

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

WRIT PETITION No.727 of 2023.

IN THE MATTER OF:

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

-And-

IN THE MATTER OF :

Sheikh Ziaur Rahman and others

..... Petitioners

-Versus-

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

..... Respondents

Ms. Sonia Sarder, Advocate

..... For the petitioners

Mr. Muhammad Rafiul Islam, Advocate

... .. For the respondent No.06

Mr. Mohammad Siddique Ullah Miah, Advocate

... ..For the Respondent Nos.7-9

Mr. Md. Ronyul Islam, Advocate

... ..For the respondent No.10

Mr. Nur Muhammad Azami, Advocate

..... For respondent No.11

The 5th March, 2024.

Present:

Mr. Justice K.M. Kamrul Kader

And

Mr. Justice Khizir Hayat

K.M. Kamrul Kader, J:

In this application under Article 102 of the Constitution of the People's Republic of Bangladesh, Rule was issued on 30.01.2023 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 dispose of the representation dated 08.01.2023 (Annexure-G) and order dated 01.12.2022 bearing office

Memo No. কলেজ শাখা/Dhaka/MAHANAGARI/ 108357/ 2201039 with regard to serial Nos.05, 06 and 07 (Guardian Member) (Respondent Nos.7, 8 and 9) passed by the respondent No.4, Chairman, Board of Intermediate and Secondary Education, Dhaka (Annexure-F) should not be declared to have been done without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.”

Facts relevant for disposal of the Rule, in short, are that the petitioners were contesting candidate for the post of General Guardian member of Governing Body Election, 2022 of the Viqarunnisa Noon School and College (hereinafter referred to as VNSC) which was held on 26.11.2022 and they duly submitted their nomination paper (Annexure A, A-1, A-2, and A-3 to the writ petition). It is stated that three candidates namely Md. Weheaduzzaman, Siddiqi Nasir Uddin and Dr. Md. Tazul Islam were also contesting members and they were elected as General Guardian member of Governing Body Election, 2022 of the VNSC which was held on 26.11.2022. It is also stated that the said Md. Weheaduzzaman and Siddiqi Nasir Uddin were also elected as General Guardian members of Governing Body Election, 2019 of the VNSC. However, there were serious allegation of misappropriation amounting to Taka 1,59,00,000/= only against them. With this regard, an Investigating Committee was formed to investigate into the matter and after conclusion of the Investigation, the committee submitted a report and on the basis of that report respondent No.4 passed an order. But the presiding officer without considering it with an ulterior motive and for collateral purpose accepted their nomination paper. Then they were elected General Guardian member of Governing Body

Election, 2022 of Viqarunnisa Noon School & College which was held on 26.11.2022. It is again stated that the said Dr. Md. Tazul Islam was also elected General Guardian member of Governing Body Election, 2022 of the VNSC who was also accused of various allegations and was declared incapable in the Governing Body Election, 2019 of VNSC. According to Rule 11 and Rule 38 of Board of Intermediate and Secondary Education Rules, 2009, Dhaka it is stated that the accused of various allegations, who act in a manner which is against the interest of the educational institution is incapable of remain as member in the Governing Body or Managing Committee. Thereafter, the present petitioners also filed a representation dated 29.11.2022 requesting the respondent No.1 to take necessary steps. But the respondents did not pay heed to the petitioner. Previously, the present petitioner filed a Writ Petition No.15832 of 2022 before this Court challenging the inaction of the Respondents to dispose of the representation dated 29.11.2022 (Annexure-"D") filed by the petitioner. On 15.12.2022 after hearing a Division Bench of this Court directed the respondent No.1 to dispose of the representation dated 29.11.2022 (Annexure –D to the writ petition) within 15 (fifteen) working days. The respondent no.1 did not comply with the order dated 15.12.2022 despite of the direction of this Court. The respondent No.1 without complying the order of this Court issued the impugned memo bearing no. কলেজ শাখা/DHAKA MAHANAGARI/ 108357/2201039 dated 01.12.2022. There are specific rules i.e. Rule 11 and Rule 38 of Board of Intermediate and Secondary Education Rules, 2009, where it is stated that who was accused of various allegations and do something which is against the interest of the educational institution is incapable of remain as member in the Governing Body or Managing Committee. As such, the inaction of the

respondent No.1 to dispose of the application of the petitioner is gross violation of our constitution.

Being aggrieved by and dissatisfied with the inaction of the respondents to dispose of the representation dated 08.01.2023 and implement order dated 01.12.2022, the petitioners filed the instant writ petition and obtained the present Rule with an interim order of stay.

