

In the Supreme Court of Bangladesh
High Court Division
(Special Original Jurisdiction)

Present

Mr. Justice Fatema Najib

and

Mr. Justice Sikder Mahmudur Razi

Writ Petition No. 3051 of 2024

In the matter of:

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

In the matter of:

Md. Shah Alam, Registrar, Northern
University of Business and Technology,
Khulna

-----Petitioner.

-Versus-

Secretary Ministry of Education
Bangladesh Secretariat, Ramna Dhaka and
others

-----Respondents.

Mr. Faisal Mahmud Faizee, Senior
Advocate with

Mr. Md. Mukshadul Hasan, Advocate

-----For the petitioner.

Mr. Md. Bodruddoza, Senior Advocate with
Mr. Mohammad Bakir Uddin Bhuiyan,
Advocate

-----For the respondent No. 3

Mr. S.M. Kafil Uddin, advocate

-----For the respondent No. 9

Mr. Mohammad Osman Chowdhury, D.AG
with

Mr. Akhtar Hossain Md. Abdul Wahab with

Mr. S. M. Emamul Musfiqur, A.A.G with

Ms. Tamanna Sultana, A.A.G with

Ms. Khandaker Asma Hamid, AAG with

Mr. Imrul Kayes Rana, AAG

-----For the Respondents-Government.

**Heard on: 19.02.2025, 07.05.2025 and
28.05.2025**

Judgment on: 13.08.2025

Sikder Mahmudur Razi, J.

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh, filed by the Registrar, Northern University of Business and Technology, Khulna, Rule Nisi was issued 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 give permission to operate teaching curriculum of LL.B (Hon's) and LL.M 1(one) year to the petitioner should not be declared to have been done without any lawful authority and is no legal effect and as to why a direction should not be given upon the respondent No.3, the Chairman, University Grants Commission to give permission to operate the teaching curriculum of LL.B (Hon's) and LL.M 1(one) year to the petitioner University and as to why a direction should not be given upon the respondents to frame Rules to monitor the standard of legal education to be observed by Universities and/or pass such other or further order or order pass as to this Court may seem fit and proper.”

Facts necessary for disposal of the instant writ petition are that Northern University of Business and Technology, Khulna obtained temporary permission to establish and operate its function by the Ministry of Education on 29.12.2015 vide memo no. 37.00.0000.078.22.001.14-771 (Annexure- A to the writ petition). Subsequently, the University Grant Commission asked the petitioner-University to comply certain rules and regulations vide memo no. বিমক/বেঃবিঃ/৬৫৭(০১)/২০১৩/৬০৮ dated 26.01.2016 (Annexure- B to the writ petition). The petitioner complied with the said directions and thereafter by letter dated 09.02.2016 (Annexure- C to the writ petition) requested the University Grant Commission to approve the syllabus of some courses including LL B (Hons) and LL M (1 year). On 05.04.2016 the University Grant Commission informed the petitioner-University that it has obtained positive opinion on LL M (1 year) syllabus from the specialist and thereby asked the petitioner-University to appoint required number of teachers as per rules and intimate the information with particulars in the attached list and chart (Annexure- C-1 to the writ petition). The petitioner-University complied with this requirement as well and communicated the compliance as required by letter dated 26.04.2016 (Annexure- C-2 to the writ petition). The University Grant Commission inspected the petitioner-University on 18.07.2016 and based on that report the University Grant Commission granted approval to run academic courses of 6 subjects

namely Bachelor of Business Administration (BBA), Master of Business Administration (MBA), Master of Business Administration (EMBA), Bachelor of Science in Computer Science & Engineering (CSE), BA (Hons) in English and MA in English (Preli and Final) but refused to grant approval to run LL B (Hons) and LL M (1 year) course vide their memo no. বিমক/বেঃবিঃ/৬৫৭(০১)/২০১৩/৬২৬৯ dated 31.07.2016 (Annexure- D to the writ petition). By the said memo the University Grant Commission asked the petitioner-University to obtain “Clearance Certificate” from Bangladesh Bar Council as per direction of the High Court Division and further expressed that they will give permission to run the said two courses subject to filing by the petitioner-University “Clearance Certificate” from Bar Council. Subsequently, the petitioner-University by several representations dated 22.09.2016, 21.08.2017, 22.03.2017 (Annexure- E, E-1 & E-2) requested UGC to grant permission to run the said two courses. On 24.07.2017 the University Grant Commission by a letter dated 24.07.2017 (Annexure-H to the writ petition) informed the petitioner that on obtaining opinion from the Bar Council on this issue they will give their decision. Subsequently, the University Grant Commission by memo no. ইউজিসি/বেঃবিঃ/৬৫৭(০২)/২০১৩/৮৬৯০ dated 24.10.2019 (Annexure- I to the writ petition) informed the petitioner-University that, right at this moment as per opinion of the Bar Council it is not possible to grant permission to run the said

