

The 22nd day of May, in the year of two thousand eighteen.

Present:

Ms. Justice Naima Haider

-And-

Mr. Justice Zafar Ahmed.

AND

IN THE MATTER OF:

Subash Kanti Mojumder, Headmaster in charge, Chinkumpara Govt. Primary School, Upazila-Lama, District- Bandarban, son of Sontosh Kumar Mojumder, of Bazarpara, Chagolkhaiya Mouja No. 293, Police Station- Lama, District- Bandarban- 4640 and others.

.....Petitioner.

-VERSUS-

Bangladesh, represented by the Secretary, Ministry of Primary and Mass Education, Bangladesh Secretariat, Dhaka and others.

..... Respondents.

To.

1. Bangladesh, represented by the Secretary, Ministry of Primary and Mass Education, Bangladesh Secretariat, Dhaka.
2. The Director General, Directorate of Primary Education, Section-2, Mirpur, Dhaka-1216.
3. Deputy Secretary, Ministry of Primary and Mass Education, Bangladesh Secretariat, Dhaka.
4. Chief Accounts Officer, Ministry of Primary and Mass Education, Secretariat, Building 3rd Phase (4th floor), Segunbagicha, Dhaka.
5. The Deputy Commissioner, Bandarban.
6. District Primary Education Officer, Office of District Primary Education Officer, Bandarban.
7. Upazila Education Officer, Lama, Bandarban.

Whereas the petition above mentioned has been preferred by the petitioner above named to this court against, Impugned Officer Order dated 10.11.2013 issued under the signature of the respondent No. 3 Deputy Secretary, Ministry of Primary and Mass Education, so far as it relates to appointing the petitioners to the posts of Assistant Teacher instead of Headmaster (Annexure- D). AND Direction upon the respondents to take all necessary actions to appoint the petitioners to the post of Headmaster in their respective schools.

Now upon hearing Mr. Binoy Krishna Podder, Advocate, For the Petitioner and Mr. Md. Mokleshur Rahman, D.A.G with Ms. Rahima Khatun, D.A.G. with Ms. Farida Yeasmin, A.A.G and Md. Taufiq Sajawar (Partho), AAG, For the Respondents and upon consideration of the said petition this Court doth order and do issue a Rule Nisi calling upon you the aforesaid Respondents to show cause on or before the 19th day of June, 2018, as to why the impugned Officer Order dated 10.11.2013 issued under the signature of the respondent No. 3 Deputy Secretary, Ministry of Primary and Mass Education, so far as it relates to appointing the petitioners to the post of Assistant Teacher instead of Headmaster (Annexure- D) shall not be declared to have been made without lawful authority and is of no legal effect and as to why direction shall not be given upon the respondents to take all necessary actions to appoint the petitioners to the post of Headmaster in their respective schools and/or pass such other or further order or orders as to this Court may seem fit and proper.

The petitioners are directed to put in requisites for service of notice upon the respondents through registered post and in usual course.

Witnesses: Mr. Justice Syed Mahmud Hossain, the Hon'ble Chief Justice of Bangladesh on this the 22nd day of May, in the year of two thousand eighteen.

Type by: Helal. 30.05.2018.

Read by:

30.05.18

Superintendent

30.05.18

Assistant Registrar.

30.05.18