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

In the matter of:
Applications under Article 102 of the Constitution of the People's Republic of Bangladesh.

-And-

In the matter of:
WRIT PETITION NO. 10242 of 2006
With
WRIT PETITION NO. 3189 of 2008,
WRIT PETITION NO. 5248 of 2010,
WRIT PETITION NO. 9406 of 2010,
WRIT PETITION NO. 1443 of 2011,
WRIT PETITION NO. 1500 of 2011,
WRIT PETITION NO. 6799 of 2011,
WRIT PETITION NO. 8144 of 2011,
WRIT PETITION NO. 8647 of 2011,
WRIT PETITION NO. 9519 of 2011,
WRIT PETITION NO. 9529 of 2012,
WRIT PETITION NO. 10005 of 2013 &
WRIT PETITION NO. 10398 of 2013

-And-

In the matter of :

Professor Syed Ali Naki and others.
..... Petitioners
(in writ petition no.10242 of 2006)

Darul Ihsan University. ... Petitioner
(in writ petition no.3189 of 2008)

Md. Deldar Rahman. ... Petitioner
(in writ petition no.5248 of 2010)

Darul Ihsan University. ... Petitioner
(in writ petition no.9406 of 2010)

Darul Ihsan Trust. ... Petitioner
(in writ petition no.1443 of 2011)

Darul Ihsan Trust and another
... Petitioners
(in writ petition no.1500 of 2011)

Darul Ihsan Trust. ... Petitioner
(in writ petition no. 6799 of 2011)

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Darul Ihsan Trust. ... Petitioner
(in writ petition no. 8144 of 2011)

Professor Akbaruddin Ahmed
... Petitioner
(in writ petition no. 8647 of 2011)

Darul Ihsan Trust. ... Petitioner
(in writ petition no. 9519 of 2011)

Darul Ihsan University and another.
... Petitioners
(in writ petition no. 9529 of 2012)

Rabea Akter ... Petitioner
(in writ petition no. 10005 of 2013)

Most. Dina Amin and others
... Petitioners
(in writ petition no. 10398 of 2013)

-Versus-

Bangladesh and others.
..... Respondents

Mr. Md. Faizul Kabir,
...For W.P. nos. 10242 of 2006, 3189 of 2008, 1500 of 2011, 6799 of 2011 and 9529 of 2012 (Savar group).

Mr. Md. Abdur Razzak,
...For W.P. no. 10398 of 2013
(Former students)

Mr. Kamal Hossain Meazi,
...For W.P. no. 8647 of 2001
(Akboruddin group)

Mr. Md. Robiul Alam,
...For W.P. no. 5248 of 2010

Mr. Kazi Emdadul Huq,
...For W.P. no. 9406 of 2010
(Dhanmondi group)

Mr. Md. Mosabbir Hasan Bhuyan,
...For W.P. no. 10005 of 2013
(Former student)

Mr. Sk. Baharul Islam,
...For W.P. no. 1443 of 2011

Mr. Shaheen Ahmed,
...For W.P. no. 9519 of 2011

Mr. Md. Abdullah Al Mahbub,
...For W.P. no. 8144 of 2011
(Abul Hossain group)

... Advocates, for the petitioners

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Mr. Mahbubey Alam, Attorney General
with
Mr. Md. Khurshedul Alam, DAG
Mrs. Nasrin Parvin, AAG and
Ms. Nusrat Jahan, AAG
...For the Ministry of Education and the Registrar of Joint Stock Companies
Mr. Fida M. Kamal with
Mr. Mohammad Hossain and
Mr. Rashedul Haque,
...For Dhanmondi group
Mr. A.B.M. Bayezid,
...For the University Grant Commission
Md. Hedayet Hossain
...For Bangladesh Bar Council
... Advocates, for the respondents

Heard on 01.03.2016, 02.03.2016, 06.03.2016, 07.03.2016, 08.03.2016, 09.03.2016, 13.03.2016, 14.03.2016, 15.03.2016, 16.03.2016, 20.03.2016, 21.03.2016, 23.03.2016, 24.03.2016, 27.03.2016, 28.03.2016, 29.03.2016, 31.03.2016, 03.04.2016, 04.04.2016, 05.04.2016, 06.04.2016, 10.04.2016, 11.04.2016, 12.04.2016 and Judgment on 13.04.2016.

Present:
Mr. Justice Md. Rezaul Haque
&
Mr. Justice Muhammad Khurshid Alam Sarkar

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MUHAMMAD KHURSHID ALAM SARKAR, J:

The various internal and external issues of a purported private university under the name of the Darul Ihsan University (hereinafter referred to as the DI University) have generated these Rules and, in order for adjudication of the same, since some common legal provisions are to be looked into and applied thereto,

all these Rules are heard together and disposed of by this single judgment.

Before stating the terms of the Rules of all these writ petitions, it would be profitable to know the brief-history of the DI University, since the subject-matters of all the writ petitions centre around the said DI University.

By the registered trust deed no. 14285 dated 18.12.1986, the Darul Ihsan Trust (shortly, the DI Trust) was created by six distinguished citizens of this country, namely Professor Syed Ali Ashraf, Professor Syed Ali Ahsan, Professor Syed Ali Naki, Dr Naimur Rahman, MA Khaled and SM Moniruzzaman, with a goal of establishing a private university to be known as the Darul Ihsan University (the DI University). Of them while the three Professors happen to be full brothers, the rest three are from different professions. Professor Syed Ali Ashraf had been using a portion of his personal residence, at House no. 21, Road no. 9/A Dhanmondi R/A as a temporary office of the DI Trust towards establishing the proposed DI University in Ganakbari of Savar, Dhaka (shortly, Ganakbari). In 1993, the DI Trust applied for permission from the Government to commence its academic activities under the Private University Act, 1992 and the DI University obtained the permission on 19.08.1993 with the conditions that they shall deposit Taka one crore in the reserved fund and purchase a landed property of 1 (one)

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acre within 31.12.1993. When the DI University could not fulfill the above conditions, they applied for extension of time, which was extended upto 31.12.1994. Since then, no time was extended and no formal license (সনদ) was issued by the Government till date. On 06.06.1998 the settler, founder and chairman of the DI Trust who also served as the first Vice-Chancellor (VC) of the DI University, Professor Syed Ali Ashraf died of heart failure in Cambridge, England. After his death, National Professor Syed Ali Ahsan became the chairman of the DI Trust and was appointed the VC of the DI University by the trustees, not by the Chancellor/Government. After his death, former VC of the Islamic University, Professor Dr A. Hamid became the VC of the DI University on 23.10.2000. After his death Dr Naimur Rahman, Professor Azharuddin, Professor Syed Anwar Hossain and Professor Syed Ali Naki were performing the duties of the VC/acting VC of the DI University from time to time without having formal appointment from the Chancellor. On 12.10.2006, the Government appointed Professor Monirul Huq as the VC of the DI University and he died on 22.03.2010.

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Professor Syed Ali Ashraf, the founding chairman, from time to time inducted some more trustees from home and abroad. During his life-time he co-opted 4 (four) Bangladeshi individuals and 18 (eighteen) foreign nationals as trustees of the DI Trust. After the

death of Professor Syed Ali Ashraf, Dr Abdullah Omar Nasif of Saudi Arabia and Dr Naimur Rahman were appointed the chairman and vice-chairman of the DI Trust respectively. On 27.11.2005, Dr Naimur Rahman was appointed the chairman of the DI Trust in place of Dr Abdullah Omar Nasif.

