

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 905 of 2026

[Tarique Ali v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Babar Khan Sahito, Advocate

Respondents by : Mr. Zulfiqar Ali Naich, 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 physical disability (polio) to the extent of 65% and possesses a Disability Certificate bearing Registration No. SPDPA/D.A.C-7046/2026, issued on 02.04.2026 by the Department of Empowerment of Persons with Disabilities, Government of Sindh. He states that he is a permanent resident of District Sukkur and holds Domicile and PRC. It is his case that he approached the concerned authorities for appointment against the disability quota and submitted an application, along with his testimonials, Domicile and PRC, seeking appointment to a suitable post. The said application is on record.

3. Learned counsel for the petitioner contends that, despite the submission of the application and the petitioner's eligibility for consideration under the disability quota, the petitioner was not appointed. He therefore seeks a direction to the respondents to consider his candidature 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

under the 5% quota 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 interview. The petitioner also appeared for interview; however, after considering the eligible candidates, the District Selection Committee did not recommend him for appointment.

5. We have heard the learned counsel for the petitioner and the learned AAG Sindh, and have perused the averments in the petition, the documents on record, and the comments/report submitted by the respondents.

6. The record shows that the petitioner submitted an application for appointment under the disability quota and subsequently participated in the recruitment process conducted by the District Selection Committee in January 2026. The available vacancies were filled by selecting eligible candidates, and twenty (20) appointments were made under the said quota. Although the petitioner appeared for the interview, the District Selection Committee did not recommend him for appointment. The petitioner has not placed any material on record to demonstrate that his candidature was excluded from consideration or that the selection process was conducted contrary to the prescribed procedure.

7. It is an essential requirement for appointment to any government or public post that a candidate must satisfy the prescribed legal and codal requirements and undergo the recruitment process initiated by the competent authority. The submission of an application and participation in the selection process do not, by themselves, confer an automatic right to appointment. Selection for available vacancies depends on eligibility, merit and the recommendation of the competent selection authority.

8. The reservation of a quota for persons with disabilities constitutes a statutory safeguard intended to secure their representation in government employment. However, such reservation does not dispense with the prescribed recruitment process or create an unconditional right of appointment for every person falling within the said category. The benefit of the reserved quota is required to be given effect through a fair, transparent and lawful selection process.

9. The Sindh Empowerment of Persons with Disabilities Act, 2018, being beneficial legislation, provides for a 5% reservation for persons with disabilities in Government departments, institutions and entities. The said provision is required to be implemented in its true spirit; nevertheless, appointments against the reserved quota remain subject to the prescribed eligibility and selection requirements. Thus, while a person with disability is entitled to consideration against the reserved quota, such consideration does not necessarily result in appointment.

10. In the present case, the respondents have specifically stated that the petitioner appeared for the interview conducted by the District Selection Committee in January 2026 but was not recommended for appointment. The record does not disclose any material suggesting that the petitioner was denied consideration or that the District Selection Committee acted arbitrarily or contrary to the prescribed procedure. Mere possession of a disability certificate and submission of an application, therefore, cannot, by themselves, furnish a lawful basis for directing the respondents to appoint the petitioner.

11. In these circumstances, no direction can be issued for the direct appointment of the petitioner. However, the petitioner shall remain at liberty to participate in any subsequent recruitment process conducted by the competent authority under the 5% quota reserved for persons with disabilities. If eligible, his candidature shall be considered in accordance with the law, merit and the prescribed recruitment procedure.

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

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Abdul Basit