

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)
Writ Petition No. 15495 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:

Mohammad Azim Uddin and others

.....Petitioners

-Versus-

The Government of Bangladesh, represented by its
Secretary, Ministry of Law, Justice and Parliamentary
Affairs, Bangladesh Secretariat, Ramna, Dhaka-1000
and others.

.....Respondents

Mr. M.G. Mahmud (Shaheen), Advocate with

Mr. Md. Sharif Uddin, Advocate with

Mr. Md. Shah Alam Sarker, Advocate

.....For the petitioners

Mr. Akhtar Hossain Md. Abdul Wahab, DAG with

Mr. Sultan Mahmood Banna, DAG with

Ms. Khandaker Asma Hamid, AAG with

Mr. S.M. Emamul Musfiqur, AAG with

Mr. Md. Mashiur Rahman (Riad), AAG with

Mr. Md. Meheub Hossain, AAG

..... For the respondents

Present

Justice Fatema Najib

And

Justice A.F.M. Saiful Karim

Heard on 14.01.2026 & 28.01.2026.

Judgment on 10.02.2026.

A.F.M. Saiful Karim , J :

On an application under Article 102 of the Constitution of the
People's Republic of Bangladesh Rule was issued on 12.12.2023 in
following terms:-

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the বাংলাদেশ সুপ্রীম কোর্ট হাইকোর্ট বিভাগ (কর্মচারী) নিয়োগ বিধি, ১৯৮৭ framed under Article 113(1) of the Constitution so far as the same is discriminatory against the Administrative Officers of the Supreme Court of Bangladesh by treating them lower in status and rank of the same Division Officers should not be declared illegal, without lawful authority and is of no legal effect and further why a direction should not be given upon the respondents to grant them Grade IX (under the National Pay Scale, 2009 and 2015) scale as first class gazetted status and/or such other or further order or orders passed as to this court may seem fit and proper.”

The facts necessary for disposal of the Rule, in brief, are that:

The petitioners have been rendering their service as the Administrative Officer (A.O) of the High Court Division and Appellate Division of the Supreme Court of Bangladesh. They have been given appointment/promotion to the post of Administrative Officers of the High Court Division of the

Supreme Court of Bangladesh in due process and accordingly their appointments were published in the official gazette. Under the amended HCD Service Rules, 1987 the post of Administrative Officer (A.O) is a second-class gazetted post. Administrative Officer i.e the petitioners are getting their salaries under the National Pay Scale 2009 (Pay Grade-10) which is the pay grade of Second Class gazetted officer. The petitioners are being discriminated in relation to their subordinate officers in the High Court Division.

However, at present the posts of Stamp Reporter, Senior Superintendent, Court Officer, Court Keeper, and Superintendent and Personal Officer are first class gazetted posts. The posts of Stamp Reporter, Court Officer and Court Keeper were up-graded to first class gazetted posts vide judgment and order dated 01.08.013 passed in Writ Petition No. 4536 of 2010. Senior Superintendents and Superintendents were upgraded to first class gazetted post vide judgments and orders both dated 22.10.2014 in Writ Petition Nos. 11348 and 6895 of 2010 respectively. Personal Officer (PO) were upgraded to first class gazetted post vide judgment and order dated 24.10.2018 passed in writ petition No. 2417 of 2018. The said judgment was affirmed by the Hon'ble Appellate Division in Civil Petition for

leave to Appeal No. 2352 of 2020 and Civil Review Petition No. 157 of 2025. All the Personal Officers have been given arrear salary and other benefits from the date of judgment passed in Writ Petition No. 2417 of 2018 and to that effect Biggopti No. 866 dated 21.12.2025 was issued by the High Court Division (Administrative Section), Supreme Court of Bangladesh and the same was also published in Bangladesh Gazette on 25.12.2025.

The petitioners are also being discriminated in relation to their chances and opportunities of promotion. According to Service Rules of the High Court Division, the posts of Stamp Reporters, Senior Superintendents, Court Officers, Court Keepers, Superintendents and Librarians are the feeder posts who can be eligible for getting promotion for Assistant Registrar of the High Court Division subject to following the Rules of High Court Division Service Rules. Although the petitioners as Administrative Officers of the Supreme Court of Bangladesh, not being feeder post are not entitled under the High Court Division Service Rules, 1987 to apply for promotion to the post of Assistant Registrar and in this regard the High Court Division Service Rules, 1987 is discriminatory against the petitioners.

