

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 365 of 2025

[Wajid Ali Chang and others v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioners by : Nemo

Respondents by : Mr. Israr Ahmed Shah, Assistant Advocate
General Sindh

Date of Hearing : **20.08.2026**

Date of Decision : **20.08.2026**

ORDER

ARBAB ALI HAKRO J. – Since no one is present on behalf of the petitioners, we have perused the averments contained in the petition, the relief sought therein, and the comments/reports submitted by the respondents.

2. The petitioners, persons with disabilities, seek directions against the respondents to issue appointment orders in their favour against the quota reserved for persons with disabilities, in accordance with their qualifications and eligibility. The petitioners claim that they are jobless persons with disabilities and that the respondents advertised various posts and invited applications. They further claim that, being qualified, they applied for various posts and requested their appointment against the disability quota. It is their grievance that, despite their applications and repeated requests, they were not appointed, and they have consequently invoked the constitutional jurisdiction of this Court seeking appointment against the reserved quota.

3. The record, particularly the comments submitted by the Deputy Commissioner, Naushahro Feroze, reflects that recruitment against the quota for differently abled persons has already been undertaken in District Naushahro Feroze. It has been reported that the Departmental/District Selection Committee recommended 97 differently abled persons for appointment to posts from BPS-01 to BPS-04 across various departments, and subsequently, at its meeting on 16.10.2024, recommended 74 differently abled persons. It is further reported that the present petitioners did not

appear before the District Selection Committee at the meeting held on 16.10.2024.

4. The Deputy Commissioner has further reported that, pursuant to this Court's directions, the line departments were required to furnish their sanctioned strength, the number of posts reserved under the 5% quota for differently abled persons, the posts already filled under the said quota, and the vacant posts. According to the latest report, 52 departments have furnished their vacancy positions, whereas 11 departments have yet to submit their reports. The vacancy positions received so far reflect 04 vacancies under the 5% reserved quota for differently abled persons. It has been stated that, after receipt of the remaining reports, a meeting of the District Selection Committee shall be convened and the cases of eligible differently abled persons shall be considered in accordance with law.

5. Respondent No.4, Executive Engineer, Rohri Division, Moro, has also submitted comments stating that differently abled persons have already been appointed to the Irrigation Department in accordance with the 5% quota of the sanctioned strength, and that no vacancy under that quota is presently available in the department. It is further stated that no recruitment process, test or interview was conducted by the answering respondent in respect of the petitioners, and that whenever a vacancy under the differently abled persons quota becomes available, it shall be filled in accordance with law and rules.

6. The material on record shows that the petitioners have not established that they participated in the recruitment process conducted by the District Selection Committee or that they qualified in any prescribed test or interview. On the contrary, the report of the Deputy Commissioner specifically states that the petitioners did not appear before the District Selection Committee at its meeting on 16.10.2024.

7. It is an essential requirement for appointment to any government or public post that the candidate must satisfy the prescribed legal and codal requirements and participate in the recruitment process initiated through public advertisement/notice, followed by such test, interview or other selection process as may be prescribed. The reservation of a quota for persons with disabilities does not, by itself, confer an automatic or vested right of appointment upon every person falling within the said category;

rather, it is a right, not a matter of charity, which is to be actualized through a fair, transparent and lawful process of recruitment.¹

8. The Sindh Empowerment of Persons with Disabilities Act, 2018, being beneficial legislation enacted for the empowerment and protection of persons with disabilities, provides for reservation of 5% quota in Government departments, institutions and entities.² However, the benefit of such a reserved quota must be implemented through a lawful and transparent recruitment process, in accordance with the prescribed eligibility and selection requirements. It is well settled that such quota is to be computed with reference to the total sanctioned strength of the establishment, so as to ensure fair and equitable representation of persons with disabilities at every tier.³

9. At the same time, the Hon'ble Supreme Court has emphasized that the Sindh Empowerment of Persons with Disabilities Act, 2018 is a beneficial legislation to be implemented in letter and spirit, and that persons with disabilities who have already applied for jobs against available vacancies should have their applications considered at the outset rather than being shelved or deferred merely on account of fresh applications.⁴ Therefore, the present petitioners' claim that they submitted applications cannot be ignored; however, such applications do not entitle them to direct appointment without fulfilling the prescribed recruitment requirements.

10. In the present case, the respondents have reported that 04 vacancies have so far been identified under the 5% quota in District Naushahro Feroze, while vacancy reports from 11 departments are still awaited. The respondents have further undertaken that, after completion of the vacancy exercise, the District Selection Committee shall be convened and the cases of eligible differently abled persons shall be considered in accordance with law. Such recruitment exercise is required to be undertaken in accordance with the directions issued by the Hon'ble Supreme Court⁵ and the order passed by this Court.⁶

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

² Section 11(12), Sindh Empowerment of Persons with Disabilities Act, 2018.

³ Malik Ubaidullah v. Government of Punjab and others (PLD 2020 SC 599), supra.

⁴ Province of Sindh through Chief Secretary, Government of Sindh and others v. Abid Ali Jatoti and others (2025 SCMR 1058).

⁵ Penned down in C. Ps. No. 745-K to 750-K & 966-K to 971-K of 2022.

⁶ Vide Order dated 10.10.2024 handed down in C. P. No. D-176 of 2023 along with connected matters.

11. In these circumstances, no direction can be issued for the direct appointment of the petitioners. However, the respondents, particularly the Deputy Commissioner, Naushahro Feroze, as Chairman of the District Selection Committee, are directed to ensure that the applications/candidatures of the present petitioners, if on record and otherwise found eligible, are considered, along with other eligible differently abled persons, in the recruitment process for available and forthcoming vacancies under the 5% quota, strictly in accordance with law, merit and the prescribed recruitment procedure.

12. The Deputy Commissioner, Naushahro Feroze, is further directed to expedite the process of obtaining the remaining vacancy reports from the concerned departments and, thereafter, to convene the meeting of the District Selection Committee for recruitment under the 5% quota reserved for differently abled persons. The entire exercise shall be completed within ninety (90) days of the date of this order, subject to compliance with all prescribed legal and codal formalities.

13. The petitioners shall be at liberty to participate in the recruitment process pursuant to the public advertisement/notice to be issued by the competent authority. Their candidature shall be considered without discrimination, subject to the fulfilment of the prescribed qualification and eligibility criteria, and their appointment, if any, shall remain subject to the prescribed test/interview, merit, and all other mandatory legal and codal requirements.

14. Accordingly, this Constitutional Petition is **disposed of** as set out above. Let a copy of this order be communicated to the Deputy Commissioner, Naushahro Feroze, who is the Chairman of the District Selection Committee, for information and compliance.

J U D G E

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Abdul Basit