

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P No. D – 1489 of 2022

**Present;**

*Mr. Justice Muhammad Saleem Jessar*

*Mr. Justice Nisar Ahmed Bhanbhro*

**Petitioner** : Mst. Shabnam, through M/s Ali Akbar Shar and Riaz Ali Shaikh, Advocates

**Respondents** : Province of Sindh and others through Mr. Ali Raza Baloch, Additional Advocate General Sindh, along with Abdul Qudoos Memon, Regional Director, DEPO Sukkur Region, Abdul Sami Bhanbhro, District Education Officer (Elementary, Secondary and Higher Secondary), Khairpur and Niaz Hussain Mangnejo, Focal Person on behalf of Deputy Commissioner, Khairpur.

Date of hearing : **13.08.2025**

Date of Short Order : **13.08.2025**

**Date of Reasons** : **22.08.2025**

## **ORDER**

**Nisar Ahmed Bhanbhro, J**:- Through instant Petition, the petitioner seeks appointment for the post of Primary School Teacher (PST) under the 5% quota for the Persons with Disabilities (PWDs) reserved under the provisions of Sindh Empowerment of Persons With Disabilities Act, 2018 (SEPWD Act).

**2.** Mr Ali Akber Shar Learned Counsel for the Petitioner contended that the petitioner applied for the post of Primary School Teacher (PST) pursuant to the advertisement issued by the School Education and Literacy Department (SELD) in the year 2021. He argued that the aspirant candidates were required to qualify the recruitment test which was conducted by Sukkur IBA (SIBA). Petitioner appeared in the test and secured 34 marks. He argued that the Government of Sindh framed Teachers Recruitment Policy, 2021, wherein passing criteria for general category was fixed as 40 marks and 33 marks for the Persons With Disabilities (PWD). The Petitioner for bona fide mistake failed to mention her disability status in the application form. However, after the

announcement of test result, she filed an application before respondent No.3, being the head of the District Recruitment Committee (DRC) for appointment of PSTs, to consider her case for appointment against the (PWDs) quota. He contended that the Petitioner filed copy of disability certificate issued by the department along with her application but was not entertained, hence, she filed this Petition. He prayed that Petitioner was entitled for appointment under the 5 % quota reserved under PWD quota.

3. Mr Ali Raza Baloch Learned Additional Advocate General Sindh contended that the Petitioner was not a PWD. He argued that petitioner filed bogus certificate before the DRC, therefore she was not considered for appointment. He argued that the Petitioner appeared before Medical Board and her disability was determined as 10 %, she was not entitled for appointment under PWD quota as a person having disability ratio of 40 % was only entitled for job under PWD quota. He argued that the DRC had rightly declined the case of Petitioner. He argued that case involved factual controversy thus writ was not maintainable. He prayed for dismissal of the Petition.

4. Heard arguments. Perused material on record.

5. Perusal of the record revealed that the claim of the Petitioner for appointment against PWD Quota was denied on the grounds that disability certificate produced by the Petitioner was not genuine. It was stressed that the certificate was sent for verification to the office of Deputy Director (RCPH) DEPD Khairpur, which was declared fake and such intimation was sent to the office through letter dated 29.04.2022. This contention of the Respondent No 3 was repelled outrightly by the Petitioner through her rejoinder wherein she asserted that disability certificate in her favor was issued from the office of Deputy Director Social Welfare Department Sanghar on 30.04.2009, She also filed the copy of letter dated 05.08.2022 issued by the Director Operations Sindh Persons With Disabilities Protections Authority (SPDPA), wherein the disability certificate issued in favor of the Petitioner was verified and declared genuine.

