

**IN THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Ali Baqar Najafi  
Mr. Justice Muhammad Karim Khan Agha

**F.C.P.L.A. No.16 of 2025**

*(Against the order dated 23.09.2025 of the Lahore High Court, Rawalpindi Bench,  
Rawalpindi in ICA No.53 of 2025)*

*Muhammad Farhan*

*... Petitioner*

Versus

*The Province of Punjab, through Inspector General of Police, Lahore & another*

*... Respondents*

For the Petitioner: Mr. Muhammad Rafique  
*(Special Attorney of the petitioner)*

For the Respondents: Mr. Khalid Masood Ghani, Asst. AG Punjab  
a/w Mr. Aiman Khan Niazi, DSP (Legal)

Date of Hearing: 13.01.2026

**ORDER**

**Muhammad Karim Khan Agha, J.-** Muhammad Farhan (“**petitioner**”), through the present petition for leave to appeal, calls into question the order dated 23.09.2025 (“**impugned order**”) passed by the Lahore High Court in an intra court appeal filed by the Province of Punjab and the District Police Officer, Attock (“**respondents**”). By the impugned order, the learned Division Bench accepted the respondents’ intra court appeal and set aside the order dated 02.07.2025 passed by the learned Single Judge in Chambers, whereby the writ petition filed by the petitioner was allowed and respondent No. 2 was directed to appoint him as a Constable in the Punjab Police.

2. The brief facts of the case are that, pursuant to an advertisement inviting applications for recruitment of Constables, Lady Constables, Driver Constables and Traffic Assistants in the Punjab Police, the petitioner applied for appointment as a Constable in District Attock **against open merit**. He was referred to the Medical Superintendent, Isfandyar Bokhari District Headquarters Hospital, Attock (“**DHQ Hospital, Attock**”), for medical and physical fitness examination. The Medical Superintendent, DHQ Hospital, Attock, placed the petitioner under observation and referred him to Holy Family Hospital, Rawalpindi for expert opinion of the Professor of Ophthalmology. The medical fitness certificate subsequently issued reported that the petitioner’s visual acuity in one eye was 6/6, while in the other eye it was CF @ 1M, which was below the prescribed criteria; accordingly, he was declared

medically unfit for appointment as a Constable. On this basis, the petitioner was denied appointment to the post for which he had applied.

3. Aggrieved, the petitioner filed a writ petition in the Lahore High Court seeking his appointment as a Constable in the Punjab Police. In the alternative, he sought recruitment or adjustment against any other suitable post in the Punjab Police. The writ petition was allowed by the learned Single Judge in Chambers vide order dated 02.07.2025, directing respondent No. 2 to appoint the petitioner as a Constable in the Punjab Police. However, the said order was set aside by the learned Division Bench in the intra court appeal through the impugned order. The petitioner was further directed to appear before respondent No. 2, who was required to afford him a hearing and pass a speaking order strictly in accordance with law, uninfluenced by any previous orders.

4. In compliance with the impugned order, the petitioner, along with his father, appeared before respondent No. 2 on 30.09.2025. After affording a hearing, respondent No. 2 passed an order dated 27.10.2025, declining the petitioner's claim on the ground that he had been declared medically unfit by the competent medical authorities for failure to meet the prescribed visual acuity standards. It was observed that under Rule 12.16 of the Punjab Police Rules 1934, read with Standing Order No. 06/2015, medical fitness is a mandatory precondition for recruitment, leaving no discretion to appoint a medically unfit candidate. The petitioner's reliance on the example of serving police officials performing office duties was also rejected as misconceived, as those officials were appointed after being declared medically fit and their present postings were administrative in nature, whereas the petitioner never fulfilled the essential requirement of medical fitness for the post for which he had applied. Thereafter, the petitioner filed the present petition on 14.11.2025.

