

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No. D-3103 of 2022

Date	Order with signature of the Judge
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For hearing of M.A. No.11756/2022.
For hearing of main case.

Before

Justice Nadeem Akhtar
Justice Khadim Hussain Tunio

Mr. Ashfaqe Nabi Qazi, advocate for the petitioner.
Mr. Allah Bachayo Soomro, AAG Sindh along with Shamsuddin
Dal, Director Schools (SEC) Education SBA Division.

Date of hearing: 16.02.2023

Date of decision: 16.02.2023

ORDER

KHADIM HUSSAIN TUNIO, J- The petitioner Khalid Hussain son of Ali Akber Dahri had resorted to filing the instant petition due to the delay in issuance of his appointment letter after successfully qualified for multiple posts on merit in the disabled quota within the Directorate of School Education. Such appointment letter was then issued to the petitioner against the post of Assistant (BPS-14) and was posted as GBHS Sarang Dahri, Tulka Kazi Ahmed, District Shaheed Benazir Abad. The grievance of the petitioner now is that he has been posted nearly forty kilometers away from his residence despite there being three schools within four kilometers of the petitioner namely Government Boys High School at Noor Sugar Mills Shahpur Jahania, Government Boys High School Shahpur Jahania and Government Girls High School Shahpur Jahania.

2. The petitioner has lost 80% of his vision and is only able to differentiate between black and white according to the report of the Special Medical Board which conducted its assessment on 22.08.2022. There is no doubt, as evident from the certificate, regarding the physical disability faced by the petitioner. The petitioner, following the issuance of his appointment letter, was posted to GBHS Sarang Dahri, Taluka Kazi Ahmed, District

Shaheed Benazir Abad which is nearly 40 kilometers of daily commute for a person with disability (PWD). The respondent/department had assumed its responsibility by issuing the appointment letter to the petitioner, although not in a timely fashion, but then it had lacked in providing proper support, infrastructure, access and facilities so that the petitioner did not feel unable to perform his job properly. The Hon'ble Apex Court, in the landmark case of *Malik Ubaidullah v. Government of Punjab and others [2021 PLC (C.S) 65]* had observed that providing employment opportunity was just half the story and that accessibility to a workplace was the biggest barrier for a person with disability. To make a move towards a more acceptable society where a PWD can feel at ease in going to his workplace. The posting of the petitioner, suffering from a physical disability, at a place so remote from him is in total contravention of settled principles of law regarding accessibility to work for PWDs. Not only this, this also shows the lack of sensitivity and humanitarian consideration on the part of the respondent/department. Accordingly, official respondents are directed to reconsider the case of the petitioner and to post him in one of the three closest schools as provided by the petitioner. Let notice be issued to respondents for compliance.

3. Instant petition stands disposed of in the above terms.

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