

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

Writ Petition No. 12205 of 2024

IN THE MATTER OF:

An application under Article 102(2)(a)(i) of the
Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Md. Alkas Uddin Ahmed

....Petitioner

Versus

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

....Respondents

Mr. Md. Zahurul Islam Mukul, Advocate with
Mr. Manabendra Ray, Advocate

....For the Petitioner

Mr. S.M. Rezaul Islam, Advocate

.... For the respondent No. 8

Present:

Mr. Justice Md. Iqbal Kabir

And

Mr. Justice S M Saiful Islam

Judgment on 20.08.2026.

Md. Iqbal Kabir, J:

This Rule Nisi was issued calling upon the respondents to show cause as to why the respondents should not be directed to take proper and necessary steps to withdraw or cancel the forceful resignation as taken from the petitioner from his service as the Head Master of Golam Nabi Model Pilot High School, Kaliakore, Gazipur from 14.08.2024 (Annexure-B) by taking into consideration the letter of the Government dated 27.08.2024 as contained in Memo No. 37. 00. 0000. 061. 018. 16. 2016-193 and also the letter dated 03.09.2024 contained in Memo No. 37. 00. 0000. 061. 018. 16. 2016-199 issued under the signature of the Deputy Secretary, Ministry of Education, Administration and Establishment Branch, Secondary and Higher Education Division, Ramna, Dhaka (Annexure-H & I) should not be declared to have been done without any 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.

At the time of issuance of the Rule, this Court also passed the interim order in the following terms:

“Pending hearing of the Rule, let operation of the impugned forceful resignation letter taken from the petitioner from his service as the Head Master of Golam Nabi Model Pilot High School, Kaliakore, Gazipur from 14.08.2024 (Annexure-B) be stayed for a period of 03 (three) months from date.”

Short facts narrated in this application are that the petitioner is a citizen of Bangladesh and the Headmaster of Golam Nabi Model Pilot High School, Kaliakore, Gazipur. He was appointed upon compliance with all laws and rules applicable at the time of appointment. However, on 14.08.2024, a group of miscreants forcefully took a signature on a resignation letter of the petitioner against his will. Against which, the petitioner made a GD Entry with the Kaliakore Police Station, Kaliakore, being No. 338 dated 15.08.2024. The petitioner filed a representation dated 24.08.2024 before the Upazila Nirbahi Office, Kaliakore, and the President, Managing Committee of the School, Gazipur/respondent No. 6 relating to such resignation and requested him to take necessary steps over the matter. Since the respondent did not take appropriate initiative, hence this application.

Mr. Md. Zahurul Islam Mukul, the learned Advocate for the petitioner, submits that after 05.08.2024, forceful resignations and illegal occurrences have taken place. Knowing such forceful resignation respondents/ Ministry of Education issued a memo dated 03.09.2024 to prevent such activities. However, he claims the alleged incident was inquired into and, based on the inquiry report dated 04.01.2026, the respondent No. 2 was directed to take necessary steps.

He submits that addressing Managing Committee resignation letter has to be submitted. According to him, the alleged resignation letter was taken forcefully; thus, it was addressed to the Upzallia Secondary Education Officer instead of the Managing Committee with a wrong spelling. However, soon after the alleged occurrence, the petitioner made several representations addressed to the Upazila Nirbahi Office, and President, Managing Committee of the School, dated 24.08.25, District Education Officer, Director General, Directorate of Secondary and Higher Secondary Education, Chairman, Secondary and Higher Secondary Education Board, Dhaka, all dated 20.08.2024, informing the authority concerned of the alleged occurrence and sought intervention from the authority concerned.

He argues that the Board has the power to review any order or decision made by the Managing Committee; according to him, the Managing Committee

of a school is under the Board's supervision and control, and the Board has authority to pass whatever appropriate order it considers necessary. Therefore, the respondents are required to be directed to take proper and necessary steps to withdraw or cancel the so-called resignation letter of the petitioner from his service as the Headmaster of Golam Nabi Model Pilot High School, Kalikore, Gazipur.

Mr. S.M. Rezaul Islam, the learned Advocate appearing on behalf of the respondent No. 8 submits that the petitioner challenged his own resignation; further, the resignation was obtained by force, raising disputed questions of fact requiring oral and documentary evidence. However, he submits subsequent memo was issued during the pendency of the Rule while the validity of the resignation was already sub judice.

We have heard the learned counsel for both the sides and perused the writ petition, supplementary affidavit and affidavit-in-opposition and also other connected papers and documents.

Upon perusal of Annexure-A-1, it appears that the name of the petitioner was wrongly recorded therein, which prima facie indicates that the petitioner's signature was obtained on a written application without properly reflecting his name and/or intention.

