

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 117 of 2026

[Mst. Khanzadi 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 her 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, Mst. Khanzadi, has invoked the constitutional jurisdiction of this Court, seeking a direction to the respondents to issue an appointment order forthwith in her favour against lying vacant posts by considering the 5% disability quota in accordance with the applicable policy.

3. It is averred in the petition that the petitioner is a differently abled lady holding a valid disability certificate. She states that upon learning that low-cadre posts in BPS-1 to BPS-4 were lying vacant under the administrative control of Respondent No.4 (Deputy Commissioner, Ghotki @ Mirpur Mathelo), she submitted applications for appointment. Throughout the petition, assertions have been made seeking appointment against a 25% quota for persons with disabilities.

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 assertion regarding a 25% quota has been specifically denied, as there is no government policy or statutory rule extending the disability quota to 25%; rather, the statutory reservation under the law remains strictly 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, she was not recommended for appointment as she 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 36 years of age at the time of the walk-in interview on 23.12.2025 (*typed as 23.12.2026 due to an inadvertent typographical error in part of the comments*). 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 strictly in accordance with the Sindh Empowerment of Persons with Disabilities Act, 2018 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 assertion seeking appointment under a "25% quota" is legally misconceived. Under the Sindh Empowerment of Persons with Disabilities Act, 2018, the statutory reservation for persons with disabilities in government employment is strictly 5%. As rightly pointed out in the respondent's comments, no policy or notification exists extending such reservation to 25%.

7. The material on record further confirms that the petitioner participated in the selection process during the walk-in interview conducted by the District Selection Committee on 23.12.2025. However, the selection committee did not recommend her candidature because she 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 36 years of age at the time of the walk-in interview on 23.12.2025, thereby exceeding the upper age limit even after factoring in the 5-year statutory relaxation. The record does not disclose any material suggesting that the petitioner was denied consideration arbitrarily or that the District Selection Committee acted contrary to the prescribed procedure. Being demonstrably overage and ineligible under the relevant rules, no lawful basis exists to issue a direction for her 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**.

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