

In the Supreme Court of Bangladesh  
High Court Division  
(Special Original Jurisdiction)

**Writ Petition No. 6574 of 2006.**

**In the matter of:**

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

**In the matter of:**

Md. Anisur Rahman Akand and another.

..... Petitioners.

Vs.

Govt. of Bangladesh represented by the Secreaary, Ministry of Education, Bangladesh Secretariat, P.S. Ramna, Dist-Dhaka and others.

...Respondents.

Mr. Mohammad Zahed-Ul-Anwar,  
Advocate

...For the petitioners.

**Heard and judgment on: 19.11.2023.**

**SHEIKH HASSAN ARIF, J**

1. At the instance of Bangladesh Rural Association for Development (BRAD) (herein after called BRAD), Rule Nisi was issued calling upon the respondents, including Cumilla Board (respondent Nos. 3 and 4), to show cause as to why the impugned order dated 07.04.2005 (Annexure-I) passed by the Inspector of Colleges of Board of Intermediate and Secondary Education, Cumilla

(respondent No.4) vide Memo No. 1624 dated 07.04.2005 changing the name of BRAD Model College as Laksam Model College, should not be declared to be without lawful authority and is of no legal effect.

2.1 Facts, relevant for the disposal of the Rule, in short is that BRAD is a voluntary social welfare institution as registered under Society of Registration Act, which is engaged in charitable activity including promotion and establishment of school, college and promotion of education. That the Secretary of the executive committee of BRAD and her husband donated a land, on which BRAD established a college under the name "BRAD Women College". Accordingly, the executive committee of the BRAD was recognized by the Board. Subsequently, the BRAD sought approval of its special governing body and made various correspondences in view of the relevant provisions of law under regulation 4 of the Board of Intermediate and Secondary Education, Comilla (Constitution, Powers and Duties of Governing Bodies of Non-Government Intermediate College) Regulations, 1977. However, the board having not given such approval and in the meantime given

purported approval to a different governing body, the petitioners moved the High Court Division under Writ Jurisdiction. Thereafter, the Board, on the request of the said governing body, gave approval to the change of name of the college vide impugned memo dated 07.04.2005 (Annexure-I), thereby, changing the previous name "BRAD Model College" to new name "Laksam Model College". Being aggrieved by such change of name, the petitioner moved this court and obtained aforesaid Rule on 18.07.2006.

2.2 By filing supplementary-affidavit, one of the petitioners now contends that the Board has in the meantime given approval to the special governing body of the said college under the control of the BRAD.

2.3 No one has appeared to oppose the Rule.

3. Mohammad Zahed-UI-Anwar, learned advocate appearing for the petitioner, mainly submits that since the change of name was given by the Board on the basis of illegal governing body, the said action of the Board as contained in impugned memo dated

07.04.2005 (Annexure-I) should be declared to be without lawful authority by this Court.

4. Admittedly, the petitioners' BRAD now has special governing body of the college in question having been approved by Board and it is now functioning under the control of BRAD. Therefore, this Court is of the view that since the petitioner has got back its legal control over the affairs of the said college by virtue of such approval of its special governing body, it is now in a position to change the name back to its original name. Therefore, we are view that the Rule issued in the writ petition has in the meantime become infructuous inasmuch as that the petitioners' BRAD has in the meantime got approval in favour of the special governing body under its control. This being so, BRAD now does not need any order from this Court to change the name, particularly when it can have the name changed upon taking resolution and requesting the Board to make such change. Thus, the BRAD is at liberty to take necessary steps for changing the name of the said college in accordance with law.

5. With the above observation, the Rule issued in this writ petition is disposed of.

Communicate this.

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**(Sheikh Hassan Arif, J)**

I agree.

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**(Md. Bazlur Rahman, J)**