

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)**

WRIT PETITION NO. 10358 OF 2020

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Dharmapur Girls' High School attached Non-
Government Primary School, of Police Station-
Gobindaganj, District- Gaibandha, represented by the
Headmistress Mosa. Rozina Begum, wife of Md.
Mahbub ul Alam, of Dharmapur, Police Station-
Gobindaganj, District-Gaibandha

.....Petitioner

-VERSUS-

Bangladesh, represented by the Secretary, Ministry
of Education and others

..... Respondents

Mr. Khondaker Shamsul Hoque Reza, Advocate

..... For the Petitioner

None appears

.....For the Respondents

Present:

Mr. Justice Sashanka Shekhar Sarkar

And

Justice Urmee Rahman

Heard on 23.07.2026
Judgment on 29.07.2026

Urmee Rahman, J:

In the instant matter a Rule Nisi was issued on an application under Article 102 of the Constitution of the People's Republic of Bangladesh in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the inaction of the respondents to separate Dharmapur Non-Government Primary School from Dharmapur Girls' High School situated at Uttar Dharmapur, Police Station-Gobindaganj, District-Gaibandha and nationalize the same shall not be declared to have been done without lawful authority and is of no legal effect and also why the respondents shall not be directed to separate Dharmapur Non-Government Primary School from Dharmapur Girls' High School situated at Uttar Dharmapur, Police Station-Gobindaganj District-Gaibandha and nationalize the same and/or to pass such other or further order or orders as to this Court may seem fit and proper.”

Necessary facts for disposal of the instant Rule, in short, are that, in Dharmapur Primary School was established in the year 1969 and this school was granted provisional recognition as Girls' Junior High School on 01.01.1973. Subsequently the Junior Girls' High School was elevated as High School on 01.01.1992 and was renamed as Dharmapur Girls' High School. The original primary school remained as attached Non-Government Primary School of the said Girls' High School.

The primary school section is situated on 34 (thirty four) decimals of land which has been transferred in the name of the school by way of a registered deed no. 1027 dated 25.02.1968 at the time of its establishment. On the other hand, the Girls' High School is situated on its own land,

which has been transferred in its favour by way of registered deed no. 716 dated 01.03.1993 and deed no. 12481 dated 17.04.2001. The primary school section and the high school section are being managed by separate Managing Committees and the primary school section has been functioning in the name of 'Dharmapur Girls' High School attached Non-Government Primary School'. The primary school section is staffed by 5(Five) teachers including the Headmistress and the staffs are qualified and adequate in number. This primary school has 230 (two hundred thirty) students on the roll and every year a good number of students appear at the Primary Education Completion Examination and come out successfully. The standard of discipline is quite satisfactory and the school has sufficient sanitary arrangement. It has a 11 (Eleven) member Managing Committee and all the members have been performing their in functions properly.

The respondent No. 7 made an inspection over the aforesaid school and submitted a report being স্মারক নং-৩৭.০২.৩২৩০.০০০.০৩.০০১.১৯-১৩৫ তারিখ ২২/০৪/২০১৯ খ্রিঃ, stating that there has been a necessity to separate the primary school from the high school and nationalize the same in view of the population of the adjoining areas of the school. This school has been included in the “উপবৃত্তি প্রকল্প” for primary education by the order dated 27.03.2014. It has all the requisite qualifications to be separated and nationalized as an independent primary school.

The petitioner made an application on 12.05.2019 before the respondent No. 2 and also submitted an application before the respondent

no. 4 on 19.03.2018 praying for separation of the Primary School from the Girls' High School as well as for nationalization of the same. The authority concerned did not take any action in this regard. On 06.12.2020 the petitioner served a Notice Demanding Justice upon the respondents through the learned Advocate but no response has been made thereto till date.

Being aggrieved thereby and there having no other alternative and equally efficacious remedy available, the petitioner has filed the instant writ petition and obtained the present Rule.

Learned Advocate Mr. Khondaker Shamsul Hoque Reza, appearing on behalf of the petitioner submits that, the primary school section has all the requisite qualifications to be separated and recognized as an independent Primary School but the respondents are not taking any action in this regards. Therefore, a direction should be given upon the respondents to that effect.

By referring to Annexure-C to the writ petition learned Advocate submits that, upon inspection the Upazilla Secondary Education Officer, Gobindaganj, Gaibandha submitted a report on 22.04.2019 acknowledging the necessity of nationalization of the petitioner School which has all the requisite qualifications to be nationalized and therefore recommended the concerned authorities to take steps accordingly but no steps have been taken by the authority as yet. Hence the Rule is liable to be made absolute with direction upon the respondents to take necessary

action to separate the primary school section as an independent Primary school.

No one appears to contest the Rule.

We have heard the learned Advocate for the petitioner and perused the writ petition and the documents annexed therewith.

Admittedly the primary school section is currently functioning under the name of Girls' High School without an independent status although practically it is separated from the Girls' High school in all aspect. On perusal of Annexure-C we find that, on 22.04.2019 the Upazilla Secondary Education Officer on an inspection at the petitioner school submitted a report acknowledging the necessity of this school to function as an independent primary school and made recommendation for its nationalization since the school holds all the requisites qualifications for this purpose.

From the documents on record we also find that the Government has considered this school as a Primary School by bringing it under the primary school scholarship project etc. but since this school is not separated from the Girls' High School as an independent primary school, Government is not nationalizing it.

In view of the facts and circumstances we are therefore inclined to dispose of this Rule with the following direction upon the respondents:

The concerned respondents are hereby directed to take necessary action to separate the Primary School from the Dharmapur Girls' High

School so that it can be considered for nationalization subject to fulfilment of the required qualifications by the authority in this regard in accordance with law within 60 (sixty) days from receipt of this order.

With the aforesaid direction the Rule is disposed of.

However, there is no order as to costs.

Let a copy of this judgment and order be communicated to the concerned authorities at once.

Justice Sashanka Shekhar Sarkar, J:

I agree.

Farida B.O