

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1995 of 2025

[Fayaz Ahmed 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. Since this petition was filed in year 2025 involving employment under the reserved quota for persons with disabilities, we proceed to decide the same on the basis of the material available on record with the assistance of learned Assistant Advocate General Sindh.

2. The petitioner, being a person with disability, has filed the instant Constitutional Petition seeking a direction to the respondents to appoint him to a suitable post 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 the Fifth class. He states that he approached Respondent No.2 (Deputy Commissioner, Ghotki) and other officials of different departments on multiple occasions, requesting job provision against the disability quota, but was kept on hollow hopes and was not appointed. He has therefore invoked the constitutional jurisdiction of this Court seeking appointment against the said quota.

4. Learned AAG Sindh, while referring to the comments filed on behalf of Respondent No.2 (Deputy Commissioner, Ghotki), submits that a walk-in interview/selection process was conducted by the District Selection Committee

on 23.12.2025 in compliance with applicable rules and judicial orders. It is stated that the petitioner failed to appear before the District Selection Committee on 23.12.2025. It is further submitted that the petitioner possesses an old disability certificate rather than a barcoded Disability Assessment Certificate issued under the Sindh Empowerment of Persons with Disabilities Act, 2018. Learned AAG contends that the primary reason for non-consideration of the petitioner was his non-appearance/absence before the Selection Committee on the designated date.

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. A perusal of the record reveals that the petitioner seeks appointment under the 5% quota reserved for persons with disabilities. The statutory scheme provides for reservation for persons with disabilities in Government employment; however, such reservation does not, by itself, confer an automatic or indefeasible right of appointment upon every person falling within that category.

7. The foremost requirement for appointment to a Government or public post is compliance with the prescribed legal and codal formalities and participation in a recruitment process initiated by the competent authority, followed by scrutiny of documents, test/interview, and determination of merit. A person possessing a valid disability certificate is entitled to the benefit of the reserved quota in accordance with law, but such entitlement does not exempt him from participating in the mandatory recruitment procedure.

8. In the present case, the respondents have categorically stated that a selection process/interview was convened by the District Selection Committee on 23.12.2025, but the petitioner did not appear before the Committee. There is no material on record establishing that the petitioner participated in the selection process or underwent the required scrutiny and interview. Furthermore, the respondents have pointed out that the petitioner has not produced an updated barcoded certificate issued under the Sindh Empowerment of Persons with Disabilities Act, 2018. The mere submission of applications or representations to administrative authorities cannot, in the

absence of participation in the formal selection process, furnish a lawful basis for directing his direct appointment.

9. The constitutional and statutory protections available to persons with disabilities are intended to ensure their effective participation in public employment. Employment of persons with disabilities is a statutory right; however, the exercise of that right must take place strictly within the framework of the prescribed recruitment process. Where a candidate fails to appear before the selection authority when interviews are convened, no direction can be issued for his direct appointment.

10. Consequently, the petitioner, having failed to participate in the selection process conducted on 23.12.2025, is not entitled to the relief of direct appointment sought. However, he shall remain at liberty to obtain/renew his Disability Assessment Certificate in accordance with the provisions of the Sindh Empowerment of Persons with Disabilities Act, 2018 (with the requisite barcode format) and participate in any future recruitment process conducted for posts reserved for persons with disabilities in accordance with law.

11. Whenever recruitment against the 5% disability quota is initiated in District Ghotki, the competent authority shall undertake it through a fair, transparent and lawful process, in accordance with the Sindh Empowerment of Persons with Disabilities Act, 2018, applicable rules, Government policy and all prescribed legal and codal formalities. The petitioner, if otherwise qualified, holding a valid statutory disability certificate, and eligible, shall be entitled to apply, and his candidature shall be considered strictly in accordance with the prescribed procedure, merit, and availability of vacant posts.

12. Accordingly, the instant Constitutional Petition is **disposed of** in the above terms. A copy of this order shall be communicated to the Deputy Commissioner, Ghotki, for information and compliance.

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