

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)
WRIT PETITION NO. 2334 of 2018
IN THE MATTER OF

An application under Article 102 of the
Constitution of the People's Republic of
Bangladesh

AND
IN THE MATTER OF:
Meherun Nesa and others

.....Petitioners

Versus

Government of the People's Republic of
Bangladesh and others.

.....Respondents

Mr. A.K.M. Jaglul Haider Afric, Senior Advocate

.....For the petitioners

Mr. Md. Mohib Ullah (Maruf), DAG with

Ms. Mowsumi Akhter, AAG with

Ms. Nargis Parveen (Alija), AAG

..... For the respondents

Heard on 1.12.2025

Judgment delivered on 04.08.2026

Present:

Mr Justice Md. Shohrowardi

And

Mr Justice Md. Sagir Hossain

Md. Shohrowardi, J:

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh Rule Nisi was issued calling upon respondents to show cause as to why the inaction of the respondents to take necessary steps for paying the arrear salary to the petitioners should not be declared to be illegal, mala fide and without lawful authority and why the respondents should not be directed to pay the arrear salary to the petitioners and/or pass such other or further order or orders as to this Court may seem fit and proper.

The relevant fact for disposal of the rule is that the petitioner Nos. 1 to 4 are Assistant Teachers of Patgudam Girls High School,

Mymensingh, Petitioner No. 5 is the Sports Teacher of the said school, petitioner No. 6 is the Office Assistant and petitioner No. 7 is the Peon of the Patgudam Girls High School, Mymensingh. After appointment, the names of the petitioners were included in the Monthly Payment Order (MPO), and they have been drawing their government portion of salary, but due to a dispute between the Managing Committee of the school and the Headmaster-in-Charge of the school, the salary sheets of the teachers and the staff of the school were not sent to the Office of D.G, Directorate of Secondary and Higher Secondary Education, Dhaka although the government has been sending their government portion of the salary to the concerned bank. The salary of the petitioner Nos. 1 to 3 and 6 to 7 from April, 2014 to December, 2015, the salary of the petitioner No. 4 from February, 2013 to July 2013 and April, 2014 to July 2014, and the salary of the petitioner No. 5 for May, 2013 were not paid, due to the dispute between the Managing Committee and the Headmaster-in-Charge of the said school. The petitioners, along with 5 other teachers, filed an application on 18.10.2017 to the Director General, Directorate of Secondary and Higher Secondary Education, Dhaka for payment of their arrear salary, but no step was taken by the respondents. In the meantime, 5(five) teachers, including the Headmaster-in-Charge, Sangkor Chandra Devnath, of the said school, filed Writ Petition No. 3304 of 2014 and, after hearing the Rule, the High Court Division, by judgment and order dated 19.11.2017, made the Rule absolute, directing the respondents to pay the arrear salary and regular salary of said petitioners. By filing a supplementary affidavit, it has been asserted that in the meantime, the petitioner Nos. 1 to 3 and 5 have already retired from service due to attaining the age of superannuation and the petitioner Nos. 4, 6 and 7 are serving.

No affidavit-in-opposition has been filed by the respondents.

The learned Senior Advocate Mr. A.K.M. Jaglul Haider Afric, appearing on behalf of the petitioners, submits that due to a dispute between the Managing Committee and the Headmaster-in-Charge of the school, the government portion of the salary of the petitioners, along with others, was not sent to the Office of the Director General, Directorate of Secondary and Higher Secondary Education, Dhaka, although the government portion of the salary of the petitioners (MPO) was sent to the bank for disbursement to the petitioners. He further submits that in the meantime, other teachers and employees of Patgudam Girls High School, Mymensingh, including the petitioners and the Headmaster-in-Charge, Sangkor Chandra Devnath, filed an application to the concerned authority for payment of their arrear salary, and said Headmaster-in-Charge, along with other teachers, filed Writ Petition No. 3304 of 2014, and the High Court Division made the Rule absolute, directing the respondents to pay their arrear salary. He also submits that, in compliance with the judgment and order passed by the High Court Division in Writ Petition No. 3304 of 2014, the respondents paid the arrear salary of said writ petitioners and the petitioners stand on the same footing. He prayed for making the Rule absolute.

We have considered the submission of the learned Senior Advocate Mr. A.K.M. Jaglul Haider Afric, who appeared on behalf of the petitioners, and have perused the writ petition and the records.

No one opposes the Rule.

On perusal of the writ petition, it reveals that the petitioner Nos. 1 to 4 are Assistant Teachers of Patgudam Girls High School, Mymensingh; Petitioner No. 5 is the Sports Teacher of the said School; Petitioner No. 6 is the Office Assistant and Petitioner No. 7 is the Peon of the Patgudam Girls High School, Mymensingh.

On perusal of Annexure-A to the writ petition, it appears that the salary of the petitioner Nos. 1 to 3 and 6 to 7 from April, 2014 to December, 2015 amounting to Tk. 3,41,855, Tk. 3,41,855, Tk. 1,72,048, Tk. 1,72,822 and Tk. 1,56,865 respectively, the salary of the petitioner No. 4 from February, 2013 to July 2013 and April, 2014 to July 2014 amounting to Tk. 94,448.75 and the salary of the petitioner No. 5 for May, 2013, amounting to Tk. 3,218 were not paid. By filing a supplementary affidavit, it has been asserted that in the meantime, the petitioner Nos. 1 to 3 and 5 have already retired from service due to attaining the age of superannuation, and the petitioner Nos. 4, 6 and 7 are serving.

On perusal of the records reveals that due to the dispute between the Managing Committee and the Headmaster-in-Charge of the Patgudam Girls High School, Mymensingh, the salary sheets of the petitioners was not sent to the DG, Directorate of Secondary and Higher Secondary Education, Dhaka, and the petitioners along with 5 other teachers filed an application on 18.10.2017 to the Director General, Directorate of Secondary and Higher Secondary Education for payment of their arrear salary, but no step was taken by the respondents. In the meantime, 5(five) teachers, including the Headmaster-in-Charge, Sangkor Chandra Devnath, of the Patgudam Girls High School, Mymensingh, filed Writ Petition No. 3304 of 2014 and, after hearing the Rule, the High Court Division, by judgment and order dated 19.11.2017, made the Rule absolute, directing the respondents to pay their arrear salary and regular salary. Although the arrear salary of the government portion of the other teachers of Patgudam Girls High School was paid in compliance with the judgment and order dated 19.11.2017 passed in Writ Petition No. 3304 of 2014, the arrear salary of the petitioners has not been paid till date. It appears that the petitioners stand on the same footing along with the petitioners of Writ Petition No. 3304 of 2014. Therefore, the

petitioners are equally entitled to get their government portion of arrear salary as evident from Annexure-B1.

We find merit in the Rule.

In the result, the Rule is made absolute.

The respondents are directed to pay the arrear salary of the petitioners within 01(one) month from the date of receipt of this judgment and order.

However, there will be no order as to costs.

Md. Sagir Hossain, J.

I agree.