

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-1791 of 2024

[Jawaid Ali Shah vs. Province of Sindh & Others]

C.P No.D-222 of 2025

[Hassan Ali vs. Province of Sindh & Others]

Before:

Justice Arbab Ali Hakro

Justice Riazat Ali Sahar

Petitioners by : M/s Hassan Mal Bheel & Taimoor Ali
advocates

Respondents by : Mr. Muhammad Sharif Solangi
Assistant A.G Sindh a/w ADC-II
Mirpurkhas (**Faisal Ali Soomro**)

Date of Hearing : **07.05.2025**

Date of Decision : **07.05.2025**

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, both are being decided through this common judgment.

2. The petitioners, being persons with disabilities, seek directions against the respondents to appoint them to any suitable post(s) within District Mirpurkhas in accordance with their qualifications, by implementing the 5% quota reserved for persons with disabilities.

3. Learned counsel for the petitioners submits 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 submits that the petitioners 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.

4. Learned Assistant Advocate General (AAG), while referring to the comments filed by the Respondents, particularly the report submitted by the Deputy Commissioner, Mirpurkhas, who heads the District Selection Committee (DSC), Mirpurkhas submits that, in compliance with the directions issued by the Supreme Court of Pakistan¹ and a Division Bench of this Court at Sukkur². Applications were invited 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 Mirpurkhas as its members, conducted interviews of eligible candidates. After proper scrutiny of documents, 18 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, Mirpurkhas, has also instructed the government departments of District Mirpurkhas to indicate vacancy positions in order to initiate the further appointment process under the disability quota. He also pointed out that the petitioners did not participate in the above recruitment process but merely moved applications and subsequently filed these petitions, which, being not maintainable, are liable to be dismissed.

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

6. 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

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 recruitment process initiated through a public notice, followed by qualification in the test and/or interview, as the case may be.

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 explicitly exclude or exempt them from fulfilling the mandatory prerequisites outlined above.

8. Since the petitioners have not participated in the 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. 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.

9. Before parting with this order, since the Deputy Commissioner, Mirpurkhas, being the head/chairman of the DSC, has stated in his report that he has sought vacancy reports from all departments of District Mirpurkhas, he is hereby directed to expedite the process and initiate the second phase of recruitment under the disability 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

Sajjad Ali Jessar

³ Sindh Empowerment of Persons with Disabilities Act 2018.