courses since as per direction of the Hon'ble Appellate Division they are working on framing Rules. Subsequently, the petitioner by representations dated 22.10.2020, 28.01.2021, 06.03.2021 (Annexure- E-3 to E-5) requested the University Grant Commission to accord them permission to run LL B (Hons) and LL M (1 year) course stating that positive opinion has been given by the experts on the syllabus of both the courses and the Hon'ble Appellate Division in their Judgment does not set obtaining "Clearance Certificate" as a criteria for getting and granting permission. As per Judgment of the Hon'ble Appellate Division, UGC can grant permission if all the conditions are fulfilled and without concurrence of Bangladesh Bar Council. But since, the University Grant Commission was sitting idle over the matter for long, therefore, the University filed the instant writ petition.

During pendency of the writ petition, the petitioner-University made another representation to UGC on 20.01.2025 (Annexure- K to the supplementary affidavit of the writ petition dated 05.02.2025) to grant permission to run the courses in question and in their representation, they stated that they came to know that the expert nominated by the UGC once again by memo dated 02.09.2024 has given positive opinion on the syllabus of the courses in question. Moreover, UGC has already accorded permission in favour of another University namely International Standard

University to run LL B (Hons) course on 29.08.2024 and therefore, they are entitled to get equal treatment.

Mr. Faisal Mahmud Faizee, learned Senior Advocate along with Md. Mukshadul Hasan learned advocate appeared in the matter on behalf of the petitioner.

Mr. Faisal Mahmud Faizee, learned Senior Advocate by placing before us the common judgment passed in Writ Petition No. 10242 of 2006 and 12 other writ petitions on 13.04.2016 as well as the Judgment passed by the Hon'ble Appellate Division on 08.02.2017 in Civil Appeal No. 235 of 2014 and 13 other Civil Petitions submitted that direction of the High Court Division not to grant permission to open LL B (Hons) course without "Clearance Certificate" from Bangladesh Bar Council has not been endorsed and affirmed by the Hon'ble Appellate Division rather their Lordships of Hon'ble Appellate Division with the hope that Bar Council shall give guidelines finally gave their opinion which includes amongst others that Bangladesh Bar Council shall frame Rules with approval of the Government to monitor the standard of legal education of the Universities and for the inspection of the Universities and the Bar Council shall publish a syllabus to be taught by the Universities and Law Colleges and Bar Council has exclusive power to recognize a decree in law obtained by any person from any university or law college and no public or private university or law college shall issue any law degree certificate to a

student which does not have sufficient number of teachers as may be prescribed by the Bar Council. Mr. Faizee placing those opinions further submitted that there is nothing in those opinions to the effect that, before framing of Rules new permission cannot be given and therefore, inaction of the University Grant Commission to accord permission to run the courses in question based on refusal of Bar Council is illegal and without lawful authority.

He next submitted that the inaction of UGC in not granting permission does not qualify the test of *reasonableness* and by not giving permission to run the courses UGC is perpetuating the violation of Rule of law by acting in a discriminatory manner.

Mr. Faizee next submitted that since the petitioner University has complied with all the requirements to have permission in its favour, therefore, by withholding permission UGC has violated the petitioner's right to be treated in accordance with law as enshrined in Article 31 of the Constitution.

Mr. Faizee further submitted that since UGC has already given permission in favour of another university to run LL B (Hons) course, therefore, UGC is under a legal obligation to grant permission in favour of the Petitioner-University as well, to run the courses in question.

With these submissions Mr. Faizee, learned Senior Advocate prayed to make the Rule absolute.

In response to our query, Mr. Faizee, learned Senior Advocate, showed us a memo dated 13.12.2022 issued by Ministry of Education whereby the Ministry extended the approval of the University for a further period of 03 years.