On 02.04.2006, Professor Sayed Ali Naki registered the DI Trust with the Registrar of Joint Stock Company (RJSC) under the Societies Registration Act, 1860 (Societies Act) with 11 (eleven) trustees (hereinafter referred to as the Savar group) showing him as the Managing Trustee and Mr AA Bazle Rabbi as the Secretary of the DI Trust. Out of 11 (eleven) trustees 9 (nine) were the members of the existing trust, 2 (two) new individuals were co-opted as trustees. This fact of registration of the DI Trust with RJSC by Professor Syed Ali Naki triggered division among them and Professor Syed Ali Naki and his companions were expelled by the rest of the trustees who were holding, and till date have been retaining, the possession of the Dhanmondi office at House No. 21 (New), Road No. 9/A (New) Dhanmondi R/A, Dhaka (hereinafter referred to as the Dhanmondi Group). Dr Naimur Rahman died on 26.12.2007 and then Mr. Yaqub Latifulla was appointed the chairman of the Dhanmondi group and after his expiry on 09.02.2014, Major (retired) Dr. Md. Rezaul Huq has been

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performing the functions of the chairman of the DI Trust led by the Dhanmondi group.

On the other hand Professor Syed Ali Naki died on 28.09.2008. After his death, his followers, including his son Dr Abu Hamed Ali and nephew Mr. AA Bazle Rabbi, managed to retain the possession of the DI University at Ganakbari complex and its operational control. However, two other groups namely Akbar Uddin group at Mirpur of Dhaka and Abul Hossain Group at BNCC Centre, Uttara, Dhaka are claiming themselves to be the trustees of the DI Trust through the trust document no. S-5542 registered by the RJSC in the name of Professor Syed Ali Naki.

With the above background-history of the DI Trust and the DI University, let us now see who have filed these writ petitions before this Court and why.

When on 11.10.2006, the Government appointed Professor Monirul Huq as the VC of the DI University, Professor Syed Ali Naki and others (Savar group) filed the writ petition no. **10242 of 2006** through their Advocate Md. Faizul Kabir and the Rule was issued on 18.10.2006 by a Division Bench presided over by his Lordship Justice Syed Muhammad Dastagir Husain in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the memo no. SHIM/SHA/14/GVIJOGH-3/2004/537 dated 11.10.2006 issued by the Ministry of Education (respondent no. 4)

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appointing Professor Monirul Huq (respondent no. 5) as the Vice-Chancellor of the Darul Ihsan University (Annexure-G) should not be declared to have been issued without lawful authority and is of no legal effect and/or pass any other order or direction as this Court may deem fit and proper."

When the Government and the UGC asked the concerned persons/institutions to close down the outer campuses of all the private universities, the Savar group filed the writ petition no. **3189 of 2008** through their Advocate Md. Faizul Kabir and the Rule was issued on 27.04.2008 by a Division Bench presided over by his Lordship Justice Syed Mahmud Hossain in the following terms:

"Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned order contained in memo no. "বিমক/বে: বি:/২৬৮/অংশ-1/90/7189 dated 04.11.2007 issued by respondent no. 5 closing outer campus of the Darul Ihsan University should not be declared to have been issued without lawful authority and is of no legal effect and/or pass any other order or direction as this Court may deem fit and proper."

When the UGC directed the DI University to close down their Panchagar Campus, the co-ordinator of the said campus Mr. Delder Rahman challenged the said order in the writ petition no. **5248 of 2010** through his Advocate Mr. Robiul Alam and the Rule was issued on 06.06.2010 by a Division Bench presided over by his Lordship Justice Mamnoon Rahman in the following terms:

"Let a Rule Nisi be issued calling upon the respondents to show cause as to why the office order as contained in the memo no. জেঃ প্রঃ পঞ্চ/শিক্ষা/দুই-৩৯/২০১০/(অংশ-১)/২৬৬ dated 30.06.2010 issued by respondent no. 10 directing to close down the outer campuses of the Darul Ihsan University, Panchagarh Campus, should not be declared to have been issued without lawful authority and is of no legal effect and

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> further why the respondents should not be directed to permit the petitioner-university to run its outer campus and/or pass any other order or direction as this Court may deem fit and proper."

When the office of the RJSC accepted the application of the Savar group to have their trust registered under the name and style of the Darul Ihsan Trust, the writ petition no. **9406 of 2010** was filed by the Dhanmondi group through their lawyer Mr. Md Emdadul Haque Kazi and the Rule was issued on 09.03.2011 by a Division Bench presided over by his Lordship Justice Md. Momtazuddin Ahmed in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the amended Memorandum and Rules and Regulations of the Darul Ihsan Trust, a similar and identical trust of the petitioner issued by respondent no. 4 vide issue no. 9145 dated 24.11.2009 in relation to certificate of registration of society being no. S-5542 (656)/06 issued by the Registrar of the Joint Stock Companies and firms, Dhaka/respondent no. 4 on 2nd April, 2006 under the Societies Registration Act, 1860 (Act No. XXI of 1860) in the name of the Darul Ihsan Trust and in consequences thereof, respondent nos. 5-10 by practicing fraud established and opened campuses in the name of petitioner's university, namely Darul Ihsan University is without lawful authority and is of no legal effect-(vide annexure-H) and/or pass any other order or direction as this Court may deem fit and proper."

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The group led by Abul Hossain filed the writ petition no. **1443 of 2011** through the learned Advocate Mr. Anisul Huq with SK. Baharul Islam, seeking a direction upon the Government and the UGC to give recognition to their DI Trust and DI University as the valid and lawful one and, further, sought a direction not to

disturb them in any manner to run the DI University led and run by Abul Hossain. The Rule and interim order was issued on 15.02.2011 by a Division Bench presided over by his Lordship Justice Syed Mahmud Hossain in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why they should not be directed to abide by the provisions of the Private University Act, 2010 and accord recognition of the Darul Ihsan University Trust headed by its chairman Mr. Md. Abul Hossain as the legal authority responsible for running the Darul Ihsan University Trust and/or pass any other order or direction as this Court may deem fit and proper.
> Pending hearing of the Rule, let restrain respondent nos. 2 and 3 from publishing any advertisement in the form of notice prejudicing the right of the petitioner to run the Darul Ihsan University for a period of three months form date."

When the office of the RJSC issued Articles and Memorandum of Association on 24.11.2009 showing Dr. Abul Hossain as the chairman and SM Sabbir Hassan as the secretary of the DI Trust, the Savar group filed the writ petition no. **1500 of 2011** through their lawyer Advocate Md Faizul Kabir and the Rule was issued on 29.01.2012 by a Division Bench presided over by his Lordship Justice Farid Ahmed in the following terms:

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> "Let a Rule Nisi be issued calling upon respondent nos. 1-4 to show cause as to why the Executive Committee, "সংঘস্মারক" and "নিগম বন্ধন সনদ" of the Darul Ihsan Trust as issued under the signature of respondent no. 4 on 24.11.2007 (annexures-G & G-1) should not be declared to have been issued without lawful authority and is of no legal effect and why they should not be directed to issue certified copies of annual list of the Board of Trustees and fully printed version (annexures-D,D-1, D-2 & D3) of the hand-written corrected/amended version of the memorandum of Rules and regulations issued at the time of registration on 02.04.2006 (annexure-B) to the

petitioners and/or pass any other order or direction as this Court may deem fit and proper."