Ms. Sonia Sarder, the learned Advocate appearing on behalf of the petitioners submits that there were serious allegation of misappropriation against the newly elected members i.e. the respondent Nos. 7-9 namely Md. Weheaduzzaman and Siddiqi Nasir Uddin and Dr. Md. Tazul Islam. Md. Weheaduzzaman and Siddiqi Nasir Uddin were also elected as General Guardian members of Governing Body Election, 2019 of the VNSC. There was an allegation of misappropriation amounting to Taka 1,59,00,000/= only against them. With this regard, an Investigating Committee was formed to investigate into the matter and after conclusion of the Investigation, the committee submitted a report and on the basis of that report respondent No.4 passed an order and directed them to deposit an amount of Taka 1,59,00,000/= only to the VNSC account but they did not comply with direction till today. She also submits that Dr. Md. Tazul Islam was also elected General Guardian member of Governing Body Election, 2022 of the VNSC who was also accused of various allegations and was declared incapable to contest in the Governing Body Election, 2019 of VNSC. She lastly submits that according to Rule 11 and Rule 38 of Board of Intermediate and Secondary Education Rules, 2009, wherein it is categorically stated that who was accused of various allegations and do something which is against the interest of the educational institution is incapable

to remain as member in the Governing Body or Managing Committee of the educational institution and as such, the inaction of the respondent No.1 to dispose of the application of the petitioner is gross violation of law as well as our constitution. Though, there are serious allegations of misappropriation of money against the respondent Nos. 7-9 namely Md. Weheaduzzaman and Siddiqi Nasir Uddin and Dr. Md. Tazul Islam but they were allowed to contest as General Guardian member of Governing Body Election, 2022 Viqarunnisa Noon School & College and were elected as General Guardian member of Governing Body Election, 2022. Thus, the inaction of the respondents to dispose of the application is gross violation of law as well as our constitution. The respondent No.2 did not comply with the order dated 15.12.2022 despite the direction of this Division and the respondent No.3 did not pay heed to the same and issued the impugned memo No. কলজ শাখা/DHAKA MAHANAGARI/108357/2201039 dated 01.12.2022 which bearing nothing but a violation of principle of natural justice.

Mr. Muhammad Rafiqul Islam, the learned Advocate appearing on behalf of the respondent No.6 by filling an affidavit-in-opposition opposing the Rule and controverted the submission of the learned Advocate for the petitioner and submits that basically the instant writ petition related to the nomination of the independent contesting candidate for the post of the General Guardian Member and the petitioners also submitted nomination papers However, the respondent Nos. 7, 8 and 9 were elected as General Guardian Member in the said election 2022. He submits that the Governing Body of the VNSC formed a Development Project Committee for monitoring the works of the development project. Subsequently, the said committee issued a report dated 24.06.2021 regarding the

works of the development project. On the other hand, the respondent No. 6 issued a letter Vide Memo No. ভি.এন.এস.সি/উন্নয়ন প্রকল্প/৪২৭/২০২১ dated 10.05.2021 to the Chief Engineer, Education Engineering Department (EED) requesting him to appoint an assistant engineer to conduct an inspection report about the development project of the said institution. Accordingly, the Chief Engineer, Education Engineering Department (EED) conducted inspection and issued an inspection report of the said project Vide Memo No. ইইউ/ডিএম/১৭৪৯ dated 11.08.2021. In the said inspection report, it is clearly commented that “ মন্তব্য: প্রকল্প বাস্তবায়ন কমিটি কর্তৃক কাজগুলি দৃশ্যমান ও সন্তোষজনক” It is also stated that there was a serious allegation of misappropriation of money and an investigating committee was formed to investigate the same, after investigation the committee submitted the report dated 22.11.2022 (Annexure-B-1 to the Writ Petition) with the recommendation as stated “ সুপারিশ: জনাব সিদ্দিকী নাসির উদ্দিন (অভিভাবক সদস্য পদপ্রার্থী, ব্যালট নং-৫) ও জনাব মো: ওহেদুজ জামান মন্টু (অভিভাবক সদস্য পদ প্রার্থী, ব্যালট নং-১)-এর বিরুদ্ধে উত্থাপিত অভিযোগটিতে আর্থিক সংশ্লিষ্টতা থাকায় অধিকতর তদন্তের স্বার্থে পরিদর্শন ও নিরীক্ষা অধিদপ্তর, বাংলাদেশ ঢাকা এর মাধ্যমে তদন্তের প্রয়োজনীয় ব্যবস্থা গ্রহণ করা যেতে পারে”.

