

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 67 of 2026

[Ali Mardan Buriro v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Azhar Ahmed Khan, Advocate

Respondents by : Mr. Ali Raza Baloch, Additional Advocate General Sindh along with Tanveer Ahmed, Additional Deputy Commissioner-I, Sukkur

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Ali Mardan, being a differently abled person, has invoked the constitutional jurisdiction of this Court seeking a direction to the respondents to consider his candidature for appointment to a suitable post against the 5% quota reserved for persons with disabilities in any government department.

2. Learned counsel for the petitioner submits that the petitioner suffers from Dwarfism to the extent of 45%, holds a domicile of District Sukkur, and is an educated person. It is submitted that the petitioner was examined afresh by the Medical Board constituted under the Sindh Empowerment of Persons with Disabilities Act, 2018, which issued a Disability Assessment Certificate bearing Registration No. SPDPA/D.A.C-0872/2022 dated 21.01.2022. Learned counsel contends that the petitioner repeatedly approached the respondents for appointment against the disabled quota, but received no affirmative response, compelling him to file the instant petition.

3. Conversely, Respondent No.2 (Secretary (Services), SGA&CD), filing comments on his behalf as well as on behalf of Respondent No.1 (Chief Secretary, Government of Sindh), submitted that the Hon’ble Supreme Court of Pakistan, while disposing of CPLA Nos. 220-K to 442-K of 2025 vide judgment dated 20.03.2025 (referring to its earlier order dated 14.07.2022),

observed that all differently abled persons (DAPs) who have already applied for jobs against vacant posts should have their applications considered at the outset rather than shelved or deferred under the garb or guise of fresh applications submitted for the same purpose by the new entrants, and that the recruitment process be finalized in accordance with law. Pursuant thereto, all Deputy Commissioners / Chairmen, District Selection Committees (DSCs) were advised to convene DSC meetings and fill remaining vacant posts against the 5% quota in strict adherence to government policy. It was further submitted that the petitioner may apply as and when fresh applications are invited through public advertisements by line departments.

4. Learned AAG Sindh, while referring to the preliminary objections filed by Respondent No.3 (Deputy Commissioner, Sukkur), submits that the recruitment process under the 5% quota for persons with disabilities was duly conducted by the District Selection Committee. It is stated that during DSC meetings held in 2022-23, 2024, and 2026, almost 100 differently abled persons were appointed in BPS-1 to BPS-4 across various line departments in Sukkur. In the DSC meeting held in January 2026 alone, wherein over 1000 applicants appeared for interviews, 20 appointments were made. The petitioner also appeared for the interview during the January 2026 selection process; however, he was not recommended for appointment on merit by the District Selection Committee.

5. We have heard learned counsel for the petitioner, learned Additional Advocate General Sindh, perused the material available on record, and considered the comments submitted on behalf of the respondents.

6. The statutory 5% quota for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a mandatory provision intended to facilitate equitable participation in public employment. However, the existence of a reserved quota does not automatically confer an absolute or indefeasible right upon a candidate to be appointed without being recommended on merit by the competent District Selection Committee through a competitive recruitment process.

7. The material on record confirms that the petitioner was afforded full opportunity to participate in the selection process during the meetings of the

District Selection Committee, Sukkur, in January 2026. However, upon evaluation among over 1000 candidates, he was not recommended for appointment on merit by the selection committee. Holding a valid disability certificate or possessing basic educational qualifications does not override the prerequisite of securing a merit-based recommendation from the selection committee within the available quota limits.

8. In view of the above, no direction for immediate appointment can be issued in favour of the petitioner. However, the petitioner shall be at liberty to apply afresh as and when new vacancies under the 5% disability quota are advertised by the line departments, subject to fulfilling all prescribed qualification and eligibility criteria under the rules.

9. The instant Constitutional Petition stands **disposed of** in the above terms.

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Abdul Basit