Writ petition no. **8647 of 2011** was moved by the learned Advocate Mr. Kamal Hossain Meahzi, wherein the petitioner Professor Akbaruddin Ahmed claiming himself to be the acting chairman of the DI Trust and the VC of the DI University (Akbar group) sought for direction upon the Government for issuing a formal appointment letter and the Rule was issued on 25.10.2011 by a Division Bench presided over by his Lordship Justice AHM Shamsuddin Chowdhary in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the failure of the respondents to appoint the petitioner namely Professor Akbaruddin Ahmed as the Vice-Chancellor of the said university despite recommendation under Section 31 of the Private University Act, 2010 (Annexure-G) by the Board of Trustees of the Darul Ihsan Trust should not be declared to be without any lawful authority and is of no legal effect and also why the respondents shall not be directed to appoint the petitioner namely Professor Akbaruddin Ahmed, acting Vice-Chancellor of Darul Ihsan University, as the Vice-Chancellor of the said university as per the recommendation of that Board of Trustees of the Darul Ihsan Trust under Section 31 of the Private Universities Act, 2010 (annexure-G) and/or pass any other order or direction as this Court may deem fit and proper."

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Abul Hossain group filed the writ petition no. **8144 of 2011** through their engaged Advocate Mr. Md Abdullah Al-Mahbub with a prayer to appoint their nominated and recommended person as the VC of the DI University and the Rule together with an interim order was issued on 29.10.2011 by a Division Bench presided over

by her Lordship Justice Salma Masud Chowdhary in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the respondents should not be directed to appoint Professor Dr. Rahmat-E-Khoda as the Vice-Chancellor of the Darul Ihsan University, who was recommended by the Board of Trustees of Darul Ihsan Trust as per law.
> The respondents are directed to allow Professor Dr. Rahmat-E-Khoda as the acting Vice-Chancellor of the Darul Ihsan University for a period of three months from date."

The Savar group through their lawyer Mr. Faizul Kabir filed writ petition no. 6799 of 2011 seeking a direction upon the Government to appoint their acting VC Professor Dr Saiful Islam as the VC of the DI University and the Rule together with an interim order was issued by a Division Bench presided over by his Lordship Justice Farid Ahmed on 24.08.2011 in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause before the 21st day of September, 2011 as to why they should not be directed to appoint acting Vice-Chancellor Professor Dr Saiful Islam as the Vice-Chancellor of the Darul Ihsan University having permanent address at Darul Ihsan Complex at Ganikbari, Ashulia under Section 10Ka(1) of previous Private University Act, 1992 (amended) 1998, (Section 31 (1) of new Private University Act of 2010) upon being properly recommended and proposed by the only lawfully authorized recommending body, registered Darul Ihsan Trust, and then sending it to respondent no. 2 vide Memo No. ABR/DIT/033/09 dated 24.11.2009 and/or pass such other or further order or orders as to this Court may seem fit and proper.
> Pending hearing of the Rule, the respondents are directed to allow Professor Dr Saiful Islam to carry on as the acting Vice-Chancellor of the Darul Ihsan University."

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When the Government issued the Circular/Memo dated 25/10/2011 forming an enquiry committee led by Justice Kazi Ebadul Huq, the Abul Hossain group filed the writ petition no. **9519 of 2011** through their lawyer Mr. Shaheen Ahmed and the Rule together with an interim order was issued on 22.11.2011 by a Division Bench presided over by his Lordship Justice AHM Shamsuddin Chowdhary in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned Notification being memo no. SHIMO/SHA: 17/complaint 3/2004 (part-2)/505 dated 25th October, 2011 issued by respondent no. 2 and the Notification being Memo no. UGC /Ba: Bi/268 (investigation commission)/2011/8906 dated 31st October, 2011 and the letter being Memo No. UGC/Ba: Bi:/268 (investigation commission)/volume-2/2011/9067 dated 13th November, 2011 issued by respondent no. 6, appointing investigation commission should not be declared to have been issued without lawful authority and is of no legal effect and/or pass any other order or direction as this Court may deem fit and proper.
>
> Pending hearing of the Rule, the above mentioned impugned Memo no. SHIMO/SHA: 17/complaint 3/2004 (part-2)/505 dated 25th October, 2011 issued by respondent no. 2 and the Notification being Memo no. UGC /Ba: Bi/268 (investigation commission)/2011/8906 dated 31st October, 2011 and the letter being Memo No. UGC/Ba: Bi:/268 (investigation commission)/volume-2/2011/9067 dated 13th November, 2011 be stayed for a period of three months."

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When on 05.05.2012, the UGC wrote a letter to the Dhaka Education Board informing that House No. 21(new), Road No. 9/A, Dhanmondi, Dhaka is the only approved address of the DI University, the Savar group filed the writ petition no. **9529 of 2012** through their lawyer Md Faizul Kabir and the Rule was issued on

31.07.2012 by a Division Bench presided over by her Lordship Justice Naima Haider in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned letter dated 05.04.2012 issued by respondent no. 4 (as reproduced in paragraph-16) stating House No. 21 (new) Road No. 9/A of Dhanmondi R/A as the approved campus of the Darul Ihsan University and that it is divided into various groups, should not be declared to have been issued without lawful authority and is of no legal effect and why the respondents should not be directed to pass an order that the permanent campus of the Darul Ihsan University is its own registered premises at Darul Ihsan Complex, Ganakbari (previously called Balibhadra) (annexure-C) and its controlling authority registered Darul Ihsan Trust have been transferred from their temporary location, House No. 21 (new), Road No. 9/A (new) Dhanmondi R/A which is under unauthorized occupation and/or pass any other order or direction as this Court may deem fit and proper."

A few students of the DI University filed the writ petition no. **10005 of 2013** through their lawyer Md. Mosabbir Hasan Bhuyan seeking a direction upon the Government and the UGC to appoint an administrator for the DI University and the Rule was issued on 30.10.2013 by a Division Bench presided over by his Lordship Justice Mirza Hussain Haider in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the respondents should not be directed to appoint an administrator in the Darul Ihsan University as per the decision taken in the meeting of the Parliamentary Committee for Ministry of Educational affairs held on 26.05.2013 and/or pass any other order or direction as this Court may deem fit and proper."

The petitioners upon completing their LLB (Hons) from the Darul Ihsan University submitted papers to the Bangladesh Bar

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Council for being enrolled as the Advocates, but the Bangladesh Bar Council did not issue admit cards to enable them to sit for the preliminary test. Under the circumstances, the said students filed the writ petition no. **10398 of 2013** through their lawyer Abdur Razzak and the Rule was issued on 08.10.2013 by a Division Bench presided over by her Lordship Justice Naima Haider in the following terms:

> "Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned inaction of the respondents, specially respondent nos. 4-7, in respect of ensuring rights, opportunities and privileges of the petitioners should not be declared to have been passed without lawful authority and is of no legal effect and/or pass any other order or direction as this Court may deem fit and proper."

After being acquainted with the terms of the Rules, for ease of understanding, we would endeavour to know the case of each of the group by recording the contents/statements and submissions serially. Let us first see what is the case of the Savar group.

