

*Present:*

*Mr. Justice A.K.M. Asaduzzaman*

*And*

*Mr. Justice Syed Enayet Hossain*

*Writ Petition No. 16074 of 2023*

*Md. Eklas Chowdury and others*

*.....Petitioners.*

*-Versus-*

*Bangladesh and others*

*.....Opposite parties.*

*Mr. Md. Manirul Islam Miah, Advocate*

*.... For the petitioner*

*Mr. Kh. Bahar Rummy, D.A.G. with*

*Mr. Nur Muhammad Azami, D.A.G. with*

*Mr. Md. Abdul Jabbar Joel, A.A.G. with*

*Mrs. Sumaiya Binta Aziz, A.A.G. and*

*Mr. Md. Tanvir Prodhan, A.A.G.*

*.... For the respondents.*

*Heard and judgment on 12<sup>th</sup> March, 2025.*

*A.K.M.Asaduzzaman,J.*

This Rule Nisi was issued calling upon the respondents to show cause as to why inaction and failure of the respondents in not publishing full result and also not appointing the petitioners in the

vacant post of Cadet Sub-Inspector (unarmed) should not be declared to have been made without lawful authority and is of no legal effect.

During pendency of the rule on 15.05.2024 a further direction was given to the respondents to reserve the 88(eighty eight) Cadet Sub-Inspector (unarmed) posts vacant for the applicant–petitioners for a period of 06(six) months from date.

Fact relevant for disposal of this rule are that on 04.05.2023 respondent No. 3 published an advertisement seeking for applications from the aspirants for direct recruitment in the vacant post of Cadet Sub-Inspector (unarmed) of Bangladesh Police. The petitioners having found themselves eligible and with a view to serve the nation, submitted applications and successfully passed preliminary screening and physical Endurance Test (PET). After having successfully completed Physical Endurance Test (PET) the petitioners were qualified for written and psychological test. Accordingly, the petitioners appeared in and passed written and psychological test of which result published on 30.07.2023. Thereafter the petitioners sat in Computer Competency Test and successfully passed the Computer Competency Test. The petitioners passed preliminary Screening, Physical Endurance Test (PET), written and psychological test, Computer Competency Test and finally qualified for Aptitude Test and Viva-Voce Test and they appeared in the Aptitude Test and Viva-Voce

Test held on different dates. Respondents vide letter in Memo Nathi No. 44.01.0000.028.01.016.23.1625 dated 13.10.2023 published the result of Aptitude Test and Viva-Voce Test recommending only 921 candidates for appointment as against the vacant post of more or less 1400 vacant post. There are as many as 1400 post of Sub-Inspector (unarmed) are vacant throughout the country. After the candidates finally got recommendation, they have to take strict physical and fundamental test yearlong in Bangladesh Police Academy Sardah. But for lack of accommodation facilities in Sardah, the selection committee recommended only 921 candidates as against about 1400 vacant post which would be evident from paper clippings of different reputed national dailies. The petitioners filed written representations with the respondents seeking for publishing the result of Aptitude Test and Viva Voce Test so far as the petitioners could know their position in merit list but the respondents did not take any positive step on the basis of the petitioners representations.

It is further mentioned that though the result of Aptitude Test and Viva Voce Test selecting only 921 candidates for appointment as against the vacant post of more or less 1400 vacant post was passed, but only 815 joined in Bangladesh Police Academy, Sardah to take year long physical and fundamental test and after year long training figure of eligible candidates must come down heavily for appointment. On

30.11.2023 petitioners filed a representation with the respondents requesting them to fill up the vacant post of Cadet Sub-Inspector (unarmed) but the respondents did not take any positive action on the basis of the petitioners representation.

Challenging the said in action as well as not publishing the final result of the viva-voce, Aptitude Test as well as not giving the selection to the petitioners arbitrarily and give a pick and choose selection. Petitioners being aggrieved moved this writ petition and obtained the instant rule.

