

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

WRIT PETITION NO. 12846 OF 2023

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Mehedi Hasan and others

.....Petitioners

-VERSUS-

The Government of Bangladesh, represented by the Secretary Ministry of Education, Secondary and Higher Education Division and others

..... Respondents

Mr. Md. Kamrul Alam (Kamal), Advocate

..... For the Petitioner

Mr. Mohammad Waliul Islam Oli, D.A.G with

Mr. Md. Ershadul Bari Khandakar, D.A.G with

Ms. Nilufar Yesmin, A.A.G with

Mr. Md. Moshir Rahman (Rahat), A.A.G with

Mr. Md. Motaasin Billah Parvez, A.A.G with

Mr. Md. Faridul Islam, A.A.G

.....For the Respondents

Present:

Mr. Justice Sashanka Shekhar Sarkar

And

Justice Urmee Rahman

**Heard on 11.01.2026, 19.01.2026, 20.01.2026,
27.01.2026 and Judgment on 01.02.2026**

Urmee 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 Memo No. 37.00.0000.087.099.003.21-102 dated 18.05.2023 issued by the respondent no. 2 the Assistant Secretary, Ministry of Education, Internal Audit Section, Secondary and Higher Education Division so far it relates to inclusion of the petitioners at Serial Nos. 455, 457, 78, 77, 35, 320, 300, 28, 29, 430 and 84 respectively (Annexure-D) and forwarded the respondent no. 3 to take action against the petitioners including stopping their MPO for providing fake registration certificate should not be declared illegal, without lawful authority and is of no legal effect and why the respondent no. 1 shall not be directed to continue MPO of the petitioners’ and/or pass such other or further order or orders as to this Court may seem fit and proper.”

At the time of issuance of the Rule Nisi it was further ordered that,

“Pending disposal of the Rule, the respondents are directed to give the Monthly Payment Order (MPO) to the petitioners as usual as per law.”

Necessary facts for disposal of the instant Writ Petition, in short, are that, petitioners are all Assistant Teachers appointed in different schools in their respective posts on different dates. They were included in the Monthly Pay Order (MPO) on different dates and have been receiving monthly salary regularly until it was stopped in July, 2023. An audit was held by the Directorate of Audit and Inspection of the Ministry of Education in different institutions where the petitioners are working and reports were submitted during the period of 2015-2020 and in those reports allegations were raised as to the genuineness of the NTRCA

certificates submitted by the petitioners. The Managing Committee of some of the schools of the petitioners through resolution allowed some of the petitioners to obtain fresh registration certificates within 2 (two) years and accordingly some of the petitioners appeared in Teachers' Registration Examination and received fresh registration certificates and submitted those to the respective institutions. Vide memo dated 18.05.2023 the respondent no. 1 made a list of 678 Teachers and Employees of Non-Government Schools all over the country holding forged NTRCA certificates and forwarded the same to the respondent no. 3 to take a number of actions mentioned therein. In the said list the petitioners' names appeared in serial nos. 455, 457, 78, 77, 35, 320, 300, 28, 29, 430 and 84. In pursuant to the memo dated 18.05.2023 issued by the respondent no. 1, the respondent no. 3 issued memo upon respective District Education Officers asking them to take action against the listed teachers and employees including the petitioners and also asked to stop their M.P.O. immediately. As a result, the M.P.O. of the petitioners have been stopped from July, 2023. The petitioners submitted representations on several dates before the Director General, Directorate of Education i.e. the respondent no. 3 but no response has been made thereto till date.

Being aggrieved by the impugned action of the respondents of stopping their M.P.O. and there having no other alternative and efficacious remedy, the petitioners have filed the instant writ petition and obtained the Rule.

Learned Advocate Mr. Md. Kamrul Alam (Kamal), appeared on behalf of the petitioners. At the very outset he submitted that, the respondent no. 1 has not issued any show cause notice upon the petitioners before stopping their running M.P.O. and the action has been taken against them without giving them an opportunity of taking their self-defense and in a result a serious injustice has been done upon the petitioners and as such the impugned memo dated 18.05.2023 so far it relates to inclusion of the names of the petitioners should be declared without lawful authority and is of no legal effect.

Learned Advocate contended that, all the petitioners have joined their respective posts after obtaining required educational qualifications and has been appointed following due process and have been working with sincerity and to the satisfaction of the authority. Some of them have already reached near the end of their service life and in such situation allegation of obtaining forged registration certificates is unusual, intentional and colorable exercise of power by the respondents.

He further argued that, the petitioners appeared in the NTRCA examination by paying required fees and authority issued admit cards accordingly and the petitioners passed the examination and thereafter obtained certificates. They are not liable as to whether the certificates are genuine or not. As such the list prepared by the respondent no. 2 is arbitrary in nature.

He next submitted that, the petitioners were included in the M.P.O. and prior to this they submitted all their relevant documents including

NTRCA certificates and after verification of the documents the authority included their names in the M.P.O. and as such those certificates cannot arbitrarily be treated as forged by the respondents.

It was finally submitted by the learned Advocate for the petitioners that, the government vide circular dated 22.10.2013 have given opportunity to the Assistant Librarian/Cataloger to obtain appropriate certificate within the next three years in order to be included in the M.P.O, who have submitted improper certificates at the time of appointment. Same sort of privilege was given to the Assistant Teachers of Physical Education by the memo dated 19.09.2024. The present petitioners not having been given such privilege to rectify their position, they have become subject to discrimination.