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Mr. Faizul Kabir, the learned Advocate appearing for the Savar group of the DI University, which is the petitioner in writ petition nos. 10242 of 2006, 3189 of 2008, 1500 of 2011, 6799 of 2011 and 9529 of 2012, makes a humble prayer before this Court to allow him to place all the statements of these writ petitions together with their annexures, and to consider the same in adjudicating upon these Rules.

As per his pious wishes, this Court would endeavour to record the statements made in all these writ petition in the form of 'his contentions' and simultaneously his arguments would be recorded as 'his submissions'.

He then picks up the writ petition no. 10242 of 2006 at first and contends that when the Government appointed Professor Monirul Huq as the VC of the DI University, this writ petition was filed by the then acting VC of the DI University Professor Syed Ali Naki and the Secretary of the DI Trust Mr AA Bazle Rabbi. By taking us through the averments of the writ petition no. 10242 of 2006 and annexures thereto, he narrates the chronological events which has taken place so far in the process of establishing the DI Trust and the DI University and contends that Professor Syed Ali Ashraf is an Islamic researcher and illustrious academician who devoted his whole life to promote Islamic education throughout the Muslim nations and his two brothers, namely Professor Syed Ali Ahsan, who is a National Professor, and Syed Ali Naki, who is a former Professor of the Dhaka College, are also Islamic scholars of this country. He contends that Professor Syed Ali Ashraf and Syed Ali Naki were running three organizations namely Ashraf Charitable Trust, Islamic Academy and Jamat-e-Madina with the property of a quantum of 8.63 acres of land at Ganakbari owned by Professor Syed Ali Ashraf and the said three organizations. As per

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the long-cherished desire of Professor Syed Ali Ashraf, the three brothers decided to set up an Islamic University under the name and style of the Darul Ihsan University (the DI University) and, accordingly, they created the Darul Ihsan Trust (the DI Trust) by the registered trust deed no. 14285 on 18.12.1986, incorporating six persons as the trustees of the DI Trust. He continues to narrate that Professor Syed Ali Ashraf had been using a portion of his personal residence, at House no. 21, Road no. 9/A Dhanmondi R/A as the temporary offices of the DI Trust and the proposed DI University and had also started development works at the proposed permanent campus for the DI University at Ganakbari and the then President of the Republic Mr HM Ershad had laid the foundation of the main academic building of the DI University at Ganakbari and had inaugurated the Institute of Higher Islamic Learning on the said proposed permanent campus at Ganakbari on 23.12.1989. He contends that after enactment of the Private University Act, 1992, the DI Trust submitted the project profile of the DI University at the beginning of 1993 with the required documents and papers seeking Government permission to establish the DI University on the proposed permanent campus at Ganakbari, and the Government issued the permission letter vide Memo শাঃ ১৫(১)/১০এস-২২/৮৯-শিক্ষা dated 19.08.1993 to the Secretary of the DI Trust Professor Syed Ali Naki at its temporary address, House no. 21, Road no. 9/A,

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Dhanmondi, R/A, Dhaka. Thereafter, a portion of academic and management activities of the DI Trust and the DI University were shifted from their temporary office at Dhanmondi to the permanent campus at Ganakbari and, thereafter, Hon'ble President of the Republic Justice Shahabuddin Ahmed formally inaugurated the said newly-built academic building and presided over the first convocation of the DI University, held in the auditorium of the said new academic building on 13.03.1997, and distributed the degree certificates among the graduates of the DI University.

He goes on to state that the settler, founder and chairman of the DI Trust Professor Syed Ali Ashraf was appointed as the first VC of the DI University and he died of heart failure in Cambridge, England in 1998 and after his death National Professor Syed Ali Ahsan became the chairman of the DI Trust and was appointed the VC of the DI University and after his death, the former VC of the Islamic University Professor Dr. A. Hamid became the VC of the DI University on 23.10.2000 and after his death, Dr. Naimur Rahman, Professor Ahsanuddin, Professor Syed Anwar Hossain and Professor Syed Ali Naki were performing the duties of the VCs/acting VCs of the DI University and on 12.10.2006, the Government appointed Professor Monirul Huq as the VC of the DI University and he died on 22.03.2010. He claims that since the creation of the DI Trust and the DI University, Professor Syed Ali

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Naki was the second man in the DI Trust and also in the DI University given that Professor Syed Ali Ashraf used to stay abroad on and often.

In describing the reason for registering the DI Trust on 02.04.2006 by Professor Sayed Ali Naki with the RJSC under the Societies Act with 11 (eleven) trustees placing himself as the Managing Trustee and Mr. AA Bazle Rabbi as the Secretary of the DI Trust, he claims that it was done in consultation with Dr Naimur Rahman, the then sitting chairman of the DI Trust who was physically in a very fragile condition at that relevant time. In a bid to justify this action of Professor Sayed Ali Naki, Mr. Kabir refers to Section 11 of the Trust Act, 1882 (Trust Act) in tandem with clause 7 of the trust deed of the DI Trust and submits that there is a legal obligation for the trustees to register the trust itself under the Societies Act and, accordingly, on 02.04.2006 the DI Trust was registered under the Societies Act as required by clause 7 of the said deed of trust of the DI Trust.

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By taking us through the entire annexures to the writ petition no. 10242 of 2006, Mr. Kabir forcefully argues that at the time of filing this writ petition in 2006, the Board of Trustees led by Syed Ali Naki was the only lawful and valid Board of Trustees and any other trust, if any, in the name of the DI Trust, should be treated as without any legal sanction. He pin-points to the fact that since at

that relevant point of time Professor Sayed Ali Naki was the chairman of the DI Trust and also had been functioning the performance of the acting VC of the DI University, the impugned appointment of Professor Monirul Huq was made without lawful recommendation of the DI Trust and the DI University. His main thrust of submission is that the DI Trust having been created in the year 1986 by three brothers Syed Ali Ashraf, Syed Ali Ahsan and Sayed Ali Naki, together with other three persons, and after expiry of 2 brothers Syed Ali Ashraf and Syed Ali Ahsan the Board of Trustees led by Syed Ali Naki with two other founders namely Dr Naimur Rahman and SH Muniruzzaman can only legitimately claim to be the valid and legal Board of Trustees. He claims that Dr Naimur Rahman has never presided over any meeting of the DI Trust and the DI University since the date of Professor Naki's taking over the charge of the chairmanship of the DI Trust and, thus, posits that the signature of Dr Naimur Rahman shown in the different papers after 02.04.2006 are forged. He claims that since the Board of Trustees led by Syed Ali Naki is the only Board and is legally competent to run the affairs of the DI University, including forwarding the name of the VC for the DI University, it is beyond the jurisdiction of the concerned authority to consider the recommendation made by other Board of Trustees and, therefore, the impugned appointment of Mr. Monirul Huq as the VC of the DI

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University on the basis of the purported recommendation of the illegal Board of Trustees led by the Dhanmondi group ought to have been rejected by the concerned Government functionaries, by treating the recommendation to be a forged one and without having any legal basis thereto. Hence, Mr. Kabir submits, the appointment of Professor Monirul Huq was made in gross violation of Section 10(1) of the Private University Act, 1992.

