

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

Writ Petition No. 12682 of 2025

IN THE MATTER OF:

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

-AND-

IN THE MATTER OF:

Md. Jamal Uddin

.....Petitioner

-Versus-

Present:
Mr. Justice Sashanka Shekhar Sarkar
And
Justice Urmeem Rahman

Bangladesh and others

..... Respondents

Mr. Tawhidul Islam, Advocate

...For the petitioner

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. Motasim Billah Parvez, A.A.G and

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

...For the respondents

Heard on 01.02.2026 and

Judgment on 08.02.2026

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 Memo No. 37.02.0000.107.31.445.22.661 dated 30.04.2025 issued by

the office of the respondent No. 2 under the signature of respondent No. 3 rejecting inclusion of the petitioner name in the MPO scheme of the Government (Annexure-Q) should not be declared to have been done without any lawful authority and is of no legal effect and why a direction shall not be passed upon the respondents to take necessary steps and measures to include the petitioner name in the MPO scheme of the Government as 'Assistant Head Master' in Damudiya Pilot Girls High School, Post Office: Damudiya, Upazila: Damudiya, District: Shariatpur and pay all his outstanding dues, since his appointment and/or pass such other or further order or orders as to this Court may seem fit and proper."

The relevant facts necessary for disposal of the instant Rule, in brief, are that, Damudya Pilot Girls' High School, Damuddiya, Shariatpur is a government approved Girls' school. The petitioner joined this school in the post of Instructor of S.S.C (Vocational), Food Processing and Preservation on 27.01.2001. After joining he was included in the M.P.O. scheme under Index No.802255 of the Directorate of Vocational Education. While performing his function in the said post, a recruitment advertisement was published on 14.09.2023 for appointment in the post of Assistant Head Master in the self-same school. Being eligible, the petitioner applied for that post and following due selection process he was given appointment by the school managing committee as Assistant Head Master in the

said school and appointment letter was issued on 11.11.2023 and he joined on 12.11.2023. Since his joining the petitioner has been uninterruptedly functioning in his service in the said post. Before joining as the Assistant Head Master on 12.11.2023, the petitioner resigned from his previous post of 'Trade Instructor' in that school by his resignation letter dated 11.11.2023 which was duly accepted by the authority and he was released from that post by the letter dated 11.11.2023. Due to his resignation from his earlier post of 'Trade Instructor' his name was excluded from the M.P.O. list of the government which he had been receiving for that post. Thereafter the petitioner filed an application before the Department of Secondary and Higher Secondary Education on 05.02.2024 for including his name in the M.P.O. scheme of the government as an Assistant Head Master taking into account his 23 years of experience as 'Trade Instructor' which is equivalent to the post of 'Assistant Teacher' as per Rule 11.24 of the বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবলকাঠামো ও এম.পি.ও. নীতিমালা-২০২১. The District Education Officer, Shariatpur forwarded the said application on 24.04.2025 to the Senior Secretary, Secondary and Higher Secondary Education Division. The petitioner made another application before the Senior Secretary on 24.04.2025 with the similar prayer. By the memo dated 30.04.2025 (annexure-Q), issued from the office of the respondent No.2, the petitioner's application was rejected giving reference to the provision of Clause 11.24 of বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবলকাঠামো ও এম.পি.ও.

নীতিমালা-২০২১, which in fact does not debar petitioner's case to be considered. Being aggrieved the petitioner served a 'Notice Demanding Justice' upon the respondents on 14.07.2025 through his lawyer seeking immediate inclusion on the petitioner's name in the MPO scheme of the government. However, no action has been taken by the respondents till date.

Finding no other available alternative and efficacious remedy the petitioner has filed the instant writ petition and obtained the Rule.

Mr. Tawhidul Islam, learned Advocate appearing on behalf of the petitioner submits that the requisite qualification to be appointed as an Assistant Head Master as per M.P.O. Policy of 2021 is, "বিদ্যালয় অথবা অনু-চ্ছদ ১১(২৩) এ বর্ণিত প-দ ১০ (দশ) বছর-র শিক্ষকতার অভিজ্ঞতা।" and the petitioner having the requisite qualification was duly appointed in the post of Assistant Head Master in the concerned school.

