

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

Writ Petition No. 11301 of 2021

IN THE MATTER OF:

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

-AND-

IN THE MATTER OF:

Mohammad Alam and others
...Petitioners

-Versus-

Present:

Mr. Justice Sashanka Shekhar Sarkar
And
Justice Urmeem Rahman

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

... Respondents

Mr. Manzur Al Matin, Advocate with
Mr. N K M Nazmul Hassan, Advocate and
Mr. Mohammad Mojahidul Awal Nory,
Advocate

...For the petitioners

Mr. Rashedul Haque, Advocate

... For the respondent No. 7

Mr. Mohammad Waliul Islam Oli, D.A.G with
Mr. Md. Ershadul Bari Khandakar, D.A.G,
Ms. Nilufar Yesmin, A.A.G,
Mr. Md. Moshir Rahman (Rahat), A.A.G,
Mr. Md. Motasin Billah Parvez, A.A.G and
Mr. Md. Faridul Islam, A.A.G

.... For the respondents

Heard on 08.02.2026, 23.02.2026 and 08.03.2026
Judgment on 12.03.2026

Urmeem Rahman, J:

In the instant matter a Rule Nisi was issued on an application under Article 102 of the Constitution of the People's Republic of Bangladesh in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the rejection of the petitioners’ applications for enlisting in the Monthly Payment Order as the Lecturers of Maheshkhali Degree College, Maheshkhali, Cox’s Bazar (Annexure-H-5) should not be declared to have been made without lawful authority and is of no legal effect and why a direction should not be given directing the respondents to enlist the petitioners’ names in the Monthly Payment Order of Moheshkhali Degree College, Moheshkhali, Cox’s Bazar and/or pass such other or further order or orders as to this Court may seem fit and proper.”

Thereafter, on an application made by the petitioner, a supplementary Rule was issued on 30.05.2023 in the following terms:

“Let a supplementary Rule Nisi be issued calling upon the respondents to show cause as to why the letter bearing Memo No. নক/3739/2023 dated 09.04.2023 issued under the signature of the respondent No. 7 informing about 7(seven) vacant posts (Annexure-M) in response to Office order

contained in Memo No. 37.05.0000.010.01.003.20.343 dated 21.03.2023 issued under the signature of the respondent No. 12 addressing the District Education Officer, Cox's Bazar and others seeking list of vacant posts for taking NTRCA Examination (Annexure-L), should not be declared to have been issued without any 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.

Pending hearing of the Rule, let operation of the letter bearing Memo No. মক/3739/2023 dated 09.04.2023 issued under the signature of the respondent No. 7 informing about 7 (seven) vacant posts (Annexure-M) be stayed for a period of 06 (six) months from date.”

Necessary facts for disposal of the instant Rule, as narrated in the writ petition, in short, are that, in the year 2015 the National University Authority passed a Regulation, namely, “জাতীয় বিশ্ববিদ্যালয় অধিভুক্ত বেসরকারী কলেজ শিক্ষকদের চাকুরীর শর্তাবলী রেগুলেশন (সংশোধিত) ২০১৫” to regulate the appointment and services of the teachers of the Non-Government Colleges affiliated with the National University. On 04.06.2016 the Governing Body of Maheshkhali Degree College in its 25th meeting passed a resolution for appointment of Lecturers for the Bachelor of Arts (B.A.) and Bachelor of Social Science (B.S.S.) courses in the departments of Sociology, History, Political Science,

Economics, Islamic History and Culture. Accordingly, on 24.02.2017 and 23.02.2017 several job circulars for those created posts of Lecturers were published in the widely circulated newspapers; namely, the Daily Jugantor, the Daily Nayadiganta and the Daily Ajker Desh Bidesh. The Petitioners (five in number), being academically qualified for those created posts, applied for the same. According to Regulation 4 and 5 of the “জাতীয় বিশ্ববিদ্যালয়ের অধিভুক্ত বেসরকারি কলেজ শিক্ষকদের চাকুরীর শর্তাবলী রেগুলেশন (সংশোধিত) ২০১৫” a Selection Committee was formed to recruit the teachers in the said post. In the selection committee the Respondent No.11, under the instruction of the Respondent No.8, vide its letter bearing reference No. ০৭(চ-৩১৩) জাতীঃবিঃ/কঃপঃ/কোড-৪৪১১/৩৪০৪০ dated 13.07.2017 nominated its representative and again vide its letter bearing memo No.০৭(চ-৩১৩) জাতীঃবিঃ/কঃপঃ/কোড-৩৪৩১৩ dated 30.07.2017 changed one of its earlier nomination for another. As representative of the Director General, Directorate of Secondary and Higher Education, the Principal of the Cox's Bazar Government College vide its letter bearing reference No.কসক/৯৩০৭/২০১৭ dated 10.08.2017 sent a panel of experts to attend the teacher recruiting examination.

