

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

Writ Petition No. 7407 of 2011

IN THE MATTER OF

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

-AND-

IN THE MATTER OF:

Rehana Ali.

----- Petitioner .

-Versus-

Bangladesh, represented by the
Secretary, Ministry of Education and
others.

..... respondents

Mr. Manzil Murshid Advocate

.....for the Petitioner .

Ms. Kazi Zinat Huq D.A.G. with

Mr. Shams-ud Doha Talukder A.A.G.

.....for the Respondent No.1 .

Mr. Masud Ahmed Sayeed with

Mr. Syed Ejaz Kabir Advocates

...for the Respondent No.5

Mr. A.B.M. Bayezid Advocate

....for the added Respondent No.6.
Heard on 25.1.2012, 29.2.2012 and
9.5.2012
Judgment on 24.05.2012 and
27.05.2012

Present:
Mr. Justice Tariq ul Hakim
and
Mr. Justice Md. Faruque (M. Faruque)

Tariq ul Hakim,J :

Rule Nisi has been issued calling upon the respondents to show cause as to why failure to take necessary legal action against the institution, which is allegedly resorting to fraud against the students in the pretext of conferring U.K. law degrees, without having any affiliation/ approval of any authenticated University of the United Kingdom should not be declared illegal and without lawful authority and why a direction should not be given upon the respondents to prepare a guide line for controlling the fraud purported by unauthorized educational institutions in the pretext of providing foreign law degrees and and/or pass such other or further order or orders as this Court may seem fit and proper.

This is a public interest litigation.

It is stated that the petitioner, a conscientious and law abiding citizen of Bangladesh was a student of Chancery Academy of English Law, an institution owned by the Respondent No.5. The petitioner and her husband got admitted to the said Academy by paying approximately Taka ten lac through Bank cheques as fees; because of the friendly relationship of the petitioner with the Respondent No.5 the Academy did not provide them any receipts for the money. After completion of their first year of study Respondent No.5 awarded them Certificates of Diploma in Law. Being suspicious the petitioner enquired about the Academy but found no definite and satisfactory reply from U.K. authorities. Examinations of U.K. Universities are normally conducted by the British Council and Certificates of the British University Degrees are delivered through the British Council. In the case of Chancery Academy of English Law all the examination questions are allegedly sent by e-mail from the University of Williamsburg to Chancery Academy of English Law and the examination papers after being scanned are sent back to the University by e-mail for gradation. It is further stated that when the U.K. authorities were asked to verify the Petitioner's Certificates they failed to trace their authenticity; thereafter the petitioner sent an e-mail to the Bar Standards Board London enquiring about the status of Williamsburg University and

whether she could get herself admitted to study and qualify for the English Bar. The Bar Standards Board asked the petitioner to contact U.K. NARIC but NARIC informed her that the L.L.B. degree of Williamsburg University was not approved by the Bar Standards Board. She was further advised to contact the University of Manchester regarding the authenticity of the Certificates provided by the Respondent No.5 and when contacted the Senior International Officer of the University of Manchester confirmed that the said University had no agreement with anybody regarding conducting L.L.B. course and giving Certificates in Bangladesh. She also confirmed that the University of Manchester had nothing to do with the Chancery Academy of English Law or the Respondent No.5. The Petitioner thereafter made further inquiries and came to know about the Universities and Colleges in the U.K which was approved by the Council of Education U.K. but that list did not include the name of Williamsburg University, thus confirming that such University did not exist.

It is further stated that a report in the daily "Manob Zamin" on 31st July, 2011 contained an article about Chancery Academy of English Law with the heading "Chancery Academy of English Law: False University of British Law Degree"; the report stated how the

Respondent No.5 was defrauding students in the name of education. It has been further stated that the Respondent No.5 invited Senior Judges of the Supreme Court, the Education Minister, Vice Chairman of the Bar Council and others to a "Convocation" Ceremony where Certificates of Williamsburg University were handed over recently.