6. Since, Respondents disputed the disability status of the Petitioner, in order to resolve the disability issue of the Petitioner, she was directed to appear before the Medical Board constituted by Medical Superintendent Khairpur hospital for fresh assessment vide order dated 08.02.2023, which reads as under:

*“Besides, Petitioner shall appear before the Committee chaired by Medical Superintendent, Khairpur and that committee shall examine her and*

*issue certificate if she qualifies the definition provided in Sindh Empowerment of Persons With Disabilities Act 2018. This exercise shall be completed within 15 days. This Order shall be communicated to Chief Secretary, Government of Sindh, all secretaries of departments for strict compliance and Chairman(s) of all District (DRCs). In case of failure, their act shall be prerogative act liable for criminal proceedings.”*

**7.** Pursuant to this Court’s Order, Petitioner appeared before the Medical Board constituted by the Medical Superintendent Khairpur Medical College Civil Hospital Khairpur, wherein she was opined to contain 10 % disability. Petitioner was facing difficulty in walking and was declared a case of Mobility Component. The Board refused to issue disability certificate to the Petitioner as the same fell short of the guidelines fixed by the SPDPA. Though the Disability Certificate describing 10 % disability has been placed on record of the Court. The opinion furnished by the Medical Board reads as under:

*“In the light of captioned opinion, the Extent of Disability is measured 10 %, therefore she is not eligible for disability certificate because the minimum extent of disability should be above (40 %) in order to be eligible for certificate/ concession/ benefit as per criteria / guideline of Sindh Empowerment of Persons with Disabilities Protection Authority (SPDPA) established under section 28 of the Sindh Empowerment of Persons with Disabilities Act, 2018.”*

**8.** We, are surprised to learn that Petitioner was denied the disability certificate for the reasons that her disability ratio was measured as 10 percent. We have made a thorough search of the provisions of THE SINDH EMPOWERMENT OF ‘PERSONS WITH DISABILITES ACT’ 2018 SINDH ACT NO. XLVIII OF 2018, to know that disability could be measured according to its ratio. The Disability has been defined in section 2(h) of the SEPWD Act in the following manner:

*h) “Disabilities/Specified disabilities” means the disabilities specified in the schedule;*

**9.** The schedule to section 2(h) specified the disability as Physical Disabilities, Neuro-Developmental Disorders, which included impairments of the growth and development of the brain or central nervous system, that includes disorder of brain function that affects emotion, learning ability, self-control and memory and that unfolds

as an individual develops and grows, Disabilities caused due to chronic neurological conditions, such as: (i) "multiple sclerosis" and Parkinson's disease. Since the Petitioner was facing a disability in leg therefore her case was covered in the limb of definition of Physical Disabilities, and defined in the schedule as under:

- 1. Physical disabilities: A. Locomotor disabilities (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including:*
- a. "Due to Accidents/Trauma/Disaster" means people who suffered road accidents, went through a traumatic event or natural/ man-made disasters including earthquakes, floods, building collapse etc.;*
  - b. "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;*
  - c. "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterized by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;*
  - d. "Polio" related Physical Disabilities.*

**10.** Perusal of the referred provision of law (section 2(h) and schedule thereto), made it crystal clear that the case of the Petitioner fell within the definition of Locomotor Disability, which has been defined as the person's inability to execute distinctive activities associated with the movement of self and objects resulting from affliction of musculoskeletal or nervous system or both which might have been caused by the accident. Per Disability Certificate placed before us along with statement dated 02.03.2023, the disability of the petitioner has been categorized as Locomotor Disability. No where from the referred provisions of law it could be inferred that a person having a certain per centage of disability would be entitled or otherwise for the government service.