In support of his submission Mr. Kamal referred to the case of *Mst. Anjuman Ara Begam Vs. Bangladesh* reported in **33 ALR [2025] (HCD) 279** wherein it has been held that, “any adverse action against an individual affecting his/her rights or livelihood must be preceded by proper notice and a chance to be heard. Stopping her MPO benefits without verifying her actual certificate is arbitrary and without lawful jurisdiction. The onus of proving the wrongdoing lies with the authority who makes the claim”.

In the end he prays that the Rule may be made absolute.

Mr. Md. Ershadul Bari Khandakar, the learned Deputy Attorney General opposed the Rule; however, without submitting any vokalatnama or any affidavit in opposition.

We have heard the learned Advocate for the petitioners as well as the learned Deputy Attorney General and perused the writ petition, as many as four supplementary affidavits and all the documents annexed as annexures therewith.

It transpires from the impugned memo dated 18.05.2013 (Annexure- D) that, after scrutinizing by the Directorate of Inspection and Audit of Secondary and Higher Education Department under Ministry of Education as many as 678 certificates of teachers and staffs of private educational institutions were detected to be forged. Upon further scrutinization along with the departmental head/representative of the certificate providing authority, veracity of those certificates were checked and a final list of 678 forged certificate holders were prepared with direction to take number of actions against them including stopping their M.P.O. straight away and to dismiss them from service upon initiating departmental proceedings against them. The instant petitioners' names appear in the said list.

Annexure-L to the supplementary affidavit to the writ petition is a memo dated 13.11.2014, from which it appears that, the name of one teacher was deleted from the impugned list of 678 forged certificate holders by the Assistant Secretary of Ministry of Education on the ground that, NTRCA opined as to the genuineness of her certificate and

Directorate of Inspection and Audit recommended to remove her name from the said list. From Annexure J to the supplementary affidavit to the writ petition it also appears that in the meeting dated 15.05.2025 it was decided to delete names of two teachers from the said list on the basis of the report given by the NTRCA as to the genuineness of their certificates.

Annexure N (1) to the 2nd supplementary affidavit to the writ petitioner is a memo dated 21.10.2025 issued by the Assistant Secretary of Ministry of Education. It transpires from this memo that, from the list of 678 forged certificate holders 123 Computer Teachers/Lecturers/Guides and 15 Lecturers/Assistant Lecturers of Secretarial Education and Office Management along with some other teachers, who were earlier released from the same allegations were released from the present allegation of forgery. In clause 3 to the memo it was further stated that, “৩. আবেদনকারীগণ প্রশিক্ষণ গ্রহণ করেছেন এবং দীর্ঘদিন প্রতিষ্ঠান চালিয়ে আসছেন। তারা প্রশিক্ষণে অদক্ষ এ মর্মে কোন অভিযোগ নাই। তাদের সনদ রয়েছে তবে অভিযোগ হলো সনদটি অনুমোদিত প্রতিষ্ঠানের নয়। যেহেতু আবেদনকারী গণ পূর্বে এমপিওভুক্ত ছিল। ফলে নিয়োগকালীন কাম্য যোগাতার ঘাটতি পূরণে তাদেরকে তিন বছরের মধ্যে সনদ অর্জনের শর্তে অভিযোগের দায় হুক্ত অব্যাহতি প্রদান করা হলো।”

From the abovementioned memo issued by the Government we find that, the underlying intention of the respondents is to give the teachers an opportunity to rectify their position.

Annexures I to I (9) of the supplementary affidavit to the writ petition are the latest NTRCA certificates of the petitioners and all have

been issued during the period of 2013-2015, which is evidently before the issuance of the impugned memo on 18.05.2023.

Annexure I (10) to I (18) of the supplementary affidavit to the writ petition are the opinion of the NTRCA regarding these subsequent NTRCA certificates obtained by the petitioners, where in the comment column it has been stated that, the certificates were found to be genuine.

Upon perusing all the documents we find that the impugned final list of 678 alleged forged certificate holders issued by the respondents turned out to be inaccurate in many cases. By issuance of subsequent memos those have been rectified by either deleting the names of some teachers discharging them from the allegations or by providing opportunities to some to obtain the required qualification within a stipulated time period.

In the present case it appears that subsequent to their appointments the petitioners, with the permission of the head of their respective institutions, obtained NTRCA certificates during the period of 2013-2015 and the NTRCA upon examining certified those to be genuine.

Considering the fact that, 1) the petitioners are working in their respective institutions for a long time with sincerity and gained valuable experience by this time; 2) they have obtained subsequent NTRCA certificates with the prior permission of the head of their respective institutions long before issuance of the impugned memo; 3) these certificates were certified to be genuine by the NTRCA after issuance of the impugned memo and 4) some other teachers' names have been removed from the impugned list discharging

them from the allegations on the basis of the certificate issued by the NTRCA as to the genuineness of the certificates, we find that, there is substance in the Rule. The inclusion of the petitioners' name in the list of 678 forged certificate holders in hereby declared unlawful.

Furthermore, we find that stopping the MPO of the petitioners, which they have been enjoying for a long period of time and without giving them an opportunity of being heard, is arbitrary in nature and therefore the same is declared to have been done without any lawful authority.

The Respondents are hereby directed to remove the names of the petitioners from the impugned list of 678 forged certificate holders corresponding to serial numbers 455, 457, 78, 77, 35, 320, 300, 28, 29, 430 and 84 respectively and to resume making payment of their M.P.O. immediately after receipt of this order.

With the findings and direction, the Rule is made absolute.

However, without any order as to costs.

Let a copy of this judgment and order be communicated to the concerned authorities concerned at once.

Justice Sashanka Shekhar Sarkar, J:

I agree.