

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-370 of 2025

[Ghulam Ali and others vs. Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Shankar Lal Meghwar, Advocate for Petitioners

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh, along with Premchand
ADC-I, Tando Allahyar

Date of hearing & decision: 02.12.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioners, through this Constitutional Petition, have requested that the respondents be directed to appoint them to positions under the differently-abled quota, in accordance with Section 5(1)(a) of the Sindh Civil Servants Act, 1973, on posts suitable to their qualifications.

2. The case of the Petitioners is that they are residents of District Tando Allahyar and are differently-abled persons. They submit that the Respondents, being public functionaries, are legally and constitutionally obligated to safeguard the rights of disabled persons, including their right to employment under the reserved quota. The Respondents have invited applications for appointments on multiple occasions, and the Petitioners applied accordingly. Despite meeting all eligibility criteria, they have not been appointed to positions reserved for differently-abled persons. The Petitioners further submit that both the Supreme Court and this Court have issued several orders directing the concerned authorities to appoint differently-abled persons. However, the Deputy Commissioner, Tando Allahyar, has failed to comply with such directives in the Petitioners' cases. This failure, despite the availability of posts, constitutes malfeasance and misfeasance in public office, giving rise to the instant Constitutional Petition. They prayed to allow the petition.

3. Learned AAG submitted that, pursuant to directions of this Court, a consolidated vacancy position for District Tando Allahyar has been prepared with respect to 5% quota reserved for differently-abled persons. As per the updated vacancy position dated 17.11.2025, a total of 41 posts are available under the 5% quota. These include 2 posts of Aya/Dai, which are female-specific, and 15 posts in the Education, Health, and Local Government departments for Sanitary Worker/Jamadar, positions generally not preferred by Muslim candidates. He

further submitted that eight posts are reserved for Petitioners in two Constitutional Petitions, to be filled through the DRC/DSC, while the remaining 16 posts are available for other differently-abled candidates. The office has received 65 applications from differently-abled persons over the years. Recruitment proceedings are currently underway in compliance with two separate orders of this Court in **CP No. D-1796 of 2023**, in which the applications of four Petitioners, namely Shafqat Ali Shah, Aamir Ali Mughal, Muzaffar Hussain, and Naveed Ahmed, have been scrutinized through ORC/OSC. Their appointments are pending due to issues regarding age relaxation, for which legal opinion has been sought. In **CP No. 1240 of 2025 *Qalandar Bus & Others***, four Petitioners, namely Khamiso Khan, Qalandar Bux, Roshan Ali, and Naseer Ahmed, are to be processed; however, the focal person and meeting date for DRC/DSC have not yet been finalized by the Secretary (Services), SGA&CD. Learned AAG further states that after accommodating the eight Petitioners as directed by the Court, and taking into account female-specific positions and posts generally not preferred by Muslim candidates, a total of 16 posts remain available for placement of suitable differently-abled candidates. However he agreed that these appointments will be processed in accordance with Government policy.

4. In view of the foregoing, it is noted that the Petitioners, being differently-abled persons and residents of District Tando Allahyar, are entitled to the benefit of 5% quota reserved for differently-abled persons under Section 5(1)(a) of the Sindh Civil Servants Act, 1973. Despite meeting all eligibility criteria and applying for available positions, their appointments have been unduly delayed. The Respondents, particularly Deputy Commissioner, Tando Allahyar, are directed to process the cases of the Petitioners without any further delay. The candidature of the Petitioners shall be scrutinized in accordance with the eligibility criteria set forth under the law, and their appointments shall be finalized accordingly. This exercise shall be undertaken within three (3) weeks from the date of this order. The Deputy Commissioner shall not wait for any further consent or clearance from the Secretary, SGA&CD, in this regard. Upon compliance, the Petitioners shall be appointed to suitable posts reserved for differently-abled persons.

5. Accordingly, this Constitutional Petition stands disposed of in the aforesaid terms. Office to ensure compliance.

JUDGE

JUDGE