

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-625 of 2025

[Madad Ali vs. Province of Sindh & Others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Hasan (Akber

Petitioner by : Mir Sarfraz Ali Talpur advocate
Respondents by : Mr. Ayaz Ali Rajper, Assistant A.G
Sindh
Date of Hearing : **25.02.2026**
Date of Decision : **25.02.2026**

JUDGMENT

ARBAB ALI HAKRO J:- The petitioner, a person with disabilities, seeks directions for his appointment against any suitable post within District Tharparkar under the five percent quota reserved for persons with disabilities. He asserts that he possesses the requisite educational qualifications and applied pursuant to public advertisements issued by the respondents, but despite participating in the recruitment process, he was not selected.

2. Learned counsel for the petitioner submits that the petitioner duly applied for various posts advertised under the disability quota and participated in the interviews conducted by the District Selection Committee (DSC), Tharparkar, chaired by the Deputy Commissioner. It is argued that although the petitioner was eligible and qualified, he was not considered for appointment. Counsel contends that the petitioner has no alternate remedy and therefore seeks directions for his appointment to any suitable post.

3. Learned Assistant Advocate General, relying on the comments and the report of the Deputy Commissioner, Tharparkar, submits that the recruitment process was conducted strictly in compliance with the directions of the Supreme Court of Pakistan¹

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

and a Division Bench of this Court at Sukkur². Numerous persons with disabilities, including the petitioner, applied and were interviewed. After scrutiny of documents and assessment of merit, 218 candidates were found qualified and appointed under the disability quota against available vacancies. The petitioner, however, did not qualify in the interview and therefore could not be considered for appointment. Learned AAG further submits that the remaining eligible persons with disabilities will be considered in the second phase of recruitment, and the petitioner may apply afresh when the process is announced.

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

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

6. Since the petitioner did not qualify in the interview, he 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 petition, therefore, does not merit interference.

7. However, as the Deputy Commissioner, Tharparkar has already initiated steps for the second phase of recruitment under the disability quota by calling for vacancy reports from all

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

departments, it is appropriate to ensure that the process is completed expeditiously and that the petitioner is afforded an opportunity to participate in accordance with law.

8. For the foregoing reasons, this petition is **dismissed** as not maintainable. The petitioner shall, however, be at liberty to participate in the forthcoming recruitment process under the disability quota, and his case shall be considered strictly in accordance with the law if he fulfills the requisite criteria.

9. Before parting with this judgment, the Deputy Commissioner, Tharparkar, being Chairman of the District Selection Committee, is directed to obtain vacancy positions from all departments of District Tharparkar and, if vacancies are available under the disability quota, to initiate the second phase of recruitment through public notice. 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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