It is further stated that the Petitioner has also filed a criminal case at Dhanmondi Police Station against the Respondent No.5 for cheating and fraud and the same is under investigation. It is further stated that many students are getting cheated by the Respondent No.5 and as such the Respondent nos. 1-4 being in the service of the republic have a duty to take steps so that the public do not get defrauded. It is further stated that the Respondent No.5 is cheating many innocent people like the petitioner by extracting huge amounts of money from them in exchange of giving false Certificates of U.K. Law Degree and/or by promising to award Law Degree of U.K. University including the University of Williamsburg U.K. due to the inaction of the Respondent Nos. 1-4. Being cheated herself the Petitioner claims to represent similar members of the public and has come to this Court and obtained the present Rule.

The Respondent No.5 has filed Affidavit-in-Opposition, Suppelmentary Affidavit-in-Opposition and a number of pleadings denying the material allegations in the Writ Petition and is contesting

this Rule alleging inter alia that the Respondent No.5's institution Chancery Academy of English Law provided her tuition whereby she was conferred Diploma in Law certificate of Williamsburg University and whereby her contention that she lost her valuable educational years is false and baseless. It is further stated that Chancery Academy of English Law was started in 2003 for imparting education on English Law in Bangladesh through distance learning programmes and since its inception it has been offering distance learning L.L.B. degrees of the University of London, University of Northumbria and University of Williamsburg with name and fame. It has successfully produced hundreds of law graduates who are practicing law either in local or in foreign jurisdiction and as such the question of thousands of students being defrauded by the Respondent No.5 through distance learning programme is not true. It has been further stated that this Respondent is not offering L.L.B. degree of the University of Manchester, U.K. but offering an assignment based distance learning L.L.B. degree of the University of Williamsburg a well reputed U.K. University situated at the heart of the City of Manchester, U.K. (III Piccadilly, Manchester MI ZHX) whose distance learning L.L.B. programmes is recognized all over the world. The respondent no. 5 denied the petitioner's paying Taka ten lac as tuition fee to the

Respondent No.5 and that not having any receipt for such huge amount of money her claim is not sustainable. It has been further stated that UPP Universities are offering assignment based distance learning programmes in all over the world but the petitioner being unfamiliar with the things that the certificates offered by the University are false and fabricated. It has been further stated that the University of Williamsburg is an U.K. University under the University Development Programme (UDP) and there are several other Universities under the U.D.P. operating in more than 80 countries of the world for more than a decade and that there are around 8000 students all over the world accomplishing their degrees from the University of Williamsburg. It is further stated that the Respondent No.5 or his institution has committed no crime with the students and that the allegation against the Respondent No.5 being a disputed question of fact the instant Rule is not maintainable .

The petitioner in his Affidavit-in-reply has stated that she is innocent victim of the fraudulent and deceptive operation of the Respondent No.5 and that she was awarded the Diploma certificate from a fake University named Williamsburg University. It is further stated that the so-called Williamsburg University which is owned by Global has not given any authority to the Respondent No.5 to provide

distance learning on online degrees and the onus is upon the said respondent to prove that such authority has been given to the said respondent no. 5. It is further stated that even e-mail site of the University there is no details regarding staffs and office of University as well as even the curriculum which is pursued by the said University and that if it is U.K. University and why the Respondent No.5 is unable to show permission from the U.K. Government for such institution. It is further stated that the British Council was approached by the petitioner and they were also unable to comment as to the existence of Williamsburg University in the U.K. which indicates that such institution does not exist. It is further stated that the Respondent No.5 needs to get proved of his pleading that his institution or Williamsburg University has got authority from Apollo Global for that Williamsburg University is operating in every countries or that he has any authorization from Williamsburg University to provide coaching/ tuition . It is further stated that there is no list of faculty of the same Williamsburg University on its website although the Respondent No.5 himself has got list of faculty for his Chancery Academy of English Law. It does not also provide details as regards staffs of the University and its office. It has been further stated that Williamsburg University is not a foreign University at all but a fake institution and the Respondent

No. 5 is running Chancery Academy of English Law to deceive the students and misappropriate their money. It is further stated that the list of students provided by the Respondent No. 5 who have studied at his Chancery Academy of English Law does not prove the existence of Williamsburg University and that the said students may be studying for degrees of Northumbria and London Universities.

