

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Constitutional Petition No.D-2098 of 2024*

*Zahoor Ahmed and another vs. Province of Sindh and others)*

*Connected with*

2286 of 2024, 1242, 1452, 1597, 1690, 1759, 1931, 1963, 1976, 1982, 2034, 2091, 2137, 2139, 2154, 1980, 2035, 2036, 2043, 2044, 2104, 2132, 2147, 2150, 2151, 2153, 2162, 2176, 2181, 2187, 2188, 2189, 2193, 2194, 2195, 2197, 2215 of 2025, 48, 82, 01, 03, 04, 05, 12, 18, 21, 22, 24, 25, 26, 27, 39, 40, 42, 43, 44, 47, 56, 57, 65, 66, 72, 88, 89, 96, 98, 102, 103, 143, 157, 171, 172, 178, 122, 152, 153, 186, 209, 218, 223, 227, 231, 233, 244, 254, 267, 279, 291, 302, 309, 310, 312, 313, 320, 322, 331, 349, 354, 356, 359, 378 of 2026.

---

***Before:-***

***Mr. Justice Amjad Ali Bohio,  
Mr. Justice Ali Haider 'Ada'.***

*For the hearing of the main case.*

**Date of Hearing: 04.03.2026.**

**Date of Decision: 07.04.2026.**

M/s. Sohail Ahmed Khoso, Alam Sher Bozdar, Ghulam Muhammad, Qaimuddin Malano, Imtiaz Ali Baloch, Rehmat Ali Shaikh, Rizwan Ahmed Ujjan, Abdul Sattar, Anwar Ali Lohar, Syed Tanveer Abbas Shah, Junaid Akram, Manzoor Ahmed Soomro, Qurban Ali Kalwar, Abdul Naeem Pirzada, Ashfaqe Ahmed Malik, Muhammad Zuhaib Rajput, Amjad Ali Gabol, Ghulam Ali Bozdar, Muhammad Qayyum Arain, Rizwana Parveen Memon, Shahid Ali Memon, Sarfraz Ahmed Mahar, Muhammad Shakeel Lakho, Mohsin Sajjad Utraa, Samiullah Khan, Mr. Badaruddin Memon, Mr. Qadeer Ahmed Shaikh, Mr. J.K Jarwar, Mr. Khuda Bux Chohan, Mr. Sikandar Saddar, Mr. Amir Ali Bhutto, Advocates for the Petitioner

Petitioner Abid Hussain Bullo in C.P No.D-2115/25 in person.

M/s. Noor Hassan Malik, Shabbir Ali Bozdar, Saleem Akhtar Malik, Rabia Balouch, Barrister Mujtaba Ahmed Bajwa and Israr Ahmed Khan, representing Habib Bank Limited and Habib Metropolitan Bank along with Farhan Ahmed Khan and Muhammad Asif, authorized attorneys of Habib Metropolitan Bank

Mr. Ali Raza Balouch, AAG along with Arsalan Saleem, Deputy Commissioner, Naushahro Feroze, Naheed Ahmed Mirani, ADC-I Sukkur, Sarah Faraz, Assistant Commissioner, Sukkur City, Abdul Qudoos, Regional Director, DEPD, Sukkur, Mir Javed Ali Talpur, District Population Welfare Officer, Sukkur, Niaz Hussain, Focal Person, DHO Khairpur, Hafeezullah Dahani, Executive Engineer, Ghazanfar Mubeen,

Executive Engineer, Barrage Division, Dr. Mujeeb-ur-Rehman on behalf of DHO Ghotki @ Mirpur Mathelo, Barkat Hussain Panhyar, Office Superintendent, Commissioner office, Sukkur, Nadir Shahzad, DC, Sukkur, Tanveer Ahmed, ADC-I, Ghotki, Dr. Yasir Gabol, Divisional Focal Person Legal, Sukkur, Khalid Mehmood, Assistant Director, Social Welfare Taluka Kandiaro, District Naushahro Feroze, Dr. Anwar Ali, Focal Person, DHO Sukkur, Sher Muhammad (Law officer) Mari Energies Limited, Abdul Wahab, Manager (Administration) Liberty Daharki Power Limited,