The petitioner, on 13.01.2025, by filing an application, requested Respondent No. 8 to reinstate him as Headmaster and to pay all due salary and benefits as per the order and direction of the Respondent No. 3, dated 08.01.2026. Thereafter, again on 07.06.2026, this petitioner filed another application to the Respondent No. 8 to do the needful in accordance with the directions given by the Respondent No. 3, dated 08.01.2026, but no step has been taken by the Respondent No. 8 to reinstate as per the direction.

Mr. Zahurul submits that in view of the above, the petitioner had no alternative equally efficacious remedy available in law. Therefore, petitioner redress to this Court and sought direction upon the Respondents to take necessary punitive action and administrative action against the Chairman and the Member Secretary of the Managing Committee for their willful silence in reinstating the petitioner in his service.

It is pertinent to note that by this time, upon considering the situation and request made by the petitioner by the above-noted representation, Respondent/Authorities have taken initiative and issued a memo dated 27.08.24; the subject matter of the memo was বিষয়ঃ বিদ্যমান পরিস্থিতিতে শিক্ষা প্রতিষ্ঠানসমূহের সার্বিক সুষ্ঠু পরিবেশ বজায় রাখা।

উপর্যুক্ত বিষয়ের পরিপ্রেক্ষিতে জানানো যাচ্ছে যে, দেশের বিভিন্ন স্থানে কিছু বিশ্ববিদ্যালয়, কলেজ ও স্কুলের প্রধান বা অন্য আধিকারিকগণের বিরুদ্ধে নানা ধরনের অভিযোগের পরিপ্রেক্ষিতে তাদের পদত্যাগ/অপসারণের দাবিতে অপ্রীতিকর পরিস্থিতির উদ্ভব হয়েছে। কোথাও কোথাও শিক্ষকগণ ব্যক্তিগতভাবে হেনস্থার শিকার হয়েছেন এবং স্থানীয় আইনশৃঙ্খলা পরিস্থিতির অবনতি ঘটেছে। এরূপ অবস্থা মোটেই কাম্য নয়।

Further, on 03.09.2024, the Deputy Secretary, Administration and Establishment Section, Secondary and Higher Education Division, Ministry of Education, Dhaka issued a letter about the forced resignation letter of the teachers and employees of the Non-Government Educational Institutions contained in memo No. 37.00.0000.061.018.16.2016-199 dated 03.09.2024; the content of the letter is reproduced herein below:

স্মারক নম্বরঃ ৩৭.০০.০০০০.০৬১.০১৮.১৬.২০১৬-১৯৯
তারিখঃ ১৯ ভাদ্র ১৪৩১
০৩ সেপ্টেম্বর ২০২৪

বিষয়ঃ শিক্ষকদের জোরপূর্বক পদত্যাগ ও হেনস্থা বন্ধ করা।

সূত্রঃ ৩৭.০০.০০০০.০৬১.০১৮.১৬.২০১৬-১৯৩, তারিখঃ ২৭ আগস্ট ২০২৪।

উপর্যুক্ত বিষয় ও সূত্রোক্ত পত্রের অনুবৃত্তিক্রমে জানানো যাচ্ছে যে, দেশের বিভিন্ন স্থানে বিশ্ববিদ্যালয়, কলেজ ও স্কুলের প্রধান বা অন্য আধিকারিকগণকে বিভিন্ন অভিযোগের প্রেক্ষিতে পদত্যাগ/অপসারণের ঘটনা ঘটায় মাধ্যমিক ও উচ্চ শিক্ষা বিভাগ থেকে বিদ্যমান পরিস্থিতিতে শিক্ষা প্রতিষ্ঠানসমূহের শিক্ষক, শিক্ষার্থী, অভিভাবকসহ সংশ্লিষ্ট অংশিজন প্রতিনিধিদের সাথে যোগাযোগ রেখে সার্বিক সুষ্ঠু পরিবেশ বজায় রাখার বিষয়টি তদারকি এবং প্রয়োজনে এ বিভাগকে অবহিত করার জন্য জেলা প্রশাসকগণকে অনুরোধ করে পত্র জারি করা হয়। কিন্তু লক্ষ্য করা যাচ্ছে যে, দেশের বিভিন্ন পর্যায়ের শিক্ষা প্রতিষ্ঠানসমূহে এখনও শিক্ষকদের জোরপূর্বক পদত্যাগ ও নানাভাবে হেনস্থা করার ঘটনা ঘটছে যা কোনোভাবেই গ্রহণযোগ্য নয়। এ বিষয়ে মাননীয় শিক্ষা ও পরিকল্পনা উপদেষ্টা জনাব ওয়াহিদউদ্দিন মাহমুদ উদ্বেগ প্রকাশ করেছেন এবং এ ধরনের কার্যক্রম বন্ধের আহবান জানিয়েছেন।

...

