

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

WRIT PETITION NO.15953 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. Sentu Hossain

.....Petitioner

-VERSUS-

Bangladesh, represented by the Secretary, Secondary and Higher Education Division, Ministry of Education, Secretariat Building Ramna, Dhaka and others

..... Respondents

Mr. Md. Mahabubur Rahman Kishore, Advocate

..... For the Petitioner

Mr. Mohammad Waliul Islam Oli, D.A.G with
Mr. Md. Ershadul Bari Khandakar, D.A.G with
Ms. Nilufar Yesmin, A.A.G with
Mr. Md. Moshir Rahman (Rahat), A.A.G with
Mr. Md. Motasim Billah Parvez, A.A.G with
Mr. Md. Faridul Islam, A.A.G

.....For the Respondents

Present:

Mr. Justice Sashanka Shekhar Sarkar

And

Justice Urmee Rahman

**Heard on 25.01.2026 and
Judgment on 29.01.2026**

Urmee Rahman, J:

In the instant matter a Rule Nisi was issued on an application under Article 102 of the Constitution of the People's Republic of Bangladesh in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the rejection order (Annexure-E) issued by the respondent No. 6 rejecting the petitioner's online application for Monthly Pay Order (M.P.O.) enlistment in the staff pattern as the Computer Lab Operator of Radhakantapur High School & College, Lalpur, Natore without assigning any cogent reason and thereby violating the clause 17.5 of the বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবল কাঠামো ও এম.পি.ও. নীতিমালা-২০২১ should not be declared to have been passed without lawful authority and is of no legal effect and also as to why the respondents should not be directed to consider the enlistment of the petitioner's name in the Monthly Pay Order (M.P.O.) in the staff pattern as the Computer Lab Operator of Radhakantapur High School & College, Lalpur, Natore with arrear and other service benefits from the date of his joining on 12.01.2022 meeting the requirements stipulated in Serial No. 32 of the School category of Schedule-Gha, বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবল কাঠামো ও এম.পি.ও. নীতিমালা-২০২১ and/or pass such other or further order or orders as to this Court may seem fit and proper.”

Relevant facts for disposal of the instant Writ Petition, in short, are that, the petitioner completed his S.S.C in the year 2006, H.S.C in the year 2008, Bachelor of Arts (Pass) in 2011 and Master of Science in Geography and Environment from the National University in 2012. In 2012 he completed a six-month Diploma in Computer and ICT training Course scoring ‘A’ grade from Institute of ICT (Information & Communication Technology), Science & Information Technology Foundation, a government approved institution.

Radhakantapur High School and College situated in Lalpur, Natore District was enlisted in the Monthly Pay Order (M.P.O.) on 01.08.1995. A recruitment advertisement was published on 30.11.2021 for the post of Computer Lab Operator in the school section of this institution. Pursuant to that advertisement the petitioner applied and after following due process of law he was appointed in that School on 11.01.2022 and subsequently he joined in the said post of Computer Lab Operator on 12.01.2022. After joining the petitioner filed online application on several occasions for M.P.O. enlistment. Lastly, on 30.09.2022 the petitioner, through the Principal of the School, made an online application for getting enlisted in the Monthly Pay Order (M.P.O.). All the necessary documents were uploaded with the online application as required by the authority. The petitioner also sent a hard copy of the said application to the authority concerned. The respondent no. 6 i.e. the District Education Officer, Natore, in exercise of his power, rejected the petitioner's online application on the ground of 'insufficient papers'. This rejection order was shown online and after getting knowledge about such rejection the Principal of the School & College vide application dated 02.11.2022 requested the Respondent no. 2, the Director General, the Directorate of Secondary and Higher Education, Dhaka for enlisting the petitioner's name in the M.P.O. stating inter alia that the Respondent no. 4 informed him that the Respondent no. 6 rejected the M.P.O. application of the petitioner due to ambiguity in the বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবলকাঠামো ও এম.পি.ও. নীতিমালা-২০২১ about the qualifications of the

candidates of Computer Lab Operator, whereas some other educational institutions of Chattogram region gave appointments in the said post with the same qualifications like the petitioner. The letter was received by the respondent no. 2 on 09.11.2022 however no action has yet been taken on the basis thereof.

Being aggrieved by the impugned rejection and there having no other alternative and efficacious remedy, the petitioner has filed the instant writ petition and obtained the Rule.

Learned Advocate Mr. Md. Mahabubur Rahman Kishore, appeared on behalf of the petitioner. At the very outset he submitted that, the petitioner has been discharging his official duty sincerely and with the satisfaction of the authority in the post of Computer Lab Operator since his joining on 12.01.2022. Following all the required provisions he filed the online application to be enlisted in the Monthly Pay Order (M.P.O.). The petitioner holds all the required qualifications for the post and this post is available in the staff pattern of the school. He provided all the necessary documents with his application as required by the বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবলকাঠামো ও এম.পি.ও. নীতিমালা-২০২১ but the authority did not consider those documents and rejected the application arbitrarily and whimsically without showing any specific reason.

Learned advocate for the petitioner also referred to Rule 17.5 of the বেসরকারি শিক্ষা প্রতিষ্ঠান-নর (স্কুল ও ক-লেজ) জনবলকাঠা-মা ও এম, পি, ও নীতিমালা-২০২১ which provides that, if any application for enlistment in the Monthly Pay Order (M.P.O.) is rejected, a proper and specific reason has to be shown

by the authority at the time of rejection. But the respondent No. 2 has rejected the petitioner's application without following this specific provision of law without showing any reason and in violation of the principle of natural justice and therefore the impugned rejection is liable to be declared without any lawful authority and thereby set aside.