**11.** When confronted to the above position, Learned Additional Advocate General, asserted that under section 25 of the SEPWD Act, Government could frame rules fixing the criteria for issuance of disability certificate and registration of PWDs. We have

carefully examined Section 25 and from its bare reading, it inferred that the said provision of law empowered the Government to notify guidelines for the purpose of assessing the extent of specified disability in a person. The provisions of law did not in any manner provide that a person having a certain ratio or percentage of disability shall be disentitled for the Government Service. Section 25 reads as under:

*25. Certification of 'Persons with Disabilities' (1) The Government shall notify guidelines for the purpose of assessing the extent of specified disability/ies in a person. (2) The Government shall designate 'District Committees', in each district of Sindh, with persons, having requisite qualifications, experience and competency for assessing the extent of specified disabilities in individuals. The 'District Committees' will forward their assessment to the 'Authority', who shall be competent to issue the certificate of disabilities. (3) Any person with specified disabilities, may apply, in such manner as may be prescribed by the Government, to the 'Authority', for issuing of a certificate of disabilities. (4) On receipt of an application under sub-section 3, the Authority shall forward his/her application for assessment to the concerned 'District Committee' for assessment of the specified disabilities of the concerned person in accordance with relevant guidelines notified under sub section (1), and shall, after such assessment, as the case may be, forward its recommendation to the 'Authority' — (a) to issue a certificate of disabilities to such person, in such form as may be prescribed by the Government; (b) inform him/her in writing that s/he has no specified disabilities. (5) Any person aggrieved with decision of the 'Authority', may appeal against such decision, within such time and in such manner as may be prescribed by the Government, to such appellate authority as the Government may designate for the purpose. (6) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the Government.*

**12.** The Certificate issued by the DEPD in year 2009 was verified by the authority itself and Respondents did not controvert the verification letter issued by the SPDPA, by filing any counter affidavit, even there was no dispute with regard to the disability of the Petitioner. The Respondents were treating them a disable but distinguishing her, that she was not entitled for a job in terms of section 11 of the SEPWD Act. The stance of the Petitioner that she was a PWD stood unrebutted and established. Keeping in view, the

above legal and factual position, on the last date of hearing viz. 05.08.2025 this Court passed the following order:

*On query being asked by the Court, Mr Abdul Sami Bhanbhro, District Education Officer (Secondary) Khairpur admits that in all 6000 posts have been filled and appointments as per the disabled persons 5 % quota at least 300 jobs be given to the differently abled persons, however, he admits that case of the Petitioner was not considered, as she has not been declared completely disabled person by the concerned authority. Since there is no denial that the Petitioner is not only disabled and has been shown disabled from her leg as well as foot and, therefore, result announced by the Board concerned could not intercept her appointment merely on the ground that she could not qualify the complete disability criteria.*

*In our view, the reason extended by the Officers as well as Additional AG for non-appointing the Petitioner on disabled quota is not only dissatisfactory but also vague in nature, hence respondents by not appointing the Petitioner have deprived her from vested right in terms of the Act, 2018, when confronted the officer present seeks time for compliance. We, therefore, direct the head of the District Recruitment Committee to convene a meeting to consider the case of the Petitioner for appointment to the post of PST and submit such report before this Court on or before the next date of hearing.*

*To come up on 13.08.2025*

**13.** Pursuant to the order dated 05.08.2025 meeting of the District Recruitment Committee Khairpur was convened to consider the case of the petitioner for appointment to the post of PST, wherein the case of the petitioner was declined for the following reasons;

*“1. That Mst. Shabnam Begum had applied for the post of PST on her normal CNIC without LOGO under the General Category as per requirement of the advertisement and all entries were made by herself on the SIBA Portal and also her result was declared in the general category. It was brought to the Committee’s attention that the candidate had secured 34 marks in the written test of SIBA – 2021. However, the above 40 marks were declared pass candidates by the Government of Sindh as well as directions of Honorable High Court of Sindh Bench at Sukkur in CP No 249 of 2023. Subsequently she has produced a bogus disability certificate claiming eligibility under the disabled quota. However, the*

*certificate has been declared bogus by the Deputy Director DEPD District Khairpur vide letter No F.DD(RCPH)DEDP/KHP/1849 dated 29.04.2022 with detailed list.”*

