

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. 9401 of 2014

IN THE MATTER OF:

Mst. Selina Parveen

...Petitioner.

-Versus-

The People's Republic of Bangladesh represented
by the Secretary, Ministry of Works, Bangladesh
Secretariat, Dhaka and others.

...Respondents.

Mr. Md. Hamidur Rahman, Adv.

...For the petitioner.

Mr. M. Nazrul Islam Khandaker, Adv. with

Mr. M.M. Sohrab Hossain, Adv.

...For the respondent No. 2.

Heard on: 20.11.2025

And

Judgement on: The 27th November, 2025.

Sikder Mahmudur Razi, J:

In an application under Article 102 (2)(a)(ii) of the Constitution of the People's Republic of Bangladesh, filed by the petitioner, the following Rule Nisi was issued:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the Notice bearing নথি নং-এ (২৩৫)/ডিএ/৮৮/১৬৭ dated 30.9.2014 issued under the signature of respondent No.3 cancelling the allotment of house

of the petitioner being House No. B-13 (Ground Floor), Block-E, Zakir Hossain. Road, Mohammadpur, Dhaka (Annexure-E) shall not be declared to have been issued 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”.

Tersely the facts gleaned from the writ petition and supplementary affidavit to the writ petition are that the petitioner was appointed as LDA cum Typist under the Bangladesh Sericulture Board vide Office Order No. 104/84 on temporary basis and thereafter her service was confirmed vide office order no. 105/88 dated 06.03.1988; subsequently, she was transferred to the Ministry of Textiles and Jute on deputation on 17.11.2003 and she had been serving with the Ministry of Textile and Jute as Office Assistant Cum Computer Operation up to 13.06.2010 and she was released from the Ministry of Textiles and Jute on 14.06.2010 and since then she has been serving at Regional Sericulture Development Board, Kalabagan, Dhaka. During her service with the Ministry of Textiles and Jute, the petitioner submitted an application for accommodation to the Director, Directorate of Accommodation for getting allotment of a house and accordingly she got allotment of the house in question on 06.06.2010 and since then the petitioner along with her family members have been residing thereon. The petitioner was also paying rent and other utility bills regularly against the allotted house. But all of a sudden the authority cancelled the allotment of the house on 30.09.2014 by issuing the impugned memo.

On the other hand, respondent no. 2 *i.e.* Directorate of Government Accommodation by filing an affidavit-in-opposition asserted that, as soon as the petitioner returned to her previous station, the accommodation facility given by the Directorate of Government Accommodation shall be vacated within 02 months in accordance with Rule 15(2) of the Allocation Rules, 1982. It has further been stated that Bangladesh Sericulture Board is a statutory public authority and therefore, the petitioner is not entitled to get Government Accommodation. It has further been asserted by the said respondent in its application for discharging the Rule that the petitioner's job is the service of the Republic and accommodation facility being the condition of his service the remedy of the petitioner lies before the Administrative Tribunal and therefore, the instant writ petition is not maintainable.

Mr. Md. Hamidur Rahman, learned advocate for the petitioner relying on Rule 3 of the Bangladesh Allocation Rules, 1982 as well as on notification no. VIP-86/83/80 dated 18.08.1983 issued by the Ministry of Works submitted that since the employees of Bangladesh Sericulture Board has not been declared ineligible for the purpose of allotment of residential accommodation from the pool of Directorate of Government Accommodation either under Sub-Rule (3) of Rule 3 of the Rules, 1982 or by notification dated 18.08.1983, therefore, cancellation of allotment by the impugned memo is misconceived and illegal and the petitioner is entitled to accommodation as per Rules, 1982.

On the other hand, Mr. M Nazrul Islam Khandaker, learned advocate for the respondent no. 2 i.e. Directorate of Government Accommodation submitted that after her release from the Ministry of Textiles and Jute, the petitioner is no more eligible to occupy the house in question since Bangladesh Sericulture Board is a Statutory Public Authority and the petitioner does not qualify the definition of "Government servant" as provided in Section 2(f) of the Bangladesh Allocation Rules, 1982 or does not satisfy the eligibility criteria as per Rule 3 of the Rules, 1982.

