

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

**Writ Petition No. 14957 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. Abdul Mannan

.....Petitioner.

-VS-

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

.....Respondents.

Mr. Md. Moniruzzaman, Advocate

.....for the petitioner

Mr. Tushar Kanti Roy, DAG with

Mr. Md. Salim Azad, A.G.G with

Ms. Anis ul Mawa, A.A.G

.....For the respondents.

**Heard on: 29.02.2024 and  
Judgment on : 21.03.2024**

**Present:**

**Mr. Justice Mustafa Zaman Islam**

**And**

**Mr. Justice Md. Atabullah**

**Mustafa Zaman Islam, J;**

In this application under Article 102 of the Constitution of the People's Republic of Bangladesh, a Rule Nisi was issued calling upon the respondents to show cause as to why the memo being no. বামাশিবো/প্রশা/224221182491/72750/নথি নং-06 dated 03.11.2022, issued by the respondent no.4 regarding not to approval the Managing Committee of

Karamdi Darussunnat Nesaria Dakhil Madrasha, Gangni, Meherpur (Annexure-I) should not be declared to have been issued without lawful authority and is of no legal effect and/or pass such other or further order or orders passed as to this Court may seem fit and proper.

Facts necessary for disposal of the Rule, in brief, are that: the petitioner is citizen of Bangladesh and also an elected president of the Governing Committee of said Madrasha.

On 17.08.2021 under direction of the Chairman, Bangladesh Madrasha Education Board, Register of the Board approved a Adhoc committee comprising 4 members headed by Md. Mohammad Ali, Chairman of the Adhoc Committee for framing a regular committee of Karamdi Darussunnat Nesaria Dakhil Madrasha (in short Madrasha).

On 27.11.2021, the newly appointed Adhoc Committee made a resolution and approved the voter list for election of the Governing Committee. All the Adhoc Committee member present and duly signed those resolution accordingly. On 30.12.2022, the Upazilla Nirbahi Officer, Gagni, Meherpur appointed Md. Mir Habibul Bashar, Upazilla Secondary Education officer as a presiding officer for taking initiative to hold an election of Governing Committee. On 30.12.2021, the presiding officer published election schedule for holding election. As per the schedule the date fixed for election on 16.01.2022. Though there is a mistake happen here. The Presiding Officer wrongly published a election schedule on 03.01.2022 where he fixed on the date of election was on 25.01.2022, but subsequently he corrected those schedule and also informed this correction schedule to the Chairman, Bangladesh Madrasha Education Board.

On 16.01.2022 election result has been published by the Presiding Officer and Number 8 eight member are elected finally which approved by the Presiding Officer, accordingly. Due to corona pandemic there is a delay have been occurred for holding meeting for elected the President of the Governing Committee. Lastly, on 25.09.2022 a meeting has been held with the presence of all the members and they unanimously agreed to elect Md. Abdul Hannan as a President of the Governing Committee.

On 29.09.2022, the Super of the Madrasha sent a letter to the Register, Bangladesh Madrasha Education Board for approval of the newly elected Managing Committee in accordance with law. The authority earlier asking a report regarding the formation of the Managing Committee and delay the resolution for the first meeting of the committee accordingly, the explanation of the delay has been clearly given from the office of the Upazilla Secondary Education Officer, Gagni, Meherpur dated 26.09.2022. On 03.11.2022, a direction upon the Chairman, Deputy Register (Administration) sent a letter where he refused to approve of the said committee to the super of the Madrasha and where he stated that due to some reason the approval of the committee was not given and in view of that instruction were given to the super to submit a new application for formation of Adhoc Committee.

In the premises stated here in above, the petitioner filed a civil suit challenging the inordinate delay for not to sign the newly elected committee before the learned Assistant Judge Court, Gagni Meherpur being suit no. 138/2022 and thereafter, the respondent of this suit agreed to sign then the petitioner withdraw a civil suit on 28.09.2022.

Finding no other alternative efficacious remedy the petitioner has moved before this Court and obtained the instant Rule Nisi.

Mr. Md. Moniruzzaman, the learned Advocate for the petitioner submits that the report which has been sent from Upazilla Secondary Education Officer, Gangni on 26.09.2022 to the Register where he clearly explained how the election has been done and lastly he said that the election has been done in accordance with law as such a direction is seriously required from this Hon'ble Court to declared the letter illegal and also give a direction to approved the Governing committee as early as possible.

Mr. Tushar Kanti Roy, learned Advocate appearing on behalf of respondents opposed the Rule.

We have considered the submissions of the learned Advocate for both sides, perused the writ petition with annexure.

It appears that the authority earlier asking a report regarding the formation of the Managing Committee and the report which has been sent from the Upazilla, Secondary Education Officer, Gagni, Meherpur dated 26.09.2022 to the Registrar, Madrasha Education Board wherein he clearly explained how the election has been done and the election has been done in accordance with law. It also appear that due to corona pandemic there is a delay have been occurred for holding meeting for elect the President of the Governing committee. Lastly, on 25.09.2022 a meeting has been held with the presence of all the members and they unanimously agreed to elect Md. Abdul Hannan as a President of the Governing committee. But the respondents no action has been taken regarding this matter till now. At this stage, we think that ends of justice would be best served if we direct the respondents to approve the Managing Committee. Thus, the 2<sup>nd</sup> term of the Rule having merit.

Accordingly, the Rule is made absolute in part. The respondents are directed to approve the managing Committee as soon as possible preferably

within 30 (thirty) days from the date of receipt of this order in accordance with law.

Communicate the judgment and order at once.

**Md. Atabullah, J:**

*I agree.*