

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 540 of 2026

[Asif Ali v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Rahmat Ali Shaikh, Advocate

Respondents by : Agha Athar Hussain Pathan, Assistant A.G. Sindh along with Naeem Hussain, Law Officer to Chief Secretary and Secretary (Services), SGA&CD, Government of Sindh

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – Through the instant constitutional petition, the petitioner, Asif Ali, seeks directions to the respondents to appoint him against the 5% quota reserved for persons with disabilities in any government department for a suitable post.

2. Learned counsel for the petitioner submits that the petitioner is a differently abled person suffering from 100% hearing and speech impairment (deaf and dumb), as reflected in the Disability Assessment Certificate bearing Registration No. SPDPA/D.A.C-3890/2022 dated 16.03.2022, duly issued by the competent authority. It is submitted that the petitioner is educated, holds a domicile of District Naushahro Feroze, and has repeatedly approached Respondents No.1 and 3 requesting appointment against vacant posts under the 5% disability quota, but no positive outcome has resulted. In support of his efforts, learned counsel refers to a copy of the petitioner’s written application dated 27.02.2026 addressed to Respondent No.3 (Deputy Commissioner, Naushahro Feroze), dispatched via courier service along with the receipt placed on record.

3. Conversely, learned AAG Sindh, while referring to the comments filed today on behalf of Respondent No.2 [Secretary (Services), SGA&CD, also on behalf of Respondent No.1, Chief Secretary, Government of Sindh], submits that the Hon’ble Supreme Court of Pakistan, while disposing of CPLA Nos.

220-K to 442-K of 2025 vide judgment dated 20.03.2025 (referring to its earlier order dated 14.07.2022), observed that all differently abled persons (DAPs) who have already applied for jobs against vacant situation should have their applications considered at the outset rather than shelved or deferred under the garb or guise of fresh applications submitted for the same purpose by new entrants, and that the recruitment process be finalized in accordance with law. Pursuant thereto, all Deputy Commissioners / Chairmen, District Selection Committees (DSCs) were advised to convene DSC meetings and fill remaining vacant posts against the 5% quota in strict adherence to government policy. Learned AAG further submits that the petitioner may apply as and when fresh applications are invited through public advertisements by line departments.

4. Learned AAG Sindh, while referring to the detailed para-wise comments submitted today on behalf of Respondent No.3 (Deputy Commissioner, Naushahro Feroze), submits that in compliance with directives of the Hon'ble Supreme Court and this Court, as well as instructions issued by the SGA&CD, Government of Sindh, seven DRC/DSC recruitment exercises have been conducted in District Naushahro Feroze between 2018 and 2025, through which a total of 263 persons with disabilities have been recommended for appointment across various line departments (14 candidates in meetings held on 02, 03 and 05.04.2018; 31 on 22.09.2020; 25 on 24.10.2022; 96 between 06, 07 and 08.04.2023; 01 on 08.04.2023; 74 on 16.10.2024; and 22 in meetings held on 17 and 18.11.2025). Learned AAG points out that during the last recruitment exercise conducted on 17 and 18.11.2025, where 824 candidates appeared before the Committee, the petitioner failed to appear in the selection process, and consequently, his candidature could not be evaluated or recommended on comparative merit.

5. We have heard learned counsel for the petitioner, learned Assistant Advocate General Sindh, perused the material available on record, and considered the comments submitted on behalf of the respondents today.

6. The statutory 5% quota under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a mandatory framework intended to ensure inclusive public employment. However, submitting administrative applications or sending courier representations directly to the Deputy Commissioner does not substitute for participating in a formal competitive recruitment process before the competent District Selection Committee.

7. The record confirms that seven structured recruitment exercises were duly carried out by the District Selection Committee, Naushahro Feroze, culminating in the recommendation of 263 differently abled candidates across line departments. The petitioner failed to appear before the Committee during the selection process held on 17 and 18.11.2025. Furthermore, the application relied upon by the petitioner is dated 27.02.2026, which is subsequent to the recruitment meetings conducted in November 2025. Having failed to present his candidature before the District Selection Committee during the prescribed selection process, no writ of mandamus for direct appointment can be issued in his favour under Article 199 of the Constitution.

8. In view of the above position, no direction for immediate direct appointment can be issued in favour of the petitioner. However, the petitioner shall be at liberty to apply afresh on the strength of his Disability Assessment Certificate dated 16.03.2022 as and when new vacancies under the 5% disability quota are advertised by line departments or designated regional offices in District Naushahro Feroze, subject to fulfilling all prescribed qualification and eligibility criteria under the rules.

9. The instant petition stands **disposed of** in the above terms.

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Abdul Basit