

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 857 of 2026

[Hassan Ali Jalbani v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner 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 petitioner, being a person with disability, has filed the instant Constitutional Petition seeking a direction to the respondents to issue an appointment, joining and posting order in his favour for a suitable post under the quota reserved for persons with disabilities, in accordance with his qualifications and eligibility.

2. The petitioner has pleaded that he is a differently-abled person and that the Government of Sindh announced a screening test for recruitment to various posts in BPS-05 to BPS-15 across different departments. According to him, he applied for and participated in the screening test, and successfully qualified by obtaining more than 40 marks. He further claims that, despite having qualified the screening test, the respondents did not complete the process of his appointment. He has alleged that the advertisement was issued in 2021 and, despite the lapse of the prescribed period, no appointment was made in his favour. He has further stated that he is approaching the age of over-age and is suffering due to the delay in the appointment process. He has therefore invoked the constitutional jurisdiction of this Court, seeking the issuance of an appointment, joining and posting order in his favour.

3. Learned AAG Sindh, while referring to the compliance report 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 petitioner failed to appear in any walk-in interview/recruitment process, and therefore merely passing a screening test does not confer any vested right of appointment upon him.

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

5. A perusal of the petition reveals that the petitioner seeks 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 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 possessing 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. Likewise, mere participation in or qualification for a screening test, by itself, does not confer an indefeasible right to appointment unless the candidate has otherwise fulfilled all the prescribed requirements and has been selected for an available post in accordance with the applicable recruitment process.

7. In the present case, the petitioner claims to have participated in and qualified for the screening test by obtaining more than 40 marks. However, the respondents have categorically stated that the petitioner did not appear for any walk-in interview or recruitment process. There is no material before us establishing that, after the screening test, the petitioner participated in the subsequent selection process, was called for or qualified for the prescribed interview, or was finally selected for any particular available post. Thus, the mere assertion of having obtained qualifying marks in the screening test cannot, in the absence of completion of the remaining prescribed recruitment process and selection on merit, furnish a lawful basis for directing his appointment.

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 petitioner 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 petitioner to any post merely on the basis of his disability, qualification, or alleged success in the screening test.

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

11. Needless to say, whenever recruitment against the 5% disability quota is initiated in District Sukkur, 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 petitioner, if otherwise qualified and eligible, shall be entitled to apply pursuant to the relevant advertisement/notice, and his 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, or qualification in any preliminary or screening test, does not confer 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 petitioner merely on account of his 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 Deputy Commissioner, Sukkur, for information and compliance with the directions contained herein.

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