We have heard the learned advocates of the respective parties as well as perused the documents and materials on record.

At the very outset it is interesting to note that the position and assertion of the respondent no. 2 regarding service of the petitioner is ambivalent. Sometimes they asserted that the petitioner is an employee of Bangladesh Sericulture Board that is a statutory public authority and therefore, does not qualify the threshold of Government Servant. Sometimes the respondent asserted that the petitioner's job is the service of the Republic, therefore, the writ is not maintainable.

This dichotomy of the respondent has persuaded us to resolve the issue on consideration of the relevant laws and database.

Let us now consider the definition of 'Government Servant' and the provisions concerning the eligibility for government accommodation under the Bangladesh Allocation Rules, 1982.

Rule 2(f) of the Rules, 1982 defines Government Servant as follows:

"Government servant" means Government servant eligible for accommodation".

Rule 3 provides the eligibility criteria for getting accommodation which runs as follows:

Eligibility-(1) Subject to the provisions of sub-rules (2) and (3), all Government servants employed in a Ministry, Division and attached Department of the Government shall be eligible for accommodation.

(2) The Government servant employed in the subordinate offices of the Government may be made eligible for accommodation under specific order of the Government.

(3) The Government servant of the following offices shall not be eligible for accommodation from the pools of the Directorate, Ministry or Division:--

(a) Telegraph and Telephone Board;

(b) Post Office Department; and

(c) Such other Department as may be by specified the Government in this behalf.

Subsequently, on 18.08.1983 the Secretary of Ministry of Works issued Notification No. VIP-86-83-80 wherein it was provided that all Government servants employed in the following Departments Offices are hereby declared ineligible for the purpose of allotment of residential accommodation from the pool of Directorate of Government Accommodation:

1. Bangladesh Government Press (B.G. Press).
2. Bangladesh Railway.

3. Bangladesh Rifles.
4. Central Testing Laboratory.
5. Civil Aviation Authority.
6. Customs and Excise Department.
7. Defence Personnel including Civilian Employees paid from Defence Estimates.
8. Fire Service and Civil Defence Department.
9. Hospital for the Disabled, Sher-e-Banglanagar.
10. Housing and Settlement Directorate.
11. Meteorological Department.
12. Roads and Highway Department.
13. Suhrawardy Hospital, Sher-e-Banglanagar.

Therefore, the expression 'attached Department used in Rule 3(1), read together with the exclusionary provision contained in sub-rule (3) of Rule 3, necessitates an examination of the present status of the Bangladesh Sericulture Board, now known as the Bangladesh Sericulture Development Board.

Admittedly, Bangladesh Sericulture Board now known as Bangladesh Sericulture Development Board is a Statutory Public Authority. There is no denial of the fact that Bangladesh Sericulture Board was established by the Bangladesh Sericulture Board Ordinance, 1977. Thereafter, the Government repealed the said Ordinance and enacted Bangladesh Sericulture Development Board Act, 2013. Bangladesh Sericulture Development Board has been established by merging the Bangladesh Sericulture Board, the Bangladesh Sericulture Research and Training Institute, and the Bangladesh Silk Foundation. On going through the provisions of the repealed and newly enacted law, it is manifest that the

Bangladesh Sericulture Board (BSB), currently operating as the Bangladesh Sericulture Development Board (BSDB), is an organization under the administrative control of the Ministry of Textiles and Jute. The official website of Ministry of Textiles and Jute clearly and unequivocally mention that "বাংলাদেশ রেশম উন্নয়ন বোর্ড, বস্ত্র ও পাট মন্ত্রণালয়ের অধীন একটি সংবিধিবদ্ধ সংস্থা". Therefore, the same is an attached body of the Ministry of Textiles and Jute.

