

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-1747 of 2024

[Mst. Abida vs. Province of Sindh & Others]

C.P No.D-1750 of 2024

[Asad Ali & Ors. vs. Province of Sindh & Others]

C.P No.D-1783 of 2024

[Santosh Kumar. vs. Province of Sindh & Others]

C.P No.D-1833 of 2024

[Sadam Hussain & another. vs. Province of Sindh & Others]

C.P No.D-142 of 2025

[Kelash & Ors. vs. Province of Sindh & Others]

C.P No.D-204 of 2025

[Waqar Ali Arain. vs. Province of Sindh & Others]

Before:

Justice Arbab Ali Hakro

Justice Riazat Ali Sahar

Petitioners by : M/s Mir Pervez Akhtar Talpur, Mir
Muhammad Nohri and Ghulam
Shabbir Mari advocates

Respondents by : Mr. Muhammad Sharif Solangi
Assistant A.G Sindh

Date of Hearing : **14.05.2025**

Date of Decision : **14.05.2025**

J U D G M E N T

ARBAB ALI HAKRO J:- Since similar or identical questions of law are involved in the captioned petitions, all are being decided through this common judgment.

2. The petitioners, being persons with disabilities and belong to District Sanghar, Tharparkar, Umerkot and Mirpurkhas respectively seek directions against the respondents to appoint them to any suitable post(s) within their respective Districts in accordance with their qualifications, by implementing the 5% quota reserved for persons with disabilities.

3. None present for the petitioners in C.Ps No.D-1747 & 1750 of 2024 as well as C.P No.D-204 of 2025, whereas the counsel present in remaining petitions submit that the petitioners, as persons with disabilities, possess educational degrees and are thus entitled to induction into government service under the 5% quota reserved for

persons with disabilities. Counsel further submit that the petitioners made various applications to the respondents, requesting consideration for appointment to any suitable post according to their qualifications under the 5% disability quota, but the respondents did not consider their applications. Having no alternate remedy, they seek the indulgence of this Court with the prayer that the respondents be directed to consider their applications and appoint them to any suitable post.

4. Learned Assistant Advocate General (AAG) submits that Deputy Commissioners being Chairmen of District Recruitment Committee in their respective Districts, in compliance with the directions issued by the Supreme Court of Pakistan¹ and a Division Bench of this Court at Sukkur² invited applications through public advertisements for appointments under the disability quota. Numerous persons with disabilities applied, and the DSC, along with the heads of other departments of their respective District as its members, conducted interviews of eligible candidates. After proper scrutiny of documents, number of candidates who met the merit criteria were appointed under the subject quota against available vacant posts at the relevant time. Learned A.A.G further submits that the Deputy Commissioners of District concerned, have also instructed the government departments of their respective District to indicate vacancy positions in order to initiate the further appointment process under the disable quota. He also pointed out that the petitioners did not participate in the above recruitment process but merely moved applications and subsequently filed these petitions, which, being not maintainable, are liable to be dismissed.

5. We have heard the learned counsel for the petitioners, the learned Assistant A.A.G, and have perused the material available on record.

6. A perusal of the record reflects that the petitioners did not participate in the recruitment process initiated through public notices and advertisements. Instead, they simply submitted applications to the respondents and then approached this Court seeking directions for their appointment to any post according to

¹ Penned down in C.Ps No.745-K to 750-K & 966-K to 971-K of 2022.

² Vide Order dated 10.10.2024 handed down in C.P No.D-176 of 2023 alongwith connected matters

their qualifications. However, 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.

7. While the petitioners are indeed persons with disabilities, and the relevant Act³ guarantees certain rights, including a 5% quota in government jobs, this right does not explicitly exclude or exempt them from fulfilling the mandatory prerequisites outlined above.

8. Since the petitioners have not participated in the recruitment process conducted by the respondents, they are not entitled to the reliefs prayed for. Accordingly, these petitions are **dismissed** as not maintainable, leaving the petitioners 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 petitioners participate in the recruitment process, their appointment under the 5% disability quota will be subject to compliance with the mandatory pre-requisites.

9. Before parting with this order, the Deputy Commissioners, District Sanghar, Tharparkar, Umerkot and Mirpurkhas, being the heads/chairmen of the DSC in their respective District are directed to initiate the second phase of recruitment under the disability quota in case the vacancies are lying vacant under said quota. This exercise shall be completed within 90 days from the date of this order, subject to compliance with all prescribed legal and codal formalities.

Let a copy of this order be communicated to the Chief Secretary, Sindh, as well as the Secretary, Services, General Administration & Coordination Department, Government of Sindh, for information and compliance.

JUDGE

JUDGE

³ Sindh Empowerment of Persons with Disabilities Act 2018.