

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 1442 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Petitioner Najaf Ali Pitafi **through** Mr. Abdul Naeem
Pirzada, advocate.

The Province of **Through** Mr. Israr Ahmed Shah Assistant
Sindh and others Advocate General, Sindh

Date of hearing and order: 02-06-2026.

O R D E R.

Adnan-ul-Karim Memon J:- Through the instant petition, the petitioner seeks a declaration that the respondents' failure to appoint him against the reserved quota for differently-abled persons in BPS-01 to BPS-04 is unlawful, without lawful authority, and violative of the principles of natural justice. He further seeks a direction to the respondents to appoint him to any suitable post against the reserved disabled quota in any Government department, keeping in view his disability, unemployment, and financial hardship. The petitioner also prays for any other relief deemed just and proper in the circumstances of the case.

2. The case of the petitioner is that he is a differently-abled person holding a valid disability certificate, claims to be unemployed, and is facing severe financial hardship. He submits that he is educated up to the SSC level, possesses the requisite domicile and PRC of District Ghotki, and has repeatedly approached the respondents over the last two years seeking appointment against the reserved quota for differently-abled persons or on any suitable post commensurate with his qualifications. According to the petitioner, although a recruitment test was conducted, no result was communicated to him, and

despite the availability of vacant posts in various Government departments, his case has not been considered. He further contends that the respondents have appointed other candidates based on favoritism while ignoring deserving and eligible differently-abled persons. The petitioner asserts that several judgments of the superior courts and the provisions of the Sindh Empowerment of Persons with Disabilities Act, 2018, obligate the respondents to fill the reserved quota for differently-abled persons. He therefore seeks directions for his appointment against the reserved disabled quota in BPS-01 to BPS-04.

3. Conversely, learned Assistant Advocate General submits that, in compliance with the orders passed by this Court in C.P. No.176 of 2023 and connected matters, as well as the judgments of the Hon'ble Supreme Court of Pakistan in CPLA Nos.745-K to 750-K and Civil Petition Nos.966-K to 971-K of 2022, the process for filling the reserved 5% quota for differently-abled persons was duly initiated and completed. In support of the submission, copies of the relevant minutes of meetings containing the names of selected differently-abled candidates have been produced for the Court's consideration.

4. We have heard the learned counsel for the petitioner and the learned Assistant Advocate General and have examined the material available on record.

5. Admittedly, the petitioner seeks appointment against the reserved quota for differently-abled persons primarily on the basis of his disability, educational qualification, and financial hardship. However, it is a settled principle of law that no person can claim appointment to a public post as a matter of right merely on humanitarian grounds unless such appointment is supported by the applicable recruitment rules, policy, and a transparent selection process. Public employment is governed by the constitutional mandate of fairness, transparency, and equality enshrined in Articles 4, 18, and 25 of the Constitution.

6. The record further reflects that, pursuant to the directions issued by this Court and the Hon'ble Supreme Court of Pakistan regarding implementation of the reserved quota for differently-

abled persons, the respondents have already undertaken and completed the process for filling the prescribed 5% quota. The learned Assistant Advocate General has produced the relevant minutes of meetings and record showing that appointments under the reserved quota were processed in compliance with the directions of the superior courts. The petitioner has not placed on record any material demonstrating that he was selected in the relevant recruitment process, that any vacancy under the reserved quota remains available, or that any selected candidate was appointed in violation of law in preference to him.

7. Mere allegations of favoritism or non-consideration, unsupported by cogent evidence, are insufficient to invoke the constitutional jurisdiction of this Court for issuance of a direction for appointment. Likewise, unemployment, financial hardship, and disability, though deserving of sympathy and due consideration by the authorities, cannot by themselves create an enforceable legal right to appointment in public service. However respondents in the comments submitted that petitioner failed to appear for walk in interview held on 27-03-2026. If this is the position of the case, in these circumstances, no case is made out for for such relief at this stage. However, considering that the petitioner is a differently-abled person, the respondents shall ensure strict compliance with the quota reserved for differently-abled persons under the applicable law and policy and shall consider the candidature of the petitioner for any future recruitment if vacancy occurs strictly in accordance with law, rules, merit, and his eligibility for the subject post within reasonable time.

9. Consequently, this petition is disposed of in the above terms along with pending applications, if any.

JUDGE

JUDGE

