

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

WRIT PETITION NO. 3427 OF 2022

IN THE MATTER OF

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

-AND-

IN THE MATTER OF:

Md. Shahadat Hossain

... Petitioner

-Versus-

Chairman, Secondary and Higher
Secondary Education Board, Rajshahi
and others

... Respondents

Mr. Md. Shameem Sarder, Advocate

.....For the petitioner

No one appears

..... For the respondents

The 16th day of January, 2024

Present:

Mr. Justice J.B.M. Hassan

and

Mr. Justice Razik-Al-Jalil

J.B.M. Hassan, J:

The petitioner obtained the Rule Nisi in the following terms:

“Let a Rule Nisi be issued calling upon the

respondents to show cause as to why office order

being স্মারক নং-০২/সুজা/পাব/১১৬৩/৩২৭ dated 23.02.2022

(Annexure-F) issued by respondent No. 2

constituting Ad-hoc committee of the Rani Nagor Bilgazna School and College, Upazill-Sujanagor, District-Pabna should not be declared to have been done without lawful authority and is no legal effect and why a direction should not be given upon the respondent No. 1 to dispose of the application dated 05.12.2021 (Annexure-G) and/or pass such other or further order or orders as to this Court may seem fit and proper.”

After placing the writ petition Mr. Md. Shameem Sarder, learned Advocate for the petitioner submits that although on observance of required formalities, the Governing Body was constituted but the respondents instead of approving the same appointed an Ad-hoc committee which led the petitioner to file this writ petition.

We find that in the meantime, the tenure of the Ad-hoc committee has already been expired and by lapse of time, the tenure of the Governing Body under challenge, has also been expired.

In the circumstances, we are of the view that regular Governing Body has to be constituted by a free and fair election.

Be that as it may, since at the moment there is no Governing Body, the Board (respondent No. 1) is directed to constitute a fresh Ad-hoc committee within one (1) month from the date of receipt of a copy of this order in order to conduct election for constituting regular Governing Body.

With these observations, the Rule Nisi is disposed of.

No order as to costs.

Razik-Al-Jalil, J:

I agree.