



## KHYBER PAKHTUNKHWA

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### KHYBER PAKHTUNKHWA HIGHER EDUCATION ACADEMY OF RESEARCH AND TRAINING (HEART)

#### NOTIFICATION

Peshawar Dated, the 2<sup>nd</sup> September, 2022.

No. HEART/Regulations/Financial Regulations/2022/7056:- In exercise of the powers conferred by section 18 of the Khyber Pakhtunkhwa Higher Education Academy of Research and Training Act, 2016 (Khyber Pakhtunkhwa Act No. XXI of 2016), read with clause (n) of sub-section (2) of section 7 thereof, the Board of Governors, in its meeting on September 2<sup>nd</sup> 2022, is pleased to make the following regulations, namely:

#### THE KHYBER PAKHTUNKHWA HIGHER EDUCATION ACADEMY OF RESEARCH AND TRAINING EMPLOYEES APPOINTMENT AND TRANSFER (TERMS AND CONDITIONS OF SERVICE) REGULATIONS, 2022

##### Chapter-I Preliminary

1. **Short title, application and commencement.**--- (1) These regulations may be called the Khyber Pakhtunkhwa Higher Education Academy of Research and Training Employees Appointment and Transfer (Terms and Conditions of Service) Regulations, 2022.

- (2) These regulations shall apply to the employees of the Academy.
- (3) These regulations shall come into force at once.

2. **Definitions.**--- (1) In these regulations, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Khyber Pakhtunkhwa Higher Education Academy of Research and Training Act, 2016 (Khyber Pakhtunkhwa Act No. XXI of 2016);
- (b) "Board" means Board of Governors of Khyber Pakhtunkhwa Higher Education Academy of Research and Training

- (c) "Department" means Higher Education, Archives and Libraries Department, Government of Khyber Pakhtunkhwa
- (d) "Appendix" means the Appendix, appended to these regulations;
- (e) "appointing authority" in relation to a post means the authority competent to make appointment to the post under regulation 4 of these regulations;
- (f) "employee" means an employee of the Academy, appointed by the appointing authority;
- (g) "initial appointment" means the appointment made otherwise than by promotion and transfer;
- (h) "pay and allowances" means the amount, drawn monthly by an employee and includes special pay, personal pay, special allowance and any other emoluments included in and declared by the Board as such;
- (i) "post" means a post, mentioned in the Appendix; and
- (j) "Selection and Promotion Committee" means the Selection and Promotion Committee, constituted under regulation 5 of these regulations, respectively.

(2) Words and expressions, used but not defined in these regulations, shall, unless the context otherwise requires, have the same meanings as are assigned to them in the Act or other relevant laws of Government for the time being in force.

3. **Methods of appointment.**--- Appointment to posts shall be made by any of the following methods:

- (a) by promotion, transfer or deputation, in accordance with the provisions, contained in Chapter-II of these regulations; and
- (b) by initial recruitment, in accordance with the provisions, contained in Chapter-III of these regulations.

4. **Appointing authorities.**--- (1) All appointments, in the Academy, in various pay scales, shall be made by the followings:

S.No.	Basic Pay Scale.	Appointing Authority.
1.	Basic Pay Scales 01 to 16.	Director of the Academy.
2.	Basic Pay Scales 17 and 18.	The Board.

(2) The transfer or posting of employees shall be vested with the Director.

5. **Selection and Promotion Committees.**--- (1) There shall be a Selection and Promotion Committee, for the purpose to recommend initial appointment or appointment by promotion or transfer, in the Academy, against posts in basic pay scales 01 to 16. The Selection and Promotion Committee shall consist of the following:

- |     |  |                      |
|-----|--|----------------------|
| (a) | Deputy Director (Admin) of the Academy;  | Chairperson          |
| (b) | Assistant Director (General), Directorate of Colleges, Khyber Pakhtunkhwa; and | Member               |
| (c) | Training Officer (Admin) of the Academy.                                       | Member-cum-Secretary |

(2) For the purpose to recommend initial appointment or appointment by promotion or transfer, in the Academy, against posts in BPS 17 and 18, there shall be a Selection and Promotion Committee, which shall consist of the following:

