41 instead of 45 Questions. One question had been found incorrect and the three questions out of syllabus.

24. Mr. Hayat Hussain Director Examination informed that after consulting the paper setter concerned and the University of Peshawar, one question had been found incorrect, and three questions were confirmed as relevant to the syllabus. The matter was discussed by the Commission in detail and a general agreement was reached that as the incorrect question had already been excluded, fair play demands that the remaining three correct / relevant questions be considered for inclusion in the result. Senior Law Officer too opined that correction of the mistakes was legally tenable and thus he too supported the revision of the result.

Decision:-

- i. The result of the Ability Test for the posts of SS Physics held on 22.12.2023 may be revised and uploaded on the KP PSC official website accordingly.

25. Before conclusion of the meeting, the Hon'ble Chairman shared that the News Letter of the last Quarter of the calendar year 2023 had been published with a slight delay. However, he desired that next time that responsibility would be entrusted to one of the Hon'ble Member of the Commission. In future, the Hon'ble Member

assigned with the responsibility should thoroughly examine the contents of the News Letter and would submit the same to the Hon'ble Chairman for final approval so as to ensure its timely publication.

26. Deputy Director IT was also directed to assist Deputy Director (Admn) in preparation and presentation of Agenda Items on MS Power Point for the Commission's meeting in future.

27. The meeting ended with a note of thanks by and to the chair.


Munawar Khan
Deputy Director (Admn)

Deputy Director
Public Service Commission
K.P.K Peshawar