He submits that the impugned appointment letter is a product of conspiracy against Professor Syed Ali Naki, who, being the only living settler of the DI Trust, was struggling to uphold and maintain the scheme of the DI Trust, while vested quarters were trying to get control of the DI Trust and DI University with the help and in collaboration of the interested and greedy officials of the UGC and the Government, behind his back. He alleges that Professor Monirul Huq was serving as the Member of the UGC at the time of filing application by Professor Syed Ali Naki to appoint him as the VC of the DI University and, therefore, as he submits, Professor Monirul Huq being the regulator of the DI University was not competent to be appointed the VC of a University whose business-affairs were being scrutinized by himself, and Professor Monirul Huq was aware of the fact that the recommendation for his appointment was made by the DI Trust that is not genuine. He contends that when the Rule was issued in the writ petition no. 10242 of 2006 with an

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order of statusque on 18.10.2006, at about 3pm of the following night Professor Monirul Huq with 25/26 armed miscreants forcibly occupied the temporary office of the DI Trust and the DI University at Dhanmondi by mercilessly beating the guards and peons and upon wounding them grievously the goondas of Professor Monirul Huq looted and destroyed valuable records, documents and equipment. He contends that the Criminal Investigation Department of Police (CID) and the office of the Directorate General of Forces Intelligence (DGFI) investigated the above occurance and submitted reports and the said occurrence triggered Dhanmondi Police Station Case No. 61/07 dated 21.10.2007. Mr. Kabir contends that the above occurrence compelled Professor Ali Naki to have the entire businesses of the DI Trust and the DI University shifted to the permanent campus at Ganakbari and since then they have been carrying on their academic, administrative and management activities therein.

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He contends that the acting VC Professor Syed Ali Naki suddenly died of heart failure on 28.09.2008 and Justice Abdus Salam was appointed as the acting VC of the DI University and an application for substitution of his name in place of the name of Professor Syed Ali Naki was heard by this Court which ordered that the application will be heard at the time of Rule hearing and thereafter Justice Abdus Salam had to join the Bench as the Judge

of Hon'ble High Court Division and, then, Professor Dr Saiful Islam was temporarily appointed as the VC of the DI University and his application for substitution was also moved but it was ordered to be heard at the time of Rule hearing. He submits that since this Hon'ble Court permitted to proceed with the Rule, the death of Professor Syed Ali Naki, who was the petitioner no. 1 in this writ petition no. 10242 of 2006, shall not stand in the way of hearing of the Rule in that the petitioner's right survived by the operation of law and the order of the Hon'ble Court and on the other hand, as Mr. Kabir continues to submit, respondent no. 5 Professor Monirul Huq having died on 22.03.2010 during the pendency of the Rule and having no application for substitution filed for Professor Monirul Huq, his right does not survive and has altogether abated.

Mr. Faizul Kabir, the learned Advocate appearing for the DI University, next takes us through the writ petition no. 1500 of 2011 and contends that it was filed by the registered DI Trust challenging the RJSC's action of issuance of the Certified Executive Committee, "সংঘস্মারক" and "নিগম বন্ধন সনদ" of the DI Trust in favour of one Md. Abul Hossain on 24.11.2007. He contends that after registering the DI Trust with its Articles, Memorandum, Rules and Regulations when registration certificate bearing no. S-5542 (656)/06 dated 02.04.2006 was issued by the RJSC in favour of

Professor Syed Ali Naki, the Dhanmondi group challenged it by filing Title Suit No. 383 of 2006 (renumbered as 213 of 2006) impleading the RJSC as the principal defendant. According to Mr. Kabir, since the said registration under the Societies Act granted to the DI Trust turned into a sub-judice matter, issuance of the impugned Certified Executive Committee in the name of the DI Trust to a stranger Abul Hossain is illegal, without lawful Authority and is of no legal effect.

Mr. Kabir, then, takes us through the averments together with the annexures of the writ petition no. 6799 of 2011 and submits that the DI Trust registered under the Societies Act is the only valid DI Trust and accordingly the trustees led by Professor Syed Ali Naki are the only competent authority to recommend the name of the VC for the DI University. He contends that when the Government was not responding to the request made by the DI Trust to appoint Dr Saiful Islam as the VC of the DI University, this Court issued a Rule Nisi and passed a direction upon the Government to allow Dr Saiful Islam to serve as the acting VC of the DI University. He submits that under Section 10(Ka)(1) of the Private University Act, 2010 the Government is duty bound to appoint a VC for the DI University and in view of the fact that the Government is not performing its legal duty, this Court should compel the Government to appoint Dr Saiful Islam as the VC of the DI University in

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consonance with the recommendation made by the trustees of the DI Trust. He informs this Court that the interim order of direction upon the Government to allow Dr Saiful Islam to perform duties as the acting VC of the DI University later on has been stayed by the Appellate Division.

Then, Mr. Kabir picks up writ petition no. 9529 of 2012 and submits that after registration of the DI Trust on 18.12.1986 under the name and style of the DI University, there cannot be a second Darul Ihsan Trust and a second Darul Ihsan University with the same name and style of the Darul Ihsan Trust or Darul Ihsan University and if any one attempts to use or register any trust with the same name, that should be treated to be illegal in the eye of law. He claims that the acts of inauguration of the Ganakbari campus by the Hon'ble President of the Republic in 1989 and presiding over the convocation held on the said campus in 1997 is the ocular evidence that the approved campus of the DI University is the Ganakbari Complex. The Dhanmondi group, Mr. Kabir contends, has failed to produce the legal basis of their statement that the main campus is situated at Dhanmondi. He contends that House No. 21, Road No. 9/A, Dhanmondi is the private residence of Professor Syed Ali Ashraf having a total land of one bigha containing two buildings, one is three storeyed and another is two storeyed and by a registered Will executed by Professor Syed Ali Ashraf his said

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residence has become the property of the Ashraf Charitable Trust after death of Professor Syed Ali Ashraf and his wife leaving behind no issue, but the Dhanmondi office is still under unauthorized occupation as may be evidenced from the CID and DGFI reports. At present one of the two buildings is being used as the residence of Mr. Maruf Hossain Mukul and his wife who is a relative of Professor Syed Ali Ashraf's wife and another building is unauthorizedly being occupied by a companion of late Professor Monirul Huq named Professor Dr Anowar Islam who in collaboration of Mr. Mukul has been issuing illegal degree certificates in the name of the DI University. He alleges that though recently Ministry of Education vide memo no. ৩৭.০০.০০০০. ০৭৮. ৩১. ০০৪.১৪-৭৪(২)/৩ dated 04.02.2015 has addressed Professor Anwar Islam and Maruf Hossain Mukul to be the coordinators/directors of the outer campuses of the DI University, but the Dhanmondi group has been illegally using the name of Professor Anwar Islam as the VC of the DI University. He contends that Syed Ali Naki died on 28.09.2008 and after his death while the sole founding trustee SH Moniruzzaman, Dr Abu Hamed Ali and Mr. AA Bazle Rabbi, who are Professor Syed Ali Naki's son and nephew respectively, have retained the possession of Ganakbari complex and have been running the affairs of the DI University on the basis of the DI Trust registered by the RJSC, two other groups namely Akbar Uddin