**14.** The reasons which weighed the DRC for denying the right of the job to the Petitioner, baffled the wisdom of a prudent mind. The Respondents were playing hot and cold by taking divergent stances in the instant case. Firstly, they took stance that Petitioner suffered 10 % disability ratio, as such she was not eligible to seek appointment against PWD quota and now they have taken a different stance that the certificate of disability produced by the Petitioner was declared bogus by the DEPD Khairpur office. Examination of the record revealed that the initial certificate of disability in favor of Petitioner was issued by the Office of DEPD Sanghar. Petitioner in her application available at page No 29 of the memo of Petition addressed to Secretary Education had specifically mentioned that her disability certificate was issued from District Office Sanghar, instead the certificate would have been verified from concerned office, it was sent to District Office Khairpur. It was quite illogical to seek verification of the certificate from District Office Khairpur, wherefrom it was not issued. Petitioner has placed on record letter dated 05.08.2022 issued by Director (operations) SPDPA Karachi, wherein the disability certificate issued in favor of Petitioner was verified and found genuine. Respondents have not rebutted the verification letter in their comments filed by them. Thus, sufficient evidence was borne out from the record that Petitioner was PWD.

**15.** The second reason, assigned for refusal of appointment of petitioner, that minimum passing 40 marks for appointment of the teachers were fixed by the Government of Sindh. That the Learned Division Bench of this Court in CPD No 249 of 2023 restrained Education Department from issuing appointment orders to the candidates who secured less than 40 marks. The Education Department Government of Sindh fixed a threshold of 33 marks for appointment of candidates in hard areas and candidates falling under the definition of PWD vide notification dated 08.12.2021. The District Selection Committees dealing with the recruitment of teachers scrutinized the cases of the PWDs, issued appointment order to those candidates who were otherwise found fit to be appointed as teachers and had 33 marks in the recruitment test. The Government of Sindh revised its recruitment policy following the orders passed by this Court in CPD 297 of 2022 and 249 of 2023 wherein the School Education & Literacy Department was restrained from making appointments of candidates who secured less than 40 marks in Hard Areas. The Education Department through letter dated 22.01.2025 directed the

concerned Directors of the School Education Department to withdraw / cancel the appointment orders of all the candidates who had secured less than 40 marks. The appointment letters issued in favor of the PWDs were withdrawn accordingly. The matter came up before Learned Division Bench of this Court in “CP No D 511 of 2025 titled Meer Shahnawaz Versus the Province of Sindh and others”. The Learned Division Bench, of which one of us was member (Nisar Ahmed Bhanbhro J.) observed in para 12 of the order as under:

*“12. The blanket termination letter / impugned order referred to above lead to the termination of the Petitioner and many others because they did not obtain 40 marks in their examinations. However we find that the concerned department by terminating the petitioner through this blanket letter / impugned order misinterpreted the Court Order which was referred to therein and reproduced above and it did not apply to those persons who had been appointed on a disabled quota who only needed to score more than 33 marks in the examination and the petitioner scored 34 marks which qualified him through the disabled quota and as such he was wrongly terminated. His case did not fall within one of a hard area. The 40 mark requirement had no relevance to the petitioner who had been appointed on the disabled quota under section 11(12) of the Sindh Empowerment of “Persons with Disabilities” Act 2018 as referred to above.”*

**16.** This Court, in Meer Shanawaz Khoso case supra, upheld the recruitment policy 2021 framed by the Government of Sindh, and observed that the passing threshold of 33 marks for PWDs shall hold the field. Besides this, under the recruitment policy for PWD, the government departments were required to award 10 marks for physical and visual impairment, 15 marks for hearing impairment, 20 marks for intellectual disability as grace marks. The reason so advanced by DRC for not considering the Petitioner’s case for appointment having secured 34 marks thus did not survive.