In the context, it is pertinent to note that against the occurrence, an enquiry was conducted, and after getting the inquiry report, respondent No.1 vide office memo dated 04.01.2026 directed respondent No. 2 to take appropriate steps about the petitioner pursuant to the report. The content of the letter is reproduced herein below:

স্মারক নম্বরঃ ৩৭.০০.০০০০.০০০.০৭২.৪৪.০০০২.২৫.৩
তারিখঃ ২০ পৌষ ১৪৩২ বঙ্গাব্দ
০৪ জানুয়ারী ২০২৬ খ্রিস্টাব্দ

বিষয়ঃ গাজীপুর জেলার কালিয়াকৈর উপজেলাধীন গোলাম নবী মডেল পাইলট উচ্চ বিদ্যালয়-এর প্রধান শিক্ষক জনাব আলকাছ উদ্দিন আহমেদ-কে স্বপদে বহাল।

সূত্রঃ জেলা প্রশাসকের কার্যালয়, ঢাকা-এর স্মারক নং ০৫.৪১.৩৩০০.০১৯.০৫.০০২.২৫-৮০৪; তারিখঃ ১৭/০৯/২০২৫

উপর্যুক্ত বিষয় ও সূত্রের পরিপ্রেক্ষিতে জানানো যাচ্ছে যে, গাজীপুর জেলার কালিয়াকৈর উপজেলাধীন গোলাম নবী মডেল পাইলট উচ্চ বিদ্যালয়-এর প্রধান শিক্ষক জনাব আলকাছ উদ্দিন আহমেদ-কে জোরপূর্বক প্রধান শিক্ষকের পদ হতে পদত্যাগ করানো হয়েছে এবং তার বিরুদ্ধে সুনির্দিষ্ট কোন অভিযোগ পাওয়া যায়নি।

০২। এমতাবস্থায়, জনাব আলকাছ উদ্দিন আহমেদ-কে স্বপদে বহাল রাখার প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে অনুরোধ করা হলো।

...

However, on 08.01.2026, the respondent No. 2 vide his office memo. ঢাশিবো/বি/২৪৫/গাজী (অংশ-২)/৪০ specifically directed the respondent No.8 to take appropriate steps to reinstate the petitioner into his post with payment, including all dues while he is entitled, and to inform about the same.

...

নং- ঢাশিবো/বি/২৪৫/গাজী (অংশ-২)/৪০

তারিখঃ ০৮/০১/২০২৬

বিষয়ঃ স্বপদে পুনর্বহাল সহ বকেয়া বেতন-ভাতা পরিশোধ প্রসঙ্গে।

...

উপর্যুক্ত বিষয় ও সূত্রের প্রেক্ষিতে সূত্রোক্ত ৩-এ মাধ্যমিক ও উচ্চমাধ্যমিক শিক্ষা বোর্ড, ঢাকা কর্তৃক নিয়োজিত তদন্ত কর্মকর্তাদ্বয়ের সুপারিশ এবং সূত্রোক্ত ৪-এ জেলা প্রশাসক, গাজীপুর কর্তৃক তদন্ত প্রতিবেদনের সুপারিশ এবং সূত্রোক্ত ৬-এ মহামান্য হাইকোর্ট বিভাগের রিট পিটিশন নং-১২২০৫/২০২৪ এর নির্দেশনা থাকায় গাজীপুর জেলার কালিয়াকৈর উপজেলাধীন গোলাম নবী মডেল পাইলট উচ্চ বিদ্যালয়ের জোরপূর্বক পদত্যাগকৃত প্রধান শিক্ষক জনাব আলকাছ উদ্দিন আহমেদন-কে বকেয়া বেতন-ভাতাদি সহ স্বপদে পুনর্বহাল পূর্বক নিম্ন-স্বাক্ষরকারীকে অবহিত করার জন্য নির্দেশক্রমে অনুরোধ করা হলো।

বিষয়টি জরুরী।

...

The resignation letter, the enquiry report, and the surrounding circumstances show that the petitioner's signature on the resignation letter was obtained forcibly and against his will. Such a resignation is not legally valid. The law does not permit a resignation obtained by force or coercion. The Recognized Non-Government Secondary School Teachers (Board of Intermediate and Secondary Education, Dhaka) Terms and Conditions of Service Regulations, 1979 govern the service conditions of teachers. Section 10 of the said Regulations specifically deals with resignation.

