

# HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

**C.P No.D-956 of 2025**  
[Zahid vs. Province of Sindh & Others]

**Before:**

**Justice Arbab Ali Hakro**

**Justice Muhammad Hasan (Akber)**

Petitioner by : None present

Respondents by : Mr. Ayaz Ali Rajper Assistant A.G  
Sindh a/w ADC-II Sanghar (Moula  
Dad)

Date of Hearing : **04.03.2026**

Date of Decision : **04.03.2026**

## **J U D G M E N T**

**ARBAB ALI HAKRO J:-** The petitioner, who is person with disabilities, seeks directions for his appointment against suitable posts within District Sanghar under the 5% quota reserved for persons with disabilities. He asserts that he possess the requisite educational qualifications and submitted applications to the authorities, but his case was not considered, compelling him to invoke the constitutional jurisdiction of this Court.

3. None present for the petitioner. However, we have perused the contents of memo of petition, wherein it has been claimed by the petitioner that Sindh Empowerment of Persons with Disabilities Act, 2018, guarantees a 5% quota in public employment and the petitioner, being eligible candidate, is entitled to be appointed under the said quota. It is further stated that despite repeated applications, the respondents failed to consider his case, thereby violating his statutory and constitutional rights.

4. Conversely, learned Assistant Advocate General, relying on the comments and the report of the Deputy Commissioner, Sanghar, submits that a recruitment process was duly initiated through public advertisements in compliance with directions issued

by the Hon'ble Supreme Court<sup>1</sup> and a Division Bench of this Court at Sukkur<sup>2</sup>. Numerous persons with disabilities applied, and after scrutiny and interviews, 125 eligible candidates were appointed under the disability quota against available vacancies. It is emphasized that the petitioner did not participate in the recruitment process; instead, he merely submitted applications and then approached this Court. Learned AAG submits that vide letter dated 05.01.2026 the Deputy Commissioner, Sanghar requested the Secretary, SGA&CD for fixation of a date for convening the District Recruitment Committee for the second phase of recruitment against vacant posts of BS-01 to BS-04 under the disability quota. It is assured that all pending applications, including those of the petitioner, shall be considered strictly in accordance with the law.

5. We have heard the learned counsel for the parties and examined the record with their assistance. It is a settled principle of service jurisprudence that no appointment can be made without participation in a duly notified recruitment process, which ensures transparency, equal opportunity, and compliance with Articles 18 and 25 of the Constitution. Even where a statutory quota exists, such as the five percent disability quota, candidates must still undergo the prescribed legal and codal formalities, including participation in the recruitment process initiated through public advertisement. The Sindh Empowerment of Persons with Disabilities Act, 2018, guarantees reservation of posts but does not exempt persons with disabilities from meeting the mandatory recruitment prerequisites.

6. The record clearly demonstrates that the petitioner did not participate in the recruitment process conducted by the District Selection Committee. His claim for direct appointment, bypassing the competitive process, is legally untenable. Constitutional jurisdiction cannot be invoked to compel the State to appoint a candidate who has not fulfilled the basic requirements of recruitment. However, since the Deputy Commissioner, Sanghar, has already initiated steps for the second phase of recruitment

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<sup>1</sup> Penned down in C.Ps No.745-K to 750-K & 966-K to 971-K of 2022.

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

under the disability quota and the petitioner's applications are pending, it is appropriate to ensure that his case is duly considered in accordance with the law.

7. For the foregoing reasons, these petitions are **dismissed** as not maintainable, as the petitioner did not participate in the recruitment process and therefore cannot seek direct appointment through constitutional jurisdiction. Nevertheless, in the interest of justice and to safeguard the statutory rights of persons with disabilities, the Deputy Commissioner, Sanghar, being Chairman of the District Selection Committee, is directed to expedite the initiation and completion of the second phase of recruitment under the five percent disability quota. This exercise shall be completed within ninety days from the date of this judgment, subject to compliance with all prescribed legal and codal formalities, and all pending applications, including those of the petitioner, shall be considered strictly in accordance with law.

**JUDGE**

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