

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 861 of 2026

[Bahadur Ali Sahito and others v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioners by : Mr. Abdul Waheed Laghari, Advocate

Respondents by : Mr. Shahryar Imdad Awan, 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, being persons with disabilities, have filed the instant Constitutional Petition seeking directions for the respondents to issue appointment and posting orders in their favour for suitable posts under the quota reserved for persons with disabilities, in accordance with their respective qualifications and eligibility.

2. The petitioners have pleaded that they are differently-abled persons and possess disability certificates issued by the competent authority. They claim that they approached the respondents and submitted applications for appointment to suitable posts in BPS-01 to BPS-04 under the disability quota, and that they submitted the requisite documents, including domicile and PRC. According to them, despite repeated approaches and requests, their applications were not considered and no appointment orders were issued in their favour. They have therefore invoked the constitutional jurisdiction of this Court, seeking appointment to suitable posts under the 5% quota reserved for persons with disabilities. It is further pleaded that the petitioners had earlier filed C. P. No. D-1377/2025 before this Court, which was dismissed vide order dated 13.10.2025 on account of their old disability certificates, and that they have now obtained fresh disability certificates and have again approached this Court for redress of their grievance.

3. Learned AAG Sindh, while referring to the compliance report/preliminary objections submitted on behalf of the respondents, submits that recruitment against vacancies, including the quota reserved for persons with disabilities/differently-abled persons, is regulated by the Sindh Empowerment of Persons with Disabilities Act, 2018, the applicable rules, and the prescribed recruitment procedure. It is further submitted that recruitment against the 5% quota has been undertaken in District Sukkur from time to time, and that a substantial number of persons with disabilities have already been appointed through the District Recruitment/Selection Committee. It is stated that, in the recruitment process conducted in January 2026, more than 1000 applicants appeared for interviews and 20 persons were appointed, whereas a total of about 100 differently-abled persons/persons with disabilities have been appointed against the 5% quota in various departments in the relevant recruitment processes. Learned AAG further submits that the petitioners failed to appear in any walk-in interview/recruitment process and, therefore, cannot claim direct appointment merely on the basis of their disability or the applications allegedly submitted by them.

4. We have heard the learned counsel for the petitioners as well as the learned AAG Sindh and have perused the material on record.

5. A perusal of the petition reveals that the petitioners seek appointment under the 5% quota reserved for persons with disabilities. The statutory scheme provides for reservation for persons with disabilities in Government employment. However, such reservation does not, by itself, confer an automatic or indefeasible right of appointment upon every person falling within that category.

6. The foremost requirement for appointment to a government or public post is compliance with the prescribed legal and codal formalities and participation in a recruitment process initiated by public advertisement or notice, followed, where prescribed, by scrutiny of documents, a test, an interview, and determination of merit. A person holding the requisite disability certificate is entitled to the benefit of the reserved quota in accordance with law, but such entitlement does not exempt him from the mandatory recruitment procedure.

7. In the present case, the petitioners have relied on their applications and the recruitment advertisements. However, the respondents have categorically stated that the petitioners did not appear for any walk-in interview or recruitment process. There is no material before us establishing that the petitioners participated in the prescribed recruitment process in full and were thereafter denied appointment despite being eligible and having secured merit. The mere submission of applications, even if made pursuant to an advertisement, does not by itself confer a vested right to appointment without completion of the prescribed selection process.

8. The constitutional and statutory protections available to persons with disabilities are intended to ensure their effective participation in public employment and cannot be defeated by administrative inaction. At the same time, the right arising from a reserved quota is to be actualized through a fair, transparent and lawful recruitment process for posts actually available for appointment. Employment of persons with disabilities is a right, not a matter of charity; however, the exercise of that right must take place within the framework of the prescribed recruitment process.

9. The respondents have placed on record that recruitment under the 5% disability quota has been undertaken in District Sukkur on various occasions, and that appointments have been made through the District Recruitment/Selection Committee. It is also their stated position that the petitioners did not participate in the relevant walk-in interview/recruitment process. In these circumstances, no direction can be issued for the direct appointment of the petitioners to any post merely on the basis of their disability, qualifications or application submissions.

10. Consequently, the petitioners, having failed to participate in the prescribed recruitment process, are not entitled to the relief of direct appointment sought. However, they shall remain at liberty to participate in any future recruitment process for posts reserved for persons with disabilities in accordance with law.

11. Needless to say, whenever recruitment against the 5% disability quota is initiated in District Sukkur and Khairpur, the competent authority shall undertake it through a fair, transparent and lawful process, in accordance

with the Sindh Empowerment of Persons with Disabilities Act, 2018, applicable rules, Government policy and all prescribed legal and codal formalities. The petitioners, if otherwise qualified and eligible, shall be entitled to apply pursuant to the relevant advertisement/notice, and their candidature shall be considered strictly in accordance with the prescribed procedure, including any test, interview and merit criteria.

12. It is further clarified that mere entitlement to consideration under the disability quota does not create a vested right to appointment. Any appointment shall remain subject to the availability of the post, prescribed qualifications and eligibility, participation in the recruitment process, merit, and fulfilment of all mandatory legal and codal requirements. No discrimination shall be made against the petitioners merely on account of their disability.

13. In view of the above, the instant Constitutional Petition is **disposed of** on the above terms. A copy of this order may be communicated to the Commissioner, Sukkur Division, and the Deputy Commissioners, Sukkur and Khairpur, for information and compliance.

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Abdul Basit