He further submits that the petitioners made representation on 29.11.2022 and the respondent No. 4 issued the impugned memo dated 01.12.2022. Subsequently on 15.12.2022, a Division Bench of the Hon'ble High Court Division directed the respondent No. 1 to dispose of the said representation. In pursuant of another allegation, the Directorate of Inspection and Audit, Ministry of Education made an inspection and submitted the report dated 23.07.2023. The Directorate of Inspection and Audit, Ministry of Education did not find anything as per allegation made against then and therefore it is recommended that “ ভিকারুননিসা নূন স্কুল এন্ড কলেজ বাংলাদেশের একটি স্বনামধন্য শিক্ষা প্রতিষ্ঠানত। তদন্তকালে তদন্তদলের

নিকট মনে হয়েছে এখানে পরিচালনাপ কমিটি ও অধ্যক্ষসহ শিক্ষক মন্ডলীর মধ্যে দূরত্ব বিরাজমান এবং পরস্পর পরস্পরের বিরুদ্ধে শিক্ষা প্রশাসনের বিভিন্ন প্রতিষ্ঠানে অভিযোগ বা পাল্টা অভিযোগ করেন। ফলে শিক্ষার সুষ্ঠু পরিবেশ বাঁধাগ্রস্ত হচ্ছে এবং এতে সরকারের ভাবমূর্তি ক্ষুণ্ণ হচ্ছে। তাই ভবিষ্যতে সরকারের বিধি বিধান অনুযায়ী প্রতিষ্ঠান পরিচালনার ক্ষেত্রে সংশ্লিষ্ট সকলকে আরো দায়িত্বশীল ভূমিকা পালনের জন্য সুপারিশ করা হলো।” He lastly submits that the action of the respondents did not create or obliterated any legal or fundamental right of the instant petitioners. Hence, the instant Rule is therefore liable to be discharged.

Mr. Mohammad Siddique Ullah Miah, the learned Advocate appearing on behalf of the respondent Nos. 7-9 by filling an affidavit-in-opposition opposing the Rule and controverted the submission of the learned Advocate for the petitioner and submits that the allegation relating to misappropriation of money amounting Tk. 1,59,00,000 against the newly elected members, respondent Nos. 7-9 are false and fabricated. Further, the respondent No. 9 was not a member of PIC and had not connected with any kind of function with the Governing Body of the VNSC till 01.12.2022, but the petitioners totally suppressed the matter and included him in the instant writ petition only for harass and undermine his dignity. He also submits that the respondent No. 9 Mr. Dr. Tazul Islam was not a member of the Governing Body election of the VNSC approved by the office order vide Memo. No. কলেজ শাখা/DHAKA MAHANAGARI/108357/1900537 dated 04.11.2019 and after the expiration of the regular Governing Body of the VNSC, 2 (two) more ad-hoc committees were formed, and the same were approved by the office of the respondent No. 4 by the office order vide Memo No. কলেজ শাখা/DHAKA MAHANAGARI/108357/ 2100746 dated 05.12.2021 and Memo. No. কলেজ শাখা/DHAKA MAHANAGARI/108357/2200486 dated 18.05.2022 respectively and the respondent No. 9 was also not a member

of those ad-hoc committees and he was not connected with any kind of function of the Governing Body or ad-hoc committees of the VNSC till 01.12.2022, but the writ petitioners filed the writ petition without clarifying this and by suppressing the original facts. He further submits that the respondent Nos. 7 & 8 were elected as Guardian Members of the Governing Body Election of the VNSC and the same was approved by the office order vide Memo. No. কলেজ শাখা/DHAKA MAHANAGARI/108357/1900537 dated 04.11.2019 published under signature of the College Inspector, Board of Intermediate and Secondary Education, Dhaka. Thereafter, the Governing Body of the VNSC was formed a Project Committee for monitoring the works of development projects and the respondent No. 7 was selected as convener and the respondent No. 8 was selected as joint convener of the said project committee. Since being given the responsibility of monitoring the work of the said development project, they have been discharging their duties with utmost efficiency and integrity. The respondent No. 6 i.e. the Principal and the Assistant Secretary of the Governing Body of VNSC issued a letter vide Memo. No. ভি.এস.এস.সি/উন্নয়ন প্রকল্প/২১/৪১৮/(৬) dated 08.04.2021 to the respondent No. 7 to reconcile/ collect the money bill vouchers to which money received in advance, within seven days and according to the said letter the respondent No. 7 submitted all relevant bills and vouchers to the respondent No. 6 on 31.10.2021, but the respondent No. 6 has sent a letter vide Memo. No. ভি.এন.এস.সি/উন্নয়ন প্রকল্প/৪২৭/২০২১ dated 10.05.2021 to the Chief Engineer, Education Engineering Department (EED) requesting him to appoint an Assistant Engineer to conduct an inspection about the development project of the said institution. Accordingly, the Chief Engineer, Education Engineering Department (EED) conducted an inspection and issued an inspection report of

