

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 276 of 2026

[Mst. Safia Khatoon v. Province of Sindh and another]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Najamuddin Dharejo, Advocate

Respondents by : Agha Athar Hussain Pathan, 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. – The petitioner, Mst. Safia Khatoon, being a person with disability, has invoked the constitutional jurisdiction of this Court seeking a direction to the respondents to issue an appointment order forthwith in her favour under the reserved quota for persons with disabilities in accordance with her educational qualification.

2. Learned counsel for the petitioner submits that the petitioner is a differently abled lady affected by polio, who passed her Middle (8th class) examination in the year 2010. It is averred that she repeatedly approached Respondent No.2 (Deputy Commissioner, Ghotki @ Mirpur Mathelo) and officials of various government departments requesting employment against the disability quota, but her efforts yielded no positive outcome. Upon refusal and advice by Respondent No.2 to seek legal remedy, she filed the instant petition. Learned counsel further highlights that the petitioner holds a valid Disability Assessment Certificate bearing Registration No. SPDPA/D.A.C-19868/2025 dated 02.12.2025 issued under the Sindh Empowerment of Persons with Disabilities Act, 2018.

3. Conversely, learned AAG Sindh, while referring to the comments filed on behalf of Respondent No.2 (Deputy Commissioner, Ghotki @ Mirpur Mathelo), submits that a walk-in interview was convened by the District

Selection Committee on 23.12.2025 pursuant to public notice published in national newspaper, copy whereof has been placed on record. He submits that the petitioner failed to appear before the District Selection Committee during the said interview process. He adds that 123 candidates were recommended and appointed against vacant posts strictly in compliance with directions passed by this Court in various petitions, and no further process is currently underway.

4. We have heard learned counsel for the petitioner, learned AAG Sindh, perused the material available on record, and considered the comments submitted on behalf of Respondent No.2.

5. The petitioner seeks direct issuance of an appointment order under the 5% quota reserved for persons with disabilities. While the Sindh Empowerment of Persons with Disabilities Act, 2018 guarantees mandatory reservation for differently abled persons in public employment, such protection does not confer an automatic or indefeasible right to secure a post without participating in a competitive recruitment process conducted by the competent authority.

6. The primary requirement for public appointment, including posts reserved under specialized quotas, is strict adherence to legal and codal formalities, which entails submission of candidacy pursuant to public notice, scrutiny of credentials, and participation in tests or interviews conducted by the selection committee. While the petitioner holds a valid Disability Assessment Certificate dated 02.12.2025, the record reflects that she failed to appear before the District Selection Committee during the walk-in interviews conducted on 23.12.2025, despite publication of notice in the press.

7. In the absence of participation in the formal selection process, no direction can be issued under Article 199 of the Constitution of the Islamic Republic of Pakistan for direct appointment. The protective statutory scheme for persons with disabilities is designed to ensure equitable access and fair consideration, but it must be exercised strictly within the established framework of public recruitment rules.

8. Consequently, having failed to participate in the selection process held on 23.12.2025, the petitioner is not entitled to the relief of direct appointment

as prayed. However, since the petitioner holds a valid Disability Assessment Certificate, she shall remain at liberty to participate in any future recruitment process conducted for posts reserved for persons with disabilities.

9. Whenever recruitment against the statutory quota for persons with disabilities is initiated in District Ghotki, the competent authority shall conduct the same through a fair, transparent, and competitive process in accordance with the Sindh Empowerment of Persons with Disabilities Act, 2018, applicable rules, and government policy. The petitioner, if eligible and qualified, shall be entitled to apply, and her candidature shall be considered strictly on merit against available vacancies.

10. The instant Constitutional Petition stands **disposed of** in the above terms. A copy of this order shall be communicated to the Deputy Commissioner, Ghotki @ Mirpur Mathelo, for information and compliance.

J U D G E

J U D G E

Abdul Basit