

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 592 of 2026

[Muhammad Nawaz and another v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Muhammad Asim Malik, Advocate

Respondents by : Agha Athar Hussain Pathan, Assistant Advocate General Sindh along with Tanveer Ahmed, Additional Deputy Commissioner-I, Sukkur

Date of Hearing : **09.09.2026**

Date of Decision : **09.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioners have 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 and appoint them to posts reserved for persons with disabilities under the 5% quota.

2. Learned counsel for the petitioners submits that the petitioners are persons with disabilities and are jobless, with no adequate source of livelihood. He submits that the respondents advertised vacancies and invited applications from persons with disabilities, and that the petitioners, possessing the requisite qualifications, applied for appointment to suitable vacant posts under the disability quota. Learned counsel further submits that the petitioners were assured by the respondents that they would be appointed, but no result was communicated to them and their grievance remained unaddressed. It is contended that several posts are still vacant in the respondents’ departments and that the petitioners, being poor and deserving persons with disabilities, are entitled to appointment under the reserved quota. Learned counsel accordingly seeks appropriate directions for their consideration and appointment.

3. Learned AAG Sindh, on the other hand, submits that recruitment against the 5% quota reserved for persons with disabilities is governed by the Sindh Empowerment of Persons with Disabilities Act, 2018, the applicable rules and the prescribed recruitment procedure, and is not carried out merely on humanitarian grounds. Referring to the para-wise comments of the Deputy Commissioner, Sukkur, he submits that, in compliance with the directions of this Court in earlier constitutional petitions, a public notice was issued inviting persons with disabilities to appear for walk-in interviews before the District Selection Committee from 06.01.2026 to 09.01.2026 for recruitment against BPS-01 to 04 posts in various departments of District Sukkur. He further submits that, upon completion of the said recruitment process, twenty (20) persons with disabilities were recommended for appointment on the basis of their eligibility and in accordance with law and rules, and that the vacancies available under the 5% quota were thereby filled. Learned AAG further submits that, since 2022, a total of one hundred (100) persons with disabilities have been recommended/appointed against BPS-01 to 04 posts in various departments of District Sukkur through the meetings of the District Selection Committee held in 2022-23, 2024 and 2026. He contends that the petitioners have not established that they participated in the said recruitment process or that they were finally recommended for appointment. It is further submitted that the petitioners may avail the prescribed grievance redressal mechanism or participate in any future recruitment process undertaken against reserved posts. Learned AAG accordingly seeks disposal of the petition.

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

5. The reservation of 5% of posts for persons with disabilities is a statutory measure intended to secure their effective participation in public employment. However, the benefit of this reservation is to be given effect through the recruitment process prescribed by law. A person falling within the reserved category is entitled to fair consideration against the quota, but this entitlement does not dispense with the requirements of application, eligibility, selection and recommendation for an available post.

6. In the present case, the respondents have placed on record a specific recruitment exercise conducted pursuant to a public notice, under which

persons with disabilities were invited to appear for walk-in interviews before the District Selection Committee from 06.01.2026 to 09.01.2026 for recruitment to BPS-01 to 04 posts in various departments of District Sukkur. The respondents have further stated that, after considering the eligible candidates, twenty (20) persons were recommended for appointment and that the vacancies available under the 5% quota in the said recruitment exercise were filled accordingly.

7. The petitioners assert that they submitted applications for appointment; however, mere submission of an application, without participation in the prescribed recruitment process and without establishing final selection or recommendation in their favour, does not create a right to appointment. The petitioners have not placed on record any material showing that they appeared before the District Selection Committee pursuant to the aforesaid public notice, were selected for any particular post, were recommended for appointment, or were unlawfully denied the issuance of appointment orders.

8. The grievance of the petitioners, therefore, cannot be accepted merely on the basis of their disability certificates, qualifications, or asserted financial hardship. Humanitarian considerations may underpin the legislative policy of reserving posts for persons with disabilities, but appointment to a public post must nevertheless follow the lawful recruitment process and selection on the basis of the prescribed criteria. The Court cannot direct an appointment in the absence of a demonstrated right arising from a completed selection process.

9. The respondents' record further indicates that the reserved quota has, in fact, been acted upon at successive meetings of the District Selection Committee, and that, in the recruitment exercise relevant to the present petition, the available vacancies were filled after consideration of the eligible candidates. Nothing has been brought on record by the petitioners to establish that they were excluded from a recruitment process in which they had participated, that their candidature was arbitrarily disregarded, or that any identified vacancy was available for their appointment after completion of the selection exercise.

10. In these circumstances, the petitioners have failed to establish any enforceable right to appointment to the vacancies already filled through the prescribed recruitment process. The 5% reserved quota does not provide a basis for direct appointment; rather, it secures the right of eligible persons with disabilities to compete for and be considered for the posts reserved for them in accordance with law.

11. Consequently, no direction for the appointment of the petitioners can be issued on the basis of the material presently available. The instant Constitutional Petition is accordingly **disposed of**. The petitioners may apply in any future recruitment process for posts reserved for persons with disabilities, and, if otherwise qualified and eligible, their candidature shall be considered strictly in accordance with the prescribed law, rules and procedure.

J U D G E

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Abdul Basit