- |     |   |                      |
|-----|---|----------------------|
| (a) | Director of the Academy;  | Chairperson          |
| (b) | Director or his nominee, Directorate of Colleges, Khyber Pakhtunkhwa; | Member               |
| (c) | Representative of the Department not below the rank of BPS-18;        | Member               |
| (d) | Deputy Director (Admin) of the Academy; and                           | Member               |
| (e) | Training Officer (Admin) of the Academy.                              | Member-cum-Secretary |

(3) The Director, being Chairperson of the appropriate Selection and Promotion Committee, under clause (1) or clause (2), as the case may be, may nominate an eminent professional or expert in relevant field as co-opted member.

#### Chapter-II

#### Appointment by Promotion or Transfer etc

6. **Appointment by promotion or transfer.**— (1) Appointment, by promotion or transfer, shall be made by the appointing authority, on the recommendations of the appropriate Selection and Promotion Committee.

(2) Persons, who possess the qualification and meet the conditions, laid down in the **Appendix**, for the purpose of promotion or transfer to a post, shall be considered by the appropriate Selection and Promotion Committee, respectively.

(3) Promotion, including pro-forma promotion, shall not be claimed as a matter of right by any employee.

7. **Eligibility criteria for promotion.**— (1) For the purpose of promotion, an employee must possess the qualification, experience, minimum length of service and other conditions, as prescribed in the **Appendix**.

(2) An employee, superseded earlier, shall be considered, after earning one full calendar year Performance Evaluation Report.

(3) The appropriate Selection and Promotion Committee shall consider the cases of eligible employees in order of seniority and to recommend promotion to next higher post.

- (4) The promotion of an employee may be deferred, if-
- (a) the Performance Evaluation Report dossier is incomplete or any other document or information, required by the appropriate Selection and Promotion Committee for determining an employee suitability for promotion, is not available; or
  - (b) disciplinary or departmental proceedings are pending against the employee whose promotion case comes up for consideration before the appropriate Selection and Promotion Committee; or
  - (c) the employee is on deputation abroad to a foreign government or other agencies and organizations; or
  - (d) the employee does not possess the required length of service; or
  - (e) the employee inter-se seniority is sub-judice.

**8. Appointment on acting charge basis.**--- Appointment, on acting-charge basis, may be made in the following manner:

- (a) where the appointing authority considers it to be in the interest of the Academy, to fill a vacant post, reserved under these regulations for promotion, and the senior most employee of the Academy, who is, otherwise, eligible for promotion, does not possess the specified length of service, the appointing authority may appoint him to that post on acting charge basis;
- (b) where the appointing authority is satisfied that no suitable person is available to fill a post in basic pay scale 01 to 16, reserved under these regulations, to be filled by initial appointment, and it is expedient not to allow that post to remain unfilled, it may appoint to that post the senior most employee, otherwise eligible for promotion to that post, on acting charge basis;
- (c) appointment, on acting charge basis, shall be made by the appointing authority, on the recommendations of the appropriate Selection and Promotion Committee;
- (d) appointment, on acting charge basis, shall not be made against a post which is likely to remain vacant for a period of less than six months; and
- (e) the appointing authority may appoint an eligible employee on acting charge basis, but such appointment shall neither be deemed to have been made on regular basis for any purpose nor shall confer any right for regular appointment or promotion.

**9. Appointment by promotion on officiating basis.**--- (1) Where a post falls vacant, as a result of deputation, posting outside cadre, leave, suspension of the incumbent or is reserved to be filled by transfer, and no suitable employee is available for transfer, the appointing authority may make appointment by promotion on officiating basis against such post:



Provided that the employee, appointed by promotion on officiating basis under this clause, shall assume the charge of the original post, wherefrom he has been promoted on officiating basis, after completion of deputation period, tenure of posting outside cadre, leave or reinstating of the employee, as the case may be.

(2) An employee shall not be promoted on officiating basis, unless he possesses the qualification and experience, prescribed for the post, and his promotion as such is recommended by the appropriate Selection and Promotion Committee.

(3) Promotion, on officiating basis, shall not confer any right of promotion on regular basis and shall be liable to be terminated as soon as a person is promoted on regular basis against the post of the incumbent working on officiating promotion basis.