the on-site inspection of the projects in the development building under implementation in the Viqarunnisa Noon School & College vide Memo. No. ইইউ/ডিএম/১৭৪৯ dated 11.08.2021. In that inspection report the Inspection Officers clearly mentioned that- "পি.আই.সি কৃত কাজের জন্য প্রাক্কলিত মূল্য ১,৭৭,৪৪,৩০৭/০৫ (এক কোটি সাতাত্তর লক্ষ চুয়াল্লিশ হাজার তিনশত সত টাকা পাঁচ পয়সা)। পি,আই,সি প্রতিষ্ঠান থেকে ১,৫৯,৩৫,২৩৭/- (এক কোটি উনঘাট লক্ষ পঁয়ত্রিশ হাজার দুইশত সাইত্রিশ টাকা) গ্রহণ করেন। অদ্য ১৪-০৭-২০২১ খ্রি. তারিখ পর্যন্ত পি.আই.সি ভিকারুননিসা নূন স্কুল এন্ড কলেজের নিকট হতে ১৮,০৯,০৭০/০৫ (আঠার লক্ষ নয় হাজার সত্তর টাকা পাঁচ পয়সা) পাবেন। পি, আই,সি কাজের জন্য প্রাক্কলিত মোট ২,০৭,৫৯,৮৯৯/৯৬২ (দুই কোটি সত্তর লক্ষ উনঘাট হাজার আটশত নিরানব্বই টাকা নয়শত বাষট্টি পয়সা।” and commented that the work done by the Project Implementation Committee was visible and satisfactory, but the writ petitioners filed the writ petition without clarifying this or suppressing the original facts. He further submits that after approving the Governing Body of the VNSC by the office order vide Memo. No. কলেজ শাখা/DHAKA MAHANAGARI/108357/ 2201039 dated 01.12.2022 already 2 (two) meetings were held on 11.12.2022 and 13.01.2023 respectively and the respondents No. 7, 8 & 9 were participated in those meetings. In pursuant of another allegation the Directorate of Inspection and Audit (DIA) made an inspection and submitted a report vide Memo No. 37.19.0000.006.16.006.21.131 dated 23.01.2023, they also did not find anything as per the allegation made against the respondent No. 7, 8 and 9 and as such the Rule is liable to be discharged.

Mr. Md. Ronyul Islam, the learned Advocate appearing on behalf of the respondent No. 10 by filling an affidavit-in-opposition opposing the Rule and submits that she is a highly devoted and most efficient teacher of Physics and dedicated her life for educating the students. She has been in this teaching

profession for almost two decades now. She joined in the said school on 19.08.2010 and since then she has been acting for the best interest of the school and its students. Following her dedication and passion to the serve the School and the students, she elected as teacher member of the Governing Body of VNSC for several times.

Mr. Islam next submits that the nomination of the Governing Body Election-2019 of VNSC was rejected based on accusations which were not made specifically against the Respondent No. 10 and the Respondent No. 10 was not entangled in any allegations brought therein. Not only that, the Respondent No. 10 was not served any notice, nor given any opportunity of being heard or to defend herself, the enquiry committee arbitrarily declared her nomination was rejected based on allegations for which she was not in any way involved. Respondent No. 10 specifically denied her involvement as part of the governing body, as the allegation of admitting extra students was the specific responsibility of the then principle and was done based on single signature of the principal of the school and therefore, the Respondent No. 10 was not in any way involved or liable to be accused of such allegations. Thereby, she wrote letter dated 02.02.2020 to the concerned offices, including the Secretary, Ministry of Education and the Chairman of the School Governing Body, requesting for removing her name from the allegations. Following the inaction of the Ministry of Education, the Respondent No. 10 has filed the Writ Petition No. 2606 of 2020. Subsequently, on 02.03.2020 a Division Bench of the Honourable High Court Division directed the Secretary of Ministry of Education, Bangladesh to dispose of the application made by the Respondent No. 10 within 1 (one) month. Based on that direction the Secretary of Ministry of Education, Bangladesh had

