

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1074 of 2026

[Zulfiqar Ali Soomro v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Babar Khan Sahito, Advocate

Respondents by : Mr. Saeed Ahmed Wassan, Assistant A.G. Sindh

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Zulfiqar Ali Soomro, has instituted this constitutional petition seeking directions to the respondents to 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 an intellectual disability evaluated at 55%, as reflected in the Disability Assessment Certificate bearing Registration No. SPDPA/D.A.C-5860/2026 dated 09.03.2026 issued by the Department for Empowerment of Persons with Disabilities (DEPD). It is contended that the petitioner is educated, a permanent resident of District Sukkur holding valid domicile and PRC, and has repeatedly approached Respondents No.1 and 3 requesting appointment to a suitable post under the 5% disability quota. Learned counsel states that despite his eligibility, the said respondents have failed to provide any response or relief to the petitioner.

3. Conversely, learned AAG Sindh, while referring to the preliminary objections filed 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 transparent and structured 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 latest recruitment exercise conducted in January 2026. Learned AAG points out that, despite the selection process being conducted through public walk-in interviews, the petitioner failed to appear before the Committee in any walk-in interview/selection exercise.

4. Learned AAG Sindh also refers to the para-wise comments filed today on behalf of Respondent No.4 (Regional Director, DEPD, Sukkur Region, also on behalf of Director General, Sindh Persons with Disabilities Protection Authority), wherein it is submitted that the petitioner has sought directions primarily against Respondents No.1 to 3 and no specific relief has been claimed against Respondent No.4. It is clarified that Respondent No.4 is a statutory body established under the Sindh Empowerment of Persons with Disabilities Act, 2018, responsible for assessment and empowerment, but possesses no statutory power or authority to issue recruitment directions to other government departments. Recruitment against public employment falls solely within the executive domain of the respective Sindh Government line departments and the concerned District Recruitment/Selection Committee.

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

6. While the Sindh Empowerment of Persons with Disabilities Act, 2018 guarantees a 5% statutory reservation for persons with disabilities, such provision does not operate as an automatic entitlement to direct appointment without participating in a competitive recruitment process before the competent District Selection Committee. The role of the DEPD (Respondent No.4) is limited to evaluation, certification, and welfare, whereas actual appointment rests with the relevant line departments through the District Selection Committee.

7. The record reveals that the petitioner failed to appear in any walk-in interview or recruitment process conducted by the District Selection Committee, Sukkur. Having missed the opportunity to present his candidature

before the selection committee during the prescribed process, no writ for direct appointment can be issued 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 09.03.2026 as and when new vacancies under the 5% disability quota are advertised by 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.

J U D G E

J U D G E

Abdul Basit