

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-942 of 2025

[Kanbhu Khan vs. Province of Sindh & Others]

C.P No.D-1001 of 2025

[Shrimati Chothi vs. Province of Sindh & Others]

C.P No.D-1002 of 2025

[Lonbo vs. Province of Sindh & Others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Hasan (Akber)

Petitioner by

In C.P No.D-942/2025

: In person

Petitioners by

In C.Ps No.D-1001 & 1002 of 2025

Mr. Om Parkash H. Karmani
advocate

Respondents by

: Mr. Ayaz Ali Rajper Assistant A.G
Sindh a/w ADC-I Umerkot (**Javed
Dahri**)

Date of Hearing

: **25.02.2026**

Date of Decision

: **25.02.2026**

JUDGMENT

ARBAB ALI HAKRO J:- Since all three petitions involve identical questions of law and substantially similar factual controversies, they are being decided through this common judgment.

2. The petitioners, all persons with disabilities, seek directions for their appointment against suitable posts within District Umerkot under the 5% quota reserved for persons with disabilities. They assert that they possess the requisite educational qualifications and applied pursuant to public advertisements issued by the respondents, but despite participating in the process, they were not selected.

3. Learned counsel for the petitioners submits that the petitioners duly applied for various posts advertised under the disability quota and participated in the interviews conducted by the District Selection Committee (DSC), Umerkot, chaired by the Deputy Commissioner. It is argued that although the petitioners

were eligible and qualified, they were not considered for appointment. Counsel contends that the petitioners have no alternate remedy and therefore seek directions for their appointment to any suitable post.

4. Learned Assistant Advocate General, relying on the comments and the report of the Deputy Commissioner, Umerkot, submits that the recruitment process was conducted strictly in compliance with the directions of the Supreme Court of Pakistan¹ and a Division Bench of this Court at Sukkur². - Numerous persons with disabilities, including the petitioners, applied and were interviewed. After scrutiny of documents and assessment of merit, 428 candidates were found qualified and appointed under the disability quota against available vacancies. The petitioners, however, did not qualify in the interviews and therefore could not be considered for appointment. Learned AAG further submits that the Deputy Commissioner has already directed all departments of District Umerkot to furnish vacancy positions for initiating the second phase of recruitment under the disability quota, and the petitioners may apply afresh when the process is announced.

5. We have heard learned counsel for the parties and examined the record. It is evident that the petitioners did participate in the recruitment process initiated through public advertisements. However, the record clearly reflects that they did not qualify in the interviews conducted by the DSC, Umerkot. The candidates who qualified have already been appointed under the five percent disability quota, as reflected in the list appended to the comments.

6. It is a settled principle of service law that every aspirant seeking appointment to a government or public post, whether under open merit or a reserved quota, must fulfill the mandatory prerequisites of the recruitment process, including participation in the test and/or interview and qualification therein. The Sindh Empowerment of Persons with Disabilities Act, 2018, guarantees reservation of posts but does not confer an automatic right of

¹ Penned down in *C.Ps No.745-K to 750-K & 966-K to 971-K of 2022*.

² *Vide Order dated 10.10.2024 handed down in C.P No.D-176 of 2023 alongwith connected matters*

appointment, nor does it exempt candidates from meeting the prescribed criteria. The quota ensures opportunity, not entitlement.

7. Since the petitioners did not qualify in the interviews, they cannot claim a vested right to appointment. Constitutional jurisdiction cannot be invoked to bypass the recruitment process or to compel the State to appoint a candidate who has not met the mandatory requirements. The petitions, therefore, do not merit interference.

8. However, as the Deputy Commissioner, Umerkot has already initiated steps for the second phase of recruitment under the disability quota by calling for vacancy reports from all departments, it is appropriate to ensure that the process is completed expeditiously and that the petitioners are afforded an opportunity to participate in accordance with law.

9. For the foregoing reasons, these petitions are **dismissed** as not maintainable. The petitioners shall, however, be at liberty to participate in the forthcoming recruitment process under the disability quota, and their cases shall be considered strictly in accordance with the law if they fulfill the requisite criteria.

10. Before parting with this judgment, the Deputy Commissioner, Umerkot, being Chairman of the District Selection Committee, is directed to expedite the initiation and completion of the second phase of recruitment under the disability quota. This exercise shall be completed within ninety days from the date of this order, subject to compliance with all legal and codal formalities.

JUDGE

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