

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

WRIT PETITION NO. 398 OF 2014

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. Mufajjil Ahmed Shagor  
... Petitioner

-Versus-

The Government of Bangladesh,  
represented by its Secretary, Ministry  
of Law, Justice and Parliamentary  
Affairs and others

... Respondents

Mr. M. A. Halim Chowdhury, Advocate

....For the petitioner

Mr. Tusher Kanti Roy, D.A.G.

Mr. Kalipada Mridha, A.A.G.

..... For the respondents

Heard on 16.8.2022

Judgment on 17.8.2022

Present:

Mr. Justice J.B.M. Hassan

and

Mr. Justice Razik-Al-Jalil

J.B.M. Hassan, J:

By filing the application under Article 102 of the Constitution  
the petitioner obtained the Rule Nisi in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to  
show cause as to why the order dated 22.12.2013 passed by the  
respondent No. 3 under his office Memo 3665 (Annexure-C)

cancelling the License (Sanad) of Deed Writer of the petitioner should not be declared to have been done without 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.

Facts relevant for disposal of the Rule Nisi are that the petitioner is licensed deed writer of Goainghat Sub-registry, Sylhet having the licence bearing No. 45 dated 29.4.2009 and subsequently it had been renewed from time to time. While the petitioner was working as a deed writer, all in a sudden, the order of cancellation of his license dated 22.12.2013 was served upon him on 26.12.2013 and the petitioner having had the order for the first time came to know that a proceeding was initiated against him on a complaint filed by one Shahabuddin. Thereafter the petitioner tried to obtain copy of the complaint and other papers of the proceedings but the office of the respondent No. 3 declined to provide him any copy of the proceeding. In this backdrop, the petitioner filed this writ petition and obtained the instant Rule Nisi.

Mr. M. A. Halim Chowdhury, the learned Advocate for the petitioner submits that without issuing any show-cause notice the impugned order was passed only against a private person which cannot be sustained in the eye of law.

We have gone through the writ petition and other materials on record.

It appears that on the basis of allegation the respondents inquired into the matter with the concerned board namely, Higher Secondary Education Board, Cumilla and from their information the respondents could ascertain that the certificate of SSC was forged in taking license. Moreover, in the representation filed before the respondent No. 2 the petitioner did not ascertain that he passed the SSC examination properly and genuinely. Even during hearing of the Rule Nisi the petitioner could not show the SSC certificate and it has not been annexed with the writ petition.

In view of the above, we do not find any impropriety in passing the impugned order. Hence, the Rule fails.

In the result, the Rule is discharged without any order as to costs.

Razik-Al-Jalil, J:

I agree.