Mr. Md. Ershadul Bari Khandakar, the learned Deputy Attorney General opposed the Rule; however without submitting any vokalatnama or any affidavit in opposition.

We have heard the learned Advocate for the petitioner as well as the learned Deputy Attorney General and perused all the documents annexed as annexures with the writ petition.

It appears from the বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবলকাঠামো ও এম.পি.ও.নীতিমালা-২০২১ that পরিশিষ্ট-ঘ refers to বেসরকারি শিক্ষা প্রতিষ্ঠানের শিক্ষক-কর্মচারীদের জন্য নিয়োগ-যোগ্যতা, অভিজ্ঞতা ও বেতন স্কেল। The required qualification for a Computer Lab operator appears in serial no. 32, which provides, “বাংলাদেশ কারিগরি শিক্ষা বোর্ড হতে ০৩ (তিন) বছর মেয়াদি কম্পিউটার ডিপ্লোমা/সমমান অথবা শিক্ষা বোর্ড হতে কম্পিউটার/তথ্য ও যোগাযোগ প্রযুক্তি বিষয়সহ বিজ্ঞান বিভাগে এইচ.এস.সি/সমমানসহ সরকার অনুমোদিত প্রতিষ্ঠান হ-ত ০৬ (ছয়) মাস মেয়াদি কম্পিউটার ডিপ্লোমাধারী অগ্রাধিকার পাবে। সমগ্র শিক্ষা জীবনে ০১ (এক) টির বেশে ৩য় বিভাগ/শ্রেণি/সমমান গ্রহণযোগ্য হবে না।” From the documents annexed as Annexure A-A4 it appears that the petitioner holds the required qualification to be eligible for that post.

It also appears from Annexure-H to Annexure-H7 that another candidate of different School holding the similar qualification has been enlisted in the Monthly Pay Order (M.P.O.). It has been submitted by the learned Advocate for the petitioner that petitioner's application has been rejected in a discriminatory manner.

Appendix 'uma' to the Rules-2021 provides a list of documents to be submitted at the time of filing the application for enlistment in the M.P.O. Petitioner's case is that he submitted all the required documents with the application by the authority. Annexure-E is an online result sheet regarding the applications filed for enlistment in the M.P.O. It appears from this result sheet that in the 'comment' column it does not show that the petitioner's application has been rejected but in the column of 'reason for rejection' it shows "insufficient papers".

After being informed about the result, the principal of the institution sent a letter on 02.11.2022 (Annexure-F) to the respondent no. 2 but without any result.

বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবলকাঠামো ও এম.পি.ও. নীতিমালা-২০২১ has been framed providing some guidelines to be followed in enlisting the private educational schools and colleges as well as its teachers and staffs in the Monthly Pay Order (M.P.O.). Rule 17.5 of this নীতিমালা-২০২১ provides that: “এম.পি.ও.র কোনো আবেদন reject হলে তার যথাযথ কারণ ও সুনির্দিষ্ট ব্যাখ্যা দিতে হবে। (emphasis added) যৌক্তিক কোনো কারণ ছাড়া এম.পি.ও. ভুক্তির আবেদন নির্দিষ্ট সময়ে নিষ্পত্তি/অগ্রগামী না করে দীর্ঘসূত্রিতার প্রমাণ পেলে সংশ্লিষ্ট প্রতিষ্ঠান প্রধান/উপজেলা/ থানা

মাধ্যমিক শিক্ষা অফিসার/জেলা শিক্ষা অফিসার সহকারী পরিচালক/উপপরিচালক, পরিচালক এর বিরুদ্ধে বিভাগীয় শাস্তিমূলক ব্যবস্থা গ্রহণ করা হবে। উপজেলা/জেলা/অঞ্চল পর্যায়ে যাচাই কমিটিতে কারও বিরুদ্ধে অনিয়মের সম্পৃক্ততার প্রমাণ পেলে তাদের বিরুদ্ধেও বিভাগীয় ব্যবস্থা গ্রহণ করা হবে।”

From the above quoted provision it is very clear that to provide specific reason and explanation thereto is a pre requisite in case of rejection of an application for M.P.O. It is apparent from the impugned online result sheet that the reason for rejection has been mentioned to be ‘insufficient paper’ but there is no detail as to which papers are deficit. The petitioner has not been informed either about the detail of ‘insufficient paper’. An application was made by the principal to the respondents but no reply was made thereto. Such action of the respondents not only violates the specific provision of the Rules-2021 but also violates the principle of natural justice. Had the petitioner was given an opportunity informing him about the deficits of the documents, he could have submitted those before the authority. Since the Rules-2021 imposed a procedural requirement to deliver reason for rejection, failure to do so shall render the decision procedurally flawed and susceptible to judicial intervention for being contrary to established principles of administrative law.

In view of the fact and circumstances discussed hereinabove we find substance in the Rule. The impugned result so far relates to the rejection of the petitioner’s application is declared to have been done without any lawful authority. The Respondent No. 6 i.e. the District Education Officer, Natore is hereby directed to communicate the

Petitioner as to the detail of deficit of papers submitted by him and to take necessary steps to enlist the petitioner's name in the M.P.O. in the staff pattern as the Computer Lab Operator of Radhakantapur High School and College, Lalpur, Natore subject to submission of the requisite documents by the petitioner. However, there is no order as to provide arrear and other service benefits from the date of his joining.

In the result, the Rule is made absolute-in-part with the direction made hereinabove.

However, without any order as to costs.

Let a copy of this judgment and order be communicated to the concerned authorities concerned at once.

Justice SashankaShekharSarkar, J:

I agree.