In another Supplementary Affidavit the petitioner has annexed Annexure M which shows that there are 157 institutions in the U.K. having degree awarding powers recognized by the U.K. Government but among these 157 institutions, the name of Williamsburg University does not appear which indicates that it is not a British University and does not have any degree awarding authority and is not recognized by the U. K. Department of Business, Innovation and Skills.

The Respondent No.1 in its Affidavit-in-Opposition has stated that after receiving a copy of the Rule and interim order of this Court it constituted a committee to monitor the educational institutions of the Dhaka City providing tuition for overseas law degrees and it has submitted a Report along with recommendations to the said Ministry.

In a Supplementary Affidavit the Report is annexed as Annexure III which shows that the committee was formed by Professor Dr. Md. Muhibur Rahman as Member of Convener, Professor Abdul Mannan

Akhand as Member, Professor Md. Habibur Rahman as Member, Professor Dr. Shahid Akhter Hossain as Member, Professor Dr. Yousuf Ali Mollah as Member, Professor Dr. Farid Uddin Ahmed as Member, Joint Secretary (University) as Member and Md. Khaled as Member Secretary.

In the Report it is stated that the committee visited 12 institutions in Dhaka City and found that they were providing tuition in the name of coaching for higher degrees of foreign Universities. It is further stated that none of these institutions entered into any agreement with the Government and were providing coaching /tuition at their own initiative. Regarding some of these institutions the committee made the following comments “Looks like a fake organization”. “It’s not bad as a coaching centre/tuition provider.” “A vibrant and promising Organization with enough infrastructure and effective man power.” “It seems the college is under good management.” In the case of the Respondent No.5’s institution it has been described as “ Completely a fake Organization. There is no way that the place can be characterized as a school or even a coaching centre.” The said report was subsequently published in the daily Newspaper as a public notice in compliance with this Court’s order. The Respondent No.6 however does not appear to

have taken any further steps . The relevant portion of the report is reproduced :

মতামত ও সুপারিশ :

“১। বেসরকারী বিশ্ববিদ্যালয় আইন ২০১০ এ বিদেশী বিশ্ববিদ্যালয়ের শিক্ষা কার্যক্রম পরিচালনার বিষয়ে বিধি প্রণয়নের বাধ্যবাধ্যকতা রয়েছে। কয়েকটি Study centre সরকারের অনুমোদন নিয়ে বিধিসম্মতভাবে বিদেশী বিশ্ববিদ্যালয়ের উচ্চশিক্ষা কার্যক্রম (CBHE- Cross Border Higher Education) পরিচালনা করতে আগ্রহী, এবং তাদের যথেষ্ট উন্নতমানের অবকাঠামো রয়েছে। সুতরাং CBHE বিধিমালা প্রণয়ন করে তাদেরকে এই সুযোগ দেওয়া যেতে পারে। বিশ্ববিদ্যালয় মঞ্জুরী কমিশন হতে এ বিষয়ে খসড়া প্রণয়ন করে শিক্ষা মন্ত্রণালয়ে প্রেরণ করা হয়েছে। যত দ্রুত সম্ভব উক্ত বিধি প্রণয়ন করে প্রতিষ্ঠান সমূহকে আইনের আলোকে তদারকী ও তত্ত্বাবধানের আওতায় নিয়ে আসা বাঞ্ছনীয়। তবে খসড়া বিধিমালায় Study centre এর জন্য ন্যূনতম ৩০০০ (তিন হাজার) বর্গফুট Floor space এর প্রস্তাব করা হয়েছে। কমিটির কাছে ৩০০০ (তিন হাজার) বর্গফুট Floor space অপ্রতুল প্রতীয়মান হয়, এবং কমিটি ন্যূনতম Floor space ১০,০০০ (দশ হাজার) বর্গফুট নির্ধারণ করার সুপারিশ করছে।

