

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

Writ Petition No. 216 of 2021.

In the matter of:

An application under article 102 (2) of the
Constitution of the People's Republic of
Bangladesh.

-And-

In the matter of:

Md. Mostufa Kamal.

..... Petitioner

-Versus-

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

.... Respondents

Mr. M. Masud Rana, Advocate

. . . For the petitioner.

None appears

. . . For the respondents.

Present:

Mr. Justice J. B. M. Hassan

and

Mr. Justice Razik Al Jalil

Heard and Judgment on 14.03.2024.

J. B. M. Hassan, J.

The petitioner obtained the Rule Nisi in the following terms:

“Let a Rule Nisi be issued calling upon the respondent No.2 to show cause as to why he should not be directed to correct the petitioner's subject name "Bengali" instead of "Business Study" in the NTRCA Data Base, Combined National Merit List (published on 10.07.2018) for the Secondary School Section and/or pass such other or further order or orders as to this Court may seem fit and proper.”

In the writ petition the petitioner states that he passed the examination of Non Government Teachers Registration and Certification Authority (NTRCA) for Secondary School Section for the post of Assistant Teacher in the subject “Bengali” in the examination 2006. Thereafter, in the recruitment process he got appointment as Assistant Teacher of the Atharbari M. C. High School, Post Office-Atharbari, Post Station-Iswarganj, Mymensingh (the School) on 01.02.2011. Accordingly, he got enlistment in the Monthly Pay Order (MPO) and since then the petitioner has been discharging his duties as a teacher of Bengali in the said School.

The petitioner came to know that NTRCA preparing a data base and published the same in Combined National Merit list on 10.07.2018 wherein the petitioner’s roll No. 11090428 has been shown in the subject of "Business Study". Finding this anomaly the petitioner filed an application on 09.10.2018 to the Chairman of the NTRCA for correction of data base regarding his name changing subject “Bengali” instead of "Business Study." But there being no response, the petitioner through his learned Advocate sent notice demanding justice on 04.01.2021. Yet the respondent No.2 did not reply to his notice and hence, he filed this writ petition and obtained the present Rule Nisi.

Mr. M. Masud Rana, learned Advocate for the petitioner has drawn our attention to all the relevant papers including NTRCA original certificate producing before the Court. He submits that the petitioner got the NTRCA certificate in “Bengali”; appointed as Assistant Teacher in the School for the subject of “Bengali” and accordingly enlisted in the MPO but the

respondents wrongly entered his name in the subject "Business Study". Therefore, they are under legal obligation to correct the name with the proper subject.

None appears to represent the petitioner when the matter is taken up for the hearing.

We have gone through the writ petition and other materials on record. We have also examined the NTRCA Certificate produced by the learned Advocate for the petitioner.

It appears that the NTRCA Certificate was issued in favour of the petitioner with the subject "Bengali". The petitioner got Bachelor and Masters degree in the subject Bengali. He also got appointment in the Atharbari M. C. High School, Post Office-Atharbari, Post Station-Iswarganj, Mymensingh (the School) on 01.02.2011 as Assistant Teacher for the subject "Bengali" and accordingly got MPO enlistment. In the meantime, the NTRCA authority prepared the data base of all the teachers wherein the petitioner submitted his data online mentioning the subject "Bengali". But the Combined National Merit List published on 10.07.2018 placed him in the subject "Business Study" which is apparent wrong on consideration of his all previous records. As such, the respondents NTRCA should correct the data base accordingly.

In view of above, we find merit in this Rule Nisi.

Accordingly, the Rule Nisi is made absolute. The Chairman, Non-Government Teachers Registration and Certification Authority (NTRCA) is directed to correct the data base correcting petitioner's subject as "Bengali"

instead of “Business Study” within 02(two) months from the date of receipt of a copy of this judgment and order.

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

Razik Al Jalil, J

I agree.