Respondent no. 3 i.e. University Grant Commission contested the Rule by filing an affidavit- in- opposition. The fact as narrated by the petitioner has not been denied by the said respondent rather their contention is that for getting permission to run LL B (Hons.) and LLM course, the petitioner needs clearance certificate from Bangladesh Bar Council which the petitioner has failed to obtain. Moreover, since Bangladesh Bar Council has not yet formulated any Rules with approval of the Government to monitor the standard of legal education to be observed by universities and law colleges in Bangladesh, therefore, UGC is unable to comply with the requests of the petitioner to give permission to operate the teaching curriculum of LL B (Hons.) and LL M (1 year).

By filing an affidavit-in-reply against the supplementary affidavit of the petitioner, the said respondent further contended that they gave permission in favour of International Standard University to operate LLB (Hons.) course inadvertently and subsequently, they have revoked the permission on 27.02.2025 (Annexure- 4 to the affidavit- in- reply).

Mr. Md. Bodruddoza learned Senior Advocate along with Mohammad Bakir Uddin Bhuiyan learned advocate appeared for the respondent no. 3 i.e. University Grant Commission.

Mr. Bodruddoza learned Senior Advocate submitted that the petitioner has filed the instant writ petition challenging the inaction of the University Grant Commission and for certain direction but from memo dated 24.10.2019 (Annexure I to the writ petition) it appears that the University Grant Commission informed the petitioner that since no Rules has been framed by Bangladesh Bar Council as yet, therefore, based on the statement of Bangladesh Bar Council permission cannot be granted at this moment. Therefore, the petitioner ought to have challenged the said memo.

Mr. Bodruddoza next submitted that since no notice demanding justice has been served, therefore, the 2nd part of the Rule which is in the form of mandamus is not maintainable.

Mr. Bodruddoza finally submitted that as per Judgment passed by the High Court Division as well as Hon'ble Appellate Division there is no scope for UGC to give permission to operate LL B (Hons) and LL (M) without "Clearance Certificate" of Bar Council as the direction given by the High Court Division has not been modified or changed by the Hon'ble Appellate Division and since no Rule has been framed as yet, therefore, there is no scope to issue "Clearance Certificate".

With these submissions Mr. Bodruddoza, learned Senior Advocate, prayed to discharge the Rule.

Mr. S.M. Kafil Uddin, learned advocate appearing for Bangladesh Bar Council submitted that Law and Justice Division of Ministry of Law, Justice and Parliamentary Affairs on 07.08.2025 reconstituted the sub-committee which was framed to scrutinize the draft of “Bangladesh Legal Education Rules, 2020”. Mr. Kafil Uddin also showed us a copy of the said memo.

We have heard the submissions of the learned senior advocates of the respective parties as well as perused the materials on record as well as the judgment passed in Writ Petition No. 10242 of 2006 and 12 other writ petitions on 13.04.2016 as well as the Judgment passed by the Hon’ble Appellate Division in Civil Appeal No. 235 of 2014 and 13 other Civil Petitions on 08.02.2017.

Before recording our findings and decisions in this present writ petition, we consider it profitable to quote the relevant directions of the High Court Division as well as the opinion of the Hon’ble Appellate Division as we consider those to be proper for disposal of the instant writ petition.

The directions of the High Court Division

Directions upon the University Grant Commission (UGC)

- (i) The UGC shall not accord permission to any private university to open LLB (Hons) course without having prior approval, to be known as 'Clearance Certificate' from the Bangladesh Bar Council.
- (ii) Within 3 (three) days from the date of receipt of this order, the UGC shall issue notice to all the private universities of Bangladesh to obtain 'Clearance Certificate' from the Bangladesh Bar Council to run the LLB (Hons) course.
- (iii) The UGC is directed to inform this Court about the compliance of the above directions by way of filing affidavit-in-compliance on or before 01.08.2016.

Directions upon the Bangladesh Bar Council (BBC)

- (i) The BBC shall prepare a list of the private universities who have been issued with the 'Clearance Certificate' and place the said list in the website of the BBC.
- (ii) Upon receiving an application from a private university to obtain a 'Clearance Certificate' together with a non-refundable security deposit of Taka ten lacs in the Bank Account of the BBC and an undertaking that the university shall admit its LLB (Hons) students only from the list of the successful candidates of the BBC's Admission test for LLB (Hons) course, the BBC shall issue the 'Clearance Certificate' within 3

(three) months from the date of receipt of the above application.