(4) Officiating promotion shall be made on the same terms and conditions as are prescribed for regular appointment by promotion.

**10. Appointment by deputation.**--- (1) An employee, in the service of Government, who possesses the minimum educational qualifications, experience and length of service, prescribed for a post, shall be eligible for appointment to the post on deputation, in the Academy, on such terms and conditions as may be agreed between the lending organization and the Academy.

(2) Appointment, on deputation basis, shall be made by the Academy, for such period and on such terms and conditions, as may be specified in the deputation policy of Government, for the time being in force.

(3) Notwithstanding anything contained in the aforesaid deputation policy, in case the services of a person, working on deputation in the Academy, are no more required, the Academy shall repatriate him to the lending organization without any notice.

**11. Appointment on current charge basis.**--- (1) Where a post is likely to remain vacant for a period of less than six months, the appointing authority may appoint the senior most employee, who, in the opinion of the appointing authority, is eligible and suitable for promotion on current charge basis.

(2) Appointment, made on current charge basis, shall come to an end on appointment of a person, on regular basis against the post of the incumbent appointed on current charge basis or on the expiry of six months, whichever is earlier:

Provided that if the post continues to remain vacant beyond six months, the Director may approve the current charge appointment for a further period of six months.

### Chapter-III Initial Appointment

**12. Initial appointment.**---(1) Initial appointment, against the posts, shall be made on merit, by the appointing authority, determined on the basis of academic qualification and experience, as specified in the **Appendix** and screening test in accordance with the criteria, as laid down in the **Schedule**, through approved testing agency or interview or both, on the recommendation of the appropriate Selection and Promotion Committee.

(2) After detailed scrutiny and short-listing of the applicants, the eligible candidates shall be issued call letters for test or interview, as the case may be.

(3) A candidate, for initial appointment to a post, must possess the required educational qualification and experience and must be within the age limits prescribed in Appendix; provided that-

- (a) experience, where prescribed, would include equivalent experience, in a profession or in the service of a Government Department, including Federal Government, an autonomous body, semi-autonomous body or private sector organization, gained after acquiring the basic requisite qualification for the post;
- (b) where appointment is to be made on the basis of advertisement of vacancies, age shall be reckoned as on the last date published for submission of applications for appointment; and
- (c) the zonal allocations and appointments, against the post for female, minorities and disabled candidates, shall be made as per the policy of Government in vogue to the equivalent grades.

**13. Medical fitness.**--- (1) Every appointment, in the Academy, shall be subject to medical fitness of the appointee, except candidate, who has applied through proper channel, and whose medical fitness was certified on his first appointment.

(2) The medical fitness of a candidate shall be determined by such medical board or medical officer, as may be specified by the Academy for the purpose.

**14. Probation.**--- (1) Persons, appointed to posts by initial recruitment, promotion or transfer, shall be on probation for a period of one year.

(2) The appointing authority, if considers necessary, may extend the probation period for one year as may be specified at the time of appointment.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation of the officer or official concerned within two months after the expiry of probation period prescribed under clause (1):

Provided that if no specific order regarding termination of the probation period of the official or officer concerned is issued within two months, the period of probation shall be deemed to have been extended under clause (2):

Provided further that if no specific order is issued on the expiry of the extended period of probation, the period of probation shall be deemed to have been successfully completed.

**15. Confirmation.**---After satisfactory completion of the probationary period, an employee shall be confirmed; provided that he holds a substantive post.

**16. Seniority.**--- (1) The inter-se-seniority of persons, appointed to posts in the same cadre and pay scale, shall be determined in the following manner:

- (a) in the case of persons, appointed by initial appointment, in accordance with the order of merit, assigned by the appropriate Selection and Promotion Committee; provided that persons, selected for appointment to the pay scale in an earlier selection, shall rank senior to the persons selected in a later selection;
- (b) in the case of persons, appointed otherwise, with reference to the date of their continuous appointment in the pay scale; provided that if the date of continuous appointment, in the case of two or more persons, appointed to the pay scale, is the same, the older if not junior to the younger in the next below pay scale, shall rank senior to the younger ones;
- (c) a person, junior in a lower pay scale, is promoted to a higher pay scale, by superseding his senior and if subsequently, except in case of reversion of the decision of his supersession, the latter is also promoted, the promoted first shall rank senior to the one promoted subsequently;
- (d) a person, who is deferred for promotion and is subsequently promoted, shall regain his original seniority; and
- (e) a junior person, appointed to a higher pay scale, shall be deemed to supersede his senior, only if both the junior and the senior were considered for the higher pay scale and the junior was appointed in preference to the senior.