Mr. Islam next submitted that as per the MPO Policy of 2021 the post of 'Trade Instructor' as Secondary level technical and vocational department is equivalent to the post of higher scale of 'Assistant Teacher' and Clause 11.24 of the said MPO Policy very clearly provides that, "এম.পি.ও. ভুক্ত মাধ্যমিক বিদ্যালয়ের প্রধান শিক্ষক/সহকারী প্রধান শিক্ষক নিয়োগের ক্ষেত্রে কারিগরি শিক্ষা প্রতিষ্ঠান/দাখিল মাদ্রাসার সহকারী শিক্ষক (সাধারণ) এর পূর্বের এম.পি.ও. ভুক্ত শিক্ষা প্রতিষ্ঠানের অভিজ্ঞতা বিধিমোতাবেক গণনাযোগ্য হ-ব।"

He further submitted that even after the Policy of 2021 came into force, there are various examples and instances where the experience in the post of 'Trade Instructor' are being considered by the authority as experience of equivalent post of 'Assistant Teacher' and there are numerous instances around the country that the persons who served as 'Trade Instructors' are being appointment as 'Head Master' or Assistant Head Master'.

He then referred to the memo dated 02.02.2023 issued from the office of the respondent No.2, wherein it has been clearly stated that the Directorate of Secondary and Higher Secondary Education by its memo dated 02.11.2011 clarified that the post of 'Trade Instructor (Food processing)' is equivalent to the post of an 'Assistant Teacher'.

Learned Advocate for the petitioner argued that, the respondents rejected the petitioner's application in a misconceived manner, which is contrary to the policy laid down by the government. In the end he prayed that the Rule may be absolute.

Learned Deputy Attorney General opposed the Rule however, without filing any vokalatnama or affidavit in opposition.

We have heard the learned Advocate for the respective parties and perused the writ petition and the documents annexed therewith.

On perusal of the documents it appears that after obtaining required qualifications the petitioner joined the concerned school in the year 2001 as 'Instructor' in the Technical Division under the

Food Processing and Preservation and since then he has been working in that school. After working almost 23 years in the said post he was appointed in the post of Assistant Head Master in the same school on 12.11.2023 following due process. It also appears from the documents that this petitioner was already under the M.P.O scheme of the government under vocational education department under Index No. 802255. After being appointed in the post of Assistant Head Master he resigned from the earlier post of 'Trade Instructor'. From Annexure-L to the writ petition dated 13.05.2024 it appears that the petitioner's name was removed from the M.P.O list under Vocational Education Department. Thereafter, the petitioner applied for inclusion in the MPO in the post of Assistant Head Master. However, petitioner's application was rejected by the respondent no. 3 on 30.04.2025 (Annexure-Q) wherein it has been stated that:

“... অতপর গত ৩১/০৭/২০২৪খ্রি. পুনরায় এম.পি.ওভুক্তির জন্য আবেদন প্রেরণ করা হলে এম .পি.ও নীতিমালা/২০২১ এর ১১.২৪ বিধি উল্লেখ করে উপপরিচালক , মাধ্যমিক ও উচ্চ শিক্ষা , ঢাকা অঞ্চল, ঢাকা থেকে আবেদনটি **Reject** করা হয়। তাই তিনি সহকারী প্রধান শিক্ষক পদে এমপিওভুক্তির জন্য জেলা শিক্ষা অফিসারের মাধ্যমে আবেদন করেছেন।

২। সূত্রোক্ত ২ নং স্মারক পত্র মোতাবেক জনাব মোঃ জামাল উদ্দীন (ইনডেক্স নং ৮০২২৫৫)সহকারী প্রধান শিক্ষক পদে এমপিওভুক্তির বিষয়ে গত ২৩/০৩/২০২৫ তারিখ রোজ রবিবার (সকাল ১১.০০ টায়) উপপরিচালক (মাধ্যমিক) মহোদয়ের উপস্থিতিতে (কক্ষ নং -২২০) শুনানী গ্রহণ করা হয়। শুনানী অন্তে একই ধরনের বিষয় নিয়ে গত জানুয়ারি ১২/০১/২০২৫ তারিখের এমপিও কমিটির বিশেষ সভায় ঝিনাইদহ জেলার শৈলকুপা উপজেলাধীন শৈলকুপা পাইলট উচ্চ বালিকা

