HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D- 123 of 2026

[Jan Muhammad vs. Province of Sindh and Others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. Aakash Ali Bhurgri, Advocate.
Respondents:	By Mr. Wali Muhammad Jamari, Assistant A.G, Sindh.
Date of hearing	12.11.2026
Date of Decision	12.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- Petitioner Jan Muhammad has filed this Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeking the following relief(s):-

> ***"A. Declare the action of the Respondents 4 & 5 in denying the Petitioner's appointment as illegal, unlawful, arbitrary, and without lawful authority.***
>
> ***B. Direct the Respondents 4 & 5 to issue the appointment order in favor of the Petitioner for the post of Malhi (BPS-01) against the 5% quota reserved for Differently-Abled Persons, strictly in accordance with the DSC/DRC recommendations and law.***
>
> ***C. Direct the Respondents to extend all benefits available under the 5% quota for Persons with Disabilities, including grace marks as provided under law.***
>
> ***D. Declare the subsequent fabricated/managed DRC list as illegal, void, and of no legal effect;***
>
> ***E. Direct to respondent No 1 to 3 initiate departmental inquiry against the responsible officers involved in preparation of the fake list and illegal deprivation of the Petitioner."***

2. Learned counsel for the petitioner points out about minutes of meeting of the District Selection Committee, Tando Muhammad Khan held on 07.11.2024, the petitioner was recommended for appointment to the post of Malhi (BPS-01) on the Disability Quota however, in another copy of the same minutes letter released later, the name of the petitioner was omitted. He submits that such omission reflects malafide on the part of the respondents.

3. The respondents No.1 and 3 have filed their comments and the contents thereof are reproduced hereunder:-

"01. That the above named petitioner by filing an instant petition has prayed this Honorable Court to issue writ of mandamus for the officials respondents to appoint them against the 5% reserved quota kept for the appointments of the persons having disability differently abled person, keeping in view of the order dated 14.07.2022, passed by the Honourable Supreme Court.

02. In this regard, it is submitted that recently the Honorable Supreme Court, while hearing the Civil Petitions for Leave to Appeal Nos. 220-k to 442-k of 2005 field by the Government/Province of Sindh has also referred the said order dated 14.07.2022 and finally vide para-10 of its Judgment dated 20.03.2025 (Annexure-I), has observed that all such differently abled persons (DAPs) who have already applied for the jobs against vacant situation should have their applications considered at the outset rather than shelved or deferred under the garb or guise of fresh applications submitted for the same purpose by the new entrants. The Honorable Supreme Court, have further observed that recruitment process of disabled or differently abled persons be finalized in accordance with law.

03. Accordingly, all the Deputy Commissioners / Chairmen / District Selection Committees, have been advised to conduct the meeting of DSCs and to fill-up the remaining vacant posts against 5% reserved quota for Differently Abled Persons (DAPs) in compliance with the court's order subject to strict adherence to the Government approved quote and policy. (Annexure-II).

04. In view of above legal position, it is humbly submitted that the petitioner many advised to apply as and when the applications are invited through the publication by concerned Departments / Authority (if already not applied). Therefore, it is prayed that an instant petition may kindly be disposed of accordingly."

4. Since the issue is short one therefore, the head of the D.R.C is directed to look into the matter and if the petitioner's case is found to be genuine, his candidature may be considered based on the quota reserved for the differently abled persons. This exercise shall be undertaken within two (02) weeks' time.

5. The petition stands disposed of in the above terms.

JUDGE

JUDGE

Tufail