২। বিধিমালা প্রণয়নের পর আইনের আওতায় আসা এসব প্রতিষ্ঠান সমূহের কার্যক্রম তদারকী ও তত্ত্বাবধানের কাজে কমিটি কর্তৃক অনুমোদিত ফরমেটটি ব্যবহার করা যেতে পারে।

৩। উপরের ২ এ উল্লিখিত পরিস্থিতিতে বিদেশী বিশ্ববিদ্যালয়ের নামে ঢাকা শহরে অননুমোদিত ডিগ্রি প্রদানকারী প্রতিষ্ঠানের তালিকা প্রস্তুতের বিষয়ে শিক্ষা মন্ত্রণালয় প্রয়োজনীয় ব্যবস্থা গ্রহণ করতে পারে। এই উদ্দেশ্যে কোন প্রতিষ্ঠান/ব্যক্তির সাথে মন্ত্রণালয় চুক্তি সম্পাদন করতে পারে।

৪। আদালতের স্টেট অর্ডারের ভিত্তিতে যেসব প্রতিষ্ঠান এদেশে শিক্ষা কার্যক্রম পরিচালনা করবে সেসব প্রতিষ্ঠানের শিক্ষার ও প্রদত্ত ডিগ্রির মান যাচাই করে প্রতিবেদন দাখিল করার জন্য শিক্ষা মন্ত্রণালয় হতে কোন বিশেষজ্ঞ ব্যক্তি বা প্রতিষ্ঠানকে দায়িত্ব দেওয়া যেতে পারে।

৫। অধিকাংশ প্রতিষ্ঠানই আবাসিক এলাকায় স্থাপিত হয়েছে। শিক্ষা মন্ত্রণালয় থেকে ঢাকা শহরের ভি আই পি সড়ক, ব্যস্ত সড়ক ও আবাসিক এলাকায় বেসরকারী বিশ্ববিদ্যালয় স্থাপন করা যাবে না- এমর্মে প্রজ্ঞাপন জারী করা হয়েছে। এ জাতীয় প্রতিষ্ঠানের ক্ষেত্রেও একই নিষেধাজ্ঞা কার্যকর করা বাঞ্ছনীয়।

৬। কমিটির কাছে এই বিষয়টি লক্ষণীয় মনে হয়েছে যে, Study centre (Chancery Academy of English Law Road No.4, #House No. 14, Dhanmondi R/A, Dhaka- 1209) টি সম্পর্কে মহামান্য আদালতের রীট পিটিশন দায়ের করা হয়েছে, পরিদর্শন প্রতিবেদন অনুযায়ী তার অস্তিত্ব পাওয়া যায় নাই। কমিটি মনে করে যে এই ধরনের আরো অনেক ভূয়া প্রতিষ্ঠান অবৈধ শিক্ষা কার্যক্রম চালিয়ে যাচ্ছে।

৭। ইউজিসি ও সরকারের প্রজ্ঞাপন (সংলগ্নী-৪) এবং আইনের বিধান উপেক্ষা করে এর বিজ্ঞাপন প্রদান অব্যাহত রয়েছে বলে প্রমাণ পাওয়া গিয়েছে। এই বিষয়ে সরকার এর সংশ্লিষ্ট সংস্থার নজরদারীর প্রয়োজন রয়েছে বলে কমিটি মনে করে। ”

In its Affidavit-in-Opposition and Supplementary Affidavit the Respondent No. 6 University Grants Commission has stated that the Respondent No.5 without obtaining permission from the Government and approval of the Respondent No. 6 in respect of the syllabus and course content is providing coaching to the public in Chancery Academy of English Law. This is a gross violation of section 3(1) and

39 of the Private University Act, 2010 and punishable under section 49 of the said Act. The Respondent No. 5 without such permission has conducted the aforesaid law course and provided certificates to the students. It is further stated that the petitioner paid taka ten lac to the Respondent No.5 as tuition fee but the British High Commission has not confirmed the existence of Williamsburg University. The certificates awarded have got no validity. It is further stated that the Ministry of Education in their report has confirmed that Chancery Academy of English Law is completely a fake Organization.

