

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

Writ Petition No. 15382 of 2017

In the matter of :

An application under Article 102(2) of the Constitution of the People's Republic of Bangladesh.

-And-

In the matter of :

Md. Shaheen Uddin Miah

..... Petitioner

-Versus-

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

..... Respondents

Mr. M. L Bepari, Advocate

...For the Petitioner

Mr. ABM Abdullah Al Mahmud (Basher), DAG

.....For the Respondent

Present:

Mr. Justice Zubayer Rahman Chowdhury

And

Mr. Justice Kazi Ebadoth Hossain

Date of Hearing : 16.05.2023

Date of Judgment : 17.05.2023

Zubayer Rahman Chowdhury, J :

By this Rule, the petitioner has challenged the inaction of the respondents to implement the Memo dated 21.01.2015, issued by respondent no. 7, regarding appointment of 273 Kanungoos in vacant posts.

At the same time, the petitioner has prayed for issuance of a direction upon the respondents to finalize the appointment process for the post of Kanungoos in accordance with law.

Mr. M. L Bepari, learned Advocate appears in support of the Rule. However, in spite submits of due service of notice upon the respondent, no one appears to oppose the Rule.

As we intend to dispose of the Rule on the primary issue of locus standi, a detailed discussion as to the facts of the case is uncalled for. Suffice to say that pursuant to a notification published in 1997 for appointing Kanungoos under the Ministry of Land, the petitioner filed an application seeking appointment as a Kanungoo. The petitioner took part in the written examination held in 2005. However, no further step was taken regarding the said appointment process.

Subsequently, by Memo dated 21.01.2015, respondent no. 7 requested respondent no. 4 to take necessary steps for giving direct appointment in 273 vacant post of Kanungoos (“২৭৩ টি সরাসরি নিয়োগ যোগ্য শূণ্য পদে নিয়োগ দেওয়ার লক্ষ্যে পরবর্তী প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে অনুরোধ করা হলো”)। It is the issuance of this Memo that is under challenge before this Court.

At the very outset, the issue of locus standi has to be decided. It is now well settled by the apex Court that before entering into of the merit of the case, the Court is required to decide the issue of locus standi. If the petitioner is found not to have any locus standi, the Rule should be discharged at the very outset. Having regard to the aforesaid decision of

the apex Court, we find that in the instant case, the petitioner has failed to cross the hurdle.

There is no document on record to indicate that the petitioner was selected for appointment in the post of Kanungoo or that he was issued with an appointment letter. More importantly, the Memo dated 20.01.2015, which the petitioner has sought to challenge in the instant writ petition, was sent by respondent no. 7 to respondent no. 4. It was an internal official communication and it had not been endorsed to the petitioner. There is no explanation as to how the petitioner got hold of the Memo in question. Nevertheless, as indicated above, we are of the view that the petitioner has no locus standi, to file the instant write petition.

In the result, the Rule is discharged.

There will be no order as to costs.

Kazi Ebadoth Hossain, J:

I agree.

