

# IN HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No. D-1301 of 2024  
[Aftab Ahmed v. P.O Sindh & others]

**Before:**

**Mr. Justice Arbab Ali Hakro**

**Mr. Justice Riazat Ali Sahar**

Counsel for Petitioner:

Mr. Kanji Mal Mengwar, Advocate.

Counsels/ Representatives for  
Respondents:

Mr. Ayaz Ali Rajper Assistant Advocate  
General, Sindh. Mr. Inayat Ali  
Kumbhar District Education Officer,  
Umerkot.

Date of Hearing

26.03.2025

Date of Judgment

07.05.2025

## **JUDGMENT**

**RIAZAT ALI SAHAR, J.**

Through this judgment, we intend

to dispose of captioned petition, wherein the following relief is sought:

*“a) That this Honourable Court may be pleased to declare that the Petitioner is eligible and fit person for the appointment on the post of Primary School Teacher BPS-14 against differently abled person or disabled quota.*

*b) That this Honourable Court may be pleased to direct the Respondents No. 1 to 3 to appoint the petitioner on disabled Quota provided under section 5(1) of The Sindh Civil Servants Act, 1973 on the post of Primary School Teacher BPS-14 as well as in the light of Notification dated: 08-09- 2021 issued by Respondent No. 01.*

*c) Costs of the petitioner may be saddled upon the respondents.*

*d) Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.”*

**2.** The petitioner is a **differently-abled** individual who, pursuant to a recruitment process initiated by the School Education and Literacy Department, applied for the post of Primary School Teacher (BPS-14) against the quota reserved for persons with disabilities in 2021 and qualified and was put to the

waiting list. In the meanwhile, video notification dated 02.03.2023 issued by respondent No. 1, it was directed that vacant post of PST may be filled with the candidates in the waiting list however the petitioner is still waiting for a job. Aggrieved by this inaction and delay, and having no alternate efficacious remedy available under the law, the petitioner has approached this Honourable Court by invoking its extraordinary constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking appropriate relief.

**3.** In due course, the concerned District Education Officer, Umerkot, submitted his response wherein it was stated that although the petitioner had otherwise qualified for a job in the year 2021, his disability certificate was issued only on 29.05.2024. This, according to the officer, indicated that at the relevant time of recruitment, the petitioner was not a certified differently-abled individual. However, it is important to note that in similar Constitutional Petitions pending before this Court — notably **C.P. No. D-1735 of 2024** — the concerned Deputy Commissioners of District Umerkot and Mirpurkhas have undertaken to accommodate differently-abled individuals strictly in accordance with their eligibility under the Disabled Quota. This approach is in line with the directions contained in the order dated 19.03.2024 passed in **Constitutional Petition No. D-176 of 2023 titled Abid Ali Jatoi and others v. Province of Sindh and others** by the High Court of Sindh, Bench at Sukkur. The relevant portion of the said order is reproduced hereunder for ready reference:

*“In the course of arguments, it has transpired that out of 204 petitioners, 96 petitioners have applied for appointment on disabled quota and their applications are pending before relevant authorities and have not been considered yet in terms of 5% quota. Learned AAG has undertaken that their applications would be considered on merits and out of them if anyone is found competent and deserving would be appointed against the post as per his qualification within a period of two months and such report would be submitted. Regarding remaining petitioners, he has proposed that they may be directed to file applications for appointment as per their qualification in the relevant districts and its copy may be sent to his office and he will make sure that their applications are considered and decided in accordance with law by observing 5% disabled quota as ordained by the law and the Constitution. The counsel for the petitioners is satisfied, hence this petition is accordingly disposed of in above terms.*

*Let this order be implemented despite any stay granted by any court including a Single Bench of this Court in exercising jurisdiction under Civil Procedure Code except by the Supreme Court. A copy of this order be sent to the office of AAG for a perusal and compliance.”*

Thus, the petitioner's case falls squarely within the protective umbrella of the aforesaid judicial directive.

4. However, it is pertinent to observe that the petitioner's prospective appointment is contingent upon fulfillment of the **Disability Quota** criteria. In this regard, it is noted that the petitioner's disability certificate was not issued until the year 2024, which evidently precludes him from claiming entitlement under the appointments made in the year 2021. Nevertheless, in the interest of justice and fair opportunity, it is clarified that the petitioner shall remain at liberty to apply afresh for employment under the Disabled Quota after an advertisement is published as well as fulfillment of all legal and codal formalities. In processing any such application, the competent authority shall act strictly in accordance with the binding directions contained in the order

dated 19.03.2024 passed in **Constitutional Petition No. D-176 of 2023 titled *Abid Ali Jatoi and others v. Province of Sindh and others*** by the Honourable High Court of Sindh, Bench at Sukkur. Any appointments made pursuant thereto shall be affected in accordance with the petitioner's eligibility and against vacant posts available under the Disabled Quota, ensuring that no discrimination is practised and that all statutory and constitutional rights of the petitioner are duly safeguarded.

In light of the above, the instant petition stands disposed of in the terms mentioned herein.

**JUDGE**

**JUDGE**