

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-1716 of 2024

[Noor Muhammad & Ors. vs. Province of Sindh & Others]

C.P No.D-1717 of 2024

[Qutab Shah & another vs. Province of Sindh & Others]

C.P No.D-1756 of 2024

[Muhammad Khan & Others vs. Province of Sindh & Others]

C.P No.D-1771 of 2024

[Haresh Kumar & Ors vs. Province of Sindh & Others]

C.P No.D-33 of 2025

[Khushal Das vs. Province of Sindh & Others]

C.P No.D-60 of 2025

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

C.P No.D-201 of 2025

[Murad Bakhsh vs. Province of Sindh & Others]

Before:

Justice Arbab Ali Hakro

Justice Riazat Ali Sahar

Petitioners by : M/s Mir Muhammad Nohri, Bhooro Bheel, Mumtaz Ali Jarwar and Ramz Ali Mari advocates

Respondents by : Mr. Muhammad Sharif Solangi Assistant A.G Sindh a/w DEO Umerkot (**Inayatullah Kumbher**), XEN Irrigation Department Umerkot (**Shoukat Ali Rajper**) and Dr. Santosh Kumar on behalf of DHO Mirpurkhas

Date of Hearing : **21.05.2025**

Date of Decision : **21.05.2025**

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, same are being decided through this common judgment.

2. The petitioners, being persons with disabilities and belong to District Umerkot, Mirpurkhas, Sanghar and Tharparkar 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. Learned counsel for the petitioners 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 respondents had published advertisements inviting applications for appointments against certain posts under the disability quota, pursuant to which the petitioners, being eligible, applied for various posts based on their qualifications within their respective Districts. Counsel maintain that interviews were conducted by the respondents under the chairmanship of the Deputy Commissioner concerned, however, the petitioners were not considered. 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), while referring to the comments filed by the Respondents, submits that Deputy Commissioners being the heads of the District Selection 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 Districts 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, however, the petitioners did not attach any proof to have applied and/or qualified in the said process, therefore, were not considered. Learned AAG prayed for dismissal of these petitions being not maintainable. He, however, contends that the Deputy Commissioner concerned have instructed

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*

the government departments of their respective Districts to indicate vacancy positions to initiate the second phase of the appointment process under the disability quota. The petitioners may apply in this second phase upon its announcement, and if they qualify, they will be considered in accordance with the law.

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

6. A perusal of the record reflects that, although the petitioners claimed to have applied for various posts pursuant to the advertisements and public notices, however, they did not attach any proof to have qualified in the said recruitment process conducted under the chairmanship of the Deputy Commissioner concerned. Whereas, the persons who did qualify in the said interviews have been inducted into various posts through implementation of the 5% quota reserved for persons with disabilities, as per the list attached to the comments/ report filed by the respondents. It is important to observe that every aspirant seeking appointment to a government/ public post under any reserved quota must first meet the prerequisite mandatory requirements, namely participation in the test and/or interview conducted after advertisement/public notice, and qualification therein.

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 grant them the ability to bypass the mandatory prerequisites outlined above.

8. Since the petitioners have failed to attach any proof, showing that they have qualified in the foresaid 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. If the petitioners participate in the

³ Sindh Empowerment of Persons with Disabilities Act 2018.

recruitment process, their appointment under the 5% disability quota will be subject to fulfilling the mandatory prerequisite requirements.

9. Before parting with this order, the Deputy Commissioners of Umerkot, Mirpurkhas, Sanghar and Tharparkar, being the heads/chairmen of the DSC in their respective District are directed to initiate the second phase of recruitment under the disability quota if the vacancies are available 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