IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

Present:

Mr. Justice Sikder Mahmudur Razi

And

Mr. Justice Raziuddin Ahmed

Writ Petition No. 8409 of 2025

IN THE MATTER OF:

Mohammad Mishbah Uddin and others

...Petitioners.

-Versus-

Government of People's Republic of Bangladesh represented by the Secretary, Medical Education and Family Welfare Division, Ministry of Health and Family Welfare, Bangladesh Secretariat, Dhaka and others.

…Respondents.

Mr. Md. Abdur Razzak, Adv.

…For the petitioners.

Mr. Mohammad Imdadul Hoque , Adv.

...For the respondent No. 3

Heard & Judgement on: ***The 25th November, 2025.***

Sikder Mahmudur Razi, J:

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

> *Let a Rule Nisi be issued calling upon the respondents to show cause as to why the letter vide Memo no.*বারাচিঅ/১৬/২৪/৭৪৩ *dated 25.04.2024 issued by the respondent no. 2 directing the Private Medical Technology Institute (I.H.T) and Medical Assistant Training School (M.A.T.S.) to send name of the students*

admitted in 2023-2024 academic sessions relates to the requirement of admission test result (Annexure- D) should not be declared to have been issued without lawful authority and is of no legal effect and why the respondent no.3 should not be directed to give registration to the petitioners and/or pass such other or further order or orders as to this Court may fit and proper.

On going through the impugned letter it appears that respondent no. 2 directed all Private Medical Technology Institutes (I.H.T.) and Medical Assistant Training Schools (M.A.T.S.) to submit the names of students admitted in the 2023–2024 academic session along with their admission test results (Annexure-D to the writ petition). The petitioners, who were admitted as students in private IHT/MATS institutions namely Trauma Institute of Medical Technology, Mirpur and Shamoly Medical Assistant Training School, Shamoly, sought a declaration to the effect that the said letter was issued without lawful authority and of no legal effect, and further prayed for a direction upon the respondents to grant registration to the petitioners as students.

Respondent No. 2 by filing an application for discharging the Rule brings it to the notice of this court that, prior to the petitioners' admissions; the government introduced a mandatory combined admission examination for all IHT and MATS applicants who are desirous to get admission either in Public or in Private Institutes. By an administrative circular dated 30.06.2016 (Annexure- 1 to the

application for discharging the Rule) issued by the Health Education Section-2 of the Ministry of Health and Family Welfare, it was ordained that from the academic session 2016–2017 onward, all candidates seeking admission to IHT and MATS (whether public or private) must undergo a centralized combined admission test. The circular directed that this admission test be held simultaneously for all institutes under a uniform question paper. This policy was uniformly implemented across all institutes affiliated with the State Medical Faculty of Bangladesh from 2016–2017 up to the present, with no exceptions.

In the said discharging application it has further been asserted that, admittedly the petitioners did not participate in the central combined admission test for the 2023–2024 session although the 2016 policy made such test compulsory. It has further been asserted that, the petitioners relied on outdated policies, notably an admission policy of 2002 to justify their position. However, that 2002 policy had been rendered inoperative by the aforesaid 2016 circular and the consistent practice of combined admission tests in the subsequent years. Further, during the pendency of this writ petition, a new Admission Policy 2025 was approved on 14.07.2025 by the Ministry, which explicitly reaffirmed the 2016 combined admission test requirement with *retrospective effect* from the 2016–2017 session onward, and formally repealed the old 2002 admission policy. Thus, by all accounts, the petitioners' mode of admission bypassing the mandatory centralized test was plainly contrary to the governing policies in force. The

petitioners suppressed all these material facts and by misleading the Court obtained the instant Rule and an order of stay.

Mr. Md. Abdur Razzak, learned advocate for the petitioners submits that the petitioners' admissions were valid and in accordance with the applicable rules, and the respondent no. 2 had no lawful authority or jurisdiction to interfere with those admissions by issuing the impugned memo dated 25.04.2024. The learned Advocate further contends that since the petitioners have already been admitted into the private IHT/MATS institutes, the requirement to furnish admission test results is arbitrary and beyond the respondents' lawful authority. The learned advocate relied on the Institute of Health Technology Admission Policy, 2002, suggesting that under that regime no centralized admission test was mandatory for admission into private institutes. The learned advocate further submits that the 2002 policy governed their admissions, and under that policy their admission was regular; therefore, the Ministry's sudden insistence on an admission test and direction for admission test result was misconceived. Relying on these arguments, the learned advocate for the petitioners submits that the impugned letter should be declared to have been issued without lawful authority, and that the petitioners should be registered as students without reference to any admission test result.