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group at Mirpur of Dhaka and Abul Hossain group at BNCC Centre, Uttara, Dhaka are falsely claiming to be trustees through the trust document no. S-5542 registered with the RJSC by Professor Syed Ali Naki. He alleges that the claims of Abul Hossain group, that Abul Hossain and SM Sabbir Hasan have been co-opted as the trustees of the DI Trust after the death of Professor Syed Ali Naki and that through amendment of the Articles and Memorandum of the DI Trust they have been appointed the Chairman and Secretary of the DI Trust respectively, are based on forged papers. He contends that the forgery can be easily detected by any ordinary person given that Abul Hossain group has managed to obtain Articles and Memorandum of Association by amending the DI Trust-documents of Professor Syed Ali Naki upon submitting the resignation letters of the founding trustee Mr. SH Moniruzzaman and the co-opted trustee Mr. AA Bazle Rabbi, but they have categorically denied the Abul Hossain group's claim and raised serious objection to the RJSC about the formation of a pseudo group under the name of the DI Trust. He further alleges that the office of the RJSC has acted in sheer violation of the provisions of Societies Act, for, it did not properly vet the papers and, thereby, failed to discover that the trustees have never received any notice under Section 12 of the Societies Act. Moreover, as he submits, since the Title Suit no. 213 of 2006, which was filed by

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the Dhanmondi group challenging the registration of the DI Trust under the Societies Act, was pending before the civil Court, the RJSC acted illegally in granting approval to have a new Board of trustees under the leadership of an out-and-out fraud person known as Md. Abul Hossain, a lower-class former employee of the DI University who used to work as an administrative aid to Professor Syed Ali Naki and now claims to be a Phd degree holder.

On the other hand, as Mr. Kabir submits, Akbar Uddin Group is claiming to have been appointed the trustee of the DI Trust upon a so-called Osiotnama (Will) executed by late Professor Syed Ali Naki infavour of Akbar Uddin.

In making submissions on writ petition no. 3189 of 2008, Mr. Kabir argues that by the Government's decision dated 31.12.2001, 29 outer campuses were set up throughout the country by the DI University and, therefore, the Government cannot close down those campuses at its sweet will. He submits that the Government, without issuance of prior notice to the petitioner-university and, thereby, having deprived the petitioner-university of its right to self-defense, suddenly in an arbitrary and malafide manner issued the impugned order dated 04.11.2007 in gross violation of the fundamental rights and principle of natural justice as guaranteed in the Constitution. He contends that under the compelling circumstance when the petitioner-university filed this

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writ petition no. 3189 of 2008 challenging the order dated 04.11.2007, a Division Bench of this Court was pleased to issue Rule Nisi on 27.04.2008, and on 05.05.2008 passed an interim order staying the said impugned order. He forcefully submits that this interim order dated 05.05.2008, having been passed by the Court upon serving notice upon the Government and the UGC, is the unequivocal recognition and admission by the Ministry of Education and the UGC regarding Professor Syed Ali Naki's claim to be the lawful VC of the DI University and also the claim that the said University is lawfully owned, managed and controlled by the registered DI Trust and that the ownership and control of the DI University or the DI Trust was not divided into 4 groups in the light of the fact that niether the Government nor the UGC did oppose issuance of the said interim order. He contends that amongst the UGC approved courses of studies, large number of students were studying B.Ed and M.Ed courses in approved 29 outer campuses of the DI University which was under protection of the Rule dated 27.04.2008 and interim order of stay dated 05.05.2008 granted in this writ petition no. 3189 of 2008, but in violation of the said Rule and interim order of stay, when the Government issued an order vide memo no. শি/শাঃ১১/১৯-২(এম,পি,ও)২০০৭/৭৫৭ dated 15.05.2008 that non-government private schools must not appoint any teachers without compulsorily having B.Ed and M.Ed trainings from the

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Government Teachers Training Colleges, in the writ petition no. 3189 of 2008 an application was filed before this Court praying for an order that the order of stay dated 05.05.2008 passed in the said writ petition shall equally be applied to stay the operation of the said order dated 15.05.2008 and after hearing the application, a Division Bench presided over by her Lordship Justice Naima Haidar passed an order that the order dated 15.05.2008 so far as it concerns the UGC approved B.Ed courses of study along with other UGC approved courses of studies lawfully taught in the outer campuses of the petitioner-DI University be stayed till disposal of the Rule. He argues that these 29 campuses are recognized campuses by the Government, and the outer campuses other than those are liable to be closed down. But, he alleges, within the knowledge of the UGC and the Government, the three groups, namely, Dhanmondi group, Akbar Hossain group and Akbaruddin group have been running a number of outer campuses in the different parts of the country and selling out thousands of certificates randomly every year.

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Mr. Faizul Kabir summarises the contention of all the 5 writ petitions of the Savar group by articulating that the DI Trust was created by a registered deed of trust by conveying 8.63 acres of land to the DI Trust in the office of Savar Upazilla Sub-Registrar Office and on the basis of the said registered trust deed, the same

DI Trust was registered under the Societies Registration Act, 1860 with Memorandum and Articles of Association incorporating the names of non-political trustees in addition to incorporating the objectives of the registered deed, such as running the DI University and other educational institutions and therefore the DI Trust is only one having inseparable documents i.e. Trust Deed registered under the Registration Act, Memorandum and Articles of Association with certificate of registration under the Societies Act. He claims that the original trustees of the DI Trust have never been divided amongst themselves and actually with determination, faith and unity they are managing the affairs of the DI University and fighting against the evil designs of the false DI Trust and the unauthorized DI University of stranger Dhanmondi, Abul Hossain and Akbaruddin groups that have no legal character whatsoever as to the registered DI Trust and the DI University. Moreover, Dhanmondi, Abul Hossain and Akbaruddin groups do not have and shall never be in a position to fulfill the requirements of a private university.

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Mr. Kabir submits that previously the DI University used to be managed by the DI Trust which was simply registered under the Registration Act and now it is being managed by the same DI Trust upon getting registration of the RJSC. He submits that the DI University meets all the requirements of the Private University Act,

2010 given that it has a permanent campus of 8.63 acres of land being recorded in the name of the DI University, the approved Darul Ihsan University Statue (amended) 2006, registered authorized Board of Trustees, revised Master Plan of the structures of the DI University. Mr. Kabir submits that the Government or the UGC has never cancelled or suspended the permission granted on 19.08.1993 in favour of the DI University.

By making the above submissions, he prays for making the Rules absolute in writ petition nos. 10242 of 2006, 3189 of 2008, 1500 of 2011, 6799 of 2011 and 9529 of 2012.

Abul Hossain group has filed writ petition nos. 1443 of 2011, 9519 of 2011 and 8144 of 2011. Only for writ petition no. 9519 of 2011, the learned Advocate Mr. Shaheen Ahmed argues the case having appeared before this Court. Mr. Shaheen Ahmed was given the opportunity to place the case of Abul Hossain group at length, both on factual issues and legal issues. However, he was harping on saying that the UGC and the Government without complying with the provisions of law has appointed the inquiry commission. He could not make out any case in favour of Abul Hossain group and, after completing his submissions, he was asked to produce the original copies of the trust document no. S-5542 registered by Professor Syed Ali Naki which Abul Hossain group claims to have amended through meeting of the Board of Trustees. He was also

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asked to produce the notices served upon the trustees by which the trustees were asked to attend the meeting of the Board of Trustees towards adopting a resolution for amendment of the trust document. Mr. Shaheen Ahmed was directed specifically to deal with the allegation of practicing fraud by his client Abul Hossain group in claiming to have been appointed the chairman of the DI Trust and also in selling certificates of the DI University. Mr. Shaheen Ahmed on the following day frankly informed this Court that his client could not furnish the said papers. The learned Advocate SK Baharul Islam's name was appearing in the Daily Cause List for writ petition no. 1443 of 2011filed by Abul Hossain group but he was not appearing in the Court and under the circumstances this Court through its Bench Officer contacted him to make his submissions and thereafter although he turned up one day, he did not make any submission. For writ petition no. 8144 of 2011 of Abul Hossain group, the learned Advocate Mr. Abdullah-Al-Mahbub appeared before this Court and after opening up his case, he became traceless later on.

