

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

Writ Petition No. 13811 of 2024

IN THE MATTER OF:

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

-AND-

IN THE MATTER OF:

Hasan Mahbub and others
.....Petitioners

-Versus-

Present:

Mr. Justice Sashanka Shekhar Sarkar
And
Justice Urmeem Rahman

Bangladesh, represented by the Secretary,
Ministry of Finance and others

..... Respondents

Ms. Tasmia Prodhan, Advocate with
Ms. Turin Sifat, Advocate and
Ms. Rafia Rahman, Advocate
...For the Petitioners

Mr. Mohammad Kamal Hossain, Advocate
...For the Respondent No. 4

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

...For the Respondents

Heard on 19.01.2026, 18.02.2026

Judgment on 19.02.2026

Urmeem Rahman, J:

In the instant writ petition Rule Nisi was issued in the
following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why inaction of the respondents to take necessary steps to reinstate the petitioners in their respective post shall not be declared to have been made without lawful authority and is of no legal effect and as to why a direction should not be given upon the respondents to take necessary steps to reinstate the petitioners in their respective posts and/or such other or further order or orders as to this court may seem fit and proper.

The Rule is made returnable within 4 (four) weeks from date.

Pending hearing of the Rule, the respondent no. 4 is hereby directed to dispose of the representation dated 25.09.2024 (Annexure-G) in accordance with law within 60 (sixty) days from the date of receipt of this order.”

The relevant facts for disposal of this matter, in brief, are that, the petitioners were appointed by the Noakhali Science and Technology University (hereinafter referred as NSTU), vide Memo No. বিপ্রবিঃ জনবলঃ ০১ঃ ২০০৬ঃ dated 21.06.2006. Petitioner Nos. 1 and 4 were appointed as Lower Division Assistant (নিম্নমান সহকারী), petitioner Nos. 2, 3 and 6 were appointed as Sorter and the petitioner No. 5 was appointed as M.L.S.S at the said institution. The petitioners were given appointment by the authority on 21.06.2006. Accordingly, they joined the NSTU, but only one month later they were verbally terminated from service by the authority without stating any valid reason. The petitioners thereafter made representations to the Registrar of NSTU to take necessary

action in this regard, however, without any result. Thereafter, the petitioners served a Notice Demanding Justice upon the respondents on 11.11.2024, but they have not responded to that either.

Being aggrieved thereby and there having no other equally alternative and efficacious remedy, the petitioners have filed the writ petition and obtained the instant Rule.

Ms. Tasmia Prodhan, learned Advocate appeared for the petitioners and submitted that the petitioners were terminated/suspended from their respective posts without serving any notice and without giving them any opportunity of being heard in clear violation of the principles of natural justice.

She next submitted that the petitioners were terminated/suspended from their respective posts in violation of Clause 1 of their appointment letters which clearly provides a requirement of 30 days' notice for termination by either party.

Ms. Prodhan finally submitted that, there is no provision or mandate of law in the Act- 'নোয়াখালী বিজ্ঞান ও প্রযুক্তি বিশ্ববিদ্যালয় আইন ২০০১' to terminate/suspend the petitioners in this capricious manner and therefore she prays that the Rule may be made absolute by directing the authority to reinstate the petitioners in their respective posts.

On the other hand, Respondent No. 4, that is, the Registrar of Noakhali Science and Technology University, contested the Rule by filing an affidavit in opposition.

Mr. Mohammad Kamal Hossain, learned Advocate appeared on behalf of the respondent No. 4 and submitted that, the petitioners were appointed on temporary basis on 21.06.2006. As per the appointment letter the petitioners were directed to submit some documents at the time of joining i.e. attested photocopies of certificates of all the examinations and testimonials. The petitioners did not submit those documents at the relevant time, hence no question of re-instatement to their original posts arise after long 18 (eighteen) years.

Mr. Hossain further submitted that, pursuant to the ad interim order of the High Court Division to dispose of the petitioners' application dated 25.09.2024 (Annexure-G), the University authority disposed of the same by the memo dated 30.06.2025 (Annexure 1-6). In that memo it has been stated that, an inquiry was held in this regard and the inquiry committee submitted their report and thereafter another committee was formed on 09.02.2025 to review that report and the review committee submitted their report accordingly. By the memo dated 08.04.2025 the review report was sent before another committee for providing legal opinion on it. On consideration of all the documents, the University authority disputed the very issuance of the appointment letters in the names of the petitioners stating that, appointment letters were

issued with incomplete memo numbers and therefore those have no lawful basis. It has been stated that, the petitioners did not submit any document to substantiate their case that appointments were given following due process e.g. appointment circular, written examination and viva voce result, recommendation of the selection committee, approval by the Regent Board and their joining letters. It has also been stated in that memo that, as the petitioners did not appear and submit the documents which they were asked to do so at the time of joining, the question of their joining never came into effect. Since they did not join at the relevant time, no question of reinstatement after long eighteen years arises.

Finally, the learned Advocate prays that the Rule, having no merit, is liable to be discharged.

We have heard the learned advocates for both the parties and perused the writ petition, supplementary affidavit thereto, the affidavit in opposition and all the documents annexed as annexures therewith.

Annexure-A -F to the writ petition are the appointment letters of the petitioners dated 21.06.2006 by which they were given appointment on absolutely temporary basis in their respective posts.

In Clause 1 to the appointment letters, it has been stated that:

“১. কাজে যোগদানের তারিখ হতে পুনরাবস্থান না দেয়া পর্যন্ত অস্থায়ী ভিত্তিতে আপনার এই নিয়োগ কার্যকর থাকবে। যে কোন পক্ষ আপনি অথবা বিশ্ববিদ্যালয় ৩০ দিনের নোটিশ এই নিয়োগের পরিসমাপ্তি ঘটানোর পরে।”

And Clause 2 states that:

“২. আপনার এই নিষিদ্ধিগ যোগদানির তারিখ হত্র কার্যকর হবি।”

In the writ petition the petitioners did not annex their joining letters pursuant to the appointment letters issued by the authority. Therefore, there remains no evidence that the appointment letters have been given effect at all. It is alleged by the petitioners that they were verbally terminated/suspended from their service within a month of joining without giving any explanation thereto. Since the petitioners failed to establish that they have ever joined their respective posts following issuance of their appointment letters in 2006, no enforceable service rights have been created in their favour and as such the authority was not under any legal obligation to issue prior notice of termination.

It is also to be noted that the appointment letters were issued in the year 2006 and the petitioners' representations to the University authority were made in the year 2024. A long period of 18 (eighteen) years have gone by this time. The learned Advocate for the petitioners could not substantiate the reason for such inordinate delay in ventilating their grievances. The explanation given on this point that the delay occurred due to the political crisis, Covid-19 pandemic etc. does not appear to be satisfactory to us. Such extreme unexplained delay undermines the petitioners' claim.

By filing the supplementary affidavit dated 17.01.2026 some documents were produced by the petitioners stating that, from the very moment of termination the petitioners have been trying by

making several representations before the authority concerned, but on perusal of those documents, we find that the University authority did not receive those representations and as such those do not deserve any consideration.

As we have arrived at the finding that, the petitioners never joined their respective services and as such their claim of termination without issuing any show cause notice and violation of natural justice cannot be entertained.

In view of the facts and circumstances we find that, the Rule does not have any merit. In the consequence the Rule issued in the writ petition is hereby discharged.

However, there is no order as to costs.

Communicate the judgment and order at once.

Justice Sashanka Shekhar Sarkar, J:

I agree.