

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

**Writ Petition No. 13172 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:**

Gulshan Ahmed

.....Petitioner

-Versus-

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

.....Respondents

Mr. Chowdhury Murshed Kamal Tipu, Advocate

.....for the petitioner

Mr. Md. Sarwar Hossain Bappi, DAG

.....for the respondents

**Heard on & Judgment on :22.02.2024.**

**Present:**

**Ms. Justice Zafar Ahmed**

**And**

**Mr. Justice Khandaker Diliruzzaman**

**Khandaker Diliruzzaman, 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 notice dated 10.07.2023 rustivating the petitioner for two academic years as well as banishing him from University Halls of residence as well as the Campus issued by the Shahjalal University of Science and Technology (SUST) under memo No. একা ৯৮/ ১২০(১৬)৪/৬৮৯ passed by the Shahjalal University of Science and Technology, Sylhet should not be declared to have been passed 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.

After issuance of the Rule, on 19.10.2023, this Court passed an interim order of direction to the University authority to allow the petitioner to continue his classes and appear in all examination as regular student.

Briefly stated facts are that, the petitioner is a student of Shahjalal University of Science and Technology, Sylhet for the session 2018-2019 in BA (Hon's). During the course of his 4<sup>th</sup> year 1<sup>st</sup> semester a minor altercation was held between the petitioner and his classmate and at one stage the petitioner being provoked by the said classmate, slapped him. Thereafter, the university authority, being informed of the matter, formed an inquiry committee and the committee issued a notice dated 21.03.2023 asking the petitioner to explain his position by the letter dated 27.03.2023. On 24.03.2023, the petitioner submitted a written reply before the inquiry committee stating, inter alia, that there was a minor altercation with his classmate Jisnu Chokrovorti with regard to putting book-bag on the desk and at one stage he being provoked by the said classmate slapped him. The petitioner being lamented for the occurrence begged mercy from the university for the trifling offence with a view that university would provide him a chance to rectify himself. Thereafter, the University authority imposed punishment upon the petitioner vide order dated 10.07.2023 rustivating him for two academic years as well as banning him from University Campus and Halls of residence for two years pursuant to the decision of the 228<sup>th</sup> Syndicate meeting on the basis of the recommendation of Disciplinary Board of the University.

Against the said order, the petitioner made a formal application before the Disciplinary Committee on 09.07.2023 for realising him from the punishment and to review its earlier decision which was followed by a

separate application dated 09.07.2023 made by the 47 classmates of his class.

Being informed with nothing from the University, the petitioner filed a formal appeal dated 06.08.2023 before the University Authority against the decision of his expulsion, but the University authority returned his memo of appeal stating that the appeal is premature.

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

Mr. Chowdhury Murshed Kamal Tipu, the learned Advocate appearing on behalf of the petitioner submits that at the time of issuance of the Rule this Court directed the university authority to allow the petitioner to continue his classes and appear in all examinations as regular student. He next submits that against the said interim order the authority of the Shahjalal University of Science and Technology (SUST) did not prefer any Civil Petition for Leave to Appeal before the Hon'ble Appellate Division. He also submits that the petitioner realised his wrongdoings he had committed towards his classmate, he expressed remorse and regret for his behaviour and also tendered unconditional apology to his classmate. The petitioner undertook not to do any such activities in breach of the University discipline in future. He finally submits that by dint of the interim order, the petitioner has completed all the credit of his curriculum course but during pendency of the Rule, the result of the petitioner was not published, hence the petitioner has been suffering irreparable loss and injury.

No affidavit-in-opposition has been filed by the Respondents. However, the learned Assistant Attorney General opposes the Rule.

We have perused the writ petition, its annexures, application for direction and other materials on record placed before us.

It transpires from the record that the petitioner has filed the instant writ petition challenging the impugned order dated 10.07.2023 issued by the Respondent No.3, The Registrar, Shahjalal University of Science and Technology, Sylhet under Memo No. একা ৯৮/ ১২০(১৬)৪/৬৮৯ rusticating the petitioner for two academic years as well as banning him from University Halls of residence as well as the Campus (Annexure-A).

During the course of hearing learned Advocate for the petitioner has brought to the notice of this Court that the petitioner realised his wrongdoings he had committed towards his classmate. He expressed remorse and regret for his behaviour and also tendered unconditional apology to his classmate. The petitioner undertook not to get involved in such activities or any other activities in breach of the University discipline in future. It also appears that against the interim order of direction passed by this Court, the authority of the Shahjalal University of Science and Technology (SUST) did not prefer any Civil Petition for Leave to Appeal before the Hon'ble Appellate Division. Rather, during that period the petitioner has completed all the credit of his course. Due to the pendency of the Rule, the result of the petitioner was not published as a result, the petitioner's right to education has been seriously affected.

As no affidavit in opposition has been filed to controverting the statements made in the writ petition, the assertions so made are true.

In view of the above, the impugned decision dated 10.07.2023 (Annexure-A) is modified. The petitioner is reprimanded for his acts and is given caution not to indulge in activities which may call for disciplinary action. However, the University authority is always at liberty to take disciplinary actions against any of its students who deserves it in accordance with law.

With the above modification, observations and directions, the Rule is disposed of.

The authority of the Shahjalal University of Science and Technology (SUST), Sylhet is directed to publish the result of the petitioner forthwith.

Communicate the Judgment and Order at once.

**Zafar Ahmed, J;**

***I agree.***

***Md. Mustafizur Rahman  
Bench Officer***