

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 106 of 2026

[Faqeer Muhammad v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Muhammad Aslam Gadani, Advocate

Respondents by : Mr. Zulfiqar Ali Naich, 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. – The petitioner, Faqeer Muhammad, claiming to be 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.

2. The petitioner states that he suffers from 75% hearing disability (deaf) as per the disability certificate issued in this behalf. He claims to hold the educational qualification of Intermediate and domicile of District Sukkur. He asserts that he repeatedly approached the respondents for appointment against the disability quota, but received no affirmative response. It is further stated that the petitioner, along with others, had earlier filed C. P. No. D-654 of 2025 before this Court seeking similar relief. However, the said petition was withdrawn and dismissed as not pressed on the submission of the learned counsel for the petitioner that the petitioner intended to file a fresh petition after obtaining a updated disability certificate from the Assessment Committee constituted under the Sindh Empowerment of Persons with Disabilities Act, 2018. Pursuant thereto, the petitioner claims to have obtained the requisite Disability Assessment Certificate issued under the 2018 Act and has filed the present petition.

3. Learned counsel for the petitioner contends that, having now obtained a valid Disability Assessment Certificate under the Sindh Empowerment of Persons with Disabilities Act, 2018, the petitioner is fully eligible for appointment under the 5% quota and ought to be considered against available vacancies in District Sukkur.

4. Learned AAG Sindh, appearing on behalf of the respondents, refers to the preliminary objections and comments submitted on behalf of Respondent No.3 (Deputy Commissioner, Sukkur), and submits that, as noted in similar matters, recruitment processes under the 5% disability quota in District Sukkur have been conducted periodically through District Recruitment/ Selection Committees in accordance with law and applicable guidelines. Learned AAG contends that while the petitioner has now obtained an updated certificate under the 2018 Act, appointment to a public post cannot be granted directly without the candidate undergoing the mandatory selection process and competing on merit against advertised or available vacancies.

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

6. The legal position is well settled that while the statutory 5% reservation for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a vital protective measure, it does not confer an automatic or absolute right of direct appointment upon every disabled person without participating in a formal, competitive recruitment process.

7. The obtaining of a valid Disability Assessment Certificate under the 2018 Act fulfills the threshold requirement of eligibility as a person with disability; however, it does not dispense with the necessity of participating in the recruitment process initiated by the competent selection authority. Direct appointment cannot be directed under the constitutional jurisdiction in the absence of participation and selection on merit through the District Selection Committee against an unexhausted available post.

8. In these circumstances, the relief of direct appointment as sought by the petitioner cannot be granted. However, since the petitioner has now obtained the requisite Disability Assessment Certificate issued under the Sindh Empowerment of Persons with Disabilities Act, 2018, he shall remain at liberty to apply and participate in any ongoing or future recruitment process initiated by the competent authorities for posts reserved for persons with disabilities in District Sukkur, subject to fulfilling all prescribed qualification and eligibility criteria under the law.

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

J U D G E

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Abdul Basit