

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1679 of 2025

[Nazeer Ali Jalbani v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Nemo

Respondents by : Mr. Shahryar Imdad Awan, Assistant Advocate
General Sindh

Date of Hearing : **20.08.2026**

Date of Decision : **20.08.2026**

ORDER

ARBAB ALI HAKRO J. – The petitioner, being a person with disability, has filed the instant Constitution Petition seeking a direction to the respondents to consider his case for appointment against the quota reserved for persons with disabilities, according to his qualification and eligibility.

2. The petitioner has pleaded that he is an educated person and has been declared a person with disability by the competent authority. He claims to have approached the respondents on various occasions and submitted applications seeking their consideration for appointment under the disability quota. According to him, despite repeated requests, his case was neither considered nor decided by the respondents. He has therefore invoked the constitutional jurisdiction of this Court, seeking directions for the respondents to consider his case for appointment to any suitable post in accordance with his qualifications and eligibility under the policy governing recruitment against the disability quota.

3. Learned AAG Sindh, while referring to the compliance reports submitted by the Commissioner, Sukkur Division, Sukkur, and the Deputy Commissioner, Khairpur, submits that, pursuant to the approved recommendations of the District Recruitment Committee/District Selection Committee, 156 differently-abled persons have already been appointed in District Khairpur from 2019 to 2025 under the Sindh Empowerment of Persons with Disabilities Act, 2018. He contends that a meeting was held on 03.04.2026 under the chairmanship of the Deputy Commissioner, Khairpur, at which the Heads of Departments of District Khairpur furnished their vacancy positions under the disability quota, and 12 vacancies have

presently been identified. Learned AAG lastly contends that the process for further appointments against the disability quota shall be initiated through advertisement in accordance with law.

4. We have heard the learned AAG Sindh and have reviewed the material on record, including the compliance reports submitted by the respondents.

5. The record shows that the petitioner seeks consideration for appointment under the 5% quota reserved for persons with disabilities. The statutory scheme provides for a 5% reservation in Government departments, institutions and entities for persons with disabilities.

6. However, such reservation does not, by itself, confer an automatic or indefeasible right of appointment upon every person falling within that category. A candidate seeking appointment to a government post must participate in the recruitment process initiated by a public advertisement and fulfil the prescribed qualifications, eligibility and other mandatory requirements.

7. 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 must be realized through a lawful recruitment process for posts actually available for appointment; employment of persons with disabilities is a right, not a matter of charity, but such right is actualized only through a fair, transparent and lawful process of recruitment.¹ The Hon'ble Supreme Court has also issued directions concerning implementation of the reserved quota for persons with disabilities.²

8. In the present case, the respondents have placed on record that recruitment against the disability quota has already been undertaken in District Khairpur, and that 156 differently-abled persons were appointed between 2019 and 2025. The respondents have further reported that, at a meeting held on 03.04.2026, vacancy positions were obtained from the departments of District Khairpur, and that 12 vacancies have been identified for further recruitment against the disability quota.

9. The above position demonstrates that the respondents have initiated the process to identify available vacancies and have stated that the further recruitment process shall be undertaken through public advertisement. In these circumstances, no direction for the direct appointment of the petitioner can be issued. However, the petitioner cannot be deprived of his opportunity

¹ Malik Ubaidullah v. Government of Punjab and others (PLD 2020 SC 599).

² Penned down in C. Ps. No. 745-K to 750-K & 966-K to 971-K of 2022.

to compete for the posts falling within the reserved quota once the recruitment process is lawfully initiated.

10. It is therefore, directed that the Deputy Commissioner, Khairpur, being the Chairman of the District Recruitment/Selection Committee, shall expedite the recruitment process for the 12 vacancies identified under the 5% disability quota, issue the requisite public advertisement/notice and complete the recruitment process in accordance with the Act, 2018 *ibid*, applicable rules, Government policy and all prescribed legal and codal formalities. The recruitment process shall also remain subject to the directions issued by this Court and the superior Courts concerning implementation of the disability quota.³

11. The petitioner shall be at liberty to apply in accordance with the advertisement so issued. His application shall be received and considered, provided he fulfils the prescribed qualification and eligibility criteria. His candidature shall be dealt with strictly in accordance with the applicable recruitment procedure, including any prescribed test, interview and merit criteria, and no discrimination shall be made against him merely on account of his disability.

12. Needless to say, mere entitlement to consideration under the disability quota does not amount to a vested right to appointment. Any appointment shall remain subject to the availability of the post, fulfilment of the prescribed qualifications and eligibility, participation in the recruitment process, and satisfaction of all mandatory legal and codal requirements.

13. In view of the compliance reports submitted by the respondents and the directions set out herein, the instant Constitutional Petition is **disposed of** on the above terms. Let a copy of this order be communicated to the Deputy Commissioner, Khairpur, who is the Chairman of the District Recruitment/Selection Committee, for information and compliance.

J U D G E

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Abdul Basit

³ Vide Order dated 10.10.2024 handed down in C. P. No. D-176 of 2023 along with connected matters.