THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

C. P. No. D–621 of 2026

[Hubdar Ali v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner:	:	Hubdar Ali son of Deedar Hussain Through Mr. Zafar Ali Malghani, Advocate
Respondents	:	Through Mr. Amjad Hussain Balhro, Assistant Advocate General Sindh
Date of Hearing	:	**03.11.2026**
Date of Decision	:	**03.11.2026**

O R D E R

ARBAB ALI HAKRO, J. – The petitioner, being a person with disability, has filed the instant Constitutional Petition seeking directions for the respondents to consider his case for appointment against the quota reserved for persons with disabilities and to appoint him to any suitable post according to his qualifications and eligibility.

2. The petitioner has pleaded that he is a person with certain physical disabilities and holds a disability certificate issued by the competent authority. He claims to be a permanent resident of District Jacobabad and states that he repeatedly approached the respondents for appointment under the disability quota. According to him, despite his qualifications and the submission of relevant documents, his case was not considered. He has therefore invoked the constitutional jurisdiction of this Court, seeking appointment to any suitable post under the quota reserved for persons with disabilities.

3. Learned AAG Sindh, while referring to the comments submitted by the Deputy Commissioner, Jacobabad, submits that recruitment against vacancies, including the quota reserved for persons with disabilities/differently-abled persons, is regulated by the Sindh Empowerment of Persons with Disabilities Act, 2018, the applicable rules,

and the prescribed recruitment procedure. It is further submitted that recruitment against the 5% quota has been undertaken in District Jacobabad from time to time, and that a substantial number of persons with disabilities have already been appointed through the District Recruitment/Selection Committee. It is stated that in the recruitment process conducted in May 2025, more than 40 applicants appeared for interviews and 11 persons were appointed against the 5% quota in various departments in the relevant recruitment processes. Learned AAG further submits that the petitioner failed to appear in any walk-in interview/recruitment process and, therefore, cannot claim direct appointment merely on the basis of his disability or the application allegedly submitted by him.

4. We have heard the learned counsel for the petitioner as well as the learned AAG Sindh and have perused the material on record.

5. A perusal of the petition reveals that the petitioner seeks appointment under the 5% quota reserved for persons with disabilities. The statutory scheme provides for reservation for persons with disabilities in Government employment. However, such reservation does not, by itself, confer an automatic or indefeasible right of appointment upon every person within that category.

6. The foremost requirement for appointment to a government or public post is compliance with the prescribed legal and codal formalities and participation in a recruitment process initiated by public advertisement or notice, followed, where prescribed, by scrutiny of documents, a test, an interview, and determination of merit. A person holding the requisite disability certificate is entitled to the benefit of the reserved quota in accordance with law, but such entitlement does not exempt him from the mandatory recruitment procedure.

7. In the present case, although the petitioner has placed on record his application to the respondents seeking appointment under the disability quota, there is no material on record to establish that he participated in any prescribed recruitment process or appeared at any walk-in interview. Conversely, the respondents have categorically stated that the petitioner did not appear at any walk-in interview or participate in any recruitment process. Thus, no material is before us to establish that the petitioner participated in a lawful recruitment process and was

thereafter denied appointment despite being eligible and having secured merit.

8. The constitutional and statutory protections available to persons with disabilities are intended to ensure their effective participation in public employment and cannot be defeated by administrative inaction. At the same time, the right arising from a reserved quota is to be actualized through a fair, transparent and lawful recruitment process for posts actually available for appointment. Employment of persons with disabilities is a right, not a matter of charity; however, the exercise of that right must take place within the framework of the prescribed recruitment process.

9. The respondents have placed on record that recruitment under the 5% disability quota has been undertaken in District Jacobabad on various occasions, and that appointments have been made through the District Recruitment/ Selection Committee. It is also their stated position that the petitioner did not participate in the relevant recruitment process. In these circumstances, no direction can be issued for the direct appointment of the petitioner to any post merely on the basis of his disability certificate, qualification, or the application allegedly submitted by him.

10. Consequently, the petitioner, having failed to participate in the prescribed recruitment process, is not entitled to the relief of direct appointment sought. However, he shall remain at liberty to participate in any future recruitment process for posts reserved for persons with disabilities in accordance with law.

11. Needless to say, whenever recruitment against the 5% disability quota is initiated in District Jacobabad, the competent authority shall undertake it through a fair, transparent and lawful process, in accordance with the Sindh Empowerment of Persons with Disabilities Act, 2018, applicable rules, Government policy and all prescribed legal and codal formalities. The petitioner, if otherwise qualified and eligible, shall be entitled to apply pursuant to the relevant advertisement/notice, and his candidature shall be considered strictly in accordance with the prescribed procedure, including any test, interview and merit criteria.

12. It is further clarified that mere entitlement to consideration under the disability quota does not create a vested right to appointment. Any appointment shall remain subject to the availability of the post, prescribed

qualifications and eligibility, participation in the recruitment process, merit, and fulfilment of all mandatory legal and codal requirements. No discrimination shall be made against the petitioner merely on account of his disability.

13. In view of the above, the instant Constitutional Petition is **disposed of** in the above terms. A copy of this order may be communicated to the Deputy Commissioner, Jacobabad, for information and compliance.

J U D G E

J U D G E

Manzoor