- (iii) Before issuance of the 'Clearance Certificate' to any private university, the BBC shall request two Hon'ble Judges of the Supreme Court to inspect the aspirant private university to see whether there is at least five standard size class rooms for exclusive use of the law students, whether at least 10 (ten) full-time qualified teachers have been recruited on permanent basis and whether the overall environment of the Law Department is conducive to produce law-graduates and if the Hon'ble judges submit a positive report, the BBC shall issue the 'Clearance Certificate' containing that *'this is to certify that the LLB (Hons) course run by the North South University/Independent University/BRAC University is a recognized course by the Bangladesh Bar Council'*.
- (iv) The BBC shall arrange for the admission test of the LLB (Hons) students in the private universities in the last week of the September of each year.
- (v) The BBC shall float advertisement in the widely-circulated 2 (two) daily national newspapers inviting the prospective students to apply in the prescribed form for admission in the LLB (Hons) course in the

private universities with payment of the prescribed fees and submission of two photographs and the SSC & HSC certificates.

- (vi) The BBC may conduct the admission test applying the same procedure which is in place for the MCQ and written tests for Advocateship examination.
- (vii) The BBC, however, shall be at liberty to enter into a contract either with University of Dhaka or with the reputed private universities, such as North South University, Independent University and Brac University to conduct the whole admission process.
- (viii) Only the students with GPAS, securing 70% marks in English in the HSC or equivalent passed within the last two preceding years, shall be eligible to apply for the admission test and the 'A level' certificate-holders of English medium background with B grade result shall be eligible to apply for LLB (Hons) admission test. The students with below 70% marks in English in the HSC shall be eligible to apply subject to obtaining 6+ in the IELTS certificate from the British Council.

Directions upon the Private Universities

- (i) No private university shall admit LLB (Hons) students whose names do not appear in the 'Pass List' of the Admission Test for the LLB (Hons) course held by the

BBC and it shall not take more than 100 LLB (Hons) students in a calendar year and also shall not run a two-year LLB degree level course.

- (ii) All the private universities, that are running the LLB (Hons) course and any private university which desires to open up the LLB (Hons) course, shall apply to the BBC within 01.09.2016 for obtaining the 'Clearance Certificate' with a payment of Tak 10,00,000/- (ten lacs) as security deposit in the Bank Account of the BBC and the CVs of the ten permanent teachers with their academic certificates.
- (iii) After completing the admission process of the students, the private university shall send the list of the First year LLB (Hons) students of the Law Department and, thereafter, their further developments shall be supplied to the BBC on or before 30th October of the each year.
- (iv) However, the private universities shall not be required to comply with the above directions to run the 'Bachelor of Executive Law' course (BEL) incorporating any laws/statutes in its syllabus as per their need and choice, for the students who do not wish to be judicial officer or Advocate. But they must not use the word 'LLB' in their certificate.

The opinion of the Hon'ble Appellate Division

- (a) A profession of law being founded on great traditions that it is not a business but a part of a scheme of a welfare State where all segments of public reposed faith in them to protect their fundamental rights, they are answerable to the social conscience of the society and have moderate obligation towards them who are unable to protect their interest.
- (b) Lawyers are duty bound to contribute in building social order so that the fruits of the social economic justice reach to the poor segment of people of the country, and therefore, a lawyer owes a duty to be fair not only to his client but also to the society.
- (c) Bangladesh Bar Council is rendering public utility service and law cast on this Body in the national hope that the members of legal profession will serve society and keep the cannons of ethics defeating an honourable order.
- (d) The Bar Council shall frame Rules with approval of the government to monitor the standard of legal education to be observed by universities and law colleges in Bangladesh and the inspection of the universities and college for that purpose in accordance with article 40 (2) (t) of P.O. 46 of 1972.

- (e) The Bar Council shall publish a syllabus to be taught by the universities and law colleges compulsorily which will award LLB honours and pass course degree certificates and that no person shall be allowed to be enrolled as an advocate unless he/she obtains a graduation certificate on law on those subjects in accordance with article 27(1)(i) and (d) of P.O. 46 of 1972.
- (f) The Bar Council has exclusive power to recognize a decree in law obtained by any person from any university or college and it has power to curtail/exonerate the power to practice of any person either in the district courts or in the High Court Division.
- (g) No Private university shall issue Bachelor of Law degree unless such person undergoes four years education in law course and this direction shall have prospective effect. No public or private university shall admit students in bachelor of law course more than 50 (fifty) students in a semester.
- (h) The Bar Council has power not to recognize any degree in respect of any student for being enrolled as an advocate who has not studied four years honours course in law along with other subjects in any private university.
- (i) No public or private university or law college shall issue any law degree certificate to a student which does not

have sufficient number of teachers to teach the law subject, as may be prescribed by the Bangladesh Bar Council.

