

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)  
**Contempt Petition No. 506 of 2021.**

In the matter of:

An application under article 108 of the  
Constitution of the People's Republic of  
Bangladesh.

-And-

**In the matter of:**

Md. Abul Kader and others

..... Petitioners.

-Versus-

K. M Ali Azam, Secretary Ministry of  
Public Administration and others.

. . Respondents.

Mr. Md. Anowarul Islam for

Mr. Md. Mesbahul Islam Asif, Advocate

. . . For the petitioners.

Mr. Md. Saiful Islam, Advocate

. . . For the Contemnor-respondents.

Present:

Mr. Justice J. B. M. Hassan

and

Mr. Justice Razik Al Jalil.

Heard and Judgment on 01.07.2024.

***J. B. M. Hassan, J.***

The petitioners obtained the Rule in the following terms:

“Let a Rule be issued calling upon the contemnor-respondents to show cause as to why a proceeding of the Contempt of Court should not be drawn up against them for willful, disregard and violation of the judgment and order dated 04.06.2014 passed by the High Court Division in Writ Petition Nos. 7162 of 2009, 9956 of 2011 & 9957 of 2011 and why they should not be punished in accordance with law and/or pass such other or further order or orders as to this Court may seem fit and proper.”

Relevant facts leading to issuance of the Rule are that the petitioners got employment under a project, namely, the Public Administration Efficiency Development Project, BPATC 3<sup>rd</sup> Phase under the Bangladesh Public Administration Training Center (BPATC) on different dates in the year 2001-2005

as MLSS. After conclusion of the project, they applied for regularization of their service but having no response the petitioners filed 03(three) writ petitions along with other employees being writ petitions No. 7162 of 2009, 9956 of 2011 and 9957 of 2011. Eventually the aforesaid Rules Nisi were heard and disposed of with direction by a common judgment and order dated 04.06.2014. Alleging non-compliance of the said judgment and order, the petitioners filed this contempt petition and obtained the present Rule.

The contemnor respondent No.2 has filed an affidavit contending that the judgment has already been complied with and so the contemnor respondents did not violate any direction of the judgment.

Mr. Md. Anowarul Islam for Mr. Md. Mesbahul Islam Asif, learned Advocate for the petitioners submits that although the High Court Division directed to give preference to the petitioners in the employment to be recruited by the subsequent advertisement, but the respondents did not follow the said direction and thereby committed willful violation of the judgment.

On the other hand, Mr. Md. Saiful Islam, learned Advocate for the respondent No.2 has drawn our attention to certain annexures to the affidavit in opposition, in particular, the admit cards and the attendance sheet of the examines -petitioners. He contends that in compliance to the Court's direction the petitioners were allowed to participate in the recruitment process by the subsequent advertisement in terms of the Court's order inspite of the fact that they did not have the required age and academic qualification. But in the recruitment process they could not qualify themselves. He further submits that there were other writ petitioners who attended the recruitment process and being qualified, got appointment under the BPATC.

We have gone through the judgment and order analogously passed in writ petitions No. 7162 of 2009, 9956 of 2011 and 9957 of 2011 relevant portions of which run as follows:

“ Accordingly, we direct the respondents to give preference to applications of all these writ petitioners whenever the respondents advertise for recruitment against the posts of these petitioners by relaxing the age limit, and by showing leniency regarding academic qualifications and quotas under different heads.”

From the affidavit in opposition filed by the respondent No.2, it appears that the petitioners participated in the recruitment process as per judgment of the writ petitions.

In the circumstances, we do not find any non-compliance of the judgment and order passed in the aforementioned writ petitions.

Thus, the Rule fails.

Hence, the Rule is discharged without any order as to costs. The contemnor-respondents are hereby exonerated from the proceedings. The interim order is hereby recalled and vacated.

Communicate a copy of this judgment and order to the respondents at once.

**Razik Al Jalil, J**

I agree.