5. The father and special attorney of the petitioner, Muhammad Rafique, has contended that the petitioner was wrongly denied appointment **despite having normal vision in one eye and being otherwise qualified**, and that the rejection is arbitrary and discriminatory. He has argued that similarly placed serving police officials with physical limitations are performing office duties, and therefore seeks appointment of the petitioner as a Constable or, in the alternative, his adjustment against any suitable post in the Punjab Police.

6. Conversely, Mr. Khalid Masood Ghani, learned Assistant Advocate General, Punjab, has submitted that the petitioner applied for appointment as a

Constable in the Punjab Police, **a field position which strictly requires medical and physical fitness in accordance with the prescribed standards.** He was declared medically unfit by competent medical authorities for failure to meet the mandatory visual acuity criteria, and under Rule 12.16 of the Punjab Police Rules, 1934, read with Standing Order No. 06/2015, no discretion is available to appoint a medically unfit candidate. It is further argued that the petitioner's reliance on serving police officials posted on desk or office duties is misconceived, as those officials were initially recruited after being declared medically fit and were later assigned administrative or office work due to service exigencies or subsequent physical limitations, a situation not comparable to the petitioner who never qualified the basic fitness requirement of the post, for which he had applied, at the threshold.

7. We have heard the arguments and perused the record.

8. The record reflects that, pursuant to an advertisement inviting applications for recruitment of Constables, Lady Constables, Driver Constables and Traffic Assistants in the Punjab Police, **the petitioner applied for appointment to the post of a Constable.** He was among one hundred and six candidates provisionally approved by the Recruitment Board for enlistment against vacant posts in District Attock. In furtherance thereof, all provisionally approved candidates were referred by respondent No. 2 to the Medical Superintendent, DHQ Hospital, Attock, for medical examination vide letter No. 2203/HC dated 20.06.2024.

9. As per report submitted by the Medical Superintendent, DHQ Hospital, Attock vide letter No. 1979 MS/IBD(H) Atk dated 01.07.2024, one candidate did not appear for medical examination, one hundred and two candidates were declared medically fit, **while three candidates, including the petitioner, were kept under observation and referred to Holy Family Hospital, Rawalpindi, for expert opinion by the Professor of Ophthalmology regarding their visual acuity.** Subsequently, vide letter No. 2110 MS/IBD(H) Atk dated 11.07.2024, it was confirmed that the said three candidates had been referred for a second expert opinion, as the Eye Specialist at the DHQ Hospital, Attock had declared them unfit for police service. Thereafter, vide letter No. 2176 MS/IBD(H) Atk dated 15.07.2024, the Medical Superintendent, DHQ Hospital, Attock informed that out of the three candidates referred, only one was declared medically fit by the Head of the Department of Ophthalmology, Holy Family Hospital, Rawalpindi, **whereas the remaining two, including the petitioner, were declared unfit. Consequently,**

**medical fitness certificate No. 0219821 was issued, declaring the petitioner medically unfit for appointment as a Constable in the Punjab Police.**

10. It goes without saying that an aspirant for public employment is required to fulfill all prescribed eligibility conditions and qualifications, one of which is medical fitness. This requirement assumes greater significance in the case of recruitment to a law enforcement agency like the police, where the nature of duties demands a high standard of physical and medical fitness where often the police officer is armed with semi-automatic weapons and other firearms which he may have to resort to whilst fighting crime and protecting the public and its property from injury and/ or damage.

11. The relevant provisions of the Punjab Police Rules, 1934, reflect that medical fitness is an essential and mandatory qualification for enrolment in the police force as per Rule 12.16 which is set out below for ease of reference;

**12.16 Recruits – Medical Examination of** - (1) Every recruit shall before enrolment, be medically examined and certified physically fit for service by the Civil Surgeon. A certificate, in the prescribed form (10.64) signed by the Civil Surgeon personally, is an essential qualification for enrolment – (vide Fundamental Rule 10).