directed the Board of Education and the Board of Education had directed the District Commissioner and thereafter the District Commissioner had directed the President of the Governing Body to conduct further enquiry with regards to the allegations brought. Thereafter, the District Commissioner has formed an enquiry committee consisting of members including the Additional District Commissioner and two Magistrates who conducted further enquiry and reported that, the Respondent No. 10 is not personally liable or involved regarding the allegation of admitting extra students in the school. Thereafter, on 26.12.2020 in a meeting of the members of the Governing Body it was briefly discussed and decided that based on the recommendation of the enquiry committee the governing body of VNSC released the Respondent No 10 from the alleged allegations. Thereafter, the Respondent No. 10 has again contested for the Governing Body Election 2022. Being elected as a General Teacher Member the Respondent No. 10 is performing her duties with utmost dignity and efficiency for the best interest of students and the school. He lastly submits that the petitioners do not have any grievance against the Respondent No. 10 and they did not mention any single word about her in their writ petition and supplementary affidavit, and the concerned School (VNSC) authority has also no grievance, whatsoever, against her. Surprisingly, she has been added as Respondent No. 10 at the instance of the Respondent Nos. 7, 8 and 9, who are held responsible for some irregularities, just to make the issue more complicated, confusing and baffling as well. The Respondent No. 10 is not in equal or similar footing like the Respondent Nos. 9, rather the Respondent No. 9 has applied for adding her as a party to this instant Writ Petition on personal grievance to harass her. While performing as a governing body member he has

harassed the Respondent No. 10 and also threatened to tarnish her reputation and dignity. He has applied for adding her into this instant writ petition with the malicious intention of harassing the Respondent No. 10. As such, the Respondent No. 10 seeking for struck out her name from the list of respondents.

Mr. Nur Muhammad Azami, the learned Advocate appearing on behalf of the respondent No. 11 submits that he has been elected as Guardian Member for two consecutive terms (2020-2022 and 2022-2024) getting highest votes in the Governing Body of VNSC, Dhaka. After being elected in the immediately past Governing Body (2020-2022) a Project Committee was formed on 20.10.2020 for some development, maintenance and beautification activities where the Respondent No. 11 was not included. Subsequently he was added to the said Project Committee on 09.11.2020 but he was not involved in any activity undertaken by that Committee. The Respondent No. 11 did neither attend in any meeting of the Project Committee nor he sign in any bill-voucher of the Committee, especially in relation to any purchase or other activity. Accordingly, Respondent No. 11 did not receive any remuneration as a member of the Project Committee, rather he wrote number of letters to the concerned offices, including the Secretary. Ministry of Education and the Chairman of the School Governing Body, about unlawful activities of some members of the Project Committee, while he failed to persuade the Committee members to undertake the activities in accordance with laws and rules. He also submits that the petitioners do not have any grievance against the respondent No.11 and they did not mention any single word about him in their writ petition and supplementary affidavit and the concerned school (VNSC) authority has also no grievance, whatsoever, against him. Surprisingly, he has been added as respondent No.11 at the instance of the

respondent Nos.7, 8 and 9, who are held responsible for some irregularities, just to make the issue more complicated, confusing and baffling as well. As such, the Respondent No. 11 seeking for struck out his name from the list of respondents, and the Rule Nisi is liable to be discharged.

Heard the learned Advocates appearing for both sides and perused the writ petition, affidavit-in-oppositions, supplementary affidavits along with the relevant annexures appended thereto. It appears that at the time of issuance of the Rule, the petitioners challenging the inaction of the respondents to dispose of the representation dated 08.01.2023 (Annexure-G to the writ petition) and the order dated 01.12.2022 bearing office Memo No. কলেজ শাখা/Dhaka/MAHANAGARI/ 108357/ 2201039 with regard to serial Nos.05,06 and 07 (Guardian Member) i.e. the Respondent Nos.7, 8 and 9 passed by the respondent No.4, Chairman, Board of Intermediate and Secondary Education, Dhaka (Annexure-F to the writ petition).

It transpires from the record that there are serious allegations of misappropriation of money against the respondent Nos. 7-9 but they were allowed to contest as General Guardian member of Governing Body Election, 2022 of the VNSC and they were elected as General Guardian member of Governing Body Election, 2022.

