

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 794 of 2026

[Mehar Ali v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Riaz Ali Shaikh, Advocate

Respondents by : Mr. Zulfiqar Ali Naich, Assistant A.G. Sindh

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner has instituted this constitutional petition seeking directions to the respondents to consider his candidature and appoint him against the 5% quota reserved for persons with disabilities in government departments.

2. Learned counsel for the petitioner submits that the petitioner is a differently abled person suffering from low vision evaluated to the extent of 80%, as reflected in the Disability Assessment Certificate issued by the competent authority. It is contended that the petitioner is educated, holds a valid domicile of District Sukkur, and has repeatedly approached the official respondents requesting appointment against a suitable post under the disability quota, but his efforts yielded no positive result.

3. Conversely, learned AAG Sindh, while referring to the preliminary objections submitted today on behalf of Respondent No.3 (Deputy Commissioner, Sukkur), submits that recruitment against the 5% disability quota in District Sukkur has been conducted in a structured and transparent manner through the District Selection Committee (DSC). It is stated that in the DSC meetings held during 2022-23, 2024 and 2026, approximately 100 differently abled persons were recommended and appointed across various line departments in District Sukkur, including 20 candidates recommended during the recruitment exercise conducted in January 2026. Learned AAG

points out that the petitioner appeared for interview before the District Selection Committee; however, upon comparative merit evaluation against competing candidates, he was not recommended for appointment.

4. We have heard learned counsel for the petitioner, learned Assistant Advocate General Sindh, and perused the material available on record.

5. While the statutory framework under the Sindh Empowerment of Persons with Disabilities Act, 2018 guarantees a 5% quota for persons with disabilities, such provision does not confer an automatic right to direct appointment without securing a recommendation on comparative merit from the competent District Selection Committee. The record confirms that the petitioner participated in the selection process conducted by the District Selection Committee, Sukkur, but failed to secure a merit-based recommendation. This Court, in exercise of its constitutional jurisdiction under Article 199 of the Constitution, cannot substitute its own assessment for the comparative evaluation made by a duly constituted Selection Committee.

6. 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 as and when new vacancies under the 5% disability quota are advertised by the line departments in District Sukkur, subject to fulfilling all prescribed qualification and eligibility criteria under the rules.

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

J U D G E

J U D G E

Abdul Basit