The examination by the Civil Surgeon will be conducted in accordance with the instructions issued by the medical department and **will test the eyesight**, speech and hearing of the candidate, his freedom from physical defects, organic or contagious disease, or any other defect or tendency likely to render him unfit, and his age. The candidate must strip for examination, a loin covering being allowed except when the examination is being completed, and any candidate who refused to do so must be rejected. **The conditions of police service make it necessary that the medical examination of candidates should be strict.** Candidates shall be rejected for any disease or defect which is likely to render them unfit for the full duties of a police officer.

(2) Superintendents are themselves responsible for rejecting candidates whose general standard of physique and intelligence is unsatisfactory; only those candidates should be sent for medical examination whom the Superintendent has accepted as being up to the required standards in these respects. (See Appendix 12.16).

12. The aforesaid rule expressly provides that no recruit shall be enrolled unless he is medically examined and certified physically fit, and further mandates that, having regard to the conditions of police service, the medical examination of candidates must be strict, with rejection required for any disease or defect likely to render a candidate unfit for full police duties.

13. Appendix 12.16 is also set out below for ease of reference in so far as it relates to eye sight which is the issue in this petition;

**APPENDIX No. 12.16. Points to be observed by Medical Officers in examining Police recruits.** - *Medical Officers will satisfy themselves regarding each candidate on the following points in the order given. If a disqualifying defect is noticed, the recruit register (form No. 12.13) will be completed and the recruit rejected without further examination:*

*(a) that the vision is up to the following standard:*

*The recruit must be able to read the Test Dot Card at a distance of ten feet with out any mistake, with each eye without spectacles. Failure to do this renders him unfit. Each eye must have a full field of vision as tested by hand movements. Squint or any other morbid condition of the eyes or eye- lids liable to the risk of aggravation or recurrence will render him unfit.*

*For those who can read English the test should be the Snellen's type and the standard –*

*Right eye....  $V = 6/6$  JI } without glasses*

*Left eye ... .  $V = 6/6$  JI }*

*For illiterates the split ring test as used in the North-Western Railway should be employed. This corresponds to the Snellen's type.*

Note. - In examining the recruit by means of the "Test Dot Card" the following directions should be observed:

(i) Place the recruit with his back to the light and hold the test card perfectly upright in front of him at a measured distance of exactly 10 feet. The light should fall fully on the card.

(ii) Examine each eye separately. The eye not under trial should be shaded by the hand of an Assistant, who will take care not to press on the eye ball.

(iii) Expose some of the "dots", not more than 5 or 6 at a time, and desire the recruit to name their number and positions, vary the group frequently to provide against deception.

(iv) The "Test Dot Card" must be kept perfectly clean.

14. Appendix 12.16 which specifically governs medical examination by medical officers, prescribes stringent eyesight standards, requiring that each eye independently meet the prescribed visual acuity, including the ability to read the Test Dot Card at the stipulated distance, and categorically declares failure to meet this standard as rendering the candidate unfit. These provisions admit of no discretion and clearly demonstrate that a candidate who does not satisfy the prescribed visual standards cannot be considered eligible for appointment as a Constable under the Police Rules.

15. In the present case, the petitioner was duly subjected to medical and physical fitness examination, initially at the DHQ Hospital, Attock, and thereafter by the Professor of Ophthalmology at Holy Family Hospital, Rawalpindi. The competent medical authorities, upon expert examination, found as under;

*"His visual acuity in one eye is 6/6 and other eye is CF @ 1M which is less than the set criteria by the department therefore he is unfit for job in Punjab Police department as Constable."*

16. **The petitioner was declared medically unfit on account of his failure to meet the prescribed visual acuity standards. Consequently, the**

**petitioner did not qualify the mandatory medical fitness criteria laid down under the relevant rules, rendering him ineligible for appointment as a Constable.**

17. There is however another aspect to this case which concerns whether the petitioner could be employed by the Punjab Police Service under a disability quota as it appears that the main obstacle in the petitioners way to employment in the Punjab Police is his impaired vision as mentioned above in the opinion of the medical expert.