We also noticed that the Governing Body of the VNSC formed a Development Project Committee for monitoring the works of the development project. Subsequently, the said committee issued a report dated 24.06.2021 regarding the works of the development project. On the other hand, the respondent No. 6 issued a letter Vide Memo No. ভি.এন.এস.সি/উন্নয়ন প্রকল্প/৪২৭/২০২১ dated 10.05.2021 to the Chief Engineer, Education Engineering Department

(EED) requesting him to appoint an assistant engineer to conduct an inspection about the development project of the said institution. Next, the Chief Engineer, Education Engineering Department (EED) appointed an Assistant Engineer and two Deputy Assistant Engineer, who conducted inspection and issued an inspection report dated 11.08.2021 as evident Annexure-3 to the Affidavit-in-Opposition filed by the Respondent No. 6, which reads as follow:-

“ভিকারুননিসা নুন স্কুল এন্ড কলেজে বাস্তবায়নাধীন উন্নয়ন ভবনে প্রকল্প সমূহের কাজ

সরেজমিনে পরিদর্শনের প্রতিবেদন”

২০-১০-২০২০ তারিখ- মঙ্গলবার বিকাল ৩.০০ ঘটিকায় অনুষ্ঠিত ভিকারুননিসা নুন স্কুল এন্ড ফলেজ গভর্নিং বডির ৯ম সাধারণ সভায় আলোচ্যসূচি-

ঙ) গেইট সংস্কার, মেরামত ও সৌন্দর্য বর্ধন করা। ১ নং গেইটকে প্রাধান্য দিয়ে গ্রেড ওয়ান ক্যাটাগরিতে নির্মাণ করা। ২,৪,৮,৯,১৪ এবং ৩ টি শাখার মেইন গেইট একই ফ্যাটাগরিতে সংস্কার করা। ১৪ নং গেইটের সামনে ১তলা পরিত্যক্ত কক্ষটি ভেঙ্গে ফেলা, ছাউনিযুক্ত ওয়াকওয়ে নির্মাণ, সজীত চত্বর ও লোডিনুন চত্বর নির্মাণ ও অন্যান্য বিউটিফিকেশন কাজ।

অন্যান্য বিউটিফিকেশন কাজের মধ্যে অধ্যক্ষ কক্ষ সংলগ্ন সম্মেলন কক্ষের দেয়াল ভেঙ্গে অধ্যক্ষ কক্ষ প্রশস্ত করা, আইটি রুমটিকে পরিচালনা পর্যদের সম্মেলন কক্ষ হিসাবে রূপান্তরের জন্য পুনঃ ডেকোরেশন করা, আইটি রুমের পরের রুমটি আইটি রুম হিসেবে প্রস্তুত করা, কলেজের ল্যাবসমূহ সংস্কার ও মেরামত সম্পন্ন করার জন্য শিক্ষা প্রকৌশল অধিদপ্তরের এসেসমেন্ট নেওয়া এবং সেই অনুযায়ী ধাপে ধাপে অর্থ বরাদ্দ করে কাজগুলি সম্পন্ন করার জন্য আলোচনা করা হয়।