(j) The Bar Council may limit/increase the age limit of a person to be enrolled as an advocate either in the district courts or the High Court Division by framing rules.

(k) Rule 65A of the Bangladesh legal practitioners and Bar Council Rules, 1972 intravires the constitution and P.O. 46 of 1972.

(l) The Bar Council shall complete the enrolment process of the application to be enrolled as advocates in the district courts each calendar year.

One of the core submissions of Mr. Bodruddoza, learned senior advocate for the respondent no. 3- University Grant Commission was that since the direction of the High Court Division was not modified or changed, therefore, UGC cannot accord permission in favour of any private university to operate LLB (Hons) or LLM course without “Clearance Certificate” from Bangladesh Bar Council.

The question is, “Is it really so”? To find out the answer we have meticulously gone through the judgment of their Lordships of the Hon’ble Appellate Division and we felt it intensely necessary to quote some of the paragraphs of the said judgment. The paragraphs which we felt relevant in our consideration are reproduced below:

“These provisions reveal that the Bar Council is an independent Body constituted by Law. The object and purpose of formation of this organization is to decide the procedure of the enrolment of advocates for practicing both in the district courts and the High Court Division; to issue certificate of enrolment; to recognize a degree obtained by a person to be eligible to become an advocate; to prescribe guideline to appear for admission as an advocate; to regulate training of advocates; to frame Rules regarding the standard of professional conduct and etiquette to be observed by the advocates; to take disciplinary action against advocates for professional misconduct; to suspend/rescind the certificate issued to advocates; to monitor the standard of legal education to be observed by the Universities in Bangladesh and to inspect for that purpose and to conduct the election for the composition of the Bar Council by preparing voter list etc. ” [Page 17 & 18 of the Judgment supplied to us]

“.....The High Court Division should not have explored the issues which are not covered by the terms of the rules.....” [Page- 56 of the Judgment supplied to us]

“Some of the observations and findings of the High Court Division are inconsistent and not conformity with law. It was not at all necessary on the part of the High Court Division to make such observations which are not relevant for the disposal of the issues involved in the rules. Some of the findings and directions given by the High Court Division come within the ambit of judicial legislation. The court would not by overlapping its bounds rush to do what parliament, in its wisdom, warily did not do.” [Page 68 & 69 of the Judgment supplied to us]

“The High Court Division has directed and/or declared that a person will not be eligible to get admission in any university unless the LLB honours course run by such universities shall obtain clearance certificate from the Bar Council. Clause (d) of Order 27(1) prescribed that a person shall be qualified to be admitted as an advocate if he “has passed such examination as may be prescribed by Bar Council.” True, the Bar Council has a role to oversee the standard of education in law subjects either in public or private universities or law colleges which are conferring law decree on a person properly. Or to see

as to whether the universities and colleges are teaching law students properly and whether they have qualified teachers for undergoing such education because ultimately these law graduates will become a Judge or a competent lawyer. We have been noticing for a considerable time that the new entrants in the profession from the universities and law colleges with exception of one or two are performing very poor standard. This is due to lack of proper education and training. We hope that the Bar Council shall prescribe/give guidelines to all the universities and colleges teaching on law subjects and conferring law degrees to the students. It should compel them to follow the syllabus on subjects to be taught, which should be uniform and in case of violation, it would not recognize the law degrees of such institute. If it can restrict the recognition of those students, who have obtained law degree from the universities and colleges which do not teach basic law subjects and have no permanent qualified teachers on all subjects of law, the standard of law graduate will be improved.” [Page 102-104 of the Judgment supplied to us]

“Though there is provision in article 40(2)(t) that the Bar Council may frame Rules providing “the

standard of legal education to be observed by universities in Bangladesh and the inspection of universities for that purpose” it has remained a silent spectator in this regard.Therefore, it is high time for the Bangladesh Bar Council to frame Rules in accordance with the article 40(2)(t) with prior approval of the government to oversee the standard of legal education being taught by the universities and colleges. In the absence of Rules, it is not desirable to interfere with the internal management of the universities and colleges. Such conditions may be attached in accordance with article 27(1)(d) of P.O. 46 of 1972” [Page 106 & 107 of the Judgment supplied to us]

Finally, the Hon'ble Appellate Division gave some ‘conspectus’ opinions which have been reproduced earlier. The word ‘conspectus’ has been used before the word ‘opinion’. The word ‘conspectus’ means in Bengali কোনো বিষয় বা দৃশ্যের সামগ্রিক চিত্র বা ধারণা বা নিরীক্ষা and in English it means a general or comprehensive overview, survey or summary of a subject or something. From, those ‘conspectus’ opinion we do not find any *biosignature* of the statement/submission that the direction of obtaining ‘clearance certificate’ given by the High Court Division has not been changed or modified. Rather from the Judgment of the Hon’ble Appellate

Division, from their findings and observations especially those as quoted above and from their opinion it is crystal clear that the requirement of obtaining ‘clearance certificate’ from Bar Council as directed by the High Court Division has lost its existence.

