

IN HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No. D-1725 of 2024
[Rashid Ali v. P.O Sindh & others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Counsel for Petitioner:	Rao Faisal Ali, 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 direct the above named respondents to appoint the petitioner against the disable quota being successful candidate.*
- b) Costs of the petition may be saddled upon the respondents.*
- c) Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioners may be granted.”*

2. The petitioner is a differently-abled individual who had applied to different post for appointment under the Disabled Quota. However, despite the passage of a considerable period, no such post has been granted to the petitioner. Aggrieved by this unexplained inaction and delay, and having no alternate or efficacious remedy available to them under the law, the petitioner has been constrained to approach this 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 due course, the concerned Deputy Commissioner of Mirpurkhas submitted a statement wherein it was asserted that he had made formal requisitions to various departments, requesting them to forward recommendations for the appointment of differently-abled persons against the posts reserved under the Disabled Quota. This exercise has been undertaken pursuant to 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. For ready reference, the relevant portion of the said order is reproduced hereunder:

“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. Nevertheless, the petitioner is 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 petitioner's application strictly in view of the directions contained in the order dated 19.03.2024 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