

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 116 of 2026

[Ubedullah Gadani v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Nisar Ahmed Bhanbhro

Petitioner by : Nemo

Respondents by : Mr. Shahryar Imdad Awan, Assistant A.G. Sindh along with Muhammad Azhar, Assistant Mukhtiarkar, Ubauro on behalf of Deputy Commissioner, Ghotki

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – Neither the petitioner nor his counsel has appeared. Since this matter is involving employment under the reserved quota for persons with disabilities, we proceed to decide the petition on the basis of the material available on record with the assistance of the learned Assistant Advocate General Sindh.

2. The petitioner has invoked the constitutional jurisdiction of this Court, seeking a direction to the respondents to appoint him to a post in BPS-1 to BPS-4 under the quota reserved for persons with disabilities.

3. The petitioner states that he is a person with disability and, upon learning that low-cadre posts in BPS-1 to BPS-4 were lying vacant in District Ghotki, he applied for the same. He asserts that despite vacancies being available, the respondents have refused to consider him for appointment. Throughout the petition, the petitioner has claimed appointment against a 25% quota. It is further stated that the petitioner had earlier filed C. P. No. D-474 of 2025, which was disposed of by this Court vide order dated 08.10.2025 with a direction to obtain a fresh Disability Assessment Certificate. Having obtained the requisite certificate under the Sindh

Empowerment of Persons with Disabilities Act, 2018, he re-approached Respondent No.4 and subsequently filed the instant petition.

4. Learned AAG Sindh, while referring to the comments filed on behalf of Respondent No. 4 (Deputy Commissioner, Ghotki @ Mirpur Mathelo), submits that the petitioner's reliance on a 25% quota is misplaced, as there is no government policy or statutory provision providing for a 25% reservation; rather, the statutory quota reserved for persons with disabilities is 5%. Learned AAG further submits that the petitioner appeared in the walk-in interview conducted by the District Selection Committee on 23.12.2025; however, he was not recommended for appointment as he was found to be overage. As per the recruitment rules for BPS-1 to BPS-4 and general criteria issued by the Services, General Administration & Coordination Department (SGA&CD), Government of Sindh, the general age limit is 18 to 28 years. Even after granting the 5-year statutory age relaxation admissible to differently abled persons under Notification No. SORI(SGA&CD)5-108/2024 dated 16.10.2024, the petitioner was over 39 years of age at the time of the walk-in interview. Learned AAG adds that in compliance with orders passed by this Court in various petitions, available vacant posts under the 5% quota have been filled, and any future vacancies will be filled in accordance with the law and applicable policy.

5. We have perused the averments contained in the petition, the documents on record, the comments submitted on behalf of the respondents, and heard the learned AAG Sindh.

6. As a preliminary matter, the petitioner's claim seeking appointment under a "25% quota" is legally unfounded. Under the Sindh Empowerment of Persons with Disabilities Act, 2018, the statutory reservation for persons with disabilities in government employment is strictly 5%. No policy or notification exists extending such reservation to 25%.

7. The material on record further confirms that pursuant to the order dated 08.10.2025 in C. P. No. D-474 of 2025, the petitioner obtained a updated Disability Assessment Certificate and participated in the selection

process conducted by the District Selection Committee on 23.12.2025. However, the selection committee did not recommend his candidature because he had crossed the maximum upper age limit prescribed under the applicable recruitment rules and government age relaxation policy.

8. It is a well-settled principle of law that appointment to any public post requires a candidate to satisfy all prescribed statutory, qualification, and codal requirements, including maximum age limits, and undergo the selection process conducted by the competent authority. The mere obtaining of a disability certificate or participation in an interview does not confer an automatic or unconditional right of appointment.

9. While the 5% quota under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a mandatory protective measure, appointments against reserved posts remain subject to prescribed eligibility parameters, including age criteria. The benefit of age relaxation for persons with disabilities is governed by SGA&CD Notification No. SORI(SGA&CD)5-108/2024 dated 16.10.2024, which provides a maximum relaxation of 5 years.

10. In the present case, the petitioner was over 39 years of age at the time of the walk-in interview on 23.12.2025, thereby substantially exceeding the upper age limit even after factoring in the 5-year statutory relaxation. The petitioner has failed to show any illegality or procedural irregularity in the selection process conducted by the District Selection Committee. Being demonstrably overage and ineligible under the relevant rules, no lawful basis exists to issue a direction for his appointment.

11. In these circumstances, as the petitioner is overage and ineligible under the applicable recruitment rules, no relief can be granted in the exercise of the constitutional jurisdiction of this Court. Accordingly, the instant Constitutional Petition is **dismissed**.

J U D G E

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Abdul Basit