



11.8.09, 11.8.09, 11.8.09, 11.8.09, 11.8.09

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 5343 OF 2009.

In the matter of:

An application under Article 44 and 102 of the Constitution of the People's Republic of Bangladesh.

-And-

In the matter of:

The Intermediate and Secondary Education Ordinance, 1961 (Ordinance No. XXXIII of 1961)

-And-

In the matter of:

1. Bangladesh Legal Aid and Services Trust (BLAST), represented by its Executive Director, Mohsin Ali Khan of YMCA Bhaban, 1/1, Pioneer Road, Police Station Ramna, Dhaka.
2. Bangladesh Mahila Parishad, represented by its Assistant General Secretary, Masuda Rehana Begum, of Sufia Kamal Bhaban, 10/B/1, segunbagicha, Police Station Ramna, Dhaka.
3. Naripokkho, represented by its President, Tamanna Khan, of 4th Floor, Rang Nilu Square, Plot 1, 3 & 5 satmasjid Road, Dhanmondi, Dhaka.

.....Petitioners.

-Versus-

1. Bangladesh, represented by the Secretary, Ministry of Education, Bangladesh secretariat, Police Station-Ramna, Dhaka.
2. Director General, Directorate of Secondary and Higher Secondary Education, Government of the People's Republic of Bangladesh, Shikkha Bhaban, Abdul Ghani Road, Police Station Ramna, Dhaka.
3. Board of Secondary and Higher Secondary Education, Barisal, through its Chairman.
4. Board of Secondary and Higher Secondary Education, Comilla, through its Chairman,

7/15



5. Board of Secondary and Higher Secondary Education , Chittagong through its Chairman.
6. Board of Secondary and Higher Secondary Education, Dhaka, through its Chairman.
7. Board of Secondary and Higher Secondary Education, Jessore, through its Chairman.
8. Board of Secondary and Higher Secondary Education, Rajshahi, through its Chairman.
9. Board of Secondary and Higher Secondary Education, Sylhet, through Chairman.
10. Secretary, Ministry of Women's and Children's Affairs, Bangladesh Secretariat, P.S. Ramna, Dhaka.
11. Secretary , Ministry of Establishment Bangladesh Secretariat, P.S. Ramna, Dhaka.

.....Respondents.

-And-

In the matter of:

The arbitrary and discriminatory action of the Respondent no. 8, the Board of Secondary and Higher Secondary Education, Rajshahi , in refusing to issue an admit card for the SSC Examinations to Sagorika Begum, aged about 16 years, daughter of Mansura Begum of Bandigor village , Thakurgaon in April 2007 and the continuing arbitrary and discriminatory practice of Respondents Nos. 3 to 9 in requiring all candidates for registration for the SSC and HSC examinations to complete mandatory fields for ' father's name' and ' mother's name' provided in the Student Information Forms and in refusing to issue registration cards to candidates for SSC and HSC examinations who are not able to or do not complete the filed with respect to the 'father's name'.

Present:

Mr. Justice Syed Refaat Ahmed

-And-

Mr. Justice Moyeenul Islam Chowdhury



The 3rd day of August 2009.

Ms. Sara Hossain with
Mr. Md. Taufiqul Islam, Advocates.....for the petitioner.
Mr. Md. Nazrul Islam Talukder, DAG with
Mr. S. Rashed Jahangir, AAG.....for the respondents.

Let a Rule Nisi issue calling upon the respondents to show cause as to why the impugned action and practice of requiring a candidate for SSC and HSC examinations to be identified on the basis of both his or her 'father's name' and 'mother's name' and the inclusion of mandatory fields for 'father's name' and 'mother's name' in the Student Information Forms to be completed by candidates for SSC and HSC examination, and the refusal to issue registration cards to candidates who do not complete both fields in the said forms should not be declared arbitrary, discriminatory and/or unconstitutional being in violation of the fundamental rights to equality and to be treated in accordance with law and the right to access to educating and further why they should not be directed to amend the said student Information Form to enable candidates for SSC and HSC examinations to include by way of identification information regarding either their father's name or their mother's name or the name of their lawful guardian and /or such other or further order or orders passed as to this Court may seem fit and proper.


The Respondent No.1 is hereby directed to provide a report to this Court as to which of the various Boards of Education currently required candidates to provided mandatory information regarding both the father's name and mother's name prior to receiving registration cards for admission to the SSC examinations and what course of action they pursue should an otherwise eligible candidate fail to provide his or her father's identify within a period of 3(three) weeks from date.


The Rule is made returnable within 3(three) weeks from date.

Syed Refaat Ahmed

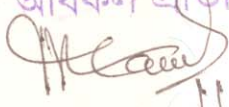
M. I. Chowdhury

B/B
B.Banu/ 11.08.09

Read by: 

Exam. By:  11.8.09

প্রত্যায়িত অবিকল প্রতিলিপি


11.8.09
সহকারী রেজিস্ট্রার
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ
(১৮৭২ ই ২ সনের ১নং আইনের)
৭৬ খারামতে ক্ষমতা প্রাপ্ত





3/9