

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Jaffer Raza

C.P No.D-38 of 2026

[Mst. Murk Sindhu and another v. Province of Sindh and 05 others]

Petitioners by : Mr. Abdul Ghaffar Narejo, Advocate

Respondents by : Mr. Ayaz Ali Rajper, Assistant A.G Sindh
a/w respondent No.6/Mr. Abdul Hameed
Dahani, Regional Director Special
Education, Mirpurkhas.

Dates of Hearing : 14.04.2026

Date of Decision : 14.04.2026

J U D G M E N T

ARBAB ALI HAKRO J:- The petitioners, both women with certified permanent hearing and speech disabilities, have approached this Court seeking directions for their appointment against posts reserved under the five percent disability quota within District Mirpurkhas. Their grievance is that, despite holding valid disability certificates, educational qualifications, domicile and PRCs, and having submitted applications to the concerned authorities, they have not been appointed, even though certain vacancies allegedly exist in institutions within their locality.

2. The petitioners contend that they have been voluntarily teaching at Haji Pir Bux Jarwar Higher Secondary School, Taluka Sindhri and that two posts are lying vacant therein. They further assert that Petitioner No.1 was called for an interview by the District Recruitment Committee on 08.11.2024 but was not selected. They maintain that the respondents have failed to implement the mandatory disability quota, thereby violating their fundamental rights guaranteed under the Constitution.

3. Respondent No.6, the Regional Director, Special Education & Rehabilitation Centers, Mirpurkhas, has filed detailed para-wise comments. It is stated that the issuance of disability certificates merely establishes disability status and does not confer an automatic right to appointment. It is further

stated that recruitment under the disability quota is carried out through District Recruitment Committees headed by the Deputy Commissioners and that the petitioners' case does not pertain to Respondent No.6 except to the extent of verification of disability status. The comments further disclose that the District Recruitment Committees across Sindh have been conducting recruitment pursuant to directions of the Supreme Court and this Court, and that appointments are made strictly on merit after advertisement, scrutiny, and interviews.

4. Along with the comments, Respondent No.6 has placed on record the vacancy position of BPS-01 to BPS-04 posts within the Regional Directorate of Special Education, Mirpurkhas Division. The record reflects that although certain vacancies exist, only one post of Female Attendant (BPS-01) is reserved for the disability quota within the Division. That post stands allocated to the Centre at Tharparkar pursuant to the letter dated 21.03.2022. The remaining vacancies are either unreserved or already filled under the quota. The petitioners have not placed any material contradicting this official vacancy chart.

5. The material before us shows that Petitioner No.1 did appear in the interview conducted by the District Recruitment Committee on 08.11.2024, but did not qualify. Petitioner No.2 did not participate in any recruitment process at all. The petitioners have not challenged the recruitment proceedings, nor have they alleged mala fides, discrimination, or violation of any statutory rule in the conduct of the interviews. They claim that they should be appointed because vacancies exist and because they have been voluntarily teaching. Such considerations, however sympathetic, cannot substitute the statutory recruitment mechanism.

6. The Sindh Empowerment of Persons with Disabilities Act, 2018, indeed guarantees a five percent quota for persons with disabilities, but the Act does not exempt candidates from the requirement of participating in the recruitment process. The right is to be considered under the quota; it is not to be appointed without fulfilling the prerequisites. The Supreme Court, in its orders dated 14.07.2022 in CPLA Nos.745-K to 750-K of 2022, and this Court, in various connected matters, has repeatedly emphasized that recruitment must be

conducted through District Recruitment Committees after advertisement, scrutiny and interviews.

7. In the present case, the petitioners have not demonstrated that any post reserved for the disability quota within the relevant cadre and district is lying vacant and available for appointment without undergoing the prescribed process. The vacancy chart produced by Respondent No.6 negates the petitioners' assertion regarding two vacant posts of Lady Attendant at Haji Pir Bux Jarwar Higher Secondary School. No such sanctioned posts under the disability quota have been shown to exist there.

8. In these circumstances, the petitioners cannot be granted the relief of direct appointment. Accordingly, for the reasons recorded above, this petition does not merit interference and is dismissed. However, the petitioners shall remain at liberty to participate in the recruitment process under the disability quota as and when initiated by the competent authorities. It is further directed that the Deputy Commissioner, Mirpurkhas, shall expedite the recruitment phase under the disability quota and complete the exercise within ninety days, subject to compliance with all legal and codal formalities, as already directed in earlier connected matters.

Let a copy of this order be transmitted to the Chief Secretary, Sindh, and the Secretary, Services, General Administration & Coordination Department, Government of Sindh, for information and compliance.

JUDGE

JUDGE