

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 114 of 2026

[Rafique Ahmed Arain v. Province of Sindh and others]

**Before:**  
**Justice Arbab Ali Hakro**  
**Justice Nisar Ahmed Bhanbhro**

Petitioner by : Nemo

Respondents by : Mr. Shahryar Imdad Awan, Assistant A.G. Sindh along with Tanveer Ahmed, Additional Deputy Commissioner-I, Sukkur

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

**ORDER**

**ARBAB ALI HAKRO, J.** – Neither the petitioner nor his counsel was present when the case was called. Since this matter relates to recruitment against the reserved quota for persons with disabilities and relevant written comments/reports have been filed by the respondents, we deem it appropriate to decide the petition on the basis of available record.

2. Through this petition, the petitioner, Rafique Ahmed, seeks a direction against the respondents for appointment against the 5% quota reserved for persons with disabilities in various government departments.

3. Brief facts as emerging from the record are that the petitioner, who possesses a Middle pass qualification and holds a Disability Certificate bearing Registration No. SPDPA/D.A.C-0077/2026 dated 01.01.2026, applied for the post of Naib Qasid (BPS-01) under the disabled quota in the Public Health Department, Excise and Taxation Department, and Irrigation Department. The petitioner asserts that despite appearing for tests/interviews and approaching Respondent No.3 (Deputy Commissioner, Sukkur) in the year 2023, he has not been offered an appointment.

4. Respondent No.2 (Additional Secretary (S-II), SGA&CD), filing comments on her behalf as well as on behalf of Respondent No.1 (Secretary

of the Department), submitted that pursuant to orders passed in CPLA Nos. 220-K to 442-K of 2025 dated 20.03.2025, the Deputy Commissioners / Chairmen, District Selection Committees (DSCs) have been advised to conduct meetings of DSCs and fill up the remaining vacant posts against the 5% reserved quota subject to strict adherence to the Government-approved quota and policy. It was further submitted that the petitioner may apply as and when applications are invited through public advertisement by the concerned departments.

5. Learned AAG Sindh, while referring to the preliminary objections filed by Respondent No.3 (Deputy Commissioner, Sukkur), submits that the recruitment process under the 5% quota for persons with disabilities was duly conducted by the District Selection Committee. It is stated that during the period from 2020 to 2025, two DRC/DSC meetings were held wherein 80 persons with disabilities were appointed. Further, 20 appointments were made in a meeting held in January 2026, wherein over 1000 applicants appeared for interviews. The petitioner also appeared for the interview; however, the District Selection Committee did not recommend him for appointment. In total, 100 differently abled persons have been appointed in BPS-1 to 4 across line departments in Sukkur in compliance with the Sindh Empowerment of Persons with Disabilities Act, 2018, and orders of this Court in various petitions.

6. We have heard the learned Assistant Advocate General Sindh and examined the material available on record.

7. The statutory 5% quota for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a mandatory provision designed to ensure equal opportunities in public employment. However, the reservation of a quota does not automatically confer a vested right upon an applicant to be appointed without being recommended on merit by the relevant District Selection Committee through a competitive process.

8. The record reveals that the petitioner was given an opportunity to participate in the selection process during the meetings of the District Selection Committee, Sukkur; however, he was not recommended for

appointment on merit. Mere submission of an application or holding a valid disability certificate does not create an absolute right to public employment outside the lawful merit-based recruitment framework.

9. In view of the above, no direction for immediate appointment can be issued in favour of the petitioner. However, the petitioner shall be at liberty to apply afresh as and when new vacancies under the 5% disability quota are advertised by the line departments, subject to fulfilling all prescribed qualification and criteria under the rules.

10. The petition stands **disposed of** in the above terms.

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Abdul Basit