

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 2164 of 2025

[Shah Dino Arbani v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Nemo

Respondents by : Mr. Ghulam Abbas Kubar, Assistant A.G. Sindh along with 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. – The petitioner, Shah Dino Arbani, who instituted this petition in person, is not present. Since this matter relates to recruitment against the reserved quota for persons with disabilities and relevant written comments have been filed by the respondents, we deem it appropriate to decide the petition on the basis of the material available on record with the assistance of the learned Assistant Advocate General Sindh.

2. Through this petition, the petitioner seeks a direction to the respondents to consider his candidature for appointment to a suitable post against the quota reserved for persons with disabilities in any government department.

3. It is averred in the petition that the petitioner is a differently abled person suffering from Polio, holds a domicile of District Ghotki, and is educated. He asserts that he holds a disability certificate issued by the District Office, Social Welfare Department, Ghotki. The petitioner states that he approached Respondent No.3 (Deputy Commissioner, Ghotki @ Mirpur Mathelo) for appointment against the disability quota, but received no affirmative response, compelling him to file the instant petition.

4. Learned AAG Sindh, while referring to the comments filed on behalf of Respondent No.3 (Deputy Commissioner, Ghotki @ Mirpur Mathelo)

(*misdescribed as Respondent No.2 in parts of the comments*), submits that the petitioner appeared before the District Selection Committee during the walk-in interviews held on 23.12.2025. However, during document verification, the petitioner only produced an un-barcoded disability certificate issued by the Deputy Director, Social Welfare Department. Learned AAG emphasizes that the petitioner failed to produce an updated, barcoded Disability Assessment Certificate issued under the Sindh Empowerment of Persons with Disabilities Act, 2018 up to the issuance of the minutes of the meeting and finalization of the recruitment process. It is further observed that even along with the instant constitutional petition, the petitioner has failed to annex a fresh statutory barcoded certificate, relying solely on the old certificate of 2015.

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

6. The reservation of a statutory 5% quota for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a vital protective measure designed to ensure inclusive public employment. However, to avail the benefits of the statutory quota, a candidate must fulfill all legal, formal, and codal requirements prescribed under the law and rules, including the production of a valid statutory Disability Assessment Certificate issued by the designated Medical Board under the 2018 Act.

7. The material on record demonstrates that although the petitioner participated in the selection process conducted by the District Selection Committee on 23.12.2025, he failed to submit an updated barcoded Disability Assessment Certificate issued in terms of the Sindh Empowerment of Persons with Disabilities Act, 2018. The production of an old manual certificate from 2015 does not meet the statutory verification requirements in force for public recruitment. In the absence of a valid statutory disability certificate at the time of finalization of the selection process, the committee could not recommend his candidature.

8. In these circumstances, no direction for immediate appointment can be issued in favour of the petitioner under Article 199 of the Constitution of

the Islamic Republic of Pakistan. However, the petitioner shall remain at liberty to obtain an updated barcoded Disability Assessment Certificate from the competent Medical Board constituted under the Sindh Empowerment of Persons with Disabilities Act, 2018, and apply afresh as and when new vacancies under the 5% disability quota are advertised by the line departments in District Ghotki.

9. Whenever recruitment against the statutory quota for persons with disabilities is initiated in District Ghotki, the competent authority shall process the same through a fair, transparent, and lawful selection process. The petitioner, if holding a valid statutory disability certificate and otherwise eligible, shall be entitled to apply, and his 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 Deputy Commissioner, Ghotki @ Mirpur Mathelo, for information and compliance.

J U D G E

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Abdul Basit