

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 321 of 2026

[Abdul Sattar v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Abdul Mujeeb Shaikh, Advocate

Respondents by : Mr. Ghulam Abbas Kubar, Assistant Advocate
General Sindh

Date of Hearing : **09.09.2026**

Date of Decision : **09.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner has invoked this Court’s constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions for the respondents to consider his candidature and appoint him to any suitable post reserved for persons with disabilities under the 5% quota.

2. Learned counsel for the petitioner submits that the petitioner is a person with disability to the extent of 60% due to bone deficiency and holds a Disability Certificate issued by the Department of Empowerment of Persons with Disabilities, Government of Sindh. He further submits that the petitioner is Middle pass, domiciled in District Sukkur, and, being eligible for consideration under the disability quota, approached the concerned authorities and submitted his testimonial documents, along with Domicile and PRC, for appointment to a suitable post. Learned counsel further submits that the petitioner participated in the interview conducted for recruitment under the disability quota at the office of the Deputy Commissioner, Sukkur, passed the interview, and that his name appeared at Serial No. 117 in the list of successful candidates; nevertheless, no appointment order was issued in his favour despite his repeated approaches to the respondents. It is contended that the petitioner, being a duly certified person with disability, cannot be deprived of the benefit of the reserved quota and that the

respondents' failure to appoint him is unlawful. Learned counsel accordingly seeks a direction for his appointment to any suitable post under the reserved quota.

3. Conversely, learned AAG Sindh submits that recruitment against vacancies reserved for persons with disabilities is governed by the Sindh Empowerment of Persons with Disabilities Act, 2018, the applicable rules, and the prescribed competitive and transparent recruitment procedure, and that appointment cannot be claimed merely on humanitarian grounds. He submits that the respondents have been implementing the 5% quota and that two meetings of the District Selection Committee were held between 2020 and 2025, at which eighty (80) persons with disabilities were appointed to various departments of District Sukkur. He further submits that in the recruitment exercise conducted in January 2026, more than 1000 applicants appeared for interviews, and after considering the eligible candidates, twenty (20) were shortlisted and recommended for appointment against BPS-01 to 04 posts in various departments under the 5% quota. According to learned AAG, approximately one hundred (100) persons with disabilities have, in all, been appointed through the District Selection Committee in the relevant recruitment exercises. He further refers to the departmental position that Deputy Commissioners/Chairmen of District Selection Committees have been advised to fill the remaining vacant posts against the reserved quota in accordance with the Government-approved quota and policy. He contends that the available vacancies have been filled by selecting eligible candidates and that the petitioner may participate in any future recruitment process whenever vacancies are advertised by the competent authority. Learned AAG accordingly seeks disposal of the petition.

4. We have heard learned counsel for the petitioner and learned AAG Sindh, and have examined the material on record.

5. The 5% reservation for persons with disabilities is a statutory safeguard intended to secure their meaningful participation in public employment. However, the benefit of this reservation must be realized through the recruitment process prescribed by law. Mere eligibility for consideration against the reserved quota does not, by itself, confer an indefeasible right to appointment.

6. The petitioner's claim rests principally on his assertion that he appeared in the interview and that his name appeared at Serial No.117 in a list of successful candidates. Even if accepted, this assertion does not establish his final selection or recommendation for appointment. The record before us contains no final selection list, no recommendation of the competent District Selection Committee in his favour, and no material identifying a post for which his appointment was approved. An interview result or placement in a list, unless followed by final selection and recommendation against an available vacancy, does not create a legally enforceable right to appointment.

7. The respondents have specifically stated that more than 1000 applicants participated in the January 2026 recruitment exercise and that twenty (20) candidates were ultimately shortlisted and recommended for appointment to the available BPS-01 to 04 posts. The petitioner has not demonstrated that he was among those finally recommended. Consequently, his asserted placement at Serial No. 117 cannot, in the absence of the final selection record, be treated as equivalent to a recommendation for appointment or as conferring any vested right in his favour.

8. The distinction is material: participation in a recruitment process is a right to be considered, not a right to be appointed. Appointment can follow only after final selection by the competent authority for an available post, in accordance with the prescribed criteria. Since the petitioner has failed to establish such final selection or recommendation, and the respondents have stated that the vacancies covered by the relevant exercise have already been filled, no enforceable right to appointment has been established.

9. The respondents, nevertheless, remain obliged to implement the 5% disability quota in accordance with the Sindh Empowerment of Persons with Disabilities Act, 2018, applicable rules, Government policy and the prescribed recruitment procedure.

10. We are, however, constrained to observe that the respondents' own statement that only two DRC/DSC meetings were held during the period from 2020 to 2025 for recruitment against the 5% quota in District Sukkur, across the various departments, does not constitute a satisfactory or sufficiently

regular mechanism for effectuating the statutory reservation. The purpose of reserving posts for persons with disabilities cannot be meaningfully achieved if the process of filling such reserved posts remains dependent upon recruitment exercises convened only occasionally and at substantial intervals. The competent authorities are, therefore, expected to evolve and maintain a regular, transparent and time-bound mechanism for identifying the posts falling within the 5% reserved quota, compiling and updating the eligible pool of persons with disabilities, and convening the requisite recruitment/selection process at reasonable intervals, so that the statutory quota is implemented continuously and does not remain merely on paper. The concerned authorities shall also ensure that future recruitment against the reserved quota is undertaken in accordance with the Sindh Empowerment of Persons with Disabilities Act, 2018, applicable rules, Government policy and prescribed procedure.

11. In view of the above, the petitioner has failed to establish any legal right to the appointment sought. Accordingly, the instant Constitutional Petition is **disposed of**. The petitioner may apply in any future recruitment process for posts reserved for persons with disabilities. If otherwise qualified and eligible, his candidature shall be considered strictly in accordance with the prescribed law, rules and procedure.

12. A copy of this order shall be communicated to the Secretary, Services, General Administration & Coordination Department, Government of Sindh, Karachi, and the Deputy Commissioner, Sukkur, for information and necessary action in terms of paragraph 10 above.

J U D G E

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Abdul Basit