

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 277 of 2026

[Sadaf Ali Memon and another v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Nisar Ahmed Bhanbhro

Petitioners by : Mr. Qaimuddin Malano, 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 petitioners, Sadaf Ali and Faiq Ali, being differently abled persons, have invoked the constitutional jurisdiction of this Court seeking a direction to the respondents to consider their candidature and appoint them to suitable posts under the quota reserved for persons with disabilities in accordance with their respective educational qualifications and eligibility.

2. Learned counsel for the petitioners submits that Petitioner No.1 is an educated person holding an Intermediate certificate, while Petitioner No.2 has passed the Primary level examination. Both petitioners have been declared persons with disabilities by the competent authorities. Petitioner No.1 holds a Disability Assessment Certificate bearing Registration No. SPDPA/D.A.C-5969/2021 dated 23.12.2021, reflecting a 40% Locomotor Disability, whereas Petitioner No.2 holds a certificate bearing Registration No. SPDPA/D.A.C-1952/2026 dated 16.01.2026, reflecting a Locomotor Disability of 50% or above. Learned counsel contends that the petitioners repeatedly approached Respondent No.2 (Commissioner, Sukkur Division) and Respondent No.3 (Deputy Commissioner, Ghotki @ Mirpur Mathelo) requesting appointment against the statutory disability quota in suitable

grades matching their qualifications, but their requests were not entertained, compelling them to file the instant petition.

3. Conversely, learned AAG Sindh, while referring to the comments submitted on behalf of Respondent No. 3 (Deputy Commissioner, Ghotki @ Mirpur Mathelo) (*misdescribed as Respondent No.2 in the header of the comments*), submits that the petitioners could not be considered for appointment as they failed to appear before the District Selection Committee during the walk-in interviews conducted on 23.12.2025. Learned AAG further refers to the compliance report/comments filed by Respondent No.2 (Commissioner, Sukkur Division), wherein it is reported that the memo of petition was forwarded to the Deputy Commissioner, Ghotki / Chairman, District Selection Committee, with directions to process the matter and extend relief to the petitioners on merit, strictly in accordance with the prevailing Government Rules and policy.

4. We have heard learned counsel for the petitioners, learned AAG Sindh, perused the material available on record, and considered the comments as well as the compliance report submitted by the respondents.

5. The petitioners seek appointment under the 5% quota reserved for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018. While the statutory framework mandates reservation in public employment for differently abled persons, such reservation does not operate as an automatic entitlement to direct appointment without participating in a formal, competitive selection process conducted by the competent authority.

6. Public recruitment to posts reserved under specialized quotas requires strict adherence to legal and codal formalities, including participation in tests or interviews convened by the selection committee pursuant to public notice. Regarding Petitioner No.1, the record indicates that he did not appear before the District Selection Committee during the walk-in interviews conducted on 23.12.2025. In respect of Petitioner No.2, his Disability Assessment Certificate was issued on 16.01.2026, subsequent to the walk-in interview process held on 23.12.2025. In the absence of participation in the formal selection process, no writ can be issued directing direct or immediate

appointment under Article 199 of the Constitution of the Islamic Republic of Pakistan.

7. However, it is noted that both petitioners possess statutory Disability Assessment Certificates issued by the competent authority under the Sindh Empowerment of Persons with Disabilities Act, 2018. Furthermore, Respondent No.2 (Commissioner, Sukkur Division) has already instructed Respondent No.3 (Deputy Commissioner, Ghotki) to consider the cases of candidates on merit in accordance with the law and government policy.

8. Consequently, having failed to participate in the selection process held on 23.12.2025, the petitioners are not entitled to the relief of direct appointment as prayed. However, holding valid disability certificates, the petitioners shall remain at liberty to participate in any future recruitment process initiated for posts reserved for persons with disabilities.

9. Whenever recruitment against the statutory 5% quota for persons with disabilities is initiated in District Ghotki, the competent authority shall conduct the selection through a fair, transparent, and competitive process in accordance with the Sindh Empowerment of Persons with Disabilities Act, 2018, applicable recruitment rules, and government policy. The petitioners, if otherwise qualified and eligible, shall be entitled to apply, and their candidature shall be considered strictly on merit against available vacant posts.

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

J U D G E

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Abdul Basit