(2) The seniority of the persons, appointed by initial appointment to the posts vis-à-vis those appointed otherwise, shall be determined with reference to the date of continuous appointment to the post:

Provided that if the two dates are the same, the person, appointed otherwise, shall rank senior to the person, appointed by initial appointment:

Provided further that inter-se-seniority of persons, belonging to the same category, shall not be altered.

(3) Notwithstanding the provisions of these regulations, in case of extraordinary leave without pay or deputation of an employee of the Academy to other organizations, beyond three years, his seniority shall remain intact but his promotion may be deferred. He shall be considered for promotion only on his joining duties in the Academy and earning at least one full calendar year Performance Evaluation Report, before he is considered for promotion.

**17. Performance Evaluation Report.**--- (1) Performance Evaluation Report of all employees of the Academy shall be initiated in the 1<sup>st</sup> week of January by the Reporting Officer, who is directly supervising the duties of the employee, working under his administrative control and countersigned by the next higher authority.

(2) The minimum period, for assessment of work and conduct of an employee for the purpose of Performance Evaluation Report, shall be consecutive three months in a calendar year. If an employee has served for a period more than three months, under more than one Reporting Officer, his Performance Evaluation Report shall separately be recorded by all Reporting Officers concerned.



(3) The period, spent on leave of any kind, except casual leave, shall not be included in the said minimum period of three months.

(4) Performance Evaluation Report, for the period an employee remains under suspension, shall not be recorded. Instead a certificate, indicating the reasons for not recording the Performance Evaluation Report, shall be placed in his dossier.

(5) The remarks, considered adverse by the reporting officer or counter-signing officer, as the case may be, shall be underlined in red and shall be communicated to the concerned employee, within six months.

(6) The employee, to whom an adverse remarks are communicated under clause (5), may file an appeal or representation, against such adverse remarks, to the officer next above the reporting officer or counter-signing officer, as the case may be, within thirty (30) days of the communication of adverse remarks.

(7) Any decision, made in pursuance of an appeal or representation under clause (6), shall be final and binding.

(8) Except, where expressed provision to the contrary has been made in these regulations, the instructions about confidential reports, as applicable to Government servants, shall apply mutatis mutandis to employees of the Academy.

#### Chapter-IV

#### Retirement, Pay and Allowances, Pension etc.

**18. Retirement.**--- An employee shall retire from service on attaining the maximum age of sixty (60) years. However, the employee may request the competent authority for early retirement on completion of twenty five (25) years of continuous regular service without break. The competent authority may also direct, in the public interest, to retire a regular employee from service on completion of twenty (20) years qualifying service for pension and other benefits.

**19. Pay and allowances.**--- (1) Subject to the provisions of these regulations, an employee shall be entitled to such pay and allowances as are specified by the Board from time to time.

(2) The employees shall be entitled to the HEART allowance, equal to fifty percent (50%) of the running basic pay per month, as per decision of the Board.

(3) HEART allowance shall not be admissible to the employees during leave period other than casual leave.

**20. Deputation allowance.**---The employees, working in the Academy, on deputation basis, shall be entitled to such deputation allowance, as is admissible to civil servants under the deputation policy of Government for the time being in force.



21. **Medical facilities.**—The employees shall be entitled to medical facilities as are approved by the Board.

22. **In service death.**—In case of death of an employee during service, the nominated legal heir shall be entitled to receive compensation as is admissible to civil servants of equivalent status under the relevant rules or policy of Government, for the time being in force.

23. **Permanent disability.**— If an employee becomes permanently disabled during service, he shall be entitled to draw six months' salary at the rate of last pay drawn in addition to any other compensation, as is admissible to civil servants of equivalent status, under the relevant rules or policy of Government, for the time being in force.