Upon scrutinizing the applications of the petitioners as prospective candidates for the posts of Lecturers, admit cards were issued to them on 03.08.2017 to sit for the written test. Accordingly, the Petitioners attended the written test and viva voce. All the Petitioners scored the highest marks in the appointment exam in their respective disciplines. It was found that after adding

the total marks in different areas, e.g. marks on certificates, marks obtained in the written test as well as in viva voce, the Petitioners stood first in their respective departments. Accordingly, the Selection Committee recommended the Petitioners to be appointed as Lecturers. On 11.11.2017 the Governing Body of Maheshkhali Degree College in its 28th meeting passed a resolution to appoint the Petitioners in the created posts of lecturers as per the Rules and Regulations of the Government. Accordingly, on 14.11.2017 the Respondent No.7 issued appointment letters to the Petitioners to join as Lecturer in their respective departments and they joined their respective departments furnishing joining letters to the Respondent No.7. Petitioners' joining was duly approved by the Governing Body in its 29th meeting held on 10.02.2018. Since joining the Petitioners have been discharging their duties with utmost sincerity and honesty till date.

In the year 2018 government adopted "বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবল কাঠামো ও এম. পি. ও নীতিমালা-২০১৮" (hereinafter referred as the MPO Nitimala) to regulate enlistment of the teachers and staffs of the Non-Government schools and colleges in the Monthly Payment Order to distribute the portion of the salaries to be paid by the Government properly. The Maheshkhali Degree College is duly affiliated with the National University. This college was brought under the M.P.O. scheme on 19.04.2020. Soon after being enlisted in the M.P.O., the college authority applied before the Director General, Directorate of Secondary Higher Education

for taking necessary steps for allocation of Monthly Payment Order Code and for payment of salaries etc. to the teachers and staffs of the college. Accordingly, the Director General of Secondary and Higher Education vide its circular bearing reference No. ୩୨.୦୨.୦୦୦୦.୧୦୨,୯୯,୦୦୧.୨୦.୧୫ dated 30.04.2020 issued necessary directions and instructions for teachers and staffs of the newly enlisted educational institutions in the Monthly Payment Order to apply online for the month of May, 2020. On 05.05.2020 the Petitioners along with other 3 (three) Lecturers following the abovementioned circular dated 30.04.2020 applied online to be enlisted in the Monthly Payment Order. On 16.05.2020 the Petitioners were surprised to learn that their applications for listing in the Monthly Payment Order had been rejected showing the cause that, "The Advertisement was published after Ministry's recruitment ban. GB has no scope to appoint in the post of MPO Lecturers". However, 3 (three) other Lecturers had duly been enlisted in the Monthly Payment Order and they are receiving their salaries regularly.

On inquiry the Petitioners came to learn that, on 11.11.2015 the Ministry of Education published a memo No. ୩୨,୦୦,୦୦୦,୦୨୧,୦୮.୦୦୮.୦୫(ଅଂଶ)-୯୫୨ withholding recruitment of teachers in the Non-Government educational institutions until further instruction. Subsequently, vide memo No. ୩୨,୦୦,୦୦୦,୦୨୧.୦୮.୦୦୮,୦୫ (ଅଂଶ)-୧୦୮୧ dated 30.12.2015 the earlier circular had been withdrawn and certain directives were introduced

for appointments of entry level teachers. However, the petitioners were given appointment in 'created posts' but these two circulars are not regarding created posts rather 'vacant posts'. National University being the appointing and regulatory authority of the Petitioners' college published no circular to the extent of withholding appointment of the teachers or Lecturers in the created posts. Therefore, the rejection of their MPO was not done in accordance with law. The petitioners through their lawyer served a Notice Demanding Justice upon the Respondents requesting to consider their applications to be enlisted in the M.P.O. but with not result as yet.

Being aggrieved thereby and there having no other alternative and equally efficacious remedy available, the petitioners have filed the instant writ petition and obtained the Rule.

