

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CIVIL REVISIONAL JURISDICTION)

*Present:*

*Mr. Justice S M Kuddus Zaman*

**CIVIL REVISION NO.225 OF 2025**

In the matter of:

An application under Section 115(1) of the Code of Civil Procedure.

And

Md. Nazmul Alam Shohag

.... Petitioner

-Versus-

Md. Abul Kalam Azad and others

.... Opposite parties

None appears

.... For the petitioner.

Mr. Md. Ismail Hossain Bhuiyan with

Mr. Md. Abdur Rahim, Advocates

.... For the opposite party

No.1.

**Heard and Judgment on 01.07.2025.**

This Rule was issued calling upon the opposite party No.1 to show cause as to why the impugned judgment and order dated 04.09.2024 passed by the learned Additional District Judge, 2<sup>nd</sup> Court, Mymensingh in Miscellaneous Appeal No.24 of 2023 allowing the appeal and reversing the judgment and order dated 16.03.2023 passed by the learned Senior Assistant Judge, Bhaluka, Mymensingh in Other Class Suit No.10 of 2023 rejecting an application for temporary injunction filed by the plaintiff opposite party No.1 should not be set

aside and/or other or further order or orders as to this Court may seem fit and proper.

Facts in short are that the opposite party as plaintiff instituted above suit for declaration that the Managing Committee of Jalpaza High School was constituted on 18.12.2022 unlawfully, without due compliance of relevant laws and Rules. In above suit plaintiff filed a petition under Order 39 Rule 1 of the Code of Civil Procedure for an order of injunction so that above Managing Committee cannot carry out its functions till further order. The learned Senior Assistant Judge rejected above petition for injunction. The plaintiff as appellant preferred Miscellaneous Appeal No.24 of 2023 to the District Judge, Mymensingh which was heard by the learned Additional District Judge, 2<sup>nd</sup> Court who allowed above appeal and passed an order of injunction.

Being aggrieved by and dissatisfied with above judgment and order of the Court of appeal above respondent as petitioner moved to this Court and obtained this Rule.

No one appears on behalf of the petitioner when the Rule was taken up for hearing although the matter appeared in the list for hearing on several dates.

Mr. Md. Ismail Hossain Bhuiyan, learned Advocate for opposite party No.1 submits that the Ministry of Education of the Government of Bangladesh by Memo No.37.00.0000.072.18.003.24.253 dated 18

November 2024 has dissolved all Managing Committees all non Government Educational Institutions and constituted ad-hoc committees with direction that above ad-hoc committee would constituted regular Managing Committees of all above Schools. Above Managing Committee of Jalpaza High School has pursuant to above Memo. been dissolved by the Government. As such this Rule has become infructuous.

I have considered the submissions of the learned Advocate for the opposite party No.1 and carefully examined all materials on record.

This Rule was issued against an order of injunction passed by the learned Judge of the Court of Appeal below against the functioning of the Managing Committee of Jalpaza High School. It turns out from Memo No. 37.00.0000.072.18.003.24.253 dated 18 November 2024 issued by the Ministry of Secondary and Higher Education of the Government of Bangladesh that the Managing Committees all non Government Educational Institutions have been dissolved by the Government which also includes the Managing Committee of the Jalpaza High School.

As such I find substance in above submissions of the learned Advocate for the opposite party No.1 that this Rule has become infructuous.

In the result, the Rule is discharged as being infructuous.

However, there will be no order as to costs.

*MD. MASUDUR RAHMAN*  
*BENCH OFFICER*