Mr. Manzil Murshid, the learned Advocate for the Petitioner submits that the respondents except the Respondent No.5 are public servants and they are under a duty to monitor the activities of the educational institutions providing tuition to the members of public in the name of coaching for higher degrees and take steps against the fraudulent institutions who have not complied with the law. The learned Advocate further submits that in the instant case the said respondents have not taken any steps against the Respondent No.5 or his institution Chancery Academy of English Law which is committing fraud and forgery against the students and the members of the public. The learned Advocate for the petitioner further submits that the Respondent No.5 has provided false Certificates to the petitioner and

committed a crime under the Penal law and the respondent nos. 1-4 have failed to take appropriate steps against the Respondent No.5 by shutting down their Academy and such willful inaction and neglect of the respondents should be declared unlawful. The learned Advocate further submits that every student who gets admitted to a institution providing tuition for U.K. degree has a legitimate expectation that he will obtain a degree from a U.K. University and the Respondent Nos. 1-4 are under a duty to take appropriate steps so that such students are not defrauded while they have filed in the instant case.

Ms. Kazi Zinat Huq D.A.G. with Mr. Shams-ud Doha Talukder A.A.G. appearing on behalf of the Respondent No.1 submits that the Government has complied with the interim order of this Court by constituting a 8 member committee under the head of a Member University Grants Commission, to investigate into the activities of the institutions providing U.K. law degrees in Dhaka City including the institution of the Respondent No.5 and has submitted a report to the Government a copy of which is annexed as Annexure III. The learned Deputy Attorney General further submits that under Private University Act, 2010 permission has to be obtained from the Government by all the institutions providing University degrees and since no such permission

was obtained by the Respondent No.5 he may be dealt with in accordance with law.

Mr. A.B.M. Bayezid, the learned Advocate for the added Respondent No.6 University Grants Commission submits that the Respondent No.5 along with several other institutions are providing coaching/tuition for foreign U.K. Law degrees in Dhaka City without taking permission from the Government in breach of sections 3 and 39 of the Private University Act, 2010. The learned Advocate therefore submits that although some institutions are functioning by obtaining interim orders from the High Court Division pursuant to Writ Petitions filed by them, the Respondent No. 5 does not have any such Court Order in its favour and as such is operating totally unauthorizedly. The learned Advocate further submits that the certificate of Diploma awarded by the Respondent No. 5 on behalf of the Williamsburg University is totally false and there is no such institution by that name. The learned Advocate has also referred to different misrepresentations by the Respondent No.5 and submits that this institution should be shut down.

In reply to all these allegations, Mr. Masud Ahmed Sayeed with Mr. Syed Ejaz Kabir, the learned Advocate for the Respondent No.5 submits that Williamsburg University operates in 80 countries of the world. He has drawn our attention to Annexure 'N' a brochure of

Appollo Global wherein in the heading it says “ studied in the U.S.A. , studied in the U.K., studied in the world” and submits that the said University operates courses in a number of subjects. He has also submitted that communication is made by the University and the Respondent No.5 through the Internet; questions papers are sent to the Respondent No.5 through the internet; after the students complete their assignments they are sent to the University by the Respondent No.5 through the internet. The learned Advocate further submits that due to the advancement of technology, this is one of the latest forms of obtaining University education and more than 8000 people around the world are registered with the said University and are being provided education in this way. He further submits that the certificate awarded to the petitioner is genuine. The learned Advocate strongly disputes the maintainability of the instant Writ Petition on the ground that it concerns disputed questions of fact which cannot be settled in this writ jurisdiction . He further submits that since there is a Criminal case filed by the petitioner against the Respondent No.5 and as such the petitioner should not be allowed to pursue his grievance in two forums simultaneously. The learned Advocate further submits that Williamsburg University is located in the City of Manchester , U.K. and that even though its name does not appear in the lists of recognized

bodies in U.K., nevertheless it exists with degree awarding powers . In this regard he has drawn our attention to a certificate attested by the British Council (Annexure X-14) and claims that the certificate is genuine and the University exists otherwise the British Council would not have attested the certificates . Finally the learned Advocate submits that the instant matter is an issue between the Writ Petitioner and the Respondent No.5 and cannot be called a public interest litigation and as such the Rule is liable to be discharged on that ground alone.

