

IN HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No. D-1706 of 2024

[Muhammad Qasim & others v. P.O Sindh & others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Counsel for Petitioners:

Mir Tarique Khan, 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:

- “i. Direct the Respondents to issue Offer Letter/Appointment order to the Petitioners for any post against the Disable Quota as Petitioners have completed all legal codal formalities without further delay.*
- ii. Direct the Respondents to appoint the Petitioners in any government job on permanent basis on disabled quota.*
- iii. Direct the Respondents to immediately fill the vacancies reserved for Persons with Disabilities (PWDs) as per the 5% Disabled Quota policy, and to issue appointment letter to the Petitioners.*
- iv. Order the Respondents to strictly implement the provisions of the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, and the Sindh Empowerment of Persons with Disabilities Act, 2018, and to ensure that all future vacancies are to be duly advertised and filled in accordance with the law.*
- v. Grant any other relief that this Honourable Court deems just and appropriate in the circumstances of the case.”*

2. The petitioners are **differently-abled** individuals who duly appeared before the Deputy Commissioner, Umerkot, for

walk-in interviews conducted for appointments under the Disabled Quota. However, despite the passage of a considerable period, the results of the said interviews have not been announced to date. Aggrieved by this unexplained inaction and delay, and having no alternate or efficacious remedy available to them under the law, the petitioners have been constrained to approach 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 to safeguard their fundamental rights.

3. In the due course, the concerned District Education Officer, Umerkot, submitted a statement before this Court, contending that the petitioner has not provided any documentary proof evidencing that he had applied for a post under the **disabled quota**. It was further stated that walk-in interviews for the disabled quota are presently being conducted, and that the results thereof would be announced shortly. It was assured that all differently-abled persons who participated in the **walk-in interviews**, including the petitioner (if he is among the candidates), would be duly accommodated strictly on the basis of merit, eligibility, and the availability of vacant posts. This process shall be undertaken in compliance 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.

“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 petitioners’ case falls squarely within the protective umbrella of the aforesaid judicial directive.

4. Nevertheless, the petitioners are 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 doing so, the competent authority shall process the petitioners’ applications strictly in view of the directions contained in the order dated 19.03.2024 (supra) passed in Constitutional Petition No. D-176 of 2023 (*Abid Ali Jatoi and others v. Province of Sindh and others*), High Court of Sindh, Bench at Sukkur. Appointments shall be made in accordance with the eligibility criteria and against relevant vacant posts, without any discrimination.

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

JUDGE

JUDGE