

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P No.D-1548 of 2024

[Allah Warayo & Ors. vs. Province of Sindh & Others]

Before:

Justice Arbab Ali Hakro

Justice Riazat Ali Sahar

Petitioners by : None present

Respondents by : Mr. Muhammad Ismail Bhutto,
Additional A.G Sindh

Date of Hearing : **16.05.2025**

Date of Decision : **16.05.2025**

J U D G M E N T

ARBAB ALI HAKRO J:- The petitioners, being persons with disabilities and belong to District Sanghar seek directions against the respondents to appoint them to any suitable post(s) within District Sanghar in accordance with their qualifications, by implementing the 5% quota reserved for persons with disabilities.

2. None present for the petitioners. However, we have perused the memo of petition wherein it is claimed by the petitioners that they are persons with disabilities, possess educational degrees and are thus entitled to induction into government service under the 5% quota reserved for persons with disabilities. It is further claimed in the memo of petition by the petitioners that they have 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.

3. Learned Assistant Advocate General (AAG) submits that Deputy Commissioner Sanghar being Chairman of District Recruitment Committee, in compliance with the directions issued by the Supreme Court of Pakistan¹ and a Division Bench of this

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

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 District Sanghar as its members, conducted interviews of eligible candidates. After proper scrutiny of documents, 20 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 Commissioner Sanghar has also instructed the government departments of District Sanghar 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 this petition, which, being not maintainable, is liable to be dismissed.

4. We have heard the learned Assistant A.A.G and have perused the material available on record.

5. 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 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.

6. 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.

7. Since the petitioners have not participated in the recruitment process conducted by the respondents, they are not entitled to the reliefs prayed for. Accordingly, this petition is **dismissed** as not

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

³ Sindh Empowerment of Persons with Disabilities Act 2018.

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.

8. Before parting with this order, the Deputy Commissioner Sanghar, being the head/chairman of the DSC is 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