

# THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1516 of 2025

[Noor Muhammad Mahar v. Province of Sindh and another]

**Before:**

**Justice Arbab Ali Hakro**

**Justice Nisar Ahmed Bhanbhro**

Petitioner by : Nemo

Respondents by : Mr. Zulfiqar Ali Naich, 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.** – Neither the petitioner nor his counsel has appeared when the matter is called. Since this matter is pending since 2025 involving employment under the reserved quota for persons with disabilities, we proceed to decide the petition on the basis of the material available on record with the assistance of the learned Assistant Advocate General Sindh.

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

3. The petitioner claims to be a person with disability, resident of District Ghotki and educated, having passed his Matriculation examination in the year 1995. He asserts that he approached Respondent No.2 (Deputy Commissioner, Ghotki) and submitted an application for appointment against the disability quota, which is available on record along with endorsement. It is further his case that he was kept on hollow hopes and that after orders were passed in C. P. No. D-176 of 2023, he again approached Respondent No.2, but was advised to approach this Court for consideration.

4. Learned AAG Sindh, while referring to the comments filed on behalf of Respondent No.2 (Deputy Commissioner, Ghotki), submits that the petitioner appeared in the walk-in interview conducted by the District Selection Committee on 23.12.2025. It is stated that as per the recruitment rules for posts in BPS-1 to BPS-4 and general criteria issued by the Services, General

Administration & Coordination Department (SGA&CD), Government of Sindh, the general age limit is 18 to 28 years. While Notification No. SORI (SGA&CD)5-108/2024 dated 16.10.2024 allows age relaxation of up to 5 years for persons with disabilities, the petitioner's age was 46 years at the time of the walk-in interview on 23.12.2025. Consequently, the petitioner was not recommended or considered for appointment due to being over the prescribed upper age limit.

5. We have perused the averments contained in the petition, the documents on record, the comments submitted on behalf of the respondent, and heard the learned AAG Sindh.

6. The material on record shows that the petitioner participated in the selection process conducted by the District Selection Committee on 23.12.2025. However, the respondents did not recommend his candidature as he was found to have crossed the maximum permissible age limit prescribed under the applicable recruitment rules and government policies governing age relaxation for differently abled persons. The petitioner has not brought on record any material to establish 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, qualification, and codal requirements, including age limits, 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 regardless of statutory eligibility conditions, including age criteria. The benefit of the reserved quota is required to be given effect through a fair, transparent and lawful selection process conducted strictly within the ambit of applicable rules and government notifications.

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, including maximum age limits as relaxed under relevant government policies. Thus, while a person with disability is entitled to consideration against the reserved quota, such consideration does not necessarily result in appointment where the candidate does not meet the requisite eligibility parameters.

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 due to being over the maximum upper age limit, even after taking into account the admissible statutory age relaxation for differently abled persons under Notification No. SORI(SGA&CD) 5-108/2024 dated 16.10.2024. Being aged 46 years, the petitioner has substantially exceeded the maximum upper age limit prescribed under the law and rules. The available record does not disclose any material suggesting that the petitioner was denied consideration arbitrarily or that the District Selection Committee acted contrary to the prescribed procedure and age limits. Mere possession of a disability certificate and submission of an application, therefore, cannot, by themselves, furnish a lawful basis for directing the respondents to appoint the petitioner.

11. In these circumstances, as the petitioner is demonstrably overage and ineligible under the applicable recruitment rules, no relief can be granted in the exercise of the constitutional jurisdiction of this Court.

12. Accordingly, the instant Constitutional Petition is **dismissed**.

J U D G E

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Abdul Basit