To make the subject more clear, that is, to find out whether Bangladesh Sericulture Development Board quality the test of 'attached Department for the purpose of accommodation we need to go a little further. (underline supplied by us)

Rule 2(b) of the Rules of Business defines "attached department" as follows:

"attached department" is a government department which has direct relation with a Ministry/Division and has been declared as such by the Government".

In determining whether the statement published on the official website of the Ministry of Textiles and Jute-describing the Bangladesh Sericulture Development Board as 'বাংলাদেশ রেশম উন্নয়ন বোর্ড, বস্ত্র ও পাট মন্ত্রণালয়ের অধীন একটি সংবিধিবদ্ধ সংস্থা' is sufficient to classify it as an 'attached department of the Government for the purpose of accommodation, it is necessary to consider, by way of comparison, the

example of the 'Telegraph and Telephone Board, which has been expressly excluded under clause (a) of sub-rule (3) of Rule 3.

Bangladesh Telegraph & Telephone Board (BTTB) was established as a statutory public authority. It was constituted by the Bangladesh Telegraph and Telephone Board Ordinance, 1979. Bangladesh Telegraph and Telephone Board (BTTB) was originally under the Ministry of Posts and Telecommunications now known as Ministry of Posts, Telecommunications and Information Technology. In 2008, as per the Telecommunication Policy, BTTB was converted into a public limited company and renamed Bangladesh Telecommunications Company Limited (BTCL).

Therefore, it is evident that the Bangladesh Telegraph and Telephone Board, prior to its transformation into a public limited company and its subsequent reconstitution as the Bangladesh Telecommunications Company Limited, possessed characteristics analogous to those of the Bangladesh Sericulture Board, now known as the Bangladesh Sericulture Development Board.

Therefore, on the basis of the foregoing observations, it can be held without hesitation that the Bangladesh Sericulture Development Board satisfies the requisite criteria to be classified as an 'attached department' of the Government for the purposes of accommodation under the Bangladesh Allocation Rules, 1982.

(underline supplied by us)

It is further noteworthy that the term 'Government Servant,' as used in the Bangladesh Allocation Rules, 1982, is not exhaustive; rather, the expression has been defined in various forms and carries different meanings under different laws of Bangladesh.

Therefore, to summarize, this court is of the view that unless and until the employees/servants of Bangladesh Sericulture Board presently known as Bangladesh Sericulture Development Board is declared ineligible for the purpose of allotment of residential accommodation from the pool of Directorate of Government Accommodation as per provisions of clause (c) of sub-rule (3) of Rule 3 of Bangladesh Allocation Rules, 1982, they are entitled to get allotment of residence under Bangladesh Allocation Rules, 1982.

So far as the maintainability of the writ petition is concerned, we are of the view that, since the petitioner is an employee of a statutory public authority which has not been included in the Schedule to the Administrative Tribunals Act, 1980, the instant writ petition is, therefore, maintainable.

At this juncture the learned Advocate candidly submits that the petitioner already went on retirement on 29.09.2024 and his PRL also comes to an end on 29.09.2025. Be that as it may, the petitioner is under an obligation to vacate the residence in question since she has already went into retirement and the time of her PRL has also been expired.

However, since it has come to the notice of this court, that the petitioner had already went on retirement therefore, we are of the view that the instant rule, instead of being made absolute, should be disposed of.

Accordingly, the instant rule is disposed of. However, the petitioner will adjust all the rents and other utility bills, if so dues, to the respondent authority within 01(one) month from the date of receipt of the judgment as well as will vacate the accommodation in question within that period. And if the petitioner fails to clear up the dues, if there be any, the authority concerned will be at liberty to take proper steps as per law.

Communicate the Judgment and order at once.

(Sikder Mahmudur Razi, J;)

I agree

(Raziuddin Ahmed,J;)