24. **Nomination of legal heir.**— An employee shall be required to nominate his legal heir to receive any payment in case of death or permanent disability.

25. **Pension and gratuity.**— (1) On retirement from service, the employees shall be entitled to receive such pension or gratuity as is admissible to civil servants of equivalent status under the relevant rules or instructions for the time being in force.

(2) In the event of death of an employee, whether before or after retirement, his family shall be entitled to receive such pension or gratuity or both as may be determined by the Board.

**Explanation:** For the purpose to receive the benefits of pension, gratuity or other emoluments of an employee, family shall bear the same meaning as is defined in the pension rules of Government for the time being in force.

(3) No pension shall be admissible to an employee, who is dismissed or removed from service for reason of discipline, however, the Board may sanction compassionate allowance to such employee, not exceeding two thirds of the pension or gratuity, which would have been admissible to him had he been invalidated from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity, admissible to an employee, is delayed beyond one month of the date of his retirement or death, as the case may be, he or his family shall be paid provisionally such anticipatory pension or gratuity as may be determined by the Board, according to the length of service of such employee which qualifies for pension or gratuity.

(5) In case of over-payment, consequent on such provisional payment, under clause (4) above, the said amount shall be adjusted against the amount of pension or gratuity, finally determined as payable to such employee or his family, as the case may be.

Chapter-V

Miscellaneous

**26. Conditions of service.**— (1) Except as otherwise provided, the whole time of an employee shall be at the disposal of the Academy and he may be required to perform with or without additional compensation, such duties as the competent authority may deem fit in the interest of the Academy.

(2) An employee may be transferred from one post to another on the terms and conditions not less favourable to the concerned employee except when a post is retrenched and the employee is offered a post in a lower scale of pay.

(3) No regular employee shall engage himself directly or indirectly in any work, business, trade or occupation other than that which may be incidental to performance of his duties, such as participation in trainings, academic classes, study tours, field visits or writing book or article and research; provided that no such work shall be undertaken without the permission of the Director.

**27. Discharge.**— (1) If an employee wishes to resign from service, he shall have to serve a notice, addressed to the appointing authority, for the period as may be laid down in his appointment order or deposit pay for that period in lieu of notice and if no such period has been mentioned in the appointment order, one month's notice shall be given or one month's pay shall be deposited in lieu thereof. He shall continue to perform his duty till the time he is relieved by the appointing authority.

(2) If the services of a contract employee are no longer required, the appointing authority may terminate his services, by giving him one month's prior notice or one month's pay in lieu thereof.

(3) An employee on contract, shall complete his prescribed period of employment as per the terms and conditions of his appointment. Prior to the expiry of the stipulated contract period, the contract shall stand terminated, if the authority so decides in the prescribed manner.

(4) A permanent employee, whose post has been retrenched or abolished, shall be adjusted against any other vacant post in the Academy. In case no adjustment is possible he shall be given three months' notice by the appointing authority for termination of service or three months' pay in lieu thereof, or compulsory retirement, subject to completion of twenty-five (25) years qualifying service, for pension benefits.

(5) During appointment, if an employee ceases to have good mental and bodily health, as declared by the medical board, constituted by the Academy, and the appointing authority is satisfied that he is not able to discharge his duties satisfactorily on account of indifferent health, his service may be dispensed with on compulsory retirement from service on medical grounds with gratuity or pension benefits, as the case be, as per relevant rules and policy of Government, for the time being in force.

28. **Efficiency and discipline.**— (1) The provisions of the Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules, 2011 shall, mutatis mutandis, be applicable to the employees of the Academy in cases of disciplinary proceedings.

(2) Notwithstanding anything containing in the afore-said rules, the competent authorities, for the purpose of initiation of disciplinary proceedings against the delinquent employee, shall be the same as are prescribed in the Table under clause (1) of regulation 4 of these regulations.

29. **General.**—All matters, not expressly provided in these regulations, rules and procedures, as are applicable to civil servants working in the Province, shall, mutatis mutandis, be applicable to the employees of the Academy.