Mr. Md. Monirul Islam Miah, the learned advocate appearing for the petitioners submits that although petitioners were successfully come out from Preliminary Screening Test, Physical Endurance Test (PET), Written and Psychological Test, Computer Competency Test and finally qualified for Aptitude Test and Viva-voce test and they appeared in the viva-voce test with different test in different dates but due to lack of accommodation facilities in Sardah, a selection committee recommended only 921 candidates as against 1400 vacant posts, the writ petitioners being the eligible candidates ought to have allowed. Subsequently with recommendation to have strict physical and fundamental test year long training in Bangladesh Police Academy, Sardah, Despite that the respondents most illegally kept mum and not responding to the petitioners representation thereby devoid their

Fundamental rights. Impugned in action is apparently illegal and not sustainable in law, which is liable to be declared without any lawful authority and is of no legal effect. Learned advocate further submits that when there are already a lot of vacant post are there and the petitioners have successfully passed all tests and pre-qualification needed to be obtained an order of appointment in the police service, inspite of that by ignoring their legal claim respondents violated their fundamental rights. He finally prays for making the rule absolute and a proper order of recommendation for their appointment in service.

On the other hand, Government opposed the rule by filing an affidavit in opposition on behalf of the respondent no. 4. Learned Deputy Attorney General in support of his affidavit in opposition submits that Annexure G of the writ petition, a final publication of the result of the Aptitude Test and Viva Voce Test vide memo no. 44.01.0000.028.01.016.23.1625 dated 13.10.2023 publishing the result of 921 candidates, clearly shows that they are only passed the Aptitude Test and Viva Voce Test and petitioners since not passed the said test, their names were not published in the said result. Since the petitioners could not succeed the Aptitude Test and Viva-Voce Test, they are not eligible to get any appointment or any recommendation for having year long training in the Bangladesh Police Academy, Sardah, even if there

are lot of vacancy are there in the police force. Since the rule contains no merits, it may be discharged.

Heard the learned advocate of both the sides and perused the document annexed to the writ petition and supplementary affidavit and the affidavit in opposition.

Admittedly petitioners appeared before the Preliminary Screening and Physical Endurance Test (PET) pursuant to their application on the advertisement dated 04.05.2023 and thereafter being qualified appeared before the written and Psychological test and subsequently on Computer Competency Test and successfully passed their all test there and finally qualified for Aptitude Test and Viva-Voce Test. Thereafter by the impugned order dated 13.10.2023, result was published on Aptitude Test and Viva-Voce Test recommending only 921 candidates for appointment as against the vacant post of more or less 1400vacant posts. Now at present there are lot of vacant post in the country, which would be evident from paper clippings on different national dailies. Although the result of Aptitude Test and Viva-Voce Test shows only 921 candidates were passed but only 815 candidates join in Bangladesh Police Academy, Sardah to take year long physical and fundamental test. After the July Revolution, the police force has already been seriously damaged and there are lot of scarcity of police personnel in the country thereby law and order situation of the country

is under threat and thus at present there are very urgent need to get more police force in the Bangladesh police. Since the petitioners are already have passed their almost all examination including the written test but only could not succeed in the Aptitude Test and Viva-Voce Test that may be taken into a lenient view for them to allow them to get their appointment as well as to have their to have a recommendation to have their year long physical and fundamental test at Sardah for the interest of the country. Moreover, out of the present petitioner maximum candidates are already expired their eligible period for getting government service and they are not in a position to apply further for any job in future. Considering this, on humanity ground, we can also get a concessional view to have their job in the police service.

In the premises, in action of respondents for not responding their representation appears to be taken without any lawful authority.

We thus find merits in this rule.

Accordingly the rule is made absolute.

The inaction/failure of the respondents in not publishing the full result as well as not appointing the petitioners in vacant post of Cadet Sub-Inspector (unarmed) of Bangladesh Police is hereby declared to have been done without lawful authority and is of no legal effect. Respondents are hereby directed to take all necessary steps to give

appoint the petitioners to the vacant post of Cadet Sub-Inspector (unarmed) of Bangladesh Police immediately.

Communicate the judgment at once.

Syed Enayet Hossain, J:

I agree.