Mr. Manzur Al Matin, learned Advocate appeared with Mr. NKM Nazmul Hassan and Mr. Mohammad Mojahidul Awal Nory, learned Advocates for the petitioners. At the very outset of his submission learned Advocate for the petitioners stated that, he does not want to press the Rule so far as the petitioner No. 4 is concerned, since she has left this college and joined a government primary school.

Learned Advocate for the petitioners submits that, in the appointment process following the provisions of "জাতীয় বিশ্ববিদ্যালয়ের অধিভুক্ত বেসরকারি কলেজ শিক্ষকদের চাকুরীর শর্তাবলী রেগুলেশন (সংশোধিত) ২০১৫" the Selection Committee was formed in 2017 wherein the National

University nominated panel of experts as its representatives and the Cox's Bazar Government College also nominated a panel of experts to attend the appointment procedure on behalf of the Director General, Directorate of Secondary and Higher Education. All the Petitioners secured the top position in the written and viva voce, hence the Selection Committee comprising of the representatives of the National University, the representative of the Director General, Directorate of Secondary and Higher Education and the President of the Governing Body unanimously recommended the Petitioners to be appointed in the created posts of Lecturers of Maheskhali Degree College. The Petitioners' have rendered 5(five) years of service in the college and their appointment cannot be questioned at this stage and therefore rejection of the Petitioners' application to be enlisted in the Monthly Payment Order should be declared to have been made without any lawful authority.

Mr. Matin next submits that, all the Petitioners successfully completed their probationary period as Lecturers and the Governing Body in its meeting dated 23.07.2020 confirmed their posts as permanent as per the Regulation 4 of the Regulation of 2019. The Petitioners are therefore entitled to withdraw their full salaries from the college fund until their names are enlisted in the M.P.O. The Petitioners are also eligible to enjoy other service benefits including increment, provident fund etc. but still they are being given minimum salary from the college. On the other hand their applications for enlisting in the Monthly Payment Order have also

being rejected and as such the Petitioners are suffering miserably and being humiliated in the society and as such the respondents should be directed to enlist the Petitioners' name in the Monthly Payment Order (MPO).

Learned Advocate for the petitioner further submits that, following the Regulation i.e. "জাতীয় বিশ্ববিদ্যালয়ের অধিভুক্ত বেসরকারি কলেজ শিক্ষকদের চাকুরীর শর্তাবলী রেগুলেশন (সংশোধিত) ২০১৫ other 3 (Three) teachers were appointed in the Maheshkhali Degree College in different disciplines and while the college was enlisted in the Monthly Payment Order the Petitioners along with these 3 (three) other lecturers, applied online for enlisting their names in the Monthly Payment Order. Those 3 (three) Lecturers have been duly enlisted in the Monthly Payment Order but with an unfounded and unlawful excuse the Respondents are abstained from enlisting the Petitioners' names in the Monthly Payment Order, which is illegal and malafide.

Learned Advocate then submits that, the Maheshkhali Degree College is affiliated with the National University, Bangladesh, which is the regulatory authority of the affairs of the colleges including appointment of Lecturers of the private colleges. The Petitioners have been appointed as per regulation No. ৩(খ) of the Regulation of 2015. As per regulation no. 16(ga), (gha), (uma), (jhha) and (ta) of 'জাতীয় বিশ্ববিদ্যালয়ের অধিভুক্ত কলেজ/শিক্ষা প্রতিষ্ঠান সমূহের গভর্নিং বডি (সংশোধিত) সংবিধি, ২০১৫ the most important function of the Governing Body is to appoint teachers. The Petitioners were rightly

appointed following due process of law and as such the rejection of the Petitioners' application for enlisting in the Monthly Payment Order is ex-facie illegal and hence the same should be declared to have been made without any lawful authority.