18. Like society itself life is not static and we must move with the times and be alert to protect those persons who suffer from disabilities in all aspects of their life especially in the work place and ensure that they do not suffer discrimination. To this extent Pakistan has attempted to move with the times so as far back as 1981 **the Punjab Disabled Persons (Employment and Rehabilitation) Ordinance** was promulgated which gave protection to disabled persons especially in terms of job quotas. Later this Ordinance was repealed and replaced with the Punjab Empowerment of Persons with Disabilities Act 2022 (**Act of 2022**) which more elaborately emphasized/protected the rights of persons suffering with disabilities recognized under the Act of 2022 in society in general and including at the work place by for example barring discrimination against persons with disabilities and inclusiveness at the work place by providing job quota's to persons suffering from disabilities recognized under the Act of 2022 provided that the applicable procedure was followed under the Act of 2022. The Act of 2022 was inconsonance with the United Nations Convention on the Rights of Persons with Disabilities 2006 which was ratified by Pakistan in 2011 and laid down the following principles for empowerment of Persons with Disabilities as under;

- (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choice, and independence of persons;
- (b) non-discrimination;
- (c) full and effective participation and inclusion in society;
- (d) respect for difference and acceptance of 'Persons with Disabilities' as part of human diversity and humanity;
- (e) equality of opportunity;
- (f) accessibility;
- (g) equality between men and women;
- (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

19. Such Principles are reflected in the Act of 2022. Undoubtedly, the Act of 2022 was a step in the right direction, of which many further steps need to be taken to support and enhance the rights of the less empowered in society such as women, minorities and the poorest segments of society in all aspects of human life such as health and education to ensure their rights to life under Article 9 of the Constitution, in an Islamic welfare state which is obliged, even under Articles 4 and 25 of the

Constitution, to treat all individuals equally and without any discrimination and in accordance with law.

20. Thus, it can be seen that the Government is moving with the times and passing legislation which is more responsive to the needs of its citizens and complies with the commands of the Constitution as and when such need arises. The courts must also play their role in implementing such beneficial legislation.

21. Admittedly, the petitioner did **not** apply under any disabled quota but on merit and we find the argument that the advertisement did not provide for disabled quota frivolous as the Act of 2022 is an in built part of all job advertisements to which Act of 2022 applies.

22. The Punjab Police Service to its credit has in its Standing Order No.05 of 2017 titled as Recruitment of Naib Qasids/Followers/Class-IV Staff in Punjab Police Department enabled quotas for women, minorities and the disabled and as such seems to be following Act of 2022.

23. That although under Article 189 of the Constitution Supreme Court authorities are not binding on this court we find that this Court may consider them to be of persuasive value or obiter dicta which it may or may not chose to follow.

24. In terms of disability quota this Court cites with approval the Supreme Court case of **Peerzada Waqar Alam vs. National Accountability Bureau (NAB) through Chairman, Islamabad and others** (2023 SCMR 742), where the idea of any establishment/organization including NAB not having a specific job quota for disabled persons in the face of the legislation for disabled persons as referred to earlier in this judgment was repelled in the following terms;

*“5. While initially NAB withdrew the offer of appointment of the petitioner on the ground that the petitioner was not medically fit but while dismissing the departmental appeal of the petitioner, the ground urged by NAB was that there was no disability quota against the post of Assistant Director in NAB. Under section 10 of the Disabled Persons' (Employment and Rehabilitation) Ordinance, 1981<sup>2</sup> establishments (including NAB) are to employ persons with disabilities "not less than 3% of the total number" of persons employed at any time by the said establishment. Learned Counsel for NAB referred to an opinion sought from the Establishment Division of the Federal Government which states that the disability quota shall be for posts BS-15 and below. **The said letter clearly offends the provisions of the Ordinance. There is no limitation or distinction of grade in allocating 3% quota for persons with disabilities in any organization. The 3% quota for persons with disability applies across the board in an organization, covering all tiers of posts in an organization and goes upto to the highest post including that of the Chairman, NAB.**”(bold added)*

