

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 719 of 2026

[Zafarullah v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Sikandar Sadar Siddiqui, Advocate

Respondents by : Mr. Saeed Ahmed Wassan, 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 the constitutional jurisdiction of this Court, seeking his consideration for appointment under the 5% quota reserved for persons with disabilities.

2. The petitioner claims to be a person with a locomotor disability to the extent of 50% and holds a Disability Certificate bearing Registration No. SPDPA/D.A.C-22373/2025, issued on 31.12.2025 by the Department of Empowerment of Persons with Disabilities, Government of Sindh. He states that he is Matric-qualified and a permanent resident of District Sukkur, and that he approached the concerned authorities for appointment against the disability quota. It is further his case that he submitted an application along with his testimonial documents, Domicile and PRC, seeking appointment against a suitable post under the said quota. The application seeking appointment is on record.

3. Learned counsel for the petitioner submits that, although the petitioner fulfilled the requisite conditions and applied to the respondents for appointment under the reserved quota, his candidature was not considered for appointment. He therefore seeks a direction to the respondents to consider his case and appoint him to any suitable post in accordance with law.

4. Learned AAG Sindh, while referring to the comments/report submitted by the Deputy Commissioner, Sukkur, submits that the recruitment process for the 5% quota reserved for persons with disabilities was conducted by the District Selection Committee. It is stated that twenty (20) appointments were made at a meeting held in January 2026, at which more than 1000 applicants appeared for interviews. The petitioner also participated in the interview; however, after the assessment of the candidates, he was not recommended for appointment by the District Selection Committee.

5. We have considered the submissions of the learned counsel for the petitioner and the learned AAG Sindh, and have examined the petition, the documents on record, and the comments/report provided by the respondents.

6. The record shows that the petitioner applied for appointment under the disability quota and subsequently participated in the recruitment process conducted by the District Selection Committee. The respondents have reported that, at the January 2026 meeting, eligible candidates were considered and appointments were made against the available vacancies. Despite appearing for the interview, the petitioner was not recommended for appointment. Thus, the petitioner was not denied an opportunity to participate in the recruitment process; rather, his candidature was considered alongside other applicants, but it did not result in his recommendation for appointment.

7. The 5% quota reserved for persons with disabilities is a statutory measure intended to secure their representation in government employment. Nevertheless, the existence of such a quota does not dispense with the requirement to select in accordance with the prescribed procedure. A person claiming appointment under a reserved quota must still satisfy the applicable eligibility requirements and compete for the available posts in the manner prescribed by the competent authority.

8. It is also to be borne in mind that the submission of an application, even where such application is duly available on record, does not by itself create an indefeasible right to appointment. Where a recruitment exercise has been undertaken, and the available vacancies have been filled after

consideration of eligible candidates, a candidate not recommended by the competent selection committee cannot seek a direction for appointment merely on the basis of having applied or participated in the process.

9. The Sindh Empowerment of Persons with Disabilities Act, 2018 is beneficial legislation, and its provisions relating to the reservation of quota are required to be implemented in their true spirit. The statutory protection, however, guarantees consideration for the reserved quota and does not confer an automatic right to appointment irrespective of merit, suitability and the availability of vacancies. The selection process must remain fair, transparent and consistent with the prescribed rules.

10. In the present case, the respondents have specifically reported that the recruitment process was conducted by the District Selection Committee, that eligible candidates were selected for the available vacancies, and that the petitioner, despite appearing for the interview, was not recommended. The petitioner has not placed any material before us to establish that the selection process was illegal, discriminatory or otherwise procedurally irregular, warranting interference in the constitutional jurisdiction.

11. In view of the foregoing, no direction for appointment of the petitioner can be issued. His application having been considered in the recruitment process, the mere fact that he was not recommended does not provide a lawful basis for directing his appointment. The petitioner, however, shall remain at liberty to participate in any future recruitment process for vacancies reserved for persons with disabilities, subject to his eligibility and the prescribed procedure.

12. Accordingly, the instant Constitutional Petition is **disposed of** in the above terms.

J U D G E

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Abdul Basit