Sd/-xxx-

Director

Khyber Pakhtunkhwa Higher Education Academy  
of Research and Training, Peshawar

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**APPENDIX**

[see regulations 2(1) (d) &amp; (i), 6(2), 7(1) &amp; 12(1)&amp;(3)]

1. S. No.	2. Nomenclature Of Post.	3. Minimum Qualification For Initial Recruitment.	4. Age Limit.	5. Method Of Recruitment.
1.	Director (BS-20).	--	--	By transfer from Government Officers of BPS-20.
2.	Deputy Director (Admin) (BS-18).	--	--	By transfer from the Department.
3.	Deputy Director (Academics) (BS-18).	--	--	By transfer from the Department.
4.	Computer Instructor (BS-18).	--	--	By transfer from the Department.
5.	English Language Teacher (BS-18).	--	--	By transfer from the Department.
6.	Training Officer (BS-17).	--	--	By transfer from the Department.
7.	Resident Auditor (BS-17).	--	--	By transfer from the Department.
7.	Resident Auditor (BS-17).	--	--	By transfer from the Department.
8.	Librarian (BS-17).	--	--	By transfer from the Department.
9.	Office Assistant (BS-16).	--	--	By promotion, on the basis seniority-cum-fitness, from amongst Senior Clerks (BPS-14), having two years service as such.

10.	Computer Operator (BS-16).	(i) At least Second Class Bachelor's/BS Degree (Hon's) in Computer Science/Information Technology, from a recognized University; or  (ii) At least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	18 to 30 years.	By initial recruitment.
11.	Senior Clerk (BS-14).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Clerks (BS-11), having two years service as such. By initial recruitment.
12.	Hostel Warden (BS-14).	At least Second Class Bachelor's Degree from a recognized University.	18 to 30 years.	By initial recruitment.
13.	Junior Clerk (BS-11).	At least Second division Intermediate from a recognized Board.	18 to 30 years.	By initial recruitment.
14.	Driver (BS-06).	At least Matric pass possessing valid LTV License.	18 to 40 years.	By initial recruitment.
15.	Cook (BS-03).	(i) Preferably literate; and (ii) at least two years experience in the relevant field.	18 to 40 years.	By initial recruitment.

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16.	Naib Qasid (BS-03).	Preferably literate.	18 to 40 years.	By initial recruitment.
17.	Chowkidar (BS-03).	Preferably literate.	18 to 40 years.	By initial recruitment.
18.	Sweeper (BS-03).	Preferably literate.	18 to 40 years.	By initial recruitment.
19.	Waiter (BS-03).	Preferably literate.	18 to 40 years.	By initial recruitment.



**SCHEDULE**  
[see regulation 12(1)]

**SELECTION CRITERIA**

**A. Minimum Prescribed Qualification**

<b>1. For Non Professional Posts</b>		<b>First</b>	<b>Second</b>	<b>Third</b>	<b>Total Marks</b>
					70
(i)	Matric	70	53	42	
(ii)	Matric	35	26	21	
	FA/FSc	35	27	21	
(iii)	Matric	23	17	14	
	FA/FSc	23	17	14	
	BA/BSc	24	18	14	
(iv)	Matric	17	13	10	
	FA/FSc	17	13	10	
	BA/BSc	17	13	11	
	MA/MSc	19	14	11	
<b>2. <u>For Professional Posts.</u></b>					
(i)	<u>For four examination</u>				
	1st Professional	17	13	10	
	2 <sup>nd</sup> Professional	17	13	10	
	3 <sup>rd</sup> Professional	17	13	10	
	Final	19	14	12	
(ii)	<u>For three examination</u>				
	1st Professional	23	17	14	
	2 <sup>nd</sup> Professional	23	17	14	
	Final	24	19	14	
(iii)	<u>For two examination</u>				
	1 <sup>st</sup> Professional	35	26	21	
	Final	35	27	21	

<b>B. Higher Qualification</b>	.....	12
(Next above the qualification prescribed under the rules).		
One stage above	06	
Two stage above	08	
Three stage above	12	
<b>C. Experience</b>	.....	10
Experience of one year	04	
Experience of two years	07	
Experience of three years and above	10	
<b>D. Interview:</b>	.....	08
Total marks...		100