

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 33 of 2026

[Bakhat Ali Chohan v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Nemo

Respondents by : Mr. Saeed Ahmed Wassan, Assistant A.G. Sindh along with Tanveer Ahmed, Additional Deputy Commissioner-I, Sukkur and Dr. Yasir Gabol, Focal Person of respondent No.1

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – Through this petition, the petitioner, Bakhat Ali Chohan, seeks a direction against the respondents to consider his candidature for appointment under the 5% quota reserved for persons with disabilities in accordance with his educational qualification.

2. It is averred in the petition that the petitioner is a differently abled person by birth, residing in District Sukkur, having no source of income. He is an educated person who passed his B.Sc. degree examination from Shah Abdul Latif University, Khairpur. The petitioner states that he repeatedly approached the respondents for job provision against the disability quota, but his efforts yielded no positive outcome, compelling him to file the instant petition.

3. Respondent No.5 (Commissioner, Sukkur Division) submitted a compliance report stating that the memo of the petition was forwarded to the Deputy Commissioner, Sukkur, for filing comments and providing relief to the petitioner on merit, strictly in accordance with the prevailing Government rules and policy.

4. Respondent No.6 (Deputy Commissioner, Sukkur), in preliminary objections, submitted that the recruitment process under the 5% quota for

persons with disabilities was duly conducted by the District Selection Committee (DSC). It is stated that in DSC meetings held during 2022-23, 2024, and 2026, almost 100 differently abled persons were appointed in BPS-1 to BPS-4 across line departments in Sukkur. In the DSC meeting held in January 2026 alone, 20 appointments were made. The petitioner appeared for the interview during the January 2026 process; however, he was not recommended for appointment on merit by the selection committee.

5. A statement has been filed today on behalf of Respondent No.3 (Secretary, Health Department, Government of Sindh), clarifying that the Services, General Administration & Coordination Department (SGA&CD) notified District Selection Committees vide notification dated 03.03.2020, and the matter falls within the domain of DSC Sukkur (Respondent No.6). It is further stated that no recommendation concerning the petitioner has been received by the Health Department from the Chairman of the District Recruitment/ Selection Committee.

6. Para-wise comments have also been filed today on behalf of Respondent No.4 (Regional Director, Department of Empowerment of Persons with Disabilities, Sukkur Region), affirming that the Government of Sindh has constituted District Recruitment Committees in all districts headed by the respective Deputy Commissioners, and no recommendation from the DRC regarding the petitioner has been received by their office. It is further submitted, while referring to the directions of this Court in C. P. No. D-2098 of 2026 and connected petitions dated 07.04.2026, that candidates must first apply against available or advertised vacancies and, in the event of any unlawful denial, seek appropriate legal redress. It is added that the petitioner may also explore employment opportunities in private organizations pursuant to Section 11 of the Sindh Empowerment of Persons with Disabilities Act, 2018.

7. We have heard learned Assistant Advocate General Sindh, perused the material available on record, and considered the comments and reports submitted by the respondents.

8. The statutory 5% quota for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a mandatory

safeguard to ensure inclusive public employment. However, reservation of a quota does not automatically confer an absolute or indefeasible right upon an applicant to be appointed without securing a recommendation on merit from the competent District Selection Committee through a competitive recruitment process.

9. The record reveals that the petitioner was given an opportunity to participate in the selection process during the meetings of the District Selection Committee, Sukkur, in January 2026. However, he was not recommended for appointment on merit by the selection committee. Holding a higher educational qualification or a valid disability certificate does not override the requirement of securing recommendations through a transparent, merit-based selection process.

10. 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 criteria under the rules. Additionally, as envisaged under Section 11 of the Sindh Empowerment of Persons with Disabilities Act, 2018, the petitioner may also apply to private sector establishments that are statutorily required to employ differently abled persons.

11. The petition stands **disposed of** in the above terms.

J U D G E

J U D G E

Abdul Basit