

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 885 of 2026

[Hakim Ali and others v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioners by : Mr. Abdul Mujeeb Shaikh, Advocate

Respondents by : Mr. Shahryar Imdad Awan, Assistant A.G. Sindh

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioners (11 in number) have instituted this constitutional petition seeking directions to the respondents to consider their candidatures and issue appointment orders against the 5% quota reserved for persons with disabilities across various government departments in District Sukkur.

2. Learned counsel for the petitioners submits that all eleven petitioners are differently abled persons, jobless, and possess varying levels of academic qualifications. It is stated that certain petitioners had earlier instituted C. P. No. D-1623 of 2025 before this Court, which was withdrawn vide order dated 24.09.2025 to cure procedural defects and obtain updated Disability Assessment Certificates. Learned counsel contends that after obtaining valid certificates, the petitioners applied for advertised vacant posts under the disability quota and submitted repeated applications in the office of Respondent No.2 (Commissioner, Sukkur Division, Sukkur), but received no fruitful outcome. It is specifically highlighted that Petitioner No.1 (Hakim Ali) appeared in the written test conducted for Matric-level posts and succeeded by securing 53 marks, yet no offer letter or appointment order was issued in his favour.

3. Conversely, learned AAG Sindh, while referring to the compliance report filed today on behalf of Respondent No.2 (Commissioner, Sukkur

Division, Sukkur), submits that all applications submitted by differently abled persons, including those received in the Commissioner's office, were duly forwarded to Respondent No.3 (Deputy Commissioner, Sukkur / Chairman, District Selection Committee) for processing in accordance with government policy.

4. Learned AAG Sindh further refers to the preliminary objections submitted today on behalf of Respondent No.3 (Deputy Commissioner, Sukkur), submitting that selection exercises under the disability quota were conducted through the District Selection Committee (DSC) in a transparent manner. It is submitted that in the DSC meetings held during 2022-23, 2024 and 2026, approximately 100 differently abled persons were recommended for appointment against BPS-1 to BPS-4 posts across line departments in District Sukkur, including 20 candidates recommended during the selection exercise conducted in January 2026. Learned AAG points out that while the petitioners appeared for interviews before the District Selection Committee, they could not be recommended for appointment upon comparative merit assessment by the Committee.

5. We have heard learned counsel for the petitioners, learned Assistant Advocate General Sindh, perused the material available on record, and considered the compliance report and preliminary objections filed today by the respondents.

6. The statutory 5% quota under the Sindh Empowerment of Persons with Disabilities Act, 2018 is designed to guarantee equitable public employment for certified differently abled persons. However, obtaining passing marks in a screening test or submitting repeated administrative representations does not create an absolute or automatic right to direct appointment without securing a recommendation on comparative merit from the competent District Selection Committee.

7. The record confirms that the selection process was duly carried out by the District Selection Committee, Sukkur, wherein the petitioners participated and were interviewed alongside other applicants. However, upon comparative evaluation of academic qualification, test scores, and interview performance against available quota vacancies, the petitioners failed to secure merit-

based recommendations from the Committee. This Court, in exercise of its extraordinary constitutional jurisdiction under Article 199 of the Constitution, cannot substitute its own assessment for the evaluation made by a duly constituted selection authority.

8. In view of the above position, no direction for immediate direct appointment can be issued in favour of the petitioners. However, the petitioners shall be at liberty to apply afresh 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.

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

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Abdul Basit