

HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

C.P No.D-599 of 2025
[Chibhar vs. Province of Sindh & Others]

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on M.A No.2553/2025
2.	For orders on office objection(s)
3.	For orders on M.A no.2554/2025
4.	For hearing of main case

06.05.2025

Mr. Azhar Hussain Solangi, advocate for the petitioner

- Urgency is disposed of.
- to4. Through instant petition, the petitioner, being person with disability, seeks directions against the respondents to appoint him as Naib Qasib or Chowkidar by implementing the 5% quota reserved for persons with disabilities.

Learned counsel for the petitioner submits that the petitioner, as person with disability, possess the educational degree and is thus entitled to induction into government service under the 5% quota reserved for persons with disabilities. Counsel further submits that pursuant to public notice got published by the respondents, the petitioner applied for the post of Naib Qasib and Chowkidar under the 5% disability quota, but the respondents did not consider his applications. Having no alternate remedy, he seeks the indulgence of this Court with the prayer that the respondents be directed to consider his applications and appoint him against any one of the aforesaid posts.

We have heard the learned counsel for the petitioner and have perused the material available on record. A perusal of the record reflects that though it is claimed by the petitioner that pursuant to advertisement he has applied for the posts of Naib Qasib and Chowkidar in Education and Literacy Department, however, he has not attached any document, which may substantiate his claim. Needless to observe that the foremost requirement for appointment to any government or public post is compliance with all prescribed legal and codal formalities, namely participation in the recruitment process initiated through a public notice, followed by qualification in the test and/or interview, as the case may be.

While the petitioner is indeed person with disability, and the relevant Act¹ guarantees certain rights, including a 5% quota in government jobs, this right does not explicitly exclude or exempt him from fulfilling the mandatory prerequisites outlined above. Since the petitioner has not attached any proof, substantiating his claim, therefore, he is not entitled to the relief prayed for. Accordingly, this petition is **dismissed** alongwith listed application in limine as not maintainable, leaving the petitioner at liberty to participate in the recruitment process in accordance with the law, as and when conducted by the respondents. Needless to observe that, in case the petitioner participates in the recruitment process, his appointment under the 5% disability quota will be subject to compliance with the mandatory pre-requisites.

JUDGE

JUDGE

Sajjad Ali Jessar

¹ Sindh Empowerment of Persons with Disabilities Act 2018.