**17.** Respondents, when knocked out for the flimsy reasons of denial of the job to the Petitioner, took a further new stance. Learned Additional Advocate General, stressed that the Government of Sindh had framed rules for appointment of PWDs, wherein the minimum criteria of 40 % disability ratio fixed for induction of PWDs in government Service. We are afraid, though no rules defining the ratio of disability were not placed for our perusal, but the provisions of SEPWD Act were clear and explicitly provided a quota



of 5 % in government and private service for PWDs. It is settled law that Rules were a subordinate legislation and cannot override, amend or curtail the scope of the statute itself. Under the provisions of the Act, it has not been mentioned that a person shall be inducted in government service subject to certain percentage of disability. Under the law disability has been defined as lack of ability to perform things in usual manner, which petitioner lacks to perform and equally falls within the definition and category of PWD.

**18.** The SEPWD Act 2018 was enacted to give effect to the United Nations Convention on the Rights of 'Persons with Disabilities' and for matters connected therewith or incidental thereto adopted by the United Nations General Assembly on the 13th day of December, 2006; and ratified by the Pakistan in year 2011. The convention laid down the principles for empowerment of 'Persons with Disabilities', respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; non-discrimination; full and effective participation and inclusion in society; respect for difference and acceptance of 'Persons with Disabilities' as part of human diversity and humanity; equality of opportunity; accessibility; equality between men and women; respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

**19** According to the United Nations, there are an estimated one billion people living with disabilities worldwide, facing many barriers to inclusion in many key aspects of society. In Pakistan, the situation of persons with disabilities is even more challenging, as they face multiple forms of discrimination, stigma, poverty, and exclusion. According to the Pakistan Bureau of Statistics, 31 million people are experiencing disabilities, while NADRA's records suggest that there are only 371,000 individuals with disabilities in Pakistan. According to the 2023 census, only 0.48 percent of the population had a disability in Pakistan, while the UNDP has estimated that nearly 6.2 percent of the Pakistanis have some form of disability. The Census data reveals that out of total PWDs 55.7 percent of disabled people are found in Punjab, followed by 28.4 percent in Sindh, 11.1 percent in KP, 4.5 percent in Balochistan, and 0.3 percent in Islamabad. In Pakistan, estimates of the number of persons living with disabilities vary between 3.3 million and 27 million.

**20.** The prevalence of people with any type of disability is estimated at 1.3 billion people worldwide, representing 16% of the world's population (or 1 in every six

people). Eighty percent of people with disabilities live in developing countries and the World Bank estimates that 20% of the world's poorest people suffer from some kind of disability. The rates are significantly higher among groups with low educational achievement than with a higher level of education. According to UNESCO, 90% of children with disabilities in developing countries do not attend school and Mortality rate of children with disabilities is very high. According to International Labour Organization (ILO) reports Persons with Disabilities share an estimated 386 million of the world's population who are in working-age. The unemployment among the PWDs is as high as 80 per cent in some countries. Often employers assume that PWDs are unable to work or underperform, therefore, create financial implications thus are discarded in job induction.

**21.** Financial independence is pivotal to resolve the problems faced by the PWDs. For the financial independence it is essential that PWDs should be either engaged through self-employment by financing them for business or by way of employment in public and private entities or organizations. It is equally important for all people; without financial independence and social inclusion the self-esteem cannot be achieved. Employment has the potential to improve a person's financial situation, open up opportunities for social contact, build new relations. Contrary to it, unemployment can cause not only poverty and social exclusion but also result in a lower sense of self-worth. The unemployment caused severe health issues like depression and anxiety. The unemployment situation for PWDs has resulted in aggravated health, social and economic issues. The situation with the women is still worst, on account of suffering from any disability, they lose normal life expectancy and get very little chance of engagement in society. They usually were discarded in marriage and hardly get married, if got employed get a reasonable chance of enjoying a right to have family, enshrined as principles of policy under the constitutional command of the Country.