Mrs. Rabeya Bhuiyan of Bhuiyan Academy, Mr. Khaled Hamid Chowdhury of London College of Legal Studies (South), Ms. Fatema Anwar of Dhaka Centre for Law and Economics as well as Mr. Z. I. Khan Panna of Bangladesh Bar Council with the leave of this Court have addressed us to assist this Court on this matter. All of them excepting Mr. Z.I. Khan Panna have submitted that their institutions are providing tuition for L.L.B. degrees of the University of London. The degree is an external one and the students have to get themselves admitted to the Universities on their own initiative on payment of tuition fees. The British Council arranges for the L.L.B. examination each year strictly under their supervision. Question papers are sent from the University of London to the British Council and after the examinees complete their answer on the answer script they are sent back

to the University through the British Council for gradation. The examinations of L.L.B. degree are held all over the world on the same day on the same subject and the institutions that provide tuition have got nothing to do with the same. After successfully completing three/four years of study and only after obtaining requisite grades in written examinations the University awards the degrees to the students. The Certificates are sent through the British Council and handed over to the successful students. The institutions providing coaching have no control over the matter and the students are at liberty to join or leave any institution at their free will.

Mr. Khaled Hamid Chowdhury, the learned Advocate pointed out that they had applied on 9.3.2009 and again on 9.11.2010 to the Government for permission to provide tuition for L.L.B. Degree of London University but the Deputy Secretary of the Ministry of Education in his reply dated 9.3.2009 said that there was no scope for providing permission in the present set up. He further submits that 4 institutions providing coaching/tuition of L.L.B. degree of London University filed Writ Petitions against the notices issued by the Government and obtained interim orders from the Court to continue. It has been pointed out by the learned Advocate that section 3(2) and 3 of the Private University Act requires permission from the Government to

set up any institution to provide coaching/tuition for any Diploma or any degree. Similarly section 39 of the said Act states that none is allowed to provide coaching/tuition for foreign degrees without prior permission of the Government. Section 39(2) of the said Act says that the Government will frame rules to give effect to the aforesaid provisions. Since Rules have not yet been framed, the learned Advocate submits that their respective institutions are providing coaching/tuition and the Government under the said Act has got no authority to interfere. All the learned Advocates are however of the opinion that the Government should frame guidelines or rules which the institutions will be bound to comply.

Mr. Z.I. Panna Khan, the learned Advocate appearing on behalf of the Bangladesh Bar Council submits that although certain candidates with law degree from Williamsburg University were allowed to enroll as Advocates by the Bangladesh Bar Council it was not on the basis of degree from University of Williamsburg but because of having a Bachelors degree in law from some other University. He categorically submitted that the Bangladesh Bar Council does not recognize the Bachelors degree of Williamsburg University for being eligible to qualify as an Advocate.

Heard the learned Advocates, perused the Writ Petition, Suppelmentary Affidavits, Affidavits-in-Opposition, Suppelmentary Affidavits-in-Opposition , Affidavit-in- reply and the Annexures.

Maintainability of the Rule has been challenged by the learned Advocate for the Respondent No.5 firstly on the ground that facts are disputed and secondly since the Petitioner has filed a Criminal Case against the Respondent No. 5 for cheating etc. which is pending she should not be allowed to pursue two types of litigation on the same subject at the same time.

Let us address the point of maintainability first. It is alleged by the petitioner that she paid taka ten lac to the Respondent No.5 but that is denied by the respondent. Similarly, the petitioner's claim that the certificate is false is also denied by the answering Respondent no. 5. However it is admitted by the parties that the petitioner did undertake a course of study at the Respondent No.5's Chancery Academy of English Law for a Diploma/ Degree of the Williamsburg University of U.K. The instant Rule is about the Respondent Nos. 1-4's action or inaction relating to this matter and a prayer for a direction that they should monitor the provision of tuition by such institutions. From that point of view we find no reason why the Rule cannot be maintainable. Secondly even if a Criminal Case is filed by the petitioner for cheating etc., we see no bar in maintaining this Writ Petition for judicial review for the administration's alleged inaction.

