

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1114 of 2026

[Mst. Sameena Shaikh v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Nemo

Respondents by : Agha Athar Hussain Pathan, Assistant A.G. Sindh along with Naeem Hussain, Law Officer to Chief Secretary and Secretary (Services), SGA&CD, Government of Sindh and Muhammad Azhar, Assistant Mukhtiarkar, Ubaruo on behalf of Deputy Commissioner Ghotki

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – None has appeared on behalf of the petitioner. Since this petition pertains to recruitment against the statutory quota reserved for persons with disabilities and relevant written comments have been submitted by the respondents today, we deem it appropriate to decide the matter on the basis of the available record with the assistance of learned Assistant Advocate General Sindh.

2. As per the memo of petition, the petitioner, Mst. Sameena Shaikh, asserts that she is a differently abled lady since birth, educated, having passed her B.A. examination in First Division in the year 2021. She states that she repeatedly approached the respondents seeking appointment against the reserved disability quota in accordance with her educational qualification, but her efforts yielded no positive result, compelling her to institute the instant petition.
3. Comments have been filed by Respondent No.2 [Secretary (Services), SGA&CD] on his behalf as well as on behalf of Respondent No.1 (Chief Secretary, Government of Sindh) today, wherein it is submitted that the Hon’ble Supreme Court, 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 is 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 comments filed today on behalf of Respondent No.3 (Deputy Commissioner, Ghotki), submits that in compliance with Court directives and government policy, recruitment exercises under the disability quota were duly conducted through the District Selection Committee (DSC). It is stated that the selection process/walk-in interviews were held on 23.12.2025 in District Ghotki. Learned AAG points out that, despite the selection process being publicly held, the petitioner failed to appear in the walk-in interviews conducted on 23.12.2025 before the DSC, and consequently, her candidature could not be considered or recommended.

5. We have perused the material available on record and considered the submissions made by the learned Assistant Advocate General Sindh.

6. The statutory 5% quota under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a mandatory provision intended to ensure inclusive public employment. However, reservation of a quota does not confer an absolute right upon an applicant to seek direct appointment without appearing before and securing a merit-based recommendation from the competent District Selection Committee through a competitive recruitment process.

7. The record confirms that the selection process was duly carried out by the District Selection Committee, Ghotki, on 23.12.2025, but the petitioner was absent and failed to participate in the walk-in interviews. Having failed to

appear before the selection committee during the prescribed process, no direction for immediate direct appointment can be issued in her favour under Article 199 of the Constitution.

8. In view of the above position, 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 line departments in District Ghotki, subject to possessing a valid statutory barcoded Disability Assessment Certificate and fulfilling all prescribed qualification and eligibility criteria under the rules.

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

J U D G E

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Abdul Basit