Learned Advocate finally submits that, clause 11.17 of the "বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবল কাঠামো ও এম.পি.ও নীতিমালা, ২০১৮ clearly provides that: "এই নীতিমালা জারির পূর্বে বিধি মোতাবেক নিয়োগপ্রাপ্ত শিক্ষক কর্মচারী এই জনবল কাঠামো ও এম.পি. ও নীতিমালায় বর্ণিত প্যাটার্নভুক্ত শূন্য পদে এম.পি.ও ভুক্ত হতে পারবেন।". Since the independence of this country, it is a long-standing practice that when a college obtains permission to open new subjects, it creates post of teachers for those newly opened subjects, which are called 'Patterned Posts'. After opening the new 5(five) subjects the Maheshkhali Degree College also created posts for those newly opened subjects and obtained permission from the regulatory authority i.e. the National University, Bangladesh and the Petitioners were appointed on 14.11.2017 in those created posts which are in fact patterned posts, not vacant posts. As such the circular dated 11.11.2015 is not a bar at all to enlist the Petitioners in the Monthly Payment Order. Moreover, while the College itself has been enlisted in the MPO, all the teachers and staffs, employed in the college at the relevant time, should have been enlisted in the MPO and failure of the Respondents to enlist the Petitioners' names in the MPO by rejecting their applications should be declared to have been made without any lawful authority having no legal effect.

Finally, the learned Advocate prays that the Rule may be made absolute.

On the other hand, learned Advocate Mr. Rashedul Haque, entered appearance on behalf of respondent No. 7 i.e. the Principal of Maheskhali Degree College and contested the Rule by filing an affidavit in opposition.

Learned Advocate appearing for respondent No. 7 submits that, during pendency of the instant writ petition, these petitioners filed another writ petition being No. 5581 of 2024 challenging the inaction of the respondents in making full payment of salary along with other benefits to them from November 2019 as per resolution passed by the governing body of Maheshkhali college dated 23.07.2020 and the High Court Division issued a Rule Nisi as prayed for. On the contrary in this writ petition the petitioners are praying for MPO from the Government, these two contradictory prayers in two writ petitions have made the instant writ petition infructuous.

Mr. Haque next submits that, on 11.11.2015 the Ministry of Education issued a circular imposing recruitment a ban upon the Governing Body or the Managing Committee in appointing teachers in private institutions till further circular is issued in this regard and on 30.12.2015 the Ministry of Education published another circular providing the procedure for appointment of teachers in private institutions and on 05.09.2023 this Ministry published a circular rejecting the applications of the third teachers

in getting MPO facilities. That the petitioners were appointed in the year 2017 and they are within the recruitment ban imposed by the government by the memo dated 11.11.2015. Therefore, their appointment not having been given following due process of law, they are not entitled to be listed in the MPO.

Learned Advocate further submits that, the facility of MPO is not a legal right rather it is the policy decision of the Government, hence the petitioners' claim is not amenable in writ jurisdiction. Moreover, the petitioners did not challenge the circular by which recruitment ban was imposed by the Government in giving appointment of teachers in the private institutions in the relevant period and as such the writ petition is not maintainable in the present form.

In support of his submission, learned Advocate referred to a judgment of the Appellate Division in Civil Petition for Leave to Appeal No. 4184 of 2018 in the case of *The Government of Bangladesh Vs. Md. Sarwar Hossain and others*, wherein it was held that, "*The granting of M.P.O. is the policy decision of the Government. Therefore, the petitioners could not claim the same as of right. This Division is of the view that teachers and staffs of the Non-Government School and College could not claim the M.P.O. as a matter of right and, as such, direction could not be given unless there is infringement of legal right or violation of law.*"

Learned Advocate for the respondent No. 7 finally prays that the instant Rule having no merit, is liable to be discharged.

We have heard the learned advocates for the respective parties and perused the writ petition, supplementary affidavit thereto, the affidavit in opposition and the documents annexed therewith.

It appears from Annexure-B to the writ petition that: জাতীয় বিশ্ববিদ্যালয়ের অধিভুক্ত বেসরকারী কলেজ শিক্ষকদের চাকুরীর শর্তাবলী রেগুলেশন (সংশোধিত) ২০১৫, which came into force on 13.06.2015, in its regulation No. ৩ (খ) এবং (গ) specifically provides that:

“(খ) অধ্যাপক/সহযোগী অধ্যাপক/সহকারী অধ্যাপক/প্রভাষক এর পদ সৃষ্টি করিতে হইলে সংশ্লিষ্ট কলেজের গভর্নিং বডির সিদ্ধান্তক্রমে সৃষ্টি করিতে পারিবে। পদ সৃষ্টির পর গভর্নিং বডির রেগুলেশনসহ বিষয়টি জাতীয় বিশ্ববিদ্যালয়কে অবহিত করিতে হইবে।