ইইডি এর একজন প্রকৌশলী দ্বারা বিভিন্ন উন্নয়ন কাজের জন্য ১৮ টি কাজের সর্বমোট প্রাক্কলিত মূল্য =২,০৬,৫৩,৮৪৪/- (দুই কোটি ছয় লক্ষ তিপ্পান্ন হাজার আটশত চুয়াল্লিশ) টাকা। প্রাক্কলনগুলি পিডাব্লিউ-২০১৮ রেইট সিডিউল অনুসরণ করা হয়। উক্ত সভায় সর্বসম্মতিক্রমে কাজগুলির প্রাক্কলন বাবদ ২,০৬,৫৩,৮৪৪/- (দুই কোটি ছয় লক্ষ তিপ্পান্ন হাজার আটশত চুয়াল্লিশ) টাকা সর্বসম্মতিক্রমে অনুমোদন করা হয়। কাজগুলি দু’ বাস্তবায়নের জন্য ৯ সদস্য বিশিষ্ট প্রকল্প কমিটি গঠন করা হয়। তন্মধ্যে ৩ জন সাধারণ শিক্ষক। ১৮ টি প্রাক্কলনের তালিকা সংযুক্ত ক (২ প্রস্থ) অনুযায়ী প্রকল্প কমিটি প্রাক্কলনে উল্লেখিত কাজগুলি বাস্তবায়ন করেন নাই যা জিবি সভায় অনুমোদিত। কলেজের অধিকতর সৌন্দর্যবর্ধনের জন্য প্রকল্প কমিটির নিজস্ব এসেসমেন্ট অনুযায়ী সংযুক্ত তালিকায়-খ (২-প্রস্থ) ২২ টি কাজের তালিকা তৈরী করেন। এর মধ্যে ১ এবং ৭ নং মিলে ১ টি প্রকল্প সহ সর্বমোট ১৯ টি কাজের প্রাক্কলন তৈরী করা হয়েছে। যা জিবি কর্তৃক অনুমোদন নেয়া হয় নাই। বাকি ২ টি বসুন্ধরা শাখা এবং ধানমন্ডী শাখা এর ভবন সংস্কার ও মেরামত কাজের প্রাক্কলন করা হয় নাই। পি,ডব্লিউ, ডি-২০১৮ রেট সিডিউল অনুযায়ী প্রাক্কলন ফরা হয়েছে। কিছু কাজ সরাসরি ক্রয় করায় ভাউচার অনুযায়ী প্রাক্কলন করা হয়েছে। ১৯ টি কাজ বাবদ প্রাক্কলিত মূল্য ২,৩৮,৬১,৯৫৩/৯৬ টাকা, এর মধ্যে ঠিকাদার লাভ ১০% এবং ৩% অন্যান্য বাবদ মোট ১৩% বাদ দিয়ে প্রকল্প বাস্তবায়ন কমিটির ১৯ টি কাজের জন্য মোট প্রাক্কলিত মূল্য ২,০৭,৫৯,৮৯৩/১২ টাকা। ১৯ টি কাজের প্রাক্কলন নিয়ে সরেজমিনে কৃত কাজের পরিমাণ করা হয়। প্রাক্কলনের সহিত কৃত কাজের মিল পাওয়া যায়। কাজগুলি দৃশ্যমান ও প্রতিষ্ঠানের সৌন্দর্য্য বর্ধন হয়েছে। ১৯ টি কাজের মধ্যে ক্রমিক নং (১৩ ৭) ১টি, ২, ৩, ৪,৫, ১০, ৮, ৯, ১৬, ১৭, ১৮ ও ১৯ সর্বমোট ১২টি কাজ

১০০% সমাপ্ত হয়েছে। বাকী ১১নং কাজ ৮৫%, ১২নং কাজ ৭৫%, ১৩নং কাজ ৭৫%, ২০নং কাজ ৯০%, ২১নং কাজ ৯০%, ২২নং সঞ্জীত চত্বর ০০%। পি,আই, সি কৃত কাজের জন্য প্রাক্কলিত মূল্য ১,৭৭,৪৪,৩০৭/০৫ (এক কোটি সাতাত্তর লক্ষ চুয়াল্লিশ হাজার তিন শত সাত টাকা পাঁচ পয়সা)। পি,আই,সি প্রতিষ্ঠান থেকে ১,৫৯,৩৫,২৩৭/- (এক কোটি উনষাট লক্ষ পঁয়ত্রিশ হাজার দুইশত সাতইত্রিশ টাকা) গ্রহণ করেন।

অদ্য ১৪-০৭-২০২১খ্রিঃ তারিখ পর্যন্ত পি,আই,সি ভিকারুননিসা নুন স্কুল এন্ড ফলেজের নিকট হতে ১৮,০৯,০৭০/০৫ (আঠার লক্ষ নয় হাজার সত্তর টাকা পাঁচ পয়সা) পাবেন।

পি,আই,সি কাজের জন্য প্রাক্কলিত মোট ২,০৭,৫৯,৮৯৯/৯৬২ (দুই কোটি সাত লক্ষ উনষাট হাজার আটশত নিরানব্বই টাকা নয়শত বাষটি পয়সা)।

