

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 725 of 2026

[Mst. Seema Rasool 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. Shahryar Imdad Awan, 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 under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions for the respondents to consider her candidature and to issue an appointment order for 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 a locomotor disability of 45% and holds a Disability Certificate issued by the Department of Empowerment of Persons with Disabilities, Government of Sindh. He submits that she is Intermediate-qualified and domiciled in District Sukkur, and that she approached the concerned authorities and various departments for appointment against the reserved quota. It is further submitted that the petitioner repeatedly approached the Deputy Commissioner, Sukkur, and submitted her testimonial documents, Domicile and PRC, seeking appointment to a suitable post commensurate with her qualification, but no appointment order was issued in her favour. Learned counsel contends that the petitioner is otherwise eligible for appointment against the disability quota and that the respondents’ failure to appoint her is without lawful authority. He accordingly seeks appropriate directions for her appointment.

3. Learned AAG Sindh, on the other hand, submits that appointments against the 5% quota reserved for persons with disabilities are governed by the Sindh Empowerment of Persons with Disabilities Act, 2018, the applicable rules, and the prescribed competitive and transparent recruitment procedure, and cannot be made solely on humanitarian grounds. Referring to the comments submitted by the Deputy Commissioner, Sukkur, learned AAG submits that the respondents have been implementing the reserved quota and that, in the recruitment exercise conducted in January 2026, more than 1000 applicants appeared for interviews before the District Selection Committee. He submits that twenty (20) persons with disabilities were ultimately recommended for appointment on the basis of their eligibility and in accordance with the prescribed criteria, whereas the present petitioner, although she appeared for the interview, was not recommended for appointment by the District Selection Committee. It is further submitted that 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. Learned AAG maintains that the petitioner has not demonstrated any violation of the prescribed procedure or any arbitrary treatment in the selection process, and that she may apply in any future recruitment process against reserved posts if otherwise eligible. He 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 statutory reservation of 5% of posts for persons with disabilities is intended to secure their effective participation in public employment and obliges the competent authorities to provide a fair opportunity for consideration for the reserved posts. At the same time, the reservation does not confer an automatic right of appointment. A candidate claiming the benefit of the reserved quota remains subject to the prescribed eligibility conditions and the recruitment process, including selection on merit against available vacancies.

6. In the present case, the respondents' own record establishes that the petitioner was not excluded from the recruitment exercise. Rather, she

appeared before the District Selection Committee in the January 2026 recruitment process. Her candidature was therefore considered alongside those of other applicants. However, the material before us does not establish that she was finally selected or recommended for appointment to any particular post.

7. The fact that the petitioner appeared in the interview, or may otherwise have met the basic eligibility requirements, cannot, by itself, confer a right to appointment. Where a number of eligible candidates compete for a limited number of reserved posts, the selection authority is required to determine which candidates to recommend in accordance with the prescribed criteria. Unless the petitioner demonstrates that she was finally selected, or that her candidature was excluded or dealt with arbitrarily, no enforceable right to appointment can arise merely from her participation in the process.

8. The petitioner has not placed before us any material showing that the District Selection Committee acted contrary to the prescribed procedure, adopted any discriminatory criterion, or otherwise unlawfully disregarded her candidature. Her assertion that she possesses a valid disability certificate and the requisite qualification establishes her entitlement to consideration under the reserved category, but does not establish an independent entitlement to appointment.

9. It is also significant that, according to the respondents, twenty (20) candidates were recommended for appointment after more than 1000 applicants participated in the relevant recruitment exercise, and the available quota vacancies were filled on the basis of the selection made by the competent authority. In the absence of any material demonstrating that the petitioner had been finally recommended or that an available post was unlawfully withheld from her, the Court cannot substitute its own assessment for that of the competent selection authority and direct her appointment.

10. The right secured by the disability quota is, therefore, a right to fair and lawful consideration, not a guarantee of appointment irrespective of the outcome of the selection process. In the present case, that opportunity was

afforded to the petitioner, and no illegality or arbitrariness in the process has been established before us.

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, her 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