

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 404 of 2026

[Zeeshan Hyder v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Abdul Raheem Mahar, Advocate

Respondents by : Mr. Zulfiqar Ali Naich, Assistant A.G. Sindh

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner has invoked the constitutional jurisdiction of this Court, seeking his consideration for appointment under the 5% quota reserved for persons with disabilities.

2. The petitioner claims to be a person with disability suffering from Locomotor Disability to the extent of 45%, and possesses a Disability Assessment Certificate bearing Registration No. SPDPA/D.A.C-5990/2021. He states that he is jobless, passing hard days and resident of District Sukkur. He asserts that the respondents advertised various posts for persons with disabilities and that he applied for appointment on humanitarian grounds; however, despite assurances, he was not appointed. (Neither the advertisement nor the petitioner's application has been placed on record).

3. Learned counsel for the petitioner contends that, despite the petitioner's eligibility and status as a person with disability, the respondents failed to appoint him against a suitable post under the 5% quota. He therefore seeks a direction to the respondents to consider his candidature and appoint him in accordance with law.

4. Learned AAG Sindh, while referring to the preliminary objections filed by Respondent No.2 (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 the

period from 2020 to 2025, two DRC/DSC meetings were held wherein 80 persons with disabilities were appointed. Further, 20 appointments were made in a meeting held in January 2026, wherein over 1000 applicants appeared for interviews. The petitioner also appeared for the interview; however, the District Selection Committee did not recommend him for appointment. In total, 100 differently abled persons have been appointed in BPS-1 to 4 across line departments in Sukkur in compliance with the Sindh Empowerment of Persons with Disabilities Act, 2018, and orders of this Court in various petitions.

5. We have heard the learned counsel for the petitioner, learned AAG Sindh, perused the averments contained in the petition, the documents on record, and the preliminary objections submitted on behalf of the respondent.

6. The material on record shows that the petitioner participated in the selection process conducted by the District Selection Committee. However, despite appearing for the interview, he was not recommended for appointment against the available vacant posts. The petitioner has not brought on record any material to establish that his candidature was arbitrarily excluded from consideration or that the selection process was conducted in violation of the prescribed rules or procedure.

7. It is an essential requirement for appointment to any government or public post that a candidate must satisfy the prescribed legal and codal requirements and undergo the recruitment process initiated by the competent authority. The mere submission of an application or participation in an interview does not confer an automatic right of appointment upon a candidate. The ultimate selection depends on eligibility, merit and the recommendation of the competent selection authority, subject to available vacancies.

8. The reservation of quota for persons with disabilities is a statutory safeguard intended to ensure their effective representation in government employment. However, such reservation does not dispense with the prescribed recruitment process or confer an unconditional right of appointment upon every person falling within the said category. The benefit

of the reserved quota is required to be given effect through a fair, transparent and lawful selection process.

9. The Sindh Empowerment of Persons with Disabilities Act, 2018, being beneficial legislation, provides for a 5% reservation for persons with disabilities in Government departments, institutions and entities. The said provision is required to be implemented in its true spirit; nevertheless, appointments against the reserved quota remain subject to the prescribed eligibility and selection requirements. Thus, while a person with disability is entitled to consideration against the reserved quota, such consideration does not necessarily result in appointment.

10. In the present case, the respondents have specifically stated that the petitioner appeared for the interview conducted by the District Selection Committee but was not recommended for appointment. The available record does not disclose any material suggesting that the petitioner was denied consideration or that the District Selection Committee acted arbitrarily or contrary to the prescribed procedure. Mere possession of a disability certificate, therefore, cannot by itself furnish a lawful basis for directing the respondents to appoint the petitioner.

11. We are, however, constrained to observe that the respondents' own statement that only two DRC/DSC meetings were held during the period from 2020 to 2025 for recruitment against the 5% quota in District Sukkur, across the various departments, does not constitute a satisfactory or sufficiently regular mechanism for effectuating the statutory reservation. The purpose of reserving posts for persons with disabilities cannot be meaningfully achieved if the process of filling such reserved posts remains dependent upon recruitment exercises convened only occasionally and at substantial intervals. The competent authorities are, therefore, expected to evolve and maintain a regular, transparent and time-bound mechanism for identifying the posts falling within the 5% reserved quota, compiling and updating the eligible pool of persons with disabilities, and convening the requisite recruitment/selection process at reasonable intervals, so that the statutory quota is implemented continuously and does not remain merely on paper. The concerned authorities shall also ensure that future recruitment against the reserved quota is undertaken in accordance with the Sindh

Empowerment of Persons with Disabilities Act, 2018, applicable rules, Government policy and prescribed procedure.

12. In these circumstances, no direction can be issued for the direct appointment of the petitioner. However, the petitioner shall remain at liberty to participate in any subsequent recruitment process conducted by the competent authority under the 5% quota reserved for persons with disabilities. If eligible, his candidature shall be considered in accordance with the law, merit and the prescribed recruitment procedure.

13. Accordingly, the instant Constitutional Petition is **disposed of** in the above terms. Let a copy of this order be communicated to respondents No.1 and 2, for information and necessary action in terms of paragraph 11 above.

J U D G E

J U D G E

Abdul Basit