**22.** Learned Addl. AG has placed on record the details of the appointments made in District Khairpur for the post of PST, out of 6003 appointees, only 115 persons have been appointed against PWD Quota. It has not been averred by the respondents that there is any other person in competition with the petitioner having secured more marks than the Petitioner on the contrary 135 seats under PWD Quota were lying vacant. The Respondents were under an obligation to consider the case of Petitioner

for appointment under PWD quota, but they failed, which amounted to denial of the rights guaranteed by the legislation, through SEPWD Act.

**23.** Learned Division Bench of this Court while dealing with the cases of PWDs observed that any appointment that excluded the appointment of PWDs shall not be accepted. Government of Sindh filed appeal against the judgment passed by this Court before Honorable Supreme Court. The Appeals filed by the government of Sindh were dismissed by Honorable Supreme Court of Pakistan in the case of *The PROVINCE OF SINDH through Chief Secretary, Government of Sindh, Karachi and others versus ABID ALI JATOI and others* reported as 2025 S C M R 1058 and it was held that:

*9. Obviously, the 2018 Act is beneficial legislation enacted for the empowerment of persons with disabilities, focused on a particular subject. Therefore, this law ought to be enforced and implemented in letter and spirit across the board without any bias and discrimination. Mere legislation is not sufficient, nor does it serve any purpose unless it is specifically enforced and administered. Implementing and enforcing laws in the right dimensions represent the unfeigned strategy through which government authorities put the laws into action for effective and meaningful compliance under their beneficiaries. The effectual and proficient implementation of the law is not only essential for maintaining order, but it also guarantees justice, evenhandedness, and equality in society with impartiality. Contemporaneously, the tool of judicial review is also a significant modus operandi that authorizes the courts to dwell on legislative competence, the constitutionality of law, and executive actions, to analyze whether the law aligns with constitutional mandates and whether its implementation is fair and just, without any arbitrariness or discrimination. This is necessary for safeguarding and upholding the rights of people as a key element in strengthening the rule of law.*

*10. After due deliberation, what we comprehend is that the learned High Court, in fact, recapped its earlier orders passed on 29.08.2024, 18.09.2024, 03.10.2024, 10.10.2024 and 17.10.2024, whereby the competent authority was directed to consider the cases of the respondents/ petitioners for appointment. In the same breath, it also cited the orders passed by this Court in C.P.L.As. Nos. 745-K to 750-K of 2022 and Civil Petitions Nos. 966-K to 971-K of 2022 for*

*appointments on the aforementioned quota. At the time of ensuring swift compliance and implementation of its own orders, the High Court austerey cautioned the Deputy Commissioners that any appointment made without the inclusion of the respondents/ petitioners, who are differently-abled persons, shall not be accepted and will be subject to legal scrutiny and action. The Additional Registrar was also called upon to ensure compliance in letter and spirit until the remaining respondents/ petitioners are accommodated. If truth to be told, we do not find any logical justification to cause any interference in the impugned judgment merely on the foothold of the alleged or purported objectionable portion highlighted by the learned Additional Advocate General, Sindh, which is nothing but an amplification in the broader context. The learned High Court directed that all such persons who have already applied for the jobs against vacant situations should have their applications considered at the outset rather than shelved or deferred under the garb or guise of fresh applications submitted for the same purposes by new entrants. Hence, Deputy Commissioners were cautioned that any appointment made without the inclusion of the respondents/ petitioners, who are differently-abled persons, shall not be accepted and will be subject to legal scrutiny and action. In our considered view, such observations of the High Court, seems to be quite logical and do not prejudice the interest of the petitioners (Government of Sindh) in any event but rather serve as a guideline to ensure finality and conclusiveness in the recruitment process of disabled or differently-abled persons in accordance with the law.*

**24.** In the case of SAJJAD ALI Versus VICE-CHANCELLOR through Registrar University of Malakand at Chakdara, Dir Lower and others 2020 P L C (C.S.) 235 Honorable Supreme Court of Pakistan observed as under:

