HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-479 of 2026
[Mahwish vs. Province of Sindh and others]

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

Petitioner:	Through M/s. Jaleel Ahmed Memon & Syed Jan Muhammad Bukhari, Advocate
Respondents No.1&2	Through Mr. Rafique Ahmed Dahri Additional A.G Sindh
Respondents 3&4:	Through Mr. Kamaluddin, Advocate
Date of hearing & Decision:	02.11.2026

O R D E R

ADNAN-UL-KARIM MEMON J The petitioner, a person with congenital disability, has filed the instant Constitutional Petition seeking implementation of 5% disability quota in the recruitment process of Quaid-e-Awam University of Engineering, Science and Technology (QUEST), disclosure of her written test results, appointment against the posts of Lecturer (BPS-18) and / or Lab Instructor (BPS-17), and consideration of her contractual service for regularization.

2. Learned counsel for the petitioner submits that the petitioner, despite her disability, obtained BS (Information Technology) in 2014 and M.Sc. in Software Engineering in 2019 from the respondent University. She was appointed as Database Administrator on contract basis on 23.07.2020 and has since been continuously performing her duties through successive contractual engagements, allegedly with artificial breaks of 2–3 days; that the Vice Chancellor had also publicly assured her accommodation under the disability quota at the time of convocation. He further submits that despite the statutory requirement of reserving 5% quota for persons with disabilities under the Sindh Empowerment of Persons with Disabilities Act, 2018, the advertisement dated 31.10.2024 for the posts of Lecturer and Lab Instructor did not provide for such quota. Although she appeared in the written tests, her results were neither communicated nor were interview calls issued. He adds that the respondents' failure to consider her case for regular appointment is arbitrary, discriminatory and contrary to the law. He prayed to allow this petition.

3. Learned counsel for the respondents-university submits that the petitioner was initially engaged as Database Administrator on six-month contract basis at a

fixed salary of Rs.20,000/- per month, and subsequent engagements were issued upon her requests after completion of each contractual period; that any artificial breaks were introduced or that she acquired a right to regularization, as no enabling rules or regulations exist for regularizing contractual employees, particularly against BPS-17 and above posts, which require recruitment through the prescribed selection process. He further contends that the petitioner applied against the general quota for the advertised posts but failed to secure the requisite passing marks in the written test; therefore, only qualified candidates were called for interviews, and the results were duly displayed on the University's notice board. He, however, acknowledged the statutory 5% disability quota and stated that no recruitment against the said quota has yet been undertaken. A separate advertisement for Lecturer and Lab Instructor posts under the disability quota would be issued, and the petitioner would be entitled to compete subject to fulfillment of the prescribed eligibility criteria. He denied any discrimination, illegality or violation of the petitioner's fundamental rights and submitted that her contractual engagement cannot be treated as regular service or confer any right to regularization. He prayed to dismiss the petition.

4. We have heard learned counsel for the parties and perused the available record.

5. The controversy essentially involves two distinct issues: firstly, whether the petitioner, by virtue of her successive contractual engagements since 23.07.2020, has acquired any enforceable right to regularization; and secondly, whether the respondent University has lawfully fulfilled its statutory obligation to reserve and implement the prescribed 5% quota for persons with disabilities in public sector university.

6. So far as the petitioner's claim for regularization is concerned, mere continuation of contractual employment, even for a considerable period, does not by itself create a vested right to regular appointment, particularly where the initial appointment was made for a specified period and no statutory provision, service rules or regularization policy has been shown to confer such a right. The artificial breaks in contractual engagements, even if established, may warrant examination of the continuity of her engagement, but cannot dispense with the prescribed recruitment procedure or confer an automatic right to appointment against a regular post. Similarly, the alleged assurance by the Vice Chancellor, even if made, cannot override the statutory requirements governing public appointments.

7. However, the petitioner's claim regarding implementation of the disability quota stands on an entirely different legal footing. The respondents have themselves acknowledged the applicability of the statutory 5% quota under the Sindh Empowerment of Persons with Disabilities Act, 2018, and have further admitted

that no recruitment against the said quota has yet been undertaken. Once thestatutory obligation is acknowledged, the respondent University, being a public sector institution, cannot postpone or disregard its implementation at its own discretion. The failure to provide for the prescribed quota in the advertisement dated 31.10.2024, without any lawful justification, raises a legitimate question regarding compliance with the mandatory statutory provisions and the constitutional guarantee of equality, for which the respondents needs to undertake such exercise in four weeks for the reasons that sufficient time has already elapsed.

8. Nevertheless, the petitioner's disability and academic qualifications, though deserving due consideration and protection under the law, do not automatically entitle her to appointment against the posts of Lecturer or Lab Instructor without fulfilling the prescribed eligibility criteria and selection process. Similarly, her failure to qualify in the written test conducted against the general quota cannot be treated as a lawful substitute for consideration of her claim under the separately reserved disability quota, particularly when the respondents admit that no such recruitment process has yet been undertaken, which needs to be undertaken as discussed supra.

9. In these circumstances, we are of the considered view that the petitioner has not established any vested right to regularization or direct appointment; however, the respondents cannot escape their statutory obligation to implement the disability quota in letter and spirit. The ends of justice would, therefore, be met by directing the respondent University to initiate the recruitment process against the prescribed 5% disability quota in accordance with the applicable law, rules and eligibility criteria, through a transparent advertisement and selection process in three weeks. The petitioner shall be at liberty to apply, and her candidature shall be considered fairly, without discrimination, subject to fulfillment of the prescribed qualifications and other conditions of eligibility. The respondents shall also communicate the petitioner's written test results against the general quota, if not already formally communicated to her, in due course of time.

10. Consequently, the petition is disposed of in the above terms, with no order as to costs.

JUDGE

JUDGE

Karar_Hussain/PS