

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 2207 of 2025

[Arif Raza Lohach v. Province of Sindh and another]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Zafar Ali Lanjar, 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. – The petitioner, Arif Raza, being a person with disability, has filed the instant Constitutional Petition seeking a direction to the respondents to appoint him to a suitable post under the 5% quota reserved for persons with disabilities.

2. The petitioner asserts that he is a differently abled person, educated having passed the 5th class, and has repeatedly approached Respondent No.2 (Deputy Commissioner, Naushahro Feroze) as well as administrative authorities across various departments for appointment against the disability quota. He claims to have submitted multiple applications and applied pursuant to advertisements, but without success. Copies of various applications and advertisements have been annexed to the petition.

3. Learned counsel for the petitioner contends that, despite the petitioner’s eligibility and status as a person with disability, the respondents failed to consider or appoint him against any suitable post under the 5% quota. He therefore seeks a direction to the respondents to appoint the petitioner in accordance with law.

4. Learned AAG Sindh, while referring to the para-wise comments submitted on behalf of Respondent No.2 (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.

5. 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.

6. We have heard the learned counsel for the petitioner, learned AAG Sindh, perused the averments contained in the petition, the documents on record, and the detailed comments submitted on behalf of Respondent No.2.

7. The legal position is well settled that while the statutory 5% reservation for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018 is a mandatory safeguard, it does not confer an automatic right of direct appointment upon every disabled individual without participating in a formal, competitive selection process.

8. In the present case, the official record demonstrates that the District Selection Committee, Naushahro Feroze, convened interviews on 17.11.2025 and 18.11.2025, wherein 824 candidates were evaluated and 22 were recommended. The petitioner, however, did not appear before the Committee during the said selection exercise. Where a candidate fails to participate in the recruitment process initiated by the competent selection authority, no direction can be issued under the constitutional jurisdiction for his direct appointment.

9. Furthermore, the report submitted by Respondent No.2 confirms that the 5% reserved quota across line departments in District Naushahro Feroze presently stands fully exhausted, save for specific posts in the College Education and Population Welfare Departments, for which recruitment procedures have already been initiated. Directing appointment in the absence of an unexhausted available post and without selection on merit would run counter to the statutory framework governing public recruitment.

10. It is, however, expected that the administrative authorities concerned, including the Regional Director Colleges, Shaheed Benazirabad, and the District Population Welfare Officer, Naushahro Feroze, shall conclude the ongoing/pending recruitment processes against the remaining vacant posts expeditiously and strictly in accordance with law, rules, and applicable policy. It is further expected that Respondent No.2 (Deputy Commissioner, Naushahro Feroze) shall continue to pursue the implementation of the statutory 5% quota for persons with disabilities across commercial, industrial, and private establishments operating within the district in terms of the Sindh Empowerment of Persons with Disabilities Act, 2018.

11. In these circumstances, no direction for direct appointment can be issued. However, the petitioner shall remain at liberty to apply and participate in any ongoing or future recruitment process initiated by the competent authorities under the 5% quota, including for posts under the College Education and Population Welfare Departments, subject to fulfilling all prescribed eligibility criteria, holding a valid barcoded Disability Assessment Certificate under the 2018 Act, and competing on merit in accordance with law.

12. Accordingly, the instant Constitutional Petition is **disposed of** in the above terms. A copy of this order shall be communicated to the Deputy Commissioner, Naushahro Feroze, for information.

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