The University of London was established more than 200 years ago. Its external programmes now known as International Programmes have allowed students from all over the world to study for degrees of the said University without actually traveling to the U.K.. The L.L.B. degree of the University of London is an internationally recognized degree of acceptable standard in the study of law. Holders of the said degree are eligible to sit for the Bar Examinations of the U.K. to qualify as a Barrister-at-Law as well as appear in the Bar examinations of many countries of the world including Bangladesh for enrolment as Advocates. A number of institutions in Bangladesh under private initiative has also been providing tuition for the L.L.B. degree of London University. This has provided an opportunity to many in Bangladesh to go to U.K. and get admitted to the Bar Vocational course and qualify as a Barrister-at-Law and save expenses. At a time when state Universities in Bangladesh are finding it difficult to accommodate increasing numbers of students qualifying in secondary and higher secondary examinations these private institutions are providing students' the opportunity to study for and get U.K. law degrees.

Private Universities have also come into existence in Bangladesh to fulfill the growing demand for University education. These Universities should not be confused with institutions providing tuition for foreign University degrees. Private Universities have their own faculties and individual degree awarding powers. Their activities are supervised by the

University Grants Commission and all the academic courses have to be approved by the said Commission.

Since these institutions (both private University and institutions providing private tuition for foreign degrees) have opened their doors to the public to provide tuition in exchange of money, the Government has a duty to monitor their activities to ensure that the citizens do not get defrauded; there will always be unscrupulous people offering short cuts and allurements to students in the name of providing education but the Government has a duty to put in place adequate safe guards so that unscrupulous persons donot cheat unsuspecting students.

Respondent No. 5 is alleged to have done just that. The Petitioner claims to have lost several years of her life studying for a degree from a U.K. University but she later came to know that the said University has no existence in the U.K. . The Certificate given to her is alleged to be fake and the degree not recognized ; in addition she has been cheated of several lacs of taka. Although the learned Advocate for the Respondents has strongly denied the allegation of fraud and cheating he could not satisfy this Court about the location of the main campus of Williamsburg University. Nothing is before us to indicate that it is a British University . In fact in the list of 157 degree awarding bodies of the U.K. the name of Williamsburg University does not appear. A degree awarding body in the U.K. derives its authority either from Royal Charter or Act of Parliament or by an order of the Privy

Council. There is nothing before us to show how Williamsburg University acquired its degree awarding status. Thus we are not satisfied about Williamsburg University being a British University. We do not say that Williamsburg University does not exist at all. It may well exist in some other country and have affiliated offices in the U.K. and provide a web based (internet based) distance learning programme. It is however clear that its L.L.B. Degree is not recognized by the Bar Standards Board of U.K. as well as the Bangladesh Bar Council. In that view of the matter, apart from self satisfaction and self education no useful purpose will be served in pursuing the L.L.B.course of Williamsburg University. It is however for the University Grants Commission of Bangladesh to formally approve or disapprove the said L.L.B. course of Williamsburg University; thus on the face of evidence before us the Respondent No.5 Chancery Academy of English Law should not be allowed to provide coaching/tuition for any course of Williamsburg University until specific approval is obtained from the University Grants Commission. We do not wish to comment on the allegation of fraud and fake certificate since Criminal case is pending against the Respondent No.5 and no doubt evidence will be adduced in Court on the basis of which the concerned Court will take its decision.

The learned Advocate for the petitioner as well as the Respondent No.6, University Grants Commission has submitted that the Respondent No.5's Chancery Academy of English Law be ordered to be shut down. The

learned Deputy Attorney General has also submitted that the Respondent No.5 is providing tuition to students for foreign University Degree in violation of the provision of Private University Act, 2010 for which appropriate order may be passed against it. In response to such submissions from the Bar it must be said that it is not the work of this Court sitting in writ jurisdiction to shut down educational institutions. The State machinery is adequately empowered to do the same and it should exercise such power after examining all the facts in each case.