*3. Respondent University, in light of the above provision and Khyber Pakhtunkhwa Disabled Persons (Employment and Rehabilitation) Rules, 1981, has worked out the total number of persons employed at the University to be 966 persons. Learned counsel for the University along with departmental representative submits that according to the total strength of the employees of the University, two percent quota for the disabled persons comes out to be 19 seats and the University is*

*willing to allocate the said quota for disabled persons. Learned counsel representing the University submitted that University is in the process of formulating a policy for the allocation of this quota for disabled persons and as soon as it is done the case of the petitioner will be considered in the light of the said policy.*

*4. We leave it to the University to evolve a policy for disabled persons and for the allocation of the 19 posts for disabled persons in the University. While formulating the policy, the University will ensure that although disabled persons will have a separate quota under the Ordinance, however, merit will not be compromised and same threshold qualification, standard and eligibility shall be maintained as in the case of regular appointment. It is in this context that the assessment of the Provincial Council regarding the nature of work a disabled person is fit to perform, becomes relevant and crucial.*

**25.** The legislation in its wisdom has wiped out the impression that persons with disabilities are a burden on the society. The legislation aimed at rehabilitation of PWDS to make them valuable and integral part of the society, who deserve respect, recognition, and rights. Any act on the part of the executive authority discriminating the PWDs would amount to nullify the provisions of SEPWD Act and an act militating Article 25 of the Constitution, which articulated that all citizens were equal before the law and were entitled to equal protection of the law, and there shall be no discrimination on the basis of sex, cast or creed. Article 25 not only shuns discrimination but also safeguards and guarantees equal opportunity among the persons within the same class or genre, without illogical distinctions or partialities. The Principles of Policy contained in Article 38 of the Constitution also obligated the State to ensure and secure the well-being of the people by raising their standards of living, ensuring an equitable adjustment of rights between employers and employees, and providing for all citizens, within the available resources of the country, facilities for work and adequate livelihood, while reducing income disparities among individuals.

**26.** The petitioner remained a shuttlecock before the respondents from year 2022 agitating her right to seeking job against PWDs quota, which was declined without any reasonable cause. The petitioner from her appearance did not appear a normal woman, she lamed in walked. Petitioner is a graduate and a fit person for teaching because a physically impaired person having no Neurological disorder would be best

suited for the profession of teaching. Furthermore, petitioner being a woman is expected to give motherly care to the taught. Persons suffering from Neurological disorder or suffering from serious physical disorder may not be suitable for teaching profession, but the person having a low degree of physical impairment, as is the case of the petitioner, can teach the children in a well manner. The threshold of the 40% disability criteria for appointment does not find support from the Statute and the rules framed under subordinate legislation cannot in any manner override the provisions of the main law.

**27.** For what has been discussed herein above, we are of the considered view that the DRC has failed to consider the case of the petitioner in its due mandate and acted beyond the bounds of the law, thus the decision of the Medical Board and DRC dated 09.08.2025 was illegal, perverse and offending the fundamental rights of the Petitioner, thus amenable to the judicial review of this Court in its powers conferred under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. The decision so rendered is declared null and void and stands set aside, Petitioner was a PWD and entitled for registration under SEPWD Act. Accordingly, this Petition is allowed, the DEPD Khairpur is directed to register the Petitioner as PWD and the head of the DRC is directed to convene a fresh meeting of the DRC, recommend the petitioner for appointment as PST. The petitioner shall be given the appointment order within a period of one month from the date of the order.

**28.** The Petition was allowed vide short order dated 13.08.2025 and aforementioned are the reasons for the same.

**29.** Office is directed to send the copy of this order to Chief Secretary Sindh, Secretary to Government of Sindh Education Department and District Education Officer Secondary / Chairman of DRC for compliance.

Judge

Judge

Approved for reporting

Sukkur

22.08.2025

ARBROHI/PS