We have also gone through section 35 (1) of বেসরকারী বিশ্ববিদ্যালয় আইন, ২০১০ which provides as follows:

৩৫। (১) প্রত্যেক বেসরকারী বিশ্ববিদ্যালয় উহার শিক্ষা কার্যক্রম সম্পর্কিত পরিকল্পনা বা শিক্ষাক্রম সম্পর্কিত বিষয়ে বিশ্ববিদ্যালয় মঞ্জুরী কমিশনের লিখিত অনুমোদন গ্রহণ করিবে;

তবে শর্ত থাকে যে, কোন প্রোগ্রাম বা কোর্স চালু করিবার ক্ষেত্রে, যদি অন্য কোন আইনের অধীন প্রণীত কোন বিধি-বিধানে অন্য কোন সংস্থার অনুমোদন গ্রহণ বাধ্যতামূলক হয়, তাহা হইলে উক্ত সংস্থার অনুমোদনও গ্রহণ করিতে হইবে।

Therefore, it appears that, if under any act or in any rules framed under that act, there is any requirement of obtaining approval or permission from any other authority that also has to be obtained to get permission from UGC. But UGC or Bar Council has failed to show the existence of any such requirement either in the Bangladesh Legal Practitioners and Bar Council Order, 1972 (P.O. 46 of 1972) or under any of its rules or any other laws.

Therefore, we are of the view that there is no bar and difficulty till today for University Grant Commission to grant approval to operate LL B (Hons) and LL M (1 year) course as

prayed for by the petitioner. Further, in absence of any such bar and restrictions the University Grant Commission is under a legal obligation to grant permission for academic courses and the University has a legal right to get permission if they fulfill all other necessary requirements.

Another submission of Mr. Bodruddoza learned senior advocate for the respondent no. 3 was that the since the petitioner did not challenge the memo dated 24.10.2019 (Annexure I to the writ petition) and did not serve any notice demanding justice, therefore, the writ is not maintainable. In reply of such submission Mr. Faisal Mahmud Faizee, learned senior advocate for the petitioner submitted that by the said memo the respondent no. 3 only informed the petitioner that since no Rules has been framed by Bangladesh Bar Council as yet, therefore, based on the statement of Bangladesh Bar Council permission cannot be granted at this moment. Mr. Faziee submitted that since it was not a complete refusal and since there was no embargo upon the UGC to grant permission of LL B (Hons) or LL M course, therefore, they have statutory obligation to give permission to operate the courses in

question since the petitioner has complied with the necessary requirements. But out of wrong impression they have refrained themselves from performing their own responsibilities and authorities, and therefore, the petitioner has rightly challenged the inaction of the respondent. He further submitted that after issuance of the memo dated 24.10.2019 the petitioner made several representations which have been annexed as annexure E-3 to E-5 to the writ petition and thus requirement of law has been fulfilled. We find force in the submission of **Mr. Faizee** in this regard.

Therefore, in our view reliefs have been framed properly in the instant writ petition. Moreover, we want to make it clear that absence of specific prayer would not be a reason for denying relief and technical rules cannot have precedence over substantive justice.

In the light of the above facts, circumstances and observations we find merit in this Rule. However, since the framing of Rules is under process, therefore, the 3rd part of the Rule is disposed of. On the other hand, the 1st and 2nd party of the Rule is made absolute. The inaction of the respondents to give permission to operate teaching curriculum of LL B (Hons.) and LL M 1(one)

year to the petitioner is hereby declared without lawful authority and is of no legal effect. The respondent no. 3-University Grant Commission is hereby directed to give permission in favour of Northern University of Business and Technology, Khulna to operate the teaching curriculum of LL B (Hons.) and LL M (1 year) within 03 (three) months from the date of receipt of this judgment subject to compliance by the petitioner all other requirements including up to date approval of Ministry of Education.

Communicate the Judgment to the respondents at once.

I agree
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(Sikder Mahmudur Razi, J)

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(Fatema Najib, J)