উক্ত পদ সমূহের বিপরীতে নিয়োগের ক্ষেত্রে জাতীয় বিশ্ববিদ্যালয়ের নিজস্ব বিধি অনুসরণ করিতে হইবে।

(গ) শূন্য পদ না থাকিলে কোন ব্যক্তিকে নিয়োগ দান করা যাইবেনা। তবে সংশ্লিষ্ট কলেজের গভর্নিং বডির সিদ্ধান্তে সৃষ্ট পদে নিয়োগ দান করা যাইবে।”

Following this provision of Regulation, 2015 the Governing Body of the Maheshkhali College in its meeting dated 04.06.2016 (Annexure-B-1) took a resolution, amongst others, for appointing 2 (two) subject teachers each for the subjects namely, ইসলামের ইতিহাস ও সংস্কৃতি, ইতিহাস, রাষ্ট্রবিজ্ঞান, সমাজ বিজ্ঞান এবং অর্থনীতি for the B.A. and B.S.S. (pass) course of the college. Following the resolution, an appointment circular was published in 2(two) national daily

newspapers on 24.02.2017 (Annexures-B-2 and B-3). The appointment circular is quoted below:

“নিয়োগ বিজ্ঞপ্তি

সরকার ও জাতীয় বিশ্ববিদ্যালয়ের সর্বশেষ বিধি মোতাবেক ডিগ্রী কলেজ প্রশাসনিক/শিক্ষকতায় ১২ বছরের অভিজ্ঞতা সম্পন্ন ১ জন উপাধ্যক্ষ, অনার্স বিষয়ে পাঠদানের জন্য ইসলামের ইতিহাস ও সংস্কৃতি, সমাজ বিজ্ঞান ও ব্যবস্থাপনা প্রতি বিষয়ে ৭ (সাত) জন, রাষ্ট্র বিজ্ঞান (অনার্স)-৩, বাংলা (অনার্স) খণ্ডকালীন-২ জন। বি.এ ও বি.এস.এস (পাস) সৃষ্ট পদে ইসলামের ইতিহাস ও সংস্কৃতি-২, রাষ্ট্র বিজ্ঞান-২, অর্থনীতি-২, সমাজ বিজ্ঞান-২, ইতিহাস-২, উৎপাদন ব্যবস্থাপনা ও বিপণন (উচ্চ মাধ্যমিক-খণ্ডকালীন-১ জন। সকল বিষয়ে ইনডেক্স/নিবন্ধনধারী এবং একজন নিম্নমান সহকারী নিয়োগ করা হবে। আগ্রহী প্রার্থীগণ বিজ্ঞপ্তি প্রকাশের ১৫ দিনের মধ্যে ৪০০ টাকা (অফেরতযোগ্য) ব্যাংক ড্রাফটসহ অধ্যক্ষ বরাবরে আবেদন করুন।

অধ্যক্ষ, মহেশখালী কলেজ, মহেশখালী, কক্সবাজার।”

It is thus apparent that, for B.A. and B.S.S. (pass) course, appointed was sought for in ‘created posts’ (সৃষ্ট পদ). Pursuant to that notification a Selection Committee was formed in accordance with law. Accordingly, examination was taken and the writ petitioners having secured first position were given appointment by the Governing Body in its meeting dated 11.11.2017 (Annexure-E) and they joined on 14.11.2017 and the governing body approved their joining in their meeting dated 10.02.2018 (Annexure-E-11).

From these documents we find that, the provisions of Regulations 4 as well as 5 of the জাতীয় বিশ্ববিদ্যালয়ের অধিভুক্ত বেসরকারী কলেজ শিক্ষকদের চাকুরীর শর্তাবলী রেগুলেশন (সংশোধিত) ২০১৫ have been fully complied with in completing the appointment process of the petitioners.

