

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-1007 of 2025

[Muhammad Ashraf vs. Province of Sindh & Others]

C.P No.D-1009 of 2025

[Aisha vs. Deputy Commissioner Sanghar & another]

C.P No.D-1038 of 2025

[Shahzad Ali vs. Province of Sindh & Others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Hasan (Akber)

Petitioners by : M/s Hassan Mal Bheel, Sandeep Kumar & Irfan Umrani advocates

Respondents by : Mr. Ayaz Ali Rajper Assistant A.G Sindh a/w Assistant Commissioner Sanghar (**Shafique Ahmed Arain**)

Date of Hearing : **25.02.2026**

Date of Decision : **25.02.2026**

J U D G M E N T

ARBAB ALI HAKRO J:- Since all three petitions raise common questions of law and fact, they are being disposed of through this consolidated judgment.

2. The petitioners, who are persons with disabilities, seek directions for their appointment against suitable posts within District Sanghar under the 5% quota reserved for persons with disabilities. They assert that they possess the requisite educational qualifications and submitted applications to the authorities, but their cases were not considered, compelling them to invoke the constitutional jurisdiction of this Court.

3. Learned counsel for the petitioners contends that the Sindh Empowerment of Persons with Disabilities Act, 2018, guarantees a 5% quota in public employment and the petitioners, being eligible candidates, are entitled to be appointed under the said quota. It is argued that despite repeated applications, the respondents failed to consider their cases, thereby violating their 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 Court¹ and a Division Bench of this Court at Sukkur². 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 petitioners did not participate in the recruitment process; instead, they merely submitted applications and then approached this Court. Learned AAG further placed on record a letter dated 19.02.2026 addressed by the Deputy Commissioner, Sanghar, to the Secretary, SGA&CD, requesting 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 petitioners, 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 petitioners did not participate in the recruitment process conducted by the District Selection Committee. Their claim for direct appointment, bypassing

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

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 under the disability quota and the petitioners' applications are pending, it is appropriate to ensure that their cases are duly considered in accordance with the law.

7. For the foregoing reasons, these petitions are **dismissed** as not maintainable, as the petitioners 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 petitioners, shall be considered strictly in accordance with law.

JUDGE

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