25. The petitioner in this case has partial vision however a blind man was appointed a Judge by the Lahore High Court Committee after the following order was passed by the Supreme Court in the case **Regarding Reconsideration of Yousaf Saleem a Blind candidate as appointment as a civil judge** in case No.SMC 15/2018 dated 25.06.2018 (unreported) in the following terms which case we cite with approval;

*The attached article titled "Blind Man's dream to be judge gone dark" by Umar Cheema, published in "The News" dated 22.4.2018, and the programme "Zara Hat Kay" televised on Dawn News on 23.4.2018, highlight that one Yousaf Saleem, who is a gold-medalist from the University of the Punjab in LLB (Honors) Programme in the year 2014 and who topped the written examination of the Civil Judges conducted by the Lahore High Court in the year 2017 amongst 6500 candidates, was not selected in the interview on the ground that he had a different ability i.e. "blindness".*

*2. A person can hold the post of a judge even if he is blind, provided he meets all the other qualifications. It appears that in this case his fundamental rights under Articles 9, 14 and 25 of the Constitution, the provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), ratified by Pakistan in the year 2011, the 3% quota under the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, and the jurisprudence developed by the Lahore High Court in PLD 2017 Lahore 406 and PLD 2017 Lahore 1 were not considered by the Lahore High Court.*

*3. Therefore, the matter is referred to the Hon'ble Chief Justice. Lahore High Court and the relevant committee of the High Court for reconsideration of the named candidate and to give a speaking opinion." (bold added)*

26. We are also fortified in our view by a Judgment dated 27.10.2021 of the Lahore High Court in Intra Court Appeal 179 of 2020 in the case of **Government of Punjab V Muhammed Kamram Jamil** (unreported) which held as under with regard to a the appointment of a blind man as a school teacher which we also find to be of persuasive value;

*"6. The world is in search and hunting for best of the best environment and opportunities for the persons with disabilities whereas, still it is said that the eligibility for such persons in the area of teaching are those, who can read, speak, write and can also use blackboard. **We feel pain, when an exception is taken that the blind, deaf and dumb candidates cannot enter in the race, because of a different ability, for which they are not at fault, but it's a God Package with which they have to live till the time they take their last breath or they regain their ability to see, hear and speak. The State functionaries are responsible to allow them to compete with those who are blessed with all abilities, otherwise the talent in the world was not supposed to be at the positions and with the distinctions earned by the persons with disabilities.***

*12. A State cannot deviate from its fundamental duty to do at every level what it can, for the grooming and promoting the persons with disabilities so as to dislodge the impression from their minds that they are oppressed and neglected not only by the State but by the Society also. The apex Court in Malik Ubaidullah's case dealing the question of rights of persons with*

disabilities under the heading “**Medical and Social model**” was pleased to observe as under: -

*“One of the major difficulties faced by the persons with disabilities is that employers have the erroneous assumption that these people will probably underperform in most areas of their duties – something which is actually not the case. Another plausible issue is that when the majority of work places are not made accessible to people with disabilities, employers may feel that they will have to make an unwarranted investment to provide facilities for people with disabilities and some do not believe in the employment potential of such people”*

13. The Honourable Supreme Court under the heading “**Rights based approach towards disability**” was further pleased to observe as under: -

*“The human rights model or rights-based model embodies the values of principles of dignity, respect, equality and social justice to the disabled. The UN Convention of the rights of persons with disabilities of 2006 (“CRPD” or “Convention”) created a binding framework for the rights-based model of the disability law. **Disabled persons by virtue of being a human have the right to enjoy life, liberty, equality, security and dignity**”*