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Mr. Kamal Hossain Meazi, the learned Advocate appears for Akbaruddin group who has filed writ petition no. 8647 of 2011. Mr. Meazi was also allowed to make his submissions as extensively as he wished and thereafter he was asked to address the allegation of adopting forgery in running the DI University by his client and also

the allegation of selling certificates in the name of the DI University. Furthermore, some relevant papers, such as the original copies of the Articles and Memorandum of Association of the DI Trust registered by Professor Syed Ali Naki under the Societies Act, the resolution of the DI Trust as to Akbaruddin's co-option in the DI Trust and the claimed Wasiyatnama (Will) made by Professor Syed Ali Naki in favour of Akboruddin, were required to be seen by this Court. Following the above queries from this Court, Mr. Meazi received instructions from Akbaruddin to non-prosecute the Rule.

None appears for writ petition no. 5248 of 2010, though best endeavour was made by this Court to find out the learned filing Advocate Mr. Robiul Alam.

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Mr. Mosabbir Hasan Bhuiyan, the learned Advocate, appears for the petitioner of writ petition no. 10005 of 2012 and informs this Court that he has instructions from his client not to proceed with the Rule if this Court makes appropriate findings and observations on the flimsy and pathetic conditions of the private universities of Bangladesh and thereby passes necessary orders upon the Government and the UGC to stop selling certificates and also passes directions upon them to immediately close down all the unauthorized private universities and their outer campuses.

Mr. Abdur Razzak, the learned Advocate, appears for the writ petitioners of writ petition no. 10398 of 2013. By referring to the letter সুত্র/বিমক/বেঃবিঃ/২৬৬(৩)/৯০/১৩১৩ dated 01.03.2007, issued by Mr. Khaled, the Director of the UGC (annexure-C) which is the permission letter to open the LLB(Hons) course in the DI University, he submits that the petitioners, being the bonafide students got themselves admitted in the LLB (Hon's) course in the DI University on the basis of the said permission given by the UGC to the DI University and after completion of their 4 (four)-year course, even if they are entitled to sit for the enrollment test of the Bangladesh Bar Council to become Advocates, they were unfortunately denied their legal right to become Advocates. He submits that the classmates of these petitioners have already passed the preliminary tests and written exams of the Bar Council but these petitioners having missed the immediate-past test, are now encountering the prohibition imposed by the Bangladesh Bar Council for the students of the DI University. He makes an earnest prayer to pass a direction upon the Bangladesh Bar Council to allow these petitioners to sit for the preliminary test, written exams and viva-voce enabling them to become Advocates in view of the fact that they have not done any wrong in completing LLB (Hons) course from the DI University.

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By making the above submissions in writ petition no. 10398 of 2013 Mr. Razzak prays for making the Rule absolute.

Mr. Fida M. Kamal, the learned Senior Advocate, appears on behalf of the Dhanmondi group and submits that the Rule issued in writ petition no. 9406 of 2010 has been discharged for non-prosecution on 12.01.2015 and there would be no submission on the said case.

He submits that the gist of the Dhanmondi group's submission is that there is no DI Trust and DI University other than the DI Trust and the DI University led and run by the Dhanmondi group. In making his submissions he peeps into the past history of the DI Trust and the DI University and goes on to narrate the different episodes in setting up the DI Trust and, thereafter, in establishing the DI University. To avoid repetition of the past history of the said DI Trust and the DI University, we would be brief in recording the whole contention stated by the Dhanmondi group.

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His contentions are that when Professor Syed Ali Ahsan was serving as the VC of the DI University, Syed Ali Naki was dismissed from the post of Professor of the DI University and also from the post of the director of the Islamic Academy of the DI University by the syndicate and upon the DI University's request on 24.05.2000, the Board of Trustees of the DI Trust approved the

said decision on 22.03.2001 as he was indicted for financial irregularities which was inquired into by a inquiry committee formed for that purpose. His further contention are that after death of Professor MA Hamid in 2002 when Professor Dr Syed Anowar Hossain was serving as the acting VC of the DI University, Syed Ali Naki was reinstated to the DI University, but unfortunately Syed Ali Naki formed another DI Trust and got it registered under the RJSC on 02.04.2006 out of anger for not proposing his name as the VC by the present Board of Trustees due to lacking required qualifications to be the VC and consequently the Board of Trustees of the DI Trust removed Professor Syed Ali Naki along with 8 others from the Board of Trustees on 29.04.2006 on the ground of thier anti-trust activities. Thereafter, as Mr. Kamal contends, the DI Trust made objection to the Registrar of the RJSC and to the Ministry of Education against the so-called DI Trust registered under the RJSC and, pursuant to the said objection, the RJSC and the Ministry of Education issued letters dated 02.05.2006 and 04.05.2006 respectively clarifying that the DI Trust was created in 1986 with a view to set up the DI University and, therefore, clause 4.2 of the Memorandum of Association of the DI Trust registered under the leadership of Professor Syed Ali Naki, which states to have authority over the DI University and over other Institutions, has been deleted. Mr. Kamal continues to contend that the Board of

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Trustees proposed a panel of VC and the Ministry of Education issued a letter on 30.08.2006 to the UGC regarding the situation of the DI Trust and appointment of the VC of the DI University and considering all the facts and circumstances, the Chancellor appointed Professor Monirul Huq as the VC on 11.10.2006 which prompted Professor Syed Ali Naki to file the writ petition no. 10242 of 2006. He contends that the petitioner of writ petition no. 10242 of 2006 Professor Syed Ali Naki misrepresented himself as the VC of the DI University and submits that he has no *locus-standi* to run the DI University and to file the writ petition. He places Section 6(1) of the Private University Act, 2010 and submits that Board of Trustee does not mean a body formed under the Societies Act. By placing Sections 4,5,6 and 16 of the Societies Act Mr. Kamal submits that a body formed under the Societies Act is called the Managing Body and a Managing Body cannot run a university.

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With regard to the Savar group's claim as to being the only legal DI Trust, he refers to the Ministry of Education's letter dated 07.01.2009, which states that the DI Trust registered under the RJSC has no authority over the DI University, and submits that in the backdrop of the Government's non-recognition to the DI Trust run by the Savar group, there is no scope for the Chancellor to consider the proposal of the Savar group for appointing VC of the DI University run by them. He contends that on 05.04.2010 the DI

Trust led by the Dhanmondi group wrote to the Chancellor for appointing a VC for the DI University, but by not getting any formal appointment letter, the DI Trust had to issue appointment letter in favour of Professor Dr Anowar Islam to carry on the day-to-day businesses of the DI University. He argues that in view of the fact that after joining the DI University on 13.05.2010, the present VC has been receiving official letters and other type of correspondences from the UGC and the Government, the said concerned authorities must treat him as the lawful VC of the DI University. Mr. Fida M. Kamal submits that apart from the above legal submissions that the appointment was made validly and Mr. Monirul Huq was serving as the lawful VC of the DI University, the important aspect of the Rule issued in writ petition no. 10242 of 2006 is that the Rule issued in this writ petition has now become infractuous in the light of the fact that Professor Monirul Huq died on 22.03.2010 and the four years tenure of the office of VC had also been elapsed long ago.