At present, the HCD Service Rules discriminate against Administrative Officers by treating them as second-class

gazetted officers whereas the Stamp Reporters, Senior Superintendents, Court Officers, Court Keepers, Superintendents and Personal Officers being the officers of the same class of the petitioners under the High Court Division Rules, 1987 enjoy the status of first class gazetted officers with a higher pay scale.

But shockingly enough, the Administrative Officers of the Hon'ble Justice of the Supreme Court of Bangladesh remain as class-II officer though same status of other class-II Officers were made class-I officers earlier which is discriminatory against the petitioners. Hence, the petitioners made representations to the Registrar, Bangladesh Supreme Court in this regard. However, no action has been taken.

Finding no other alternative and efficacious remedy, the petitioners have moved this Court and obtained the instant Rule Nisi.

Mr. Md. Sharif Uddin, learned Advocate appearing on behalf of the petitioners submits that the post of the Administrative Officer was Class-II gazetted posts and the position in the list of officers under the schedule-1 of the High Court Division Service Rules, 1987 was in Serial No. 2(২), whereas, the post of Personal Officers positions in the list in serial No. 2(৩) and that all the class-II gazetted posts except the

post of Administrative Officer were made class-I gazetted posts but the status and pay scale of the petitioners remained unchanged and therefore the post and position of the Administrative Officer ought to have been upgraded.

He next submits that Personal Officer was originally named as P.A Cum-Stenographers which was a third class non gazetted post. The post became a second class gazetted post pursuant to the judgment and order dated 05.11.2003 in writ petition No. 2256 2002 and thereafter Personal Officer (PO) were upgraded to first class gazetted post vide judgment and order dated 24.10.2018 passed in writ petition No. 2417 of 2018 which was affirmed by the Hon'ble Appellate Division in Civil Petition for leave to Appeal No. 2352 of 2020 and Civil Review Petition No. 157 of 2025 and all the Personal Officers have been given arrear salary and other benefits from the date of judgment passed in Writ Petition No. 2417 of 2018 and to that effect Biggopli No. 866 dated 21.12.2025 was issued by the High Court Division (Administrative Section), Supreme Court of Bangladesh and the same was also published in Bangladesh Gazette on 25.12.2025 and the posts of Stamp Reporter, Senior Superintendent, Court Officer, Court Keeper, Superintendant and Personal Officer (the posts were akin to the post of

Administrative Officer) are first class gazetted posts. By a judgment dated 4536 of 2010, or 01.08.2013 the posts of Stamp Reporter, Court Officer and Court Keeper were up-graded to the first class gazetted posts. Similarly, Senior Superintendants and Superintendants were up-graded to first class gazetted posts vide judgments and orders both dated 22.10.2014 in writ petition Nos. 11348 of 2013 and 6895 of 2010 respectively and under the High Court Division Rules, 1987 the posts of Administrative Officers were same to these of the Stamp Reporters, Senior Superintendants, Court Officers, Court Keepers and Superintendants and Personal Officer and therefore the Administrative Officers are entitled to get their post and position upgraded.

He lastly submits that since the status and pay scale of the Stamp Reporter, Senior Superintendent, Court Officer, Court Keeper, Superintendent and Personal Officer have been upgraded to class-1 gazetted post, there is no reason that the petitioners should be discriminated against and that the petitioners should be deprived of getting their legitimate status of Class-1 Gazetted post since under provisions of Service (Re-organization & Conditions) Act, 1975 has mandated and

obligated the respondents to maintain uniformity in the service of the petitioners.

No affidavit-in-opposition has been filed by the respondents. However, the learned Deputy Attorney General opposes the Rule.

We have perused the Writ Petition, its annexures, supplementary affidavit and other relevant papers.

In this petition, the petitioners have challenged the legality and constitutionality of the বাংলাদেশ সুপ্রীম কোর্ট হাইকোর্ট বিভাগ (কর্মচারী) নিয়োগ বিধি, ১৯৮৭ framed under Article 113(1) of the Constitution so far as the same is discriminatory against the Administrative Officers of the Supreme Court of Bangladesh by treating them lower in status and rank of the same class officers and also prayed for direction upon the respondents to grant them rank and status of class-I gazetted officers and pay them salary at the scale of Tk. 22000-53060 (Pay Grade-9) (under the National Pay Scale-2015).

