

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 791 of 2026

[Mazhar Hussain Korai v. Province of Sindh and another]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Abdul Sattar Thaheem, 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. – Learned counsel has filed power on behalf of the petitioner today, which is taken on record. Through the instant constitutional petition, the petitioner, Mazhar Hussain, seeks directions to the respondents to consider his candidature and issue an appointment order 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 with 50% physical disability who passed his Matriculation examination in the year 2022. It is submitted that the petitioner holds a valid Disability Assessment Certificate and has repeatedly approached Respondent No. 2 (Deputy Commissioner, Sukkur) requesting appointment against the 5% disability quota, but no positive result was provided.

3. Conversely, learned AAG Sindh, while referring to the preliminary objections filed on behalf of Respondent No.2 (Deputy Commissioner, Sukkur), submits that recruitment under the disability quota in District Sukkur has been conducted strictly in accordance with law and policy 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 the petitioner appeared for an interview before the District Selection Committee in January 2026 but was not recommended for appointment upon comparative merit evaluation.

4. The petitioner has also placed an Affidavit-in-Rejoinder on record. In his rejoinder, the petitioner admits having appeared before the District Selection Committee in January 2026, but strongly controverts the assertions made by Respondent No.2. He alleges that the selection process was neither transparent nor merit-based, contending that the Committee discouraged him, ignored his eligibility, and conducted selections based on favoritism and nepotism rather than merit and quota rules. The petitioner further contends that the respondents failed to attach or produce the criteria for evaluation, merit lists, or minutes of the DSC/DRC meetings to substantiate their claim of fair selection, thereby violating his fundamental rights guaranteed under Articles 4, 9, 18, and 25 of the Constitution.

5. We have heard learned counsel for the petitioner, learned Assistant Advocate General Sindh, perused the material available on record, and carefully considered the preliminary objections as well as the Affidavit-in-Rejoinder placed on record.

6. While the statutory framework under the Sindh Empowerment of Persons with Disabilities Act, 2018 guarantees a 5% quota for persons with disabilities, such reservation does not confer an automatic right to direct appointment without securing a recommendation on comparative merit from the competent District Selection Committee through a competitive recruitment process.

7. The record confirms, and the petitioner explicitly admits in Paragraph 4 of his Affidavit in Rejoinder, that he participated in the selection process/ interviews conducted by the District Selection Committee in January 2026. Although the petitioner has leveled allegations of nepotism, favoritism and lack of transparency against the Committee, such generalized assertions cannot be adjudicated in summary constitutional proceedings under Article 199 of the Constitution without specific, concrete evidence on record. Furthermore, this Court, in exercise of its constitutional jurisdiction, cannot sit

as an appellate authority to re-evaluate or substitute the comparative merit assessment made by a duly constituted statutory Selection Committee.

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 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 petition stands **disposed of** in the above terms.

J U D G E

J U D G E

Abdul Basit