\*\*\*\*\*

### **ORDER**

**Ali Haider 'Ada' J.** By this single order, the above-mentioned petitions are hereby decided. Through this set of captioned petitions, the petitioners being persons with disabilities duly certified by the Department of Empowerment of Persons with Disabilities (D.E.P.D.), seek directions for their appointment to various posts in accordance with their entitlement under the Sindh Empowerment of Persons with Disabilities Act, 2018, the Rules framed thereunder in 2021, the relevant guidelines, and the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, as amended by the Act of 2015. In response, para-wise comments, reports, and compliance statements have been filed by the respective public functionaries/ respondents, which are taken on record.

2. The principal stance taken by the functionaries of D.E.P.D is that, by virtue of Government Gazette dated 07.07.2022 and Notification No. SO(A&C)/D.E.P.D/1-65/2022/App-PWDs issued in July 2022, categories of differently abled persons, have been duly identified for appointments in posts ranging from BS-1 to BS-15. A detailed chart has also been furnished, specifying the designation-wise distribution, departmental requisitions, BPS-wise vacancies, and classification of disabilities, including Physical Disability (PD), Visual Impairment (VI), Hearing Impairment (HI), and Intellectual Disability (ID), clearly indicating eligibility of each category for respective posts.

3. Upon perusal of the entire record, it is evident that the controversy involved in the present petitions is no longer *res integra*. The Honourable Supreme Court of Pakistan, in several authoritative pronouncements, has conclusively settled the issue by directing strict adherence to the statutory framework, including the relevant laws, rules, and guidelines governing the employment of persons with disabilities.

4. Furthermore, a Division Bench of this Court in C.P. No. D-78 of 2022 has already rendered a detailed judgment, issuing directions (particularly in paragraph 36 onwards, in roman numbering) to ensure effective implementation of the law. The said judgment was assailed before the Honourable Supreme Court of Pakistan through CPLA Nos. 4464 to 4571 and 4661 of 2025; however, the same were dismissed vide order dated 12.11.2025, whereby leave was refused. Consequently, the judgment of this Court has attained finality and is binding upon all concerned.

5. It has also been clarified therein that both public and private sector establishments are under a legal obligation to comply with the statutory mandate, including adherence to the prescribed quota and procedural framework. The role of Deputy Commissioners, as notified principal officers and Chairpersons of the District Selection Committees under Notification No. SO-II (SGA&CD) 6-21/2019 dated 06.02.2019, has also been emphasized for ensuring strict compliance.

6. However, it has been observed that, in several instances, persons with disabilities approach this Court directly, without demonstrating the existence of any advertised or available vacancy, and without first availing the prescribed procedure under the law. Mere possession of a disability certificate or testimonials, in the absence of a specific vacancy or denial by the competent authority, does not confer an enforceable right for direct appointment through Constitutional jurisdiction.

7. In such circumstances, it is incumbent upon the petitioners to first apply against available or advertised vacancies, and in the event of any unlawful denial or non-consideration by the concerned authorities, to seek redress before the appropriate forum in accordance with law.

8. In view of the foregoing facts and circumstances, these petitions, along with the listed applications, are disposed of with the direction to the respondents to strictly follow the prescribed mechanism as laid down under the relevant laws, rules, and guidelines, as well as the directions issued by the Division Bench of this Court in C.P. No. D-78 of 2022.

9. So far as the petitioners are concerned, upon fulfillment of all codal formalities, verification of credentials, and compliance with the requisite criteria, their cases shall be duly considered by the concerned authorities against available vacancies, in accordance with their respective categories of disability, both in public and private sector establishments, strictly in accordance with law.

*JUDGE*

*JUDGE*