In the year 2018 বেসরকারী শিক্ষা প্রতিষ্ঠানে (স্কুল ও কলেজ) জনবল কাঠামো ও এম.পি.ও নীতিমালা, ২০১৮ came into force, in that guidelines, for the অনার্স (পাস কোর্স) কলেজ as many as 2(two) Lecturers/Assistant Professors were allotted in the staff pattern. Therefore, the petitioners' posts became 'patterned posts' within the Guidelines, 2018. Clause 11.17 of this guidelines clearly provides that:

“১১.১৭ এই নীতিমালা জারির পূর্বে বিধি মোতাবেক নিয়োগপ্রাপ্ত শিক্ষক-কর্মচারী এই জনবল কাঠামো ও এম.পি.ও. নীতিমালায় বর্ণিত প্যাটার্নভুক্ত শূণ্যপদে এম.পি.ও ভুক্ত হতে পারবেনা”

As we have already found that, the petitioners before us were appointed following due process, they are very much entitled to be enlisted in the MPO as per the provision of Clause 11.17 of the *Nitimala*, 2018. The petitioners' college was brought under the MPO scheme of the government on 19.04.2020. Subsequently, the petitioners' applications were forwarded by the Principal of the institution to the concerned authority for enlisting their names in the MPO which is apparent from the documents annexed as (Annexures-H to H-4). However, the online applications submitted by the petitioners were rejected by the concerned authority with the comment that:

“The advertisement was published after the ministry's recruitment ban. Governing Body has no scope to appoint the post of MPO Lecturer.”

It appears from Annexure-H-7, the memo dated 11.11.2015 that, the Ministry of Education imposed a temporary ban in

appointing teachers in the private institutions in all ‘vacant posts’ until further notification is issued in this regard. The exact wording of the notification is as follows: “১. পরবর্তী নির্দেশনা জারি না হওয়া পর্যন্ত বেসরকারি শিক্ষা প্রতিষ্ঠানে শিক্ষকদের সকল শূণ্য পদে নিয়োগ কার্যক্রম বন্ধ থাকবে।”. This memo was however canceled by a subsequent memo dated 30.12.2015 (Annexure H-8) upon providing the procedure for appointment of teachers in the private educational institutions.

We have already seen from the appointment circular that, for B.A. and B.S.S course applications were sought for in the ‘created posts’ (সৃষ্ট পদ), therefore the notification dated 11.11.2015, which imposed ban for ‘vacant posts’ (শূণ্য পদ) has no manner of application in case of the petitioners.

The services of the petitioners have subsequently made permanent in 2019 and they have been working since then with utmost sincerity and the satisfaction of the concerned authority. As we have already found that the appointment process was made very much in compliance with the provisions made in the Bidhimala of 2015 and the concerned college was brought under the MPO scheme in 2020, the petitioners being the permanent teachers of that institution are very much eligible for their names to be enlisted in the MPO scheme of Government. The impugned online rejection dated 06.05.2020 as appeared in Annexure-H-5 and the comments stated therein thus found to be misconceived and without any lawful basis. Furthermore, the rejection comment states that, the advertisement was published after the ministry’s recruitment ban

but in the instant case the advertisement was published in 2017, when the temporary recruitment ban was already lifted by replacing it with a procedure for appointment. Had there been any irregularity in the appointment process, it would have been mentioned in the rejection order mentioning that irregularity, not the recruitment ban. Thus, we find the online rejection order to be arbitrary, whimsical and without any lawful basis.

At the time of pronouncement of the judgment the learned Advocate for the respondent No. 7 i.e. the principal of the college, very candidly submitted that, he has appeared in this writ petition only to assist the Court by producing relevant documents as well as for bringing the overall facts and circumstances of the case to the notice of the Court. He does not have any hesitation in implementing any order, if passed by this Court in favour of the petitioners since they are still in service as permanent teachers of the institution.

From this clear admission of the Respondent No. 7, we therefore, find that, the memo dated 09.04.2023 issued by the Principal of the College, i.e. the Respondent No. 7, has no lawful basis.

Regarding the Appellate Division judgment referred by the learned Advocate for the Respondent No. 7, we find that, the facts of that case are not similar to the facts of the case in our hand. In the instant case, petitioners' application was rejected by stating a

reason, which we already have found to be unlawful. Thus, the petitioners are very much entitled to be listed in the M.P.O.

In view of the facts and circumstances stated hereinabove, we are of the opinion that there is substance in the Rule and the supplementary Rule issued in the instant matter.

In the result, the Rule and the supplementary Rule are made absolute.

The respondents No. 1-3 are hereby directed to enlist the petitioner names (except petitioner no. 4) in the Government's Monthly Payment Order (MPO) immediately upon receipt of this judgment and order giving effect from 06.05.2020.

The order of stay granted at the time of issuance of the supplementary Rule is hereby vacated.

However, there is no order as to costs.

Communicate the judgment and order at once.

Justice Sashanka Shekhar Sarkar, J:

I agree.