মন্তব্য: প্রকল্প বাস্তবায়ন কমিটি কর্তৃক কাজগুলি দৃশ্যমান ও সন্তোষজনক।

মো: সামছুল আলম
উপ-সহকারী প্রকৌশলী
শিক্ষা প্রকৌশল অধিদপ্তর
রমনা থানা, ঢাকা।

মো: মনিরুজ্জামান
উপ-সহকারী প্রকৌশলী
শিক্ষা প্রকৌশল অধিদপ্তর
লালবাগ থানা, ঢাকা।

মো: কামরুল ইসলাম
সহকারী প্রকৌশলী
শিক্ষা প্রকৌশল অধিদপ্তর
ঢাকা মেট্রো, ঢাকা।

As there are serious allegations of misappropriation of money and an investigating committee was formed by Dhaka Board to investigate the same, after investigation the committee submitted the report dated 22.11.2022 (Annexure-B-1 to the Writ Petition) with the recommendation as stated “ সুপারিশ: জনাব সিদ্দিকী নাসির উদ্দিন (অভিভাবক সদস্য পদপ্রার্থী, ব্যালট নং-৫) ও জনাব মো: ওহদুজ জামান মন্টু (অভিভাবক সদস্য পদ প্রার্থী, ব্যালট নং-১)-এর বিরুদ্ধে উত্থাপিত অভিযোগটিতে আর্থিক সংশ্লিষ্টতা থাকায় অধিকতর তদন্তের স্বার্থে পরিদর্শন ও নিরীক্ষা অধিদপ্তর, বাংলাদেশ ঢাকা এর মাধ্যমে তদন্তের প্রয়োজনীয় ব্যবস্থা গ্রহণ করা যেতে পারে”.

Next, the Directorate of Inspection and Audit, Ministry of Education made an inspection and submitted the report dated 23.07.2023. The Directorate of Inspection and Audit, Ministry of Education did not find anything as per allegation made against them and therefore it is recommended that “ ভিকারুননিসা নুন স্কুল এন্ড কলেজ বাংলাদেশের একটি স্বনামধন্য শিক্ষা প্রতিষ্ঠান। তদন্তকালে তদন্তদলের নিকট মনে হয়েছে এখানে পরিচালনা কমিটি ও অধ্যক্ষসহ শিক্ষক মণ্ডলীর মধ্যে দূরত্ব বিরাজমান এবং পরস্পর পরস্পরের বিরুদ্ধে শিক্ষা প্রশাসনের বিভিন্ন প্রতিষ্ঠানে অভিযোগ বা পাল্টা অভিযোগ করেন। ফলে শিক্ষার সুষ্ঠু পরিবেশ বাঁধাগ্রস্ত

হচ্ছে এবং এতে সরকারের ভাবমূর্তি ক্ষুণ্ণ হচ্ছে। তাই ভবিষ্যতে সরকারের বিধি বিধান অনুযায়ী প্রতিষ্ঠান পরিচালনার ক্ষেত্রে সংশ্লিষ্ট সকলকে আরো দায়িত্বশীল ভূমিকা পালনের জন্য সুপারিশ করা হলো।”

We have perused these inspections/investigating reports where from it transpires that the Project Implementation Committee without obtaining approval of the Governing Body of the VNSC commenced about 19 development works of the VNSC, which itself is illegal. The Project Implementation Committee has failed to publish/invite any tender notice for these development works of the VNSC, they did not award /issue any work order in favour of any person, firm or company. They have also failed to complete the project works till today. Thus, we are of the view that the Investigating/Enquiry Committees have failed to assess the project works conducted by the Project Implementation Committee fairly and properly and these inspections/ investigation reports are perfunctory and its recommendations are made improper, unfair and biased.

Considering the facts and circumstances and the submission made by the learned Advocate for the petitioners, we are of the view that justice would be best served if we direct the respondent No.4, Chairman, Board of Intermediate and Secondary Education, Dhaka to dispose of the petitioners' representation dated 08.01.2023 (Annexure-G to the supplementary affidavit) and formed a high powered Enquiry Committee to enquiry into the matter fairly and properly to find out the real perpetrator, if any, and take necessary steps in accordance with law.

Accordingly, the Rule is disposed of with the direction. The respondent No.4, Chairman, Board of Intermediate and Secondary Education, Dhaka is hereby directed to dispose of the petitioners' representation dated 08.01.2023

(Annexure-G to the supplementary affidavit) and formed a high powered Enquiry Committee to enquiry into the matter to find out the real perpetrator /culprits as soon as possible, preferable within 30(thirty) days from the date of receipt of the order, in accordance with law, without fail. If the enquiry committee found any member of the Project Implementation Committee or any officials of Viqarunnisa Noon School and College are involved with misappropriation of Viqarunnisa Noon School and College fund, then the respondents No.4 is at liberty to take necessary steps against the real perpetrators/culprits instantly, in accordance with law.

Let the order of stay granted at the time of issuance of the Rule stands vacated.

There is no Order as to cost.

Communicate the order at once.

Khizir Hayat, J,

I agree.