

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1173 of 2026

[Manthar Ali v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Ghulam Ali Bozdar, Advocate

Respondents by : Mr. Shahryar Imdad Awan, Assistant A.G. Sindh along with Naeem Hussain, Law Officer to Chief Secretary and Secretary (Services), SGA&CD, Government of Sindh and Muhammad Azhar, Assistant Mukhtiarkar, Ubaruo on behalf of Deputy Commissioner Ghotki

Date of Hearing : **23.09.2026**

Date of Decision : **23.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Manthar Ali, has invoked the constitutional jurisdiction of this Court 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 a bone deficiency disability evaluated at 60%, pursuant to a fresh examination by the Medical Board, which issued a Disability Assessment Certificate bearing Registration No. SPDPA/D.A.C-0108/2026 dated 01.01.2026. It is contended that the petitioner is an educated person holding a domicile of District Ghotki and has repeatedly approached Respondents No.1 to 3 requesting appointment against vacant posts under the disability quota; however, despite his efforts, he has not been considered.

3. Conversely, 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, 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 situations 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.

4. Learned AAG Sindh, while referring to the comments filed today on behalf of Respondent No. 3 (Deputy Commissioner, Ghotki), submits that in compliance with orders passed by this Court on 05.08.2025 and 02.12.2025, as well as the directives of the Hon'ble Supreme Court dated 14.07.2022, selection exercises under the disability quota were duly conducted, resulting in the recommendation of 123 differently abled persons for appointment across line departments in District Ghotki. Learned AAG points out that during the selection process/walk-in interview held on 23.12.2025, the petitioner appeared before the District Selection Committee but was not recommended for appointment. Furthermore, learned AAG emphasizes that the Disability Assessment Certificate relied upon by the petitioner was issued on 01.01.2026, subsequent to the culmination of the walk-in interviews and DRC meeting held on 23.12.2025.

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

6. The statutory 5% quota for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018 guarantees equitable representation in public service; however, it does not confer an automatic right to direct appointment without participating in a competitive recruitment process before the competent District Selection Committee.

7. The record reveals two critical impediments in the petitioner's case. First, the petitioner appeared in the walk-in interviews conducted on 23.12.2025 by the DRC/DSC, Ghotki, but was not recommended for appointment upon comparative evaluation. Second, the Disability Assessment Certificate relied upon by the petitioner is dated 01.01.2026, which was issued after the conclusion of the aforesaid recruitment exercise held on 23.12.2025. Consequently, at the time of the selection process, the petitioner did not possess the requisite medical certificate issued afresh by the competent Medical Board. This Court, in exercise of its constitutional jurisdiction under Article 199 of the Constitution, cannot interfere with the selection process or grant direct appointment outside the established legal framework.

8. 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 on the strength of his Disability Assessment Certificate dated 01.01.2026 as and when new vacancies under the 5% disability quota are advertised by the line departments in District Ghotki, subject to fulfilling all prescribed eligibility criteria under the rules.

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

J U D G E

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Abdul Basit