14. Under the heading “**DISABILITY AND OUR CONSTITUTION**” the apex Court was further pleased to observe as under: -

*“Our Constitution, as a whole, does not distinguish between a person with or without disabilities. It recognizes inherent dignity of a human being; equal and inalienable rights of all the people as the foundation of freedom, justice and peace. Every person is entitled to all the rights and freedoms set forth therein, without distinction of any kind. It, therefore, applies equally to persons with disabilities, guaranteeing them full enjoyment of their fundamental rights without discrimination. The triangular construct of the right to life, dignity and equality under the Constitution provides a robust platform for mainstreaming persons with disabilities. The purpose of the Constitutional rights to human dignity is to realize the Constitutional value of the human dignity; to realize a person’s humanity; his free will; the freedom to shape his life and fulfill himself. It is a person’s freedom to write his life story. Such vibrancy and vitality is the hallmark of a living Constitution in the democracy”*

27. As noted above the petitioner did **not** apply for the job of constable under a disability quota. This is presumably because when he applied to the Government of Punjab , Social Welfare and Bait-ul-Maal Department for a disability Certificate, which is a pre condition for being able to form a part of a disability quota for job purposes, the Assessment Board for the Persons with Disabilities, District Attock found him **not to be disabled** in terms of his vision despite blind persons and persons **with low vision** qualifying as being disabled under the concerned schedule of the Act of 2022 **and found him fit for work**. In addition an earlier medical certificate from Holy Family Hospital, Rawalpindi dated 31.07.2024 opined as under:

*“To whom it may concern*

*As per expert opinion by Professor of Ophthalmology, Muhammad Farhan s/o Muhammad Rafique has been examined. His vision acuity is 6/6 in Right eye, C.F @ 1m in Left eye, **with this current visual status, he is fit for office work/light work as constable only in Punjab Police Department.***”

28. On the other hand however the medical authority appointed by the police as mentioned earlier in this order found the petitioner unfit for work due to his vision issues.

29. As such it appears that the petitioner has been caught between a rock and a hard place as on the one hand he is not certified as disabled by the concerned Board under the Act of 2022 and is found fit for work whilst as per police standards of medical examination he is found unfit for work as a police Constable.

30. It is to be noted that the Police Rules were made in 1934 **which is almost 90 years ago and since then great advancements have been made in medical science through the use of new technology in terms of treatment of vision** which may necessitate an amendment to the police medical rules in so far as vision is concerned and we would request the Punjab Home Minister and IGP Punjab to re-examine this issue and also consider a relaxation in the rules in the case of the petitioner if such relaxation is permissible under the law whereby the petitioner can be appointed in a job usually reserved for the disabled quota, for example, desk/office work provided that he meets all the other necessary requirements.

31. The IGP is also directed to carry out a fresh medical examination from another independent hospital for a further opinion on the sight of the petitioner to see if he meets all medical requirements in terms of his vision to enable him to be employed as a police constable or any other position within the Punjab Police Service. We also direct the Government of Punjab, Social Welfare and Bait-ul-Maal Department, Assessment Board for Persons with Disabilities, District Attock to reassess whether the petitioner has a disability in terms of vision especially low vision as mentioned in the schedule of the Act of 22.

32. **Notwithstanding the above at this point in time** it appears that under the Police Rules 1934 the petitioner cannot be appointed as a Constable in the Punjab Police Service as he has failed his medical test in terms of not meeting the required threshold for vision and has not been issued a disability certificate and as such we would constraint ourselves from interfering with the recruitment policies of the Government of Punjab Police which is a disciplined force and should examine such

issue itself and as such the petition is dismissed subject to the observations mention earlier in this Order.

33. A copy of this Order shall be sent to Home Secretary Government of Punjab, IGP Punjab and Social Welfare and Bait-ul-Maal Department, Assessment Board for Persons with Disabilities, District Attock for information and compliance.

34. In view of the above, we do not take any exception to the impugned order of the High Court. Consequently, leave is refused and the petition is dismissed.

Judge

Judge

**Islamabad:**

13.01.2026

*(Muhammad Ahmad)*

APPROVED FOR REPORTING