Admittedly, under the said Neog Bidhi, the post of Administrative Officer is a second class Gazetted post, although other similar posts i.e. Stamp Reporter, Senior Superintendant, Court Officer, Court Keeper and Superintendent are first class Gazetted posts. Moreover, Stamp Reporters, Senior

Superintendants, Court Officer, Court Keepers and Superintendants are being paid at grade-8 and the Personal Officers are being paid at grade-9 while the petitioners (Administrative Officers) are being paid at pay grade-10. Further, Stamp Reporters, Senior Superintendants, Court Officers, Court Keepers and Superintendants enjoy the possibility of promotion to the post of Assistant Registrar, which is denied to Administrative Officer.

During hearing the paper book of the Civil Petition for leave to Appeal No. 2352 of 2020 along with the order dated 16.03.2025 and order dated 10.07.2025 passed in Civil Petition for leave to Appeal No. 2352 of 2020 and Civil Review Petition No. 157 of 2025 respectively has been filed by the learned Advocate of the petitioners.

It appears from Annexure-‘A’ of the writ petition No. 2417 of 2018 that the authority concerned under signature of the Deputy Registrar-1 on 15.07.2008 made a correction of Neog Bidhimala of 1987. It was drawn to our attention by the learned Advocate for the petitioners that on 14.08.2008, the said corrected Neog Bidhimala was also approved by the Ministry of Law, Justice and Parliamentary Affairs. For proper adjudication, the schedule-1 of the Neog Bidhi under the caption "বাংলাদেশ

সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ (কর্মচারী) নিয়োগ বিধি" "শুধুমাত্র অফিসে ব্যবহারের জন্য" is quoted below:

তপছিল- ১
হাইকোর্ট বিভাগের চাকুরীসমূহ

১ প্রথম শ্রেণীর পদ

(ক) রেজিস্ট্রার

(খ) এডিশনাল রেজিস্ট্রার

(গ) স্পেশাল অফিসার

* (ঘ) ডেপুটি রেজিস্ট্রার

(ঙ) স্পেশাল অফিসার

(ঘ) ১ম সহকারী রেজিস্ট্রার (যদি বি.সি.এস, (বিচার) অফিসারদের ম-
ধ্য হইতে (প্রেমেনে) নিযুক্ত হন।

(চ) প্রধান বিচারপতির সচিব

* (ছ) সহকারী রেজিস্ট্রার

(ছছ) বেঞ্চ অফিসার

* (জ) হিসাব রক্ষণ কর্মকর্তা

(* চিহ্নিত ঘ ক্রমিকে বর্ণিত শুধুমাত্র পদোন্নতি প্রাপ্ত ডেপুটি রেজিস্ট্রার পদের বেতন স্কেল আপগ্রেড করা বিষয় এবং চিহ্নিত * ছ ও জ ক্রমিকে বর্ণিত সহকারী রেজিস্ট্রার এবং হিসাব রক্ষণ কর্মকর্তার বেতন আছে।)

২। দ্বিতীয় শ্রেণীর পদ

(ক) সহকারী বেঞ্চ অফিসার

* (কক) স্ট্যাম্প রিপোর্টার

(খ) সিনিয়র সুপারিনটেনডেন্ট

(গ) কোর্ট অফিসার

(ঘ) কোর্ট কীপার

(ঙ) সুপারিনটেনডেন্ট

* (চ) লাইব্রেরিয়ান

(ছ) প্রশাসনিক কর্মকর্তা

(জ) ব্যক্তিগত কর্মকর্তা (পি.ও.)

(*চিহ্নিত উভয় ক্রমিকে বর্ণিত কর্মকর্তাগণের বেতন স্কেল উন্নীত করার বিষয় সরকারের সক্রিয় বিবেচনাধীন আছে।

৩। তৃতীয় শ্রেণীর পদ

(ক) হিসাবরক্ষক

(খ) কমিশনার অব এফিডেবিট

(গ) এডিটর

(ঘ) কমিটি ক্লার্ক

(ঙ) ক্যাশিয়ার

(চ) স্টেনোগ্রাফার

(ছ) ট্রান্সলেটর

(জ) স্টেনো-টাইপিষ্ট

(ঝ) অফিস সহকারী

From the above, we find that the post of the Administrative Officer was Class-II gazetted posts and the position in the list of officers of the High Court Division Service Rules, 1987 as amended in 2008 was at Serial No. 2(ছ), whereas, the post of Personal Officer's positions in the list at serial No. 2(জ).