The Respondent No.6 has made a spot survey of a number of institutions including the Respondent No.5's Chancery Academy of English Law and has made observations that some of them are completely fake etc. It is unfortunate that the said respondents after having made their survey and coming to a conclusion that the institutions are fake have not taken any steps against them. Accordingly they are urged to take appropriate steps pursuant to their findings in accordance with law within 60(sixty) days from the date of receipt of this judgment.

The Respondent Nos. 1-4 are further directed to form an appropriate committee to monitor the activities of institutions in Bangladesh providing tuition for degrees of foreign Universities so that innocent students do not get defrauded by unscrupulous persons.

In our opinion none should be allowed to start educational institutions and open their doors to the public and take money from innocent persons in return for providing tuition for a foreign law degree or course without complying with certain formalities .Although as stated earlier Bhuiyan Academy, Newcastle Academy, London School of Legal Studies etc. have done a creditable and praiseworthy work in setting up their institutions for providing tuition for the L.L.B. degrees of Universities of London, Northumbria, Wolverhampton etc. at the same time we see institutions like Chancery Academy of English Law allegedly providing courses of so called Williamsburg University which serves no useful purpose. The Government is under a duty to make appropriate legislation and ensure that on the one hand students have access to study for courses of foreign University degrees in Bangladesh on the one hand and at the same time ensure that such courses are conducted genuinely. Such legislation should not make it difficult for institutions to be set up under private initiative. Formalities should be kept to a minimum. The authority should be satisfied firstly that the tuition is provided for a degree of a recognized University and that it will be useful for the student in Bangladesh as well as abroad to pursue further studies or to qualify for Government service or professional career (e.g. the Bangladesh Bar Council) Secondly, the tuition provider should have sufficient infra-structure facilities for the tuition and coaching i.g. if the degree requires laboratory and clinical experiments then the tuition provider

should have a proper laboratory; in other cases there should be adequate lecture and tutorial rooms and access to a well equipped library containing sufficient reading materials on the subject.

Thirdly the Syllabus and course content of the subject for which the degree is being pursued should be at least of a standard compatible to a similar course of study in a University in Bangladesh covering the same number of years/ months of study.

As already stated these tuition providers are providing opportunity to our youth to obtain foreign University Degrees without requiring the students to go outside Bangladesh. This initiative should be encouraged by the Government and other state authorities including the Respondent Nos. 1-4 and 6. The requirements should not be financially onerous and deprive intending students to obtain the benefit of foreign degrees by studying in Bangladesh.

By monitoring their activities and framing legislation in the form of Rules and Guidelines it is hoped that the number of such tuition providers under private initiative will not only increase but the quality of their tuition and services shall improve for the benefit of the large numbers of our young generation and make them more qualified and equipped to contribute to the development of our country.

It appears that the Respondent Nos. 1-4 have allowed the Respondent No.5 to continue its activities of providing coaching/ tuition for

Williamsburg University unabated without even investigating into the matter as to whether such University exists; there are allegations of innocent students being defrauded in the name of providing tuition for foreign University degree; the Respondent No.5 has also not taken any permission from the Government as per sections 3 and 39 of the Private Universities Act ; the committee constituted by the Respondent No.6 after making the on the spot survey have not found the Respondent No.5's institution satisfactory; the Respondent Nos. 1-4 have thus fallen short of their responsibilities in taking appropriate action against the said Respondents and from that point of view this Rule has merit.

The Respondent Nos. 1-4 are therefore directed to frame their rules under section 39 of the Private University Act within 02(two) months (of receipt of copy of this judgment) so that private institutions providing coaching/tuition for foreign degrees may be brought within the control and discipline of the Government.

Accordingly the Rule is made absolute in part along with all the aforesaid observations and directions which will be in the form of continuous Mandamous.

In view of the harassment to the Petitioner we are inclined to award costs and accordingly the Respondent No.5 is directed to pay a sum of Taka 1,50,000/- (one lac fifty thousand) to the petitioner .

Md. Faruque (M. Faruque), J:

I agree.