"10. Resignation.-

(1) Unless otherwise decided by the Managing Committee in special circumstances-

(a) a teacher on confirmed appointment shall not resign without giving-

- (i) one month's previous notice in writing of his intention to do so if the resignation is to be effected during the first half of the academic year; and
- (ii) three months' previous notice in case the resignation is to be effected during the last half of the academic year; and

(b) a teacher on probation shall not resign without giving one month's notice in writing of his intention to do so.

2) Any contravention of the provisions of Sub-regulation (1) shall entail forfeiture of pay for the period by which the notice falls short of the requirement or such disciplinary action as may be taken for the said contravention.”

Upon plain reading of the above provision, it clearly states when and how a teacher resigns from his service. In the case, the petitioner did not follow the resignation procedure laid down in the above-mentioned regulation. The facts and other correspondence among the authorities show that the petitioner's resignation was not willful.

In this context, it is pertinent to note that there has to be a structure for an institutional resignation and handover process. Upon receiving the Headmaster's resignation letter, the Managing Committee should convene a meeting and pass a specific resolution accepting the resignation and recording the effective date of cessation of service. The institution should notify the competent authority of the cessation so that the Headmaster's government/MPO-related salary or funding is dealt with from the legally effective date. After completion of the required handover, the competent authority should issue an official release order/relieving letter, specifying the effective date of cessation.

Respondent No. 8 did not produce any such document or any resolution by which it can claim that the resignation has been accepted. It further appears that respondent No. 8 contested the Rule without the decision of the Managing Committee, though he is the President of the Managing Committee; therefore, it is apparent that respondent contested the Rule in his personal capacity, without any resolution of the Managing Committee, which indicates that the refusal to reinstate the petitioner may have been motivated rather than administrative consideration.

It appears that office of the Ministry by its letter dated 04.-1.26 (Annexure-X-2 and respondent No. 2, vide its office memo dated 08.01.26 (Annexure-X-3) expressly recorded their dissatisfaction with the circumstances and directed respondent No. 8 to take appropriate steps for reinstatement of the petitioner in his post, along with payment of all admissible dues, and informed the concerned authorities accordingly. The contents of the aforesaid Annexure, when considered in their entirety, clearly demonstrate that the purported resignation of the petitioner was not tendered voluntarily or of his own free will. Rather, the subsequent conduct of the competent authority, particularly the

memorandum dated 08.01.2026 and the direction for reinstatement with payment of all outstanding dues, lends further support to the petitioner's contention that the resignation was not a voluntary act on his part.

Indeed, the petitioner's resignation lacked legal sanction; the petitioner gets his MPO portion till July 2025 (Annexure-X) in the context Managing Committee of School is legally responsible to allow him to perform as the Headmaster or allow him to continue in his service and/or he is entitled to immediate reinstatement.

However, under the law and in exercise of its supervisory powers, the Board is competent to review, approve, modify, or disapprove any disciplinary or punitive action proposed by the Managing Committee, and it also has the power to take action. Accordingly, the directive issued by the Board to the President/Chairman and Head Master of the School was binding upon them. Their deliberate non-compliance with such directive amounts to a bad intention, deliberate disobedience and colorable exercise of power. Further, such conduct is inconsistent with the principles of natural justice, administrative propriety, and equity. The respondents are statutorily and legally responsible to ensure and implement the Board's directive. Inaction on their part constitutes administrative negligence and a failure to discharge statutory duty, which is a violation of the petitioner's lawful rights.

In such a situation, for proper administration of law and justice, the Managing Committee should comply with the decision passed by the Respondents. The Board has adequate powers to ensure compliance, including dissolving the Managing Committee, removing or discharging the Chairman or President of the Managing Committee and recommending the stoppage of the MPO of the Head of the Institution who is also the Member-Secretary of the Managing Committee. These powers further underscore the legal obligation of both the Managing Committee and the concerned governmental authorities to act promptly in this matter.

Respondent's initiative for the reinstatement of the petitioner is not enough; thus, we are of the view that justice would be met if the Rule is disposed of with a direction.

Respondents are directed to ensure the reinstatement of the petitioner through Respondent No. 8. The concerned respondents shall, therefore, take all necessary steps to reinstate the petitioner and it is desirable that respondent No. 8 will reinstate the petitioner. If the direction is not complied with, Respondents Nos. 2 to 5 shall take appropriate punitive action against the defaulting respondent/s, including dissolution of the Managing Committee,

removal or discharge of its Chairman/President, and recommendation for stoppage of the MPO of the Head of the Institution, who is also the Member-Secretary of the Managing Committee.

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

The order of stay granted at the time of issuance of the Rule is hereby recalled and vacated.

There will be no order as to costs.

Communicate the order.

S M Saiful Islam, J:

I agree.