বিদ্যালয়ের সহকারী প্রধান শিক্ষক জনাব অনিন্দিতা রানী সাহা
(ইনডেক্স নং -৮০০৭৪০) এর এমপিওভুক্তির বিষয়ে
জনবলকাঠামো ও এমপিও নীতি মালা-২০২১ এর ১১.২৪ ধারা
মোতাবেক এমপিওভুক্তির সুযোগ নেই মর্মে সভায় সিদ্ধান্ত গৃহীত
হয়।”.

Rule 11.24 of the বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ)
জনবলকাঠামো ও এম.পি.ও. নীতিমালা-২০২১ reads as follows:

“এম.পি.ও. ভুক্ত মাধ্যমিক বিদ্যালয়ের প্রধান শিক্ষক/সহকারী
প্রধান শিক্ষক নিয়োগের ক্ষেত্রে কারিগরি শিক্ষা প্রতিষ্ঠান/দাখিল
মাদ্রাসার সহকারী শিক্ষক (সাধারণ) এর পূর্বের এম.পি.ও. ভুক্ত
শিক্ষা প্রতিষ্ঠানের অভিজ্ঞতা বিধিমোতাবেক গণনাযোগ্য হবে।”

It also appears from Annexure-T to the writ petition dated
02.02.2023 wherein an opinion was given from the Secondary and
Higher Secondary Education Department stating that:

“মাউশি অধিদপ্তরের ০২/১১/২০১১ তারিখের ওএম /১২২-
ম/১১/৫৯৭২/৬ সংখ্যক স্মারকে জারীকৃত পত্রে উল্লেখ রয়েছে
(অস্পষ্ট) পদটি সহকারী শিক্ষকের সমতুল্য পদ অর্থাৎ সহকারী
শিক্ষক হিসেবে গণ্য করা যা-বা।”

From the above mentioned Rule 11.24 of the MPO Policy of
2021 as well as the opinion given by the Directorate of Secondary
of Higher Secondary Education it is very much clear that to be
eligible in the post of Assistant Head Master 10 years experience as
Assistant Teacher is required and the experience of any vocational
teacher shall be considered to be equivalent to the experience of an
Assistant Teacher. However, by the impugned memo issued by the
respondent No. 3 it has been categorically stated that on the basis of
the Rule 11.24 the application of the petitioner is being rejected and

on the similar ground another application of another teacher was rejected earlier regarding the said post.

Considering the Rule as well as the opinion of the Education Officer we find that the impugned decision is nothing but misconceived. Moreover, the petitioner has annexed some documents with an example that other teachers of different institutions holding the similar qualification that as of the petitioner were given MPO and the petitioner having been in the similar footing is also entitled to be included in the MPO list.

Considering the facts and circumstances mentioned hereinabove, we find that the impugned memo has been issued upon non consideration and misconception of the provision of বেসরকারি শিক্ষা প্রতিষ্ঠানের (স্কুল ও কলেজ) জনবলকাঠামো ও এম.পি.ও. নীতিমালা-২০২১ as well as the opinion given by the concerned authority in this regard. The petitioner was lawfully entitled to be included in the M.P.O. scheme on the very day he joined in the post of Assistant Head Master on 12.11.2023.

With the foregoing discussion and finding we find substance in the Rule.

In the result the Rule is made absolute.

However, there is no order as to cost.

The respondents are accordingly directed to take necessary steps to include the petitioner's name in the M.P.O. list of the government as Assistant Head Master within 30 (thirty) days from the date of the receipt of a copy of this judgment and order and to

make payment of all the arrear salaries from the date of his appointment as Assistant Head Master .

Communicate the judgment and order at once.

Sashanka Shekhar Sarkar, J:

I agree.

Helal/ABO