

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 859 of 2026

[Maqsood Hussain Laghari 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, joining and posting orders in their favour for suitable posts under the quota reserved for persons with disabilities, according to their respective qualifications and eligibility.

2. The petitioners have pleaded that the Government of Sindh, through the respondents, announced a screening test for recruitment to various posts in BPS-05 to BPS-15 across different departments. According to them, as differently-abled persons, they applied for and participated in the screening test and successfully qualified by obtaining 40+ marks. They further claim that, despite qualifying the screening test, the process of their appointment was not completed. They have also stated that the advertisement was published in 2021 and, despite the lapse of the prescribed period, their appointments were not made, whereas they are approaching the age of over-age and are suffering due to the delay. It is further pleaded that they approached the respondents for consideration of their cases for appointment. The petitioners have also disclosed that their earlier petition, being C. P. No. D-1520/2025, was dismissed vide order dated 02.10.2025 on account of their old disability certificates, and that they have now obtained fresh disability certificates. They have therefore invoked the constitutional jurisdiction of this

Court seeking appointment to suitable posts under the 5% quota reserved for persons with disabilities.

3. Learned AAG Sindh, while referring to the statements submitted on behalf of the respondents, submits that the recruitment process for various vacant posts in BPS-05 to BPS-15 across different departments has already been initiated through the Sindh Job Portal in accordance with the prescribed recruitment policy and procedure. It is submitted that the Government of Sindh has engaged the Sukkur Institute of Business Administration (SIBA) as a third-party testing service to conduct the general screening test for the Matriculation, Intermediate and Graduation categories, with results valid for three years and a passing cut-off of 40 marks. It is further submitted that, under the applicable recruitment policy/guidelines, five candidates are to be called for interview against one vacant post on the basis of highest merit, subject to the exceptions provided therein. Learned AAG further submits that the petitioners have an equal opportunity to participate in the recruitment process and, if they have passed the requisite test with the required score and otherwise fulfil the prescribed eligibility criteria, they will receive an interview call from the concerned department. He further refers to the recruitment undertaken against the disability quota in District Sukkur and submits that the petitioners cannot claim direct appointment merely on the basis of their disability or qualification.

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 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 qualification in a screening test does not, by itself, 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 petitioners claim to have applied under the recruitment process and to have successfully passed the screening test, obtaining 40+ marks. The respondents, however, state that the recruitment process is governed by the prescribed merit criteria and that candidates are to be called for interview against available posts according to their merit, subject to the applicable policy/guidelines. It is further stated that the petitioners have an equal opportunity to participate in the recruitment process and, if they fulfil the prescribed eligibility criteria and fall within the requisite merit, they will be called for interview by the concerned department. Thus, at this stage, there is no material before us establishing that the petitioners have completed the entire prescribed selection process or have been finally selected against any particular available posts.

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 against 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. The respondents have also stated that recruitment for BPS-05 to BPS-15 is being carried out through the Sindh Job Portal, and that candidates meeting the prescribed merit and eligibility criteria will be called for interview. 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, qualification or success in the screening test.

10. Consequently, the petitioners are not entitled to the relief of direct appointment sought. However, they shall remain at liberty to participate in and pursue the recruitment process in accordance with the law. Their candidature, if otherwise eligible, shall be dealt with strictly in accordance with the applicable recruitment policy, merit criteria and prescribed procedure.

11. Needless to say, whenever recruitment against the 5% disability quota is undertaken, the competent authority shall conduct the recruitment 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 have their candidature considered pursuant to the relevant advertisement/notice, and where they fall within the prescribed merit criteria, they shall be called for the requisite interview in accordance with the applicable policy.

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 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