

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

**Writ petition No. 8128 of 2022**

**IN THE MATTER OF:**

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

-And-

**IN THE MATTER OF:**

Faizul Haque

...Petitioner

-Versus-

The Government of the People's Republic of  
Bangladesh, represented by the Secretary, Ministry  
of Education, Bangladesh Secretariat, Ramna,  
Dhaka and others

...Respondents

Mr. Md. Moniruzzaman Rana, Advocate

..... For the Petitioner

Mr. Sk. Shaifuzzaman, DAG

.....For the respondents

**Present:**

**Mr. Justice K.M. Kamrul Kader**

**and**

**Mr. Justice Khizir Hayat**

**Heard and Judgment On: 02.07.2024**

**K.M. Kamrul Kader , J :**

On an application under Article 102 of the Constitution of the People's  
Republic of Bangladesh, this Rule *Nisi* was issued on 01.08.2022, in the  
following terms:

*“Let a Rule Nisi be issued calling upon the respondents  
to show cause as to why the Memo No. বিদ্যালয়  
শাখা/Mymensingh/111672/2200974 dated 06.06.2022  
issued under the signature of the respondent No.3  
approving the Managing Committee of Shamgonj High  
School, Police Station and Upazilla- Gouripur, District-  
Mymensingh with the respondent No.6 as its Chairman  
(Annexure-A to the writ petition) should not be declared*

*to have been issued without lawful authority and is of no legal effect and/or such other or further order or orders pass as to this Court may seem fit and proper.”*

Mr. Md. Moniruzzaman Rana, learned Advocate for the petitioner filed the instant writ petition challenging the Memo No. বিদ্যালয় শাখা/Mymensingh/111672/2200974 dated 06.06.2022 issued under the signature of the respondent No.3 approving the Managing Committee of Shamgonj High School, Police Station and Upazilla- Gouripur, District- Mymensingh with the respondent No.6 as its Chairman (Annexure-A to the writ petition) wherein the respondent No.2, Chairman of the Secondary and Higher Secondary Education Board, Mymensingh recommend the local Member of the Parliament the respondent No. 6 was shown as Chairman of the said Managing Committee, due to this reason he filed this instant writ petition against the Managing Committee as it contradict with the decision of the judgment and order passed in the case of *Bodruzzaman Khan (Md) vs. Bangladesh and others* reported in 20 BLC (2015) 658. The local Member of the Parliament can at best make a recommendation to the Principal of the Madrasha in the consultative process under the regulation 5(3) of the Regulation 2009.

It is also stated in the case of S.M. Afzalul Haque –vs.- Government of Bangladesh, this Court observed that-

“হাইকোর্ট বিভাগ এবং মাননীয় আপিল বিভাগ এর রায় ও আদেশ পর্যালোচনায় এটা কাচের মত স্পষ্ট যে, বেসরকারি শিক্ষা প্রতিষ্ঠান, ফাজিল ও কামিল মাদ্রাসাসহ সকল শিক্ষা প্রতিষ্ঠানের গভর্নিং বডিতে জাতীয় সংসদের সম্মানিত সদস্যগণ সভাপতি হিসাবে নিয়োগ/মনোনয়ন সংবিধানের মূল উদ্দেশ্যের সহিত সাংঘর্ষিক। সর্বজন শ্রদ্ধেয় মাননীয় সংসদ সদস্যগণকে জাতীয় গুরুত্বপূর্ণ আইন প্রণয়নে সার্বক্ষণিক নিবেদিত থাকতে হয়। এছাড়া গভর্নিং বডি সভাপতির পদ মাননীয় সংসদ সদস্যদের মহান পদ এর সাথে একেবারেই বিপরীত। মাননীয় সংসদ সদস্যগণ তাঁর নির্বাচিত এলাকাসহ সমস্ত দেশের উন্নয়নে নিবেদিত, অপরদিকে গভর্নিং বডির সভাপতি শুধুমাত্র উক্ত প্রতিষ্ঠানের উন্নয়নে নিবেদিত।”

Mr. Sk. Shaifuzzaman, learned Deputy Attorney General appearing on behalf of the respondents opposes the Rule and submits that the Rule has become *infructuous* as the impugned order has already been expired long before and prays for discharging the Rule as being *infructuous*.

It appears from the record that the respondent No.3 approved the said committee with the respondent No.6 as its Chairman in violation of the decisions of this Court by a Memo dated 06.06.2022 for a period of 02 years. We deprecate the propensity of the Respondents. However, in the meantime, the impugned order has already been expired and as such, the Rule has become *infructuous*.

Considering this aspect of the matter and the submission of the learned Advocate for the petitioner, it appears that the Rule has become *infructuous*.

Accordingly, the Rule is discharged as being *infructuous*. The respondent Nos. 2, 4 and 5 are directed to necessary steps for framing Ad-hoc Committee to conducting election of the Managing Committee of the said School forthwith, without fail.

Let the copy of this order be served upon all the respondents.

**Khizir Hayat, J**