Mr. Mohammad Imdadul Hoque in his response submits that the petitioners' entire case was predicated on a willful suppression of material facts and a disregard of the applicable law. The learned advocate pointed out that the Ministry's administrative order dated

30.06.2016 had introduced a mandatory combined admission test for all IHT and MATS (both government and private) from the 2016–2017 academic session onward. Pursuant to that order, in every academic year since 2016, a centralized admission test has been held under a uniform question paper, and only the candidates who passed that test were eligible to be admitted in any IHT or MATS institute. The petitioners, however, did not sit for the required admission test in 2023–2024 and thus were never qualified for admission. The learned advocate submits that the petitioners misled the Court by relying on the obsolete 2002 admission guidelines, which had been effectively superseded by the 2016 policy. The learned advocate further argues that the petitioners, having deliberately bypassed the mandatory competitive examination, cannot claim any legal right to be admitted or registered as students. The Ministry's letter of 25.04.2024 (Annexure-D) was, in fact, a lawful step to enforce compliance with the admission policy, by directing private institutes to report the names of admitted students along with their admission test results. Since the petitioners had no admission test results to show, the letter would necessarily bar their irregular admissions from being recognized or registered. The learned advocate emphasizes that the petitioners approached the Court with unclean hands, suppressing the key fact that their admissions violated the mandatory examination requirement. By obtaining an interim stay through such misrepresentation, the petitioners not only abused the process of the Court but also caused prejudice to the academic calendar for bona fide students. The learned advocate pointed out that due to the stay order,

the registration of all 2023–2024 medical technology students who lawfully passed the admission test had been put on hold, thus obstructing the scheduling of their examinations and causing hardship to numerous innocent students. The learned advocate further submits that allowing the petitioners to benefit from their wrongdoing would send a wrong signal and undermine the discipline of the admission process.

We have carefully considered the records, the submissions of the learned advocates, and the applicable law. It is apparent that the petitioners obtained the Rule Nisi and the interim stay without disclosing and indeed actively concealing the most pertinent facts that undermined their entire case. The 2016 administrative circular mandating a nationwide combined admission test for IHT and MATS was a foundational piece of policy directly relevant to the issue at hand. The petitioners' eligibility for admission and consequently their right to registration hinged on compliance with that policy. By suppressing the existence of the 2016 policy and the fact that they never sat for the required admission test, the petitioners approached this Court with unclean hands. It is well-settled that those who seek discretionary relief in writ jurisdiction must make a full and frank disclosure of all material facts. A writ petition is liable to be discharged if obtained by misrepresentation or concealment of material information, as the courts will not countenance abuse of their process. In the present case, the petitioners' non-disclosure of the

compulsory admission test requirement is a glaring example of suppression of material facts which goes to the root of the matter.

On merits, it is beyond question that the petitioners had no lawful right to be admitted or registered as students without fulfilling the mandatory examination condition. The 2016 circular, having the force of law in the administrative sphere, required every candidate, whether for government or private institutes, to pass the centralized admission test as a pre-condition to admission. Admittedly, the petitioners did not meet this requirement. The institutes which admitted the petitioners also did not challenge the said circular when it was issued. Therefore, the admissions of the petitioners were patently irregular and contrary to the prevailing rules. The Ministry's letter dated 25.04.2024 was essentially enforcing this legitimate policy by demanding evidence of compliance i.e. the admission test results. Far from being without authority, the impugned letter was issued in furtherance of lawful authority, namely to ensure that only students who qualified through the combined test would be registered. We find no infirmity in the respondents' action. The petitioners failed to establish any legal basis to claim an exception for themselves from the uniform admission standards in place since 2016.

Accordingly, we find no merit in the instant Rule. The petitioners, having secured their admission in clear violation of the mandatory admission test requirement and having come before this Court with unclean hands, are not entitled to any relief in the writ jurisdiction. Accordingly, the Rule is discharged. The interim order of

stay earlier granted at the time of issuance of the Rule is hereby vacated. However, if so advised, the petitioners may claim damages from their respective institutions.

Communicate the Judgment at once.

(Sikder Mahmudur Razi,J:)

I agree

(Raziuddin Ahmed, J:)