

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. D – 2731 of 2014

Before:

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

Date of hearing: 05-10-2021

Date of decision: 05-10-2021

Petitioner Aamir Faisal, present in person.
Mr. Mehboob Ali Wassan, Assistant Advocate General Sindh along
with Zahid Sahito, Admin Officer on behalf of District Manager, PPHI,
Khairpur.

ORDER

Muhammad Junaid Ghaffar, J. – The Petitioner appears in person and seeks directions against the Respondents to appoint him under the Disabled Persons' Quota commensurate with his academic qualification.

2. Comments have been filed by the Respondents, and it has been stated that the Petitioner has made various applications, but the same were not made against any vacant sanctioned post, hence, he could not be appointed. It has been further stated that as and when any such vacancy is available, with permission of the competent authority, the same would be advertised and the Petitioner can always apply and qualify the test for such appointment and then would be accommodated in accordance with law.

3. We have gone through the record including the comments and are of the view that insofar as the applications of the petitioner are concerned, they have not been made pursuant to any advertisement or availability of vacancies in any such department. In fact, he has also made application to Peoples Primary Healthcare Initiative (PPHI), which is an NGO and a

company registered under section 42 of the Companies Act; hence, strictly does not fall within the domain of the Government, as such the policy of recruitment of persons with disabilities may also not apply. Moreover, it has been stated by them that appointments are strictly made on merits after tests and interview as and when applications are called. As to other respondents, either no application has been made or there are no vacancies advertised for such appointments.

4. Accordingly, in our view this petition cannot be kept pending and is hereby disposed of with the directions that the Petitioner, as and when any vacancy is available and announced, may apply for the same, if otherwise qualified under such Quota, and his application be considered subject to qualification, if any. However, the Respondents including Respondent No.1 shall ensure that while making advertisements of such vacancies, the dicta laid down by the Hon'ble Supreme Court in the case of Malik Ubaidullah v. Government of Punjab (2021 PLC (CS) 65) regarding reserved quota for persons with disabilities is strictly adhered to.

5. Petition stands disposed of with these observations.

J U D G E

J U D G E

Abdul Basit