

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 785 of 2026

[Muhammad Ismail v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Badaruddin Memon, Advocate holding
brief for Mr. Noor Hassan Malik, Advocate

Respondents by : Agha Athar Hussain Pathan, Assistant A.G.
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, Muhammad Ismail, seeks directions to the respondents to appoint him against the 5% quota reserved for persons with disabilities in government departments for any suitable post from BPS-01 to BPS-04.

2. Learned counsel holding brief argues that the petitioner is a differently abled person holding a valid Disability Assessment Certificate bearing Registration No. SPDPA/D.A.C-4876/2023 dated 30.03.2023, duly issued by the competent authority under the Department for Empowerment of Persons with Disabilities (DEPD). It is contended that the petitioner approached the official respondents requesting appointment against vacant posts from BPS-01 to BPS-04 under the 5% disability quota, but no positive response was received. In support of his efforts, learned counsel holding brief refers to a copy of the petitioner's written representation addressed to Respondent No.3 (Deputy Commissioner, Ghotki), dispatched via courier service on 22.04.2026 along with the courier receipt placed on record.

3. Conversely, learned AAG Sindh, while referring to the comments filed today on behalf of Respondent No.3 (Deputy Commissioner, Ghotki), submits that in compliance with Court directives and government policy, recruitment exercises under the disability quota were duly conducted through the District Selection Committee (DSC). It is stated that during the selection process/walk-in interviews held on 23.12.2025 in District Ghotki, the petitioner

failed to appear before the DSC, and consequently, his candidature could not be considered or recommended.

4. We have heard the learned counsel holding brief for the petitioner, learned Assistant Advocate General Sindh, perused the material available on record, and considered the comments submitted on behalf of Respondent No.3 today.

5. The statutory 5% quota under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a mandatory provision intended to ensure inclusive public employment. However, sending written representations or courier applications directly to administrative authorities after the conclusion of a selection process does not substitute for participating in a formal recruitment process or confer an automatic right to direct appointment without securing a merit-based recommendation from the competent District Selection Committee.

6. The record confirms that the recruitment process was duly carried out by the District Selection Committee, Ghotki, on 23.12.2025, but the petitioner failed to appear in the walk-in interviews. The application relied upon by the petitioner was dispatched via courier on 22.04.2026, which is subsequent to the recruitment exercise conducted by the Committee on 23.12.2025. Having failed to participate in the prescribed selection process held prior to his application, no direction for immediate direct appointment can be issued in his favour under Article 199 of the Constitution.

7. In view of the above position, no direction for immediate 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 30.03.2023 as and when new vacancies under the 5% disability quota are advertised by line departments in District Ghotki, subject to fulfilling all prescribed qualification and eligibility criteria under the rules.

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

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