

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 2149 of 2025

[Khalid Mehmood Channa and others v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioners 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, Muhammad Zakria, District Education Officer (Primary), Ghotki and Dilyawar Soomro, Assistant Education Officer/Focal Person of respondent No.1.

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – Neither the petitioners nor their counsel has appeared. Since this petition is pending since year 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 learned Assistant Advocate General Sindh.

2. The petitioners, claiming to be persons with disabilities, have filed the instant Constitutional Petition seeking a direction to the respondents to appoint them to suitable posts in BPS-1 to BPS-4 under the 5% quota reserved for persons with disabilities.

3. The petitioners state that they possess Disability Assessment Certificates and approached the respondents on multiple occasions for appointment against the reserved quota in various departments, but received no affirmative response. They have therefore invoked the constitutional jurisdiction of this Court seeking appointment against the said quota.

4. Learned AAG Sindh, while referring to the para-wise comments filed on behalf of Respondent No.9 (Deputy Commissioner, Ghotki), alongside the minutes of the District Selection Committee meeting dated 23.12.2025 and

related documents on record, submits that in compliance with orders passed by this Court in various constitutional petitions, a walk-in interview was conducted by the DSC on 23.12.2025. It is stated that out of the six petitioners:

- (i) Petitioner No.6 (Muneer Ahmed) was recommended for appointment in the Agriculture Department, District Ghotki, and an offer letter dated 26.02.2026 has already been issued to him.
- (ii) Petitioner No.3 (Nabi Bux) was recommended for appointment in the Directorate of Colleges, Sukkur Region, Sukkur, but the department has yet to issue his offer letter.
- (iii) Petitioner No.4 (Saeed Ahmed) and Petitioner No.5 (Siraj Ahmed) were recommended for appointment in the Irrigation Department, Tubewell Division Pano Akil at Ghotki, but their offer letters are also pending issuance by the concerned department.
- (iv) Petitioner No.1 (Khalid Mehmood) and Petitioner No.2 (Shahnawaz) were not recommended as they were found to be overage (being around 40 years of age at the time of the walk-in interview on 23.12.2025), exceeding the general age limit even after taking into account the 5-year age relaxation admissible to differently abled persons under SGA&CD Notification No. SORI(SGA&CD)5-108/2024 dated 16.10.2024.

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. As regards Petitioner No.6 (Muneer Ahmed), since the District Selection Committee has already recommended his candidature and the Agriculture Department has issued an offer letter dated 26.02.2026 in his favour, his grievance stands substantially redressed. The concerned authority shall complete his remaining joining and posting formalities in accordance with law within a period of four weeks.

7. As regards Petitioner No.3 (Nabi Bux), Petitioner No.4 (Saeed Ahmed), and Petitioner No.5 (Siraj Ahmed), the official record confirms that

they participated in the walk-in interview on 23.12.2025 and were recommended for appointment by the District Selection Committee against available vacant posts in their respective departments. However, formal offer letters have not yet been issued by the administrative departments concerned. Once a selection authority recommends candidates following a lawful recruitment process against available posts, the concerned departments are bound to process such recommendations without unnecessary administrative delay.

8. As regards Petitioner No.1 (Khalid Mehmood) and Petitioner No.2 (Shahnawaz), the record reveals that they were not recommended by the District Selection Committee due to being over the maximum upper age limit prescribed under the applicable recruitment rules and Government policy, even after factoring in the 5-year statutory relaxation under Notification dated 16.10.2024. Being aged around 40 years, they have exceeded the maximum permissible age limit prescribed under the law and rules. While the reservation of quota under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a statutory safeguard, appointments against reserved posts remain subject to prescribed eligibility criteria, including age parameters. As they are demonstrably overage and ineligible, no relief or direction can be granted in their favor in the exercise of constitutional jurisdiction.

9. In view of the above circumstances, the instant petition is disposed of in the following terms:

- a) The Agriculture Department, District Ghotki, is directed to complete the remaining joining and posting formalities in respect of **Petitioner No.6 (Muneer Ahmed)** pursuant to the offer letter dated 26.02.2026, strictly in accordance with law, within a period of four (04) weeks from the date of receipt of this order.
- b) The concerned administrative departments (Directorate of Colleges, Sukkur Region, and Irrigation Department, Tubewell Division Pano Akil at Ghotki) are directed to issue formal offer letters of appointment to **Petitioner No.3 (Nabi Bux)**, **Petitioner No.4 (Saeed Ahmed)** and **Petitioner No.5 (Siraj Ahmed)** pursuant to the recommendations of the District Selection Committee dated 23.12.2025, strictly in accordance

with law and codal formalities, within a period of six (06) weeks from the date of receipt of this order.

- c) To the extent of **Petitioner No.1 (Khalid Mehmood)** and **Petitioner No.2 (Shahnawaz)**, the instant Constitutional Petition is **dismissed** as they are overage and ineligible under the relevant rules.

10. Accordingly, the instant Constitutional Petition stands **disposed of** in terms of Paragraphs 9(a) and 9(b) in respect of Petitioners No.3, 4, 5 and 6, whereas it is **dismissed** in terms of Paragraph 9(c) to the extent of Petitioners No.1 and 2. A copy of this order shall be communicated to the Deputy Commissioner, Ghotki, as well as the heads of the concerned departments for information and compliance.

J U D G E

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Abdul Basit