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

WRIT PETITION NO. 12714 OF 2025

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. Rokanuzzaman

… petitioner

-Versus-

Bangladesh Bank and others.

… respondents

Ms. Syeda Nasrin, Advocate

…For the petitioner

Mr. Imam Hasan, Senior Advocate

…For the respondent Nos. 3-5

Heard on: 16.07.2026
Judgment on: 29.07.2026.

Present:

Mr. Justice Md. Mozibur Rahman Miah

And

Mr. Justice Rezaul Karim

Rezaul Karim, J.

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh, a Rule Nisi was issued on 12.08.2025 in the following term:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned "অবলোপনকৃত ঋণ আদায়ের পুরস্কার নীতিমালা, ২০২৪" so far it relates to Rule 2(Ga) stating "শাখার ক্ষেত্রে শাখাপ্রধান ও আদায় সংশ্লিষ্ট কর্মকর্তাসহ অন্যান্য কর্মকর্তা/কর্মচারীগণ ১:১ অনুপাতে পুরস্কার প্রাপ্য হবে"

> published by the respondent No. 3 vide Memo No. ইস্তেহার নং-প্রকা/আদায়-০১/২০২৪/১৪ dated 17.09.2024 (Annexure-C), which is contradictory to Rule 4(12) of "ঋণ/বিনিয়োগ অবলোপন (Write Off) এবং তা আদায় কার্যক্রম জোরদারকরণে ইউনিট গঠন ও এর কার্যাবলী সংক্রান্ত নীতিমালা" published by Bangladesh Bank, respondent No. 1, vide BRPD Circular No. 04 dated 18.02.2024 (Annexure-B), should not be declared to have been done without lawful authority and is of no legal effect, and as to why a direction should not be given upon the respondents to amend the said "অবলোপনকৃত ঋণ আদায়ের পুরস্কার নীতিমালা, ২০২৪" issued by the respondent No. 3 consistent with the said Rule 4(12) of BRPD Circular No. 04 dated 18.02.2024 (Annexure-B), and/or such other or further order or orders passed as to this Court may seem fit and proper."

At the time of issuance of the Rule this Court also directed the respondent No. 1 to dispose of the petitioner's application dated 03.08.2025 (Annexure-G) within 30 (thirty) days from the date of receipt of a copy of the order, in accordance with law.

Subsequently, on an application filed by the petitioner for issuance of a supplementary Rule, this Court by order dated 30.11.2025 was pleased to issue a Supplementary Rule, 'calling upon the respondents to show cause as to why the inaction of the respondent Nos. 1-2 to regulate the respondent Nos. 3-6 to comply with the said BRPD Circular No. 4 dated 18.02.2024 (Annexure-B), and the action of the respondent Nos. 1-2 in approving the Circular dated 17.09.2024 (Annexure-C) issued by the respondent Nos. 3-6 in contradiction to the said BRPD Circular, should not be declared to have been made without lawful authority and is of no legal effect, and as to why the respondent

Nos. 1-2 should not be directed to take effective measures against the respondent Nos. 3-6 for complying with the said BRPD Circular (Annexure-B), and/or such other or further order or orders passed as to this Court may seem fit and proper.'

While the Rule and the Supplementary Rule stood pending, the respondent Nos. 3-5 filed an application praying that the Rule be discharged on the ground that it has become infructuous, which was directed to be keep with the record on 30.11.2025. All these three issues are being interconnected and arose out of almost selfsame point they are heard together and is being disposed of by this common judgment.

The salient facts lending to issuance of the instant Rule are that the petitioner joined the respondent No. 3, Rupali Bank PLC, on 10.09.2020 as a Senior Officer, and was later posted as legal officer to the loan recovery desk of the Foreign Exchange Corporate Branch, respondent No. 6, between 27.02.2022 and 18.04.2023. During that period, through legal initiatives taken by him, the respondent No. 6 recovered a written-off loan of Tk. 36,00,00,000 from two defaulting borrowers. However, Bangladesh Bank's vide its rule 4(12) issued in BRPD Circular No. 4 dated 18.02.2024, provides for a reward of 5% of any sum recovered, to be distributed principally among the officers connected with the process of recovery.

It is the petitioner's case that the respondent No. 3, instead of giving effect to Rule 4(12) in its true spirit, issued its own circular dated 17.09.2024 (Annexure-C), wherein Rule 2(Ga) provides for distribution of the reward among the staff of the concerned branch generally in a 1:1 ratio, thereby reducing the share otherwise payable to the officers directly connected with the recovery of the loan. Such provision is contrary to the Circular dated 31.03.2024 issued by Sonali Bank PLC (Annexure-D), which followed the provisions of BRPD Circular No. 4 dated 18.02.2024.

