HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1186 of 2026
[Sajid Ali vs. Province of Sindh and others]

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

Date of hearing & Decision
11.11.2026

Mr. Imtiaz Ali Channa, advocate for the petitioner.
Mr. Allah Bachayo Soomro, Additional A.G.

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner has filed the instant constitutional petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, seeking implementation of the 5% quota reserved for differently-abled persons.

2. Learned counsel for the petitioner submits that the petitioner is a differently-abled persons and seek enforcement of the 5% quota reserved for their employment under the applicable law and Government policy. He contend that despite the availability of reserved vacancies, the concerned department has failed to complete the recruitment process, thereby depriving eligible candidates of their lawful entitlement. He further submit that the directions issued by this Court and upheld by the Honourable Supreme Court in the case of *The Province of Sindh v. Abid Ali Jatoi and others* (**2025 SCMR 1058**) are required to be implemented in letter and spirit. He, therefore, prays that the concerned competent authority be directed to fill all vacant posts against the reserved quota through a transparent and time-bound recruitment process, while duly considering the application already submitted by the petitioner and other eligible candidates.

3. Learned AAG submits that, in view of the judgment dated 20.03.2025 passed by the Honourable Supreme Court in the case of *The Province of Sindh v. Abid Ali Jatoi* supra , the petitioner/ eligible candidate may submit fresh application if not earlier filed and that the recruitment process for differently abled persons shall be finalized in accordance with law. He further submits that Deputy Commissioners/ Chairmen of District Selection Committees have been advised to convene meetings and fill the remaining vacant posts against the 5% reserved quota for differently abled persons, strictly in accordance with the Government-approved rules and policy. He, therefore, submits that the petitioner

may apply when applications are invited by the concerned departments and prays that this petition be disposed of accordingly.

4. We have heard learned counsel for the petitioner on the subject issue and examined the available record.

5. There is no cavil with the proposition that employment opportunities reserved for differently-abled persons under the applicable law cannot be treated as a mere formality or left to the discretion of the concerned authorities.

6. The statutory obligation to provide the prescribed quota must be implemented in its true spirit and in a meaningful manner. In this regard, the judgment dated 20.03.2025 passed by the Honourable Supreme Court in *The Province of Sindh v. Abid Ali Jatoi and others* (**2025 SCMR 1058**) has settled the controversy by maintaining the directions requiring the Government to ensure that the recruitment process against the reserved quota is completed in accordance with law. The Honourable Supreme Court has also emphasized that candidates who have already applied against the available vacancies must be considered at the outset and cannot be overlooked merely on account of fresh applications invited subsequently.

7. In view of the aforesaid authoritative pronouncement, the assurance furnished by learned Additional Advocate General, Sindh, that the Deputy Commissioners/Chairmen of the District Selection Committees have been advised to convene meetings and complete the recruitment process against the remaining vacant posts, appears to be in consonance with the mandate of law.

8. Learned counsel for the petitioner has also agreed to the disposal of the petition in terms of the said judgment and the assurance furnished by the learned AAG.

9. Consequently, by consent, the petition is disposed of with the following directions:

(i) The concerned Deputy Commissioners/Chairmen of the District Selection Committees shall convene meetings without unnecessary delay and undertake the requisite exercise for filling all remaining vacant posts against the 5% quota reserved for differently-abled persons, strictly in accordance with the applicable law, rules and Government-approved policy.

(ii) The application already submitted by the petitioner and other eligible differently-abled candidates shall be considered in the first instance, and their candidature shall not be disregarded or deferred merely on the ground of inviting fresh applications.

(iii) Candidates who have not previously applied shall also be afforded an opportunity to submit their applications whenever vacancies are advertised or applications are invited by the concerned departments, subject to fulfilment of the prescribed eligibility criteria.

(iv) The concerned authority shall ensure that the reserved quota is calculated and implemented in accordance with the applicable statutory provisions and that no eligible candidate is excluded from consideration through arbitrary, discriminatory or unreasonable treatment.

(v) The entire exercise shall be undertaken transparently, fairly and expeditiously, without compromising the prescribed eligibility criteria, merit or applicable recruitment procedure.

10. The competent authority shall, however, ensure that the petitioner's claim is genuinely considered and decided in accordance with law, rather than being defeated through administrative inaction or procedural delay.

JUDGE

JUDGE

Irfan Ali