It is also found that all the class-II gazetted posts except the post of Administrative Officer were made class-I gazetted posts.

It is vital to note that Personal Officer was originally named as P.A Cum Stenographers which was a third class non gazetted post. The post became a second class gazetted post pursuant to the judgment and order dated 05.11.2003 in writ petition No. 2256 of 2002. Personal Officer (PO) were upgraded to first class gazetted post vide judgment and order dated 24.10.2018 passed in writ petition No. 2417 of 2018. The said judgment was affirmed by the Hon'ble Appellate Division in Civil Petition for leave to Appeal No. 2352 of 2020 and Civil Review Petition No. 157 of 2025. All the Personal Officers have been given arrear salary and other benefits from the date of judgment passed in Writ Petition No. 2417 of 2018 and to that effect Biggopti No. 866 dated 21.12.2025 was issued by the High Court Division (Administrative Section), Supreme Court of Bangladesh and the same was also published in Bangladesh Gazette on 25.12.2025.

Moreover, the posts of Stamp Reporter, Senior Superintendent, Court Officer, Court Keeper, Superintendant and Personal Officer (the posts were akin to the post of

Administrative Officer) are first class gazetted posts. The posts of Stamp Reporter, Court Officer and Court Keeper were upgraded to the first class gazetted posts by judgment dated 01.08.2013 passed in the writ petition No. 4536 of 2010. Similarly, Senior Superintendants and Superintendants were upgraded to first class gazetted posts vide judgments and orders both dated 22.10.2014 in writ petition Nos. 11348 of 2013 and 6895 of 2010 respectively. Although under the High Court Division Rules, the posts of Administrative Officers were same to these of the Stamp Reporters, Senior Superintendants, Court Officers, Court Keepers and Superintendants and Personal Officer.

As no affidavit-in-opposition has been filed controverting the statements made in the writ petition, so the statements made in writ petition are deemed to be correct.

Therefore, we are of the view that the non-upgradation of the petitioners' rank and status to the Class-I gazetted officer and pay scale from Grade-10 to Grade-9 under the national pay scale 2009 and 2015 is utter discriminatory and the treatment by the Respondents towards the petitioners is irrational and those are flagrant violation of the fundamental rights of the petitioners as enshrined under Article 27, 29, 31 and 40 of the constitution and

we are also of the view that the বাংলাদেশ সুপ্রীম কোর্ট হাইকোর্ট বিভাগ (কর্মচারী) নিয়োগ বিধি, ১৯৮৭ framed under Article 113(1) of the Constitution so far as the same is discriminatory against the Administrative Officers of the Supreme Court of Bangladesh by treating them lower in status and rank of the same class officers which is liable to be declared to be without lawful authority and is of no legal effect and the petitioners are entitled for a direction upon the respondents to grant them rank and status of class-I gazetted officers and pay them salary at the scale of Tk. 22000-53060 (Pay Grade-9) (under the National Pay Scale-2015).

Considering all the facts and circumstances of the case, we are of the view that the Administrative Officers are entitled to get their pay and status upgraded as class-I officer.

We find substance in the Rule.

Accordingly, the Rule is made absolute.

The respondents are directed to grant the petitioners rank and status of class-I gazetted officers and pay them salary at the scale of Tk. 22000-53060 (Pay Grade-9) (under the National Pay Scale-2015) within 90(ninety) days from the date of receipt of a copy of this judgment and order.

This judgment and order shall equally apply and shall be available to other Administrative Officers, if any, who are not

petitioners before us but stand on the same footing as those of the petitioners.

However, this judgment will not hamper the interest of those petitioners in any manner who have already availed upper scale including other service benefits.

No order as to costs.

Communicate the judgment at once.

A.F.M. Saiful Karim, J:

Fatema Najib, J:

I agree.

Fatema Najib, J:

AZOM(BO)