The petitioner gave a legal notice dated 17.05.2025 to the respondents, requesting them to cancel the impugned circular dated 17.09.2024 and to take initiative to formulate the said impugned circular upon following the said BRPD Circular. But the respondents Nos. 3-6, in connivance with each other, without giving any reply to the legal notice, issued a letter on 31.07.2025, transferring him to the Divisional Office, Sylhet, which the petitioner describes as retaliatory and never followed by any release order. His representations to the respondents Nos. 1 and 2 for redress went unanswered, leading to this writ petition and hence the Rule and the supplementary Rule.

Ms. Syeda Nasrin, learned Advocate for the petitioner, submits that BRPD circulars issued under section 45 of the Bank Company Act, 1991 bind every banking company, and that the respondent No. 3's circular dated 17.09.2024, admittedly inconsistent with Rule 4(12), was accordingly without lawful authority; that the sequence of events, culminating in the transfer order of 31.07.2025, discloses a colourable and punitive exercise of the power of posting, in violation of Article 31 of the Constitution and the *audi alteram partem* rule; and that of any action taken by Rupali Bank PLC remains amenable to writ jurisdiction in respect of obligations flowing from Bangladesh Bank's regulatory circulars, so neither the transfer order nor the petitioner's claim to reward is rendered infructuous by the subsequent revision of the policy.

Mr. Md. Imam Hasan, learned Senior Advocate, for the respondent Nos. 3-5 by filing an affidavit-in-opposition and application for discharging the Rule, raises a preliminary objection contending that the writ petition, impleading the respondent Nos. 3 to 6 is not maintainable on relying on the decision of the Appellate Division passed in Civil Appeal No. 25 of 2012 (The General Manager (Discipline and Appeal), Rupali Bank Limited v. Mohammad Jahurul Islam Patwary and others), XII (ADC) 2015 (AD) 294, where it has been noted that no order or action of Rupali Bank Limited or its officials, taken after its conversion into a public limited company, is amenable to Article 102 of the Constitution. In the alternative, he submits that Bangladesh Bank's BRPD Circular No. 8 dated 19.10.2025 has since been revised, the very provision in question, and that the respondent No. 3 has cancelled the circular dated 17.09.2024 and adopted a fresh policy dated 07.12.2025 in compliance therewith, rendering the Rule and the Supplementary Rule infructuous.

We have considered the submissions of the learned Advocates and gone through the writ petition, the supplementary affidavit, affidavit-in-opposition, the discharge application and the decision relied upon. Since a question touching this Court's jurisdiction over the respondent Nos. 3 to 6 has been raised, it must be examined at the threshold, before the merits of the petitioner's grievances.

In the judgment passed in Civil Appeal No. 25 of 2012 The General Manager (Discipline and Appeal), Rupali Bank Limited vs. Mohammad Jahurul Islam Patwary and others, XII (ADC) 2015 (AD) 294, the Appellate Division held that once Rupali Bank Limited was converted into a public limited company, "any order or action passed/taken by Rupali Bank Limited or its officials after the conversion of this bank into a public limited company, cannot be questioned under Article 102 of the Constitution of the People's Republic of Bangladesh before the High Court Division." Both the circular dated 17.09.2024 and the transfer order dated 31.07.2025 are internal administrative and service matters of Rupali Bank PLC, issued long after that conversion. Following this binding precedent, the writ petition, to the extent it seeks relief against the respondent Nos. 3 to 6 <u>in respect of either</u>, is not maintainable.

However, the petitioner is at liberty to pursue whatever remedy is available to him in law, before the appropriate forum, in respect of the transfer order and his claim as of reward, view on the merits of either.

The respondent Nos. 1 and 2, Bangladesh Bank and its Director, BRPD-01, being a statutory authority, remain amenable to writ jurisdiction, and the Supplementary Rule, concerning their inaction and approval of the impugned circular, survives on that count. On the merits, however, Bangladesh Bank itself, by BRPD Circular No. 8 dated 19.10.2025 has revised the provision in question, and the respondent No. 3 has, in compliance, cancelled the circular dated

17.09.2024 and adopted a fresh policy dated 07.12.2025 and circulated to all its offices on 06.01.2026. The inaction complained of has thus been cured, and the Supplementary Rule has thus become infructuous.

Regard being had to the above facts and circumstances, we don't find any shred of merit in the instant Rule.

Accordingly, the Rule is discharged, however, without any order as to costs.

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

Md. Mozibur Raman Miah, J.

I agree.

Mazhar, BO