

**District: Naogaon**

**In the Supreme Court of Bangladesh  
High Court Division  
(Civil Revisional Jurisdiction)**

**Present**

**Mr. Justice Md. Zakir Hossain**

**Civil Revision No. 472 of 2023**

Md. Sazzad Hossain and others

.....Plaintiff-Opposite party-Petitioners

-Versus-

Sema Rani Mojumder and others

.....Defendant-Petitioner-Opposite Parties

Mr. S.M. Bazlur Rashid, Advocate

..... For the petitioners

Mr. Most. Mahjabin Rabbani, Advocate

..... For the opposite party Nos.1-5

**Heard on: 24.01.2024 & 28.02.2024**

**Judgment on: 06.05.2024**

At the instance of the petitioners, the Rule was issued by this Court to examine the legality and propriety of the judgment and order dated 17.11.2022 passed by the learned Additional District Judge, Third Court, Naogaon in Civil Revision No. 52 of 2022.

Facts leading to the issuance of the Rule are *inter alia* that the petitioners being plaintiffs filed Other Class Suit No. 77 of 2022 before the Court of the learned Assistant Judge, Mohadebpur, Naogaon for Perpetual Injunction restraining the defendants from giving appointment of the defendant Nos. 3-5 in the posts of Office Assistant, Night Guard and Maid Attendance of the suit School. The defendant No. 1 entered appearance in the suit and by filing an application prayed for rejection of

the plaint on the grounds that the plaintiffs have already been ceased to be the members of the Managing Committee, therefore, they have no *locus standi* to institute the suit. Moreover, the suit is barred by law. Upon hearing, the learned Assistant Judge rejected the petition for rejection of the plaint holding the view that without taking evidence, the dispute cannot be settled down. The Revisional Court after considering the facts and circumstances of the case was pleased to allow the Revisional Application and thereby struck down the decision of the Trial Court and as such, rejected the plaint of the aforesaid suit. Challenging the legality and propriety of the judgment and order of the learned Additional District Judge, the petitioners moved this Court and obtained the aforesaid Rule.

Heard the submissions advanced by the learned Advocates of the petitioners and the opposite parties at length and perused the materials on record with due care and attention and seriousness as they deserve. The convoluted question of law embroiled in this case has meticulously been waded through.

The learned Assistant Judge rejected the petition of the rejection of the plaint holding the view that without taking evidence, the suit cannot be decided finally.

The learned Additional District Judge thoroughly examined the convoluted question of law involved in this case and rightly allowed the Revisional Application holding the view that the plaintiff-petitioners have got no *locus standi* to file the aforesaid suit as they have no

personal interest in the subject matter of the suit. The aforesaid suit is also not maintainable in view of section 54 of the Specific Relief Act. Moreover, the suit is barred under section 45 of the Intermediate and Secondary Education Ordinance, 1961 and the Civil Court cannot interfere with the internal management of the statutory body.

The result of the suit is as clear as daylight; therefore, the stillborn suit should be buried from its inception for saving unnecessary time, money, energy and precious time of the Court. The tailor made judgment of the learned Additional District Judge does not warrant for any interference, hence, the Rule shall fall flat.

In the result, the Rule is discharged, however, without passing any order as to costs. The earlier order of stay granted by this Court thus stands recalled and vacated.

Let a copy of the judgment be transmitted to the Court below at once.

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**Md. Zakir Hossain, J**