

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1082 of 2026

[Mujahid Hussain and another v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Nisar Ahmed Bhanbhro

Petitioners by : Mujahid Hussain, petitioner No.1 in person

Respondents by : Mr. Ghulam Abbas Kubar, 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. – Petitioner No.1, Mujahid Hussain, is present in person and states that he is pursuing the instant petition on his own behalf as well as on behalf of Petitioner No.2 (Sikandar Ali). Since this petition involves claims under the 5% quota reserved for persons with disabilities and written comments have been submitted by the respondents today, we proceed to dispose of the matter on the basis of the available record with the assistance of learned Assistant Advocate General Sindh.

2. As per the memo of petition, the petitioners, Mujahid Hussain and Sikandar Ali, state that they are differently abled persons whose physical body parts are partially non-functional. Their grievance is that despite submitting applications and repeatedly approaching the respondents, they have not been appointed against vacant posts reserved under the 5% disability quota. They have accordingly prayed for directions to the respondents to consider their candidatures and issue appointment orders against the reserved quota in line departments.

3. Respondent No.2 [Secretary (Services), SGA&CD] through comments, filed today on his behalf as well as on behalf of Respondent No.1 (Chief Secretary, Government of Sindh), submitted that the Hon'ble Supreme Court, 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 petitioners may apply as and when fresh applications are invited through public advertisements by line departments.

4. Learned AAG Sindh, while referring to the detailed comments submitted on behalf of Respondent No.3 (Deputy Commissioner, Naushahro Feroze), submits that in compliance with Court directives and government policy, seven DRC/DSC recruitment exercises have been conducted in District Naushahro Feroze between 2018 and 2025, recommending a total of 263 persons with disabilities for appointment across line departments (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 further submits that reports confirm 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 and 02 posts under the District Population Welfare Officer, Naushahro Feroze. Learned AAG points out that during the latest selection process where 824 candidates appeared, the petitioners did not participate or secure recommendations before the Committee. Furthermore, learned AAG highlights critical discrepancies in the documentation produced by the petitioners.

5. We have heard Petitioner No.1 in person as well as learned AAG Sindh, perused the material available on record, and considered the detailed comments submitted on behalf of the respondents.

6. The statutory 5% quota under the Sindh Empowerment of Persons with Disabilities Act, 2018 is intended to ensure equitable public employment for certified differently abled persons through a transparent competitive process. However, direct appointment cannot be granted without establishing valid medical certification and participating before the competent District Selection Committee.

7. A scrutiny of the record reveals distinct defects and impediments in respect of both petitioners:

- **Petitioner No. 1 (Mujahid Hussain):** The Disability Assessment Certificate produced bears Registration No. SPDPA/D.A.C-10072/2026 dated 19.05.2026, which was issued after the conclusion of the recruitment exercises and selection process conducted by the District Selection Committee. Consequently, at the time of the recruitment process, Petitioner No.1 did not possess the required certification issued by the Special Medical Assessment Board.
- **Petitioner No. 2 (Sikandar Ali):** The Disability Assessment Certificate produced (bearing Serial No.61062) lacks a valid Registration Number and issuance date, and contains signatures of only two members out of four required members of the Special Medical Assessment Board, rendering the document legally incomplete and invalid.

8. In addition to the aforesaid documentation issues, the record confirms that the statutory quota in District Naushahro Feroze stands fully exhausted across line departments (save for isolated regional vacancies), and the petitioners failed to participate in the selection process conducted by the District Selection Committee, Naushahro Feroze. In the absence of timely, valid statutory disability certificates and recommendations by the competent Selection Committee, no direction for immediate direct appointment can be issued in their favour under Article 199 of the Constitution.

9. In view of the above position, no direction for immediate appointment can be issued in favour of the petitioners. However, the petitioners shall be at liberty to obtain valid, duly executed statutory Disability Assessment Certificates from the competent Medical Board constituted under the Sindh Empowerment of Persons with Disabilities Act, 2018, and apply afresh as and when new vacancies under the 5% disability quota are advertised by line departments or designated regional offices in District Naushahro Feroze, subject to fulfilling all prescribed qualification and eligibility criteria under the rules.

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

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