

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1354 of 2026

[Shabana v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Nisar Ahmed Bhanbhro

Petitioner : Shabana in person

Respondents by : Mr. Zulfiqar Ali Naich, Assistant A.G. Sindh along with Naeem Hussain, Law Officer to Chief Secretary and Secretary (Services), SGA&CD, Government of Sindh

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Mst. Shabana, a differently abled lady, appears in person to prosecute this petition. At the outset, it is observed that although the text of the memo of petition inadvertently contains plural phrasing throughout, since the petition has been instituted solely by a single lady petitioner, such typographical defect is ignored and the petition is treated and evaluated in the singular form.

2. The petitioner asserts that she is a person with disability, as certain parts of her body do not function properly. She states that despite repeatedly approaching the concerned authorities and claiming appointment against the 5% quota reserved for persons with disabilities, the respondents have paid no heed to her requests. In support of her claim, she relies upon Articles 4 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973, as well as orders passed by this Court in C. P. No. D-1214 of 2023 and connected petitions (dated 05.08.2025) and C. P. Nos. D-176, 142 & 455 of 2023 and connected matters (dated 17.10.2024).

3. The petitioner has impleaded three official respondents, namely the Province of Sindh through Chief Secretary Sindh, Secretary (Services) SGA&CD Sindh, and Deputy Commissioner, Naushahro Feroze, and has formulated the following specific prayers:

a. *That this Honorable Court may graciously be pleased to issue directions to the official Respondents to appoint the petitioners on*

the basis of their disable quota, already framed by the Government of Sindh, which is fixed at 5% in each and every department of Government of Sindh as per policy framed by the Government, hence the petitioners are liable to be appointed for any post lying vacant as per their qualification.

- b. That the Official Respondents may also be directed to implement the order dated 05.08.2025 passed by this Court, which was subsequently maintained by Honorable Supreme Court vide order dated 12.11.2025 in its letter and spirit.*
- c. To Direct the Respondent No.1 to implement 5% quota in all Government Departments as well Corporate Sectors as per Section 11(12) of Sindh Empowerment of Persons with Disabilities Act, 2018, without fail, which is to be calculated from the sanctioned posts not from available vacant posts as observed by Hon'ble Supreme Court in the case Malik Ubaidullah (supra)*
- d. To direct the Respondents No.1 & 2 to implement the judgment passed by Hon'ble Supreme Court in Civil Petition No.140-L of 2015 Vide order dated 14.07.2020 in the case of Malik Ubaidullah vs. Government of Punjab & others.*
- e. To direct the Respondents No.3 to 7 to promptly obtain the details of vacant posts from all its subordinates departments where they are Chairmen of District Recruitment Committee(s) in order to furnish accurate number of sanctioned posts besides lying vacant and submit comprehensive report in this regard.*
- f. Any other order may deem fit and proper may kindly be passed in favour of the petitioners as the petitioners are totally depend upon the mercy of this Court.*
- g. Cost of the petition.*

4. Before addressing the merits of the case, another patent anomaly in the drafting of the petition requires consideration. In prayer clause (e), the petitioner seeks directions against “Respondents No.3 to 7”; however, a perusal of the array of parties reveals that only three respondents have been impleaded in the instant petition [viz. Province of Sindh through Chief Secretary, Secretary (Services) SGA&CD, and Deputy Commissioner, Naushahro Feroze]. This structural discrepancy, coupled with the repetitive plural phrasing throughout the text, clearly indicates that the instant memo of petition has been copied from another petition without making necessary corrections to align the prayer clause with the array of parties impleaded herein.

5. Respondent No.2 [Secretary (Services), SGA&CD], filing comments on his behalf as well as on behalf of Respondent No.1 (Chief Secretary, Government of Sindh), submitted that the Hon'ble Supreme Court of

Pakistan, while disposing of CPLA Nos. 220-K to 442-K of 2025 vide judgment dated 20.03.2025 (referring to its earlier order dated 14.07.2022), observed that all differently abled persons (DAPs) who have already applied for jobs against vacant posts should have their applications considered at the outset rather than shelved or deferred under the garb or guise of fresh applications submitted for the same purpose by the new entrants, and that the recruitment process be finalized in accordance with law. Pursuant thereto, all Deputy Commissioners / Chairmen, District Selection Committees (DSCs) were advised to convene DSC meetings and fill remaining vacant posts against the 5% quota in strict adherence to government policy. It was further submitted that the petitioner may apply as and when fresh applications are invited through public advertisements by line departments.

6. Learned AAG Sindh, while referring to the para-wise comments submitted on behalf of Deputy Commissioner, Naushahro Feroze, submits that in compliance with the directives of the Hon'ble Supreme Court and this Court, as well as instructions issued by the SGA&CD, Government of Sindh, seven DRC/DSC recruitment exercises have been conducted in District Naushahro Feroze between 2018 and 2025, through which a total of 263 persons with disabilities have been recommended for appointment (14 candidates in meetings held on 02, 03 and 05.04.2018; 31 on 22.09.2020; 25 on 24.10.2022; 96 between 06, 07 and 08.04.2023; 01 on 08.04.2023; 74 on 16.10.2024; and 22 in meetings held on 17 and 18.11.2025). Learned AAG points out that in the last recruitment exercise, 824 candidates appeared and 22 were recommended; however, the petitioner failed to appear.

7. Learned AAG Sindh further submits that pursuant to SGA&CD directives and Provincial Cabinet decisions, fresh recruitment against posts in BPS-1 to BPS-4 in line departments has been initiated, and reports confirm that the 5% quota in District Naushahro Feroze presently stands fully exhausted across line departments, except for 05 vacant posts under the Regional Director Colleges, Shaheed Benazirabad (where interviews were conducted from 20.04.2026 to 28.04.2026) and 02 posts under the District Population Welfare Officer, Naushahro Feroze (where directions have been issued to advertise). Furthermore, private establishments have also been issued directives vide letters dated 01.12.2025, 08.04.2026, and 19.05.2026 to ensure the 5% statutory reservation within their workforce.

8. We have heard the petitioner appearing in person, the learned Assistant Advocate General Sindh, and perused the material available on record.

9. While the Sindh Empowerment of Persons with Disabilities Act, 2018 provides a statutory framework guaranteeing a 5% quota for differently abled persons, such reservation does not operate as an automatic entitlement to direct appointment without participating in a formal recruitment process conducted by the competent selection committee. The petitioner, having failed to appear before the District Selection Committee during its recent selection process, cannot seek a writ for direct appointment outside the established recruitment procedure.

10. Furthermore, the record demonstrates that the District Selection Committee, Naushahro Feroze, has actively implemented the statutory quota, recommending 263 differently abled persons across seven distinct recruitment exercises. The 5% statutory quota in District Naushahro Feroze currently stands exhausted across line departments, with only isolated vacancies remaining in specific offices, which are subject to independent advertisement and process.

11. In view of the above, no direction for immediate direct appointment can be issued in favour of the petitioner. However, the petitioner shall be at liberty to apply afresh as and when new vacancies under the 5% disability quota are advertised by the line departments or the designated regional offices, subject to fulfilling all prescribed eligibility criteria under the rules. Additionally, as provided under Section 11 of the Sindh Empowerment of Persons with Disabilities Act, 2018, the petitioner may also explore employment opportunities in private establishments that are statutorily mandated to maintain the reserved quota.

12. The instant Constitutional Petition stands **disposed of** in the above terms with no order as to costs. A copy of this order shall be communicated to the Deputy Commissioner, Naushahro Feroze, for information.

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