

**IN HIGH COURT OF SINDH, CIRCUIT COURT
MIRPURKHAS**

C.P No. D-1031 of 2024
[Khuda Bux v. Federation of Pakistan & others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Counsel for Petitioner: Mr. Mir Muhammad Nohri, Advocate.

Counsels/ Representatives for Respondents: Mr. Muhammad Sabir Hussain Assistant Attorney General & Mr. Ayaz Ali Rajper, A.A.G Sindh a/w Inayat Ali Kumbhar District Education Officer, Umerkot.

Date of Hearing 26.03.2025

Date of Judgment 07.05.2025

JUDGMENT

RIAZAT ALI SAHAR, J. Through this judgment, we intend

to dispose of captioned petition, wherein the following relief is sought:

“A To direct the respondents to appoint the petitioner on disable-quota as per his qualification on priority basis in the light of landmark judgment dated 14.07.2020 passed by the Honourable Supreme Court and not to discriminate the petitioner who belongs to a poor and down trodden segment of society, other than this he is disable person having no political source and wealth.

B. Costs of the petition may be saddled upon the respondents.

C. Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.”

2. The petitioner is differently-abled individuals who had applied to different post for appointment under the Disabled

Quota. However, despite the passage of a considerable period, no such post has been granted to the petitioners. Aggrieved by this unexplained inaction and delay, and having no alternate or efficacious remedy available to them under the law, the petitioner has been constrained to approach this Honourable Court by invoking its extraordinary constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking appropriate relief to safeguard their fundamental rights.

3. As observed in similar Constitutional Petitions pending before this Court, **C.P. No. D-1725 of 2024, C.P. No. D-1706 of 2024, and C.P. No. D-1735 of 2024**, the concerned Deputy Commissioners have undertaken to accommodate **differently-abled** individuals against the Disabled Quota in various departments after receiving recommendations from the respective departments. Such undertakings are being made pursuant to the directions contained in the order dated 19.03.2024 passed in **Constitutional Petition No. D-176 of 2023 titled Abid Ali Jatoi and others v. Province of Sindh and others** by the High Court of Sindh, Bench at Sukkur.

“In the course of arguments, it has transpired that out of 204 petitioners, 96 petitioners have applied for appointment on disabled quota and their applications are pending before relevant authorities and have not been considered yet in terms of 5% quota. Learned AAG has undertaken that their applications would be considered on merits and out of them if anyone is found competent and deserving would be appointed against the post as per his qualification within a period of two months and such report would be submitted. Regarding remaining petitioners, he has proposed that they may be directed to file applications for appointment as per their qualification in the relevant districts and its copy may be sent to his office and he will make sure that their applications are considered and decided in accordance with law by observing 5% disabled quota as ordained by the law and the

Constitution. The counsel for the petitioners is satisfied, hence this petition is accordingly disposed of in above terms.

Let this order be implemented despite any stay granted by any court including a Single Bench of this Court in exercising jurisdiction under Civil Procedure Code except by the Supreme Court. A copy of this order be sent to the office of AAG for a perusal and compliance.”

Thus, the petitioner's case falls squarely within the protective umbrella of the aforesaid judicial directive.

4. Nevertheless, in the interest of justice and fair opportunity, it is clarified that the petitioner shall remain at liberty to apply afresh for employment under the Disabled Quota after an advertisement is published as well as fulfillment of all legal and codal formalities. In processing any such application, the competent authority shall act strictly in accordance with the binding directions contained in the order dated 19.03.2024 passed in *Constitutional Petition No. D-176 of 2023 titled Abid Ali Jatoi and others v. Province of Sindh and others* by the Honourable High Court of Sindh, Bench at Sukkur. Any appointments made pursuant thereto shall be affected in accordance with the petitioner's eligibility and against vacant posts available under the **Disabled Quota**, ensuring that no discrimination is practiced and that all statutory and constitutional rights of the petitioner are duly safeguarded.

In light of the above, the instant petition stands disposed of in the terms mentioned herein.

JUDGE

JUDGE