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With regard to writ petition no. 3189 of 2008, Mr. Fida M. Kamal submits that the Rule issued in this writ petition is liable to be rejected outright in the backdrop of operation of the provisions of Section 13(2) of the Private University Act, 2010 which strictly prohibits opening of outer campuses. Mr. Fida M. Kamal then places the certified copy of the judgment passed in writ petition no.

4778 of 2006 and submits that this is the first writ petition filed by Professor Syed Ali Naki wherein he had challenged the deletion of the objective clause incorporated in clause 4.2 of the DI Trust registered under the Societies Act, wherein it was inscribed that the DI University would be run by the DI Trust registered under the Societies Act and the Rule of the said writ petition was discharged on 04.02.2007 in the presence of the Savar group. He argues that the consequence of discharging the Rule is that the Savar group has been treated by this Court to be not in any way connected with or responsible for the business of the DI University and, according to him, the Savar group or any other groups illegitimately born out of the Savar group does not have any right to deal with the business of the DI Trust and the DI University. He alleges that in filing all the subsequent writ petitions, Professor Syed Ali Naqi suppressed to this Court the Judgment of writ petition no. 4778 of 2006, and had the fact been disclosed to this Court at the time of moving this writ petition no. 3189 of 2008 or other writ petitions, there was no chance of issuance of all these Rules by this Court.

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With regard to writ petition no. 1443 of 2011, the learned Advocate appearing for the Dhanmondi group submits that the Rule issued in this writ petition is liable to be discharged on the ground of lacking the petitioner-Abul Hossain group's standing to have a claim on the DI University, because the petitioner's claim upon the

DI University is based on the right and title of Professor Syed Ali Naki who long before filing of this writ petition have become unsuccessful in having an order from this Court as to having any connection with the DI University and in view of the fact that this writ petitioner is claiming his right through Professor Syed Ali Naki, he is bound by the judgment passed in writ petition no. 4778 of 2006. Mr. Kamal draws our attention to the pages 34 & 75 of this group's Memorandum and Articles of Association respectively of the DI Trust annexed by the writ petitioner to this writ petition and shows us that it clearly implies that Abul Hossain group has no authority to run the DI University. He contends that the writ petition is frivolous and vexatious and the Rule should be discharged with cost to be paid by the petitioner.

Regarding the writ petition no. 1500 of 2011, Mr. Fida M. Kamal on behalf of the Dhanmondi group submits that this writ petition has been filed by the Savar group against the Abul Hossain group and the subject matter is their own affairs. But it is to be brought to the notice of this Court that the Memorandum of the Savar group and the Memorandum of Abul Hossain group for their claimed respective DI Trusts, which have been annexed at page 39 and page 138 respectively to this writ petition, do not give them any authority in respect of the DI University for the reason that clause 4.2 of both the Memoranda in respect of their claimed DI

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Universities and other institutions was deleted and the said deletion has been affirmed in writ petition no. 4778 of 2006.

Mr. Fida M. Kamal, the learned Advocate appearing for the Dhanmondi group, then makes his submissions on writ petition no. 8144 of 2011 and argues that the Rule issued in this writ petition is liable to be discharged, because the petitioner Akbaruddin is claiming authority over the DI University through Professor Syed Ali Naki and, as such, he is also bound by the judgment passed in writ petition 4778 of 2006. He alleges that in filing this writ petition the petitioner suppressed the judgment of writ petition 4778 of 2006 and the petitioner's claim as to becoming the chairman of the DI Trust and the VC of the DI University relying upon a so-called Wasiyatnama stated at para 11 of the writ petition is a shameful concocted story. More importantly, by virtue of a Wasiyatnama a man cannot claim to be the VC of an university and also a Wasiyatnama cannot make any one the chairman of any Trust, Mr. Fida M. Kamal submits.

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With regard to writ petition no. 6799 of 2011, Mr. Fida M. Kamal submits that while the Savar group is not in any way connected with the affairs of the DI University, seeking a direction from this Court for appointment of a VC for the said university is nothing but a farce and the petitioner by misleading the High Court Division though initially got an order of direction, however, the

Hon'ble Judge-in-Chamber of the Appellate Division set aside the said interim order and, thereafter, the Appellate Division has sent this writ petition no. 6799 of 2011 to the Bench presided over by his Lordship Justice Moyeenul Islam Chowdhury for its final disposal.

Mr. Fida M. Kamal, the learned Advocate appearing for the Dhanmondi group submits that nowhere in any of these writ petitions have any of the petitioners stated about the fact of the deletion of clause 4.2 by the RJSC, regarding the authority over the Darul Ihsan University, and all the petitioners suppressed that a writ petition was filed being no. 4778 of 2006 challenging the deletion of the said clause relating to the authority over the DI University and the Rule issued in that writ petition was discharged.

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With regard to the issue of not having license (সনদ) from the Government to run the DI University, Mr. Kamal submits that after obtaining the temporary permission on 19.08.1993 form the Government, the said permission was extended subsequently upto 31.12.1994 and the Government since then never cancelled the license or asked to stop academic activities in the honour of the legendary Professor Syed Ali Ashraf. Mr. Fida M. Kamal produces the Bank statements from the Prime Bank and submits that 1(one) crore Taka is kept as reserved fund and the Ganakbari Complex is constructed on a quantum of land which is more than the required

5(acres) of land as stipulated in Section 9 of the Private University Act, 2010.

Mr. ABM Bayezid appears for the UGC in all these Rules and prays for discharging these Rules. In commencing his submissions with the writ petition no. 10242 of 2006, he submits that since the initial permission was given to the DI University at the Dhanmondi address, the UGC is keeping contact with the Dhanmondi group and as per their proposal, Professor Monirul Huq was appointed the VC for the DI University. He submits that at the time of issuing the impugned letter, the grouping among the Board of Trustees was not sensed by the UGC to be too fatal to see its consequence today. He submits that until the claim on the DI trust is adjudicated upon, there is no scope for the Government to accept the proposal for appointing the next VC of the DI University.

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With regard to Writ Petition no. 3189 of 2008 and 5248 of 2010, Mr. Bayezid submits that because of interim orders passed in these two writ petitions, the outer campuses of the DI University could not be closed down. He submits that there is no provision in the law for carrying out the academic activities of a private university in any branch office or in a second address.

With regard to the writ petition no. 1443 of 2011, Mr. ABM Bayezid submits that Abul Hossain group's source of authority over the DI University is Professor Syed Ali Naki's registered document

no. S-5542 and in view of the fact that there is no provision in the said first document no. S-5542 to run the DI University, the Abul Hossain group's claim to have any authority over the university is a gag. Mr. ABM Bayezid prays to this Court that this writ petition should not only be discharged with exemplary costs, but the petitioner should also be penalised for abusing the process of this Court and be harshly fined for selling the certificates to the innocent students.

Regarding the writ petition no. 9519 of 2011, Mr. ABM Bayezid submits that since Abul Hossain group is not a person or body to have any control over the DI University, Abul Hossain does not have any standing to challenge the initiative of the Government and the UGC in formation of the judicial committee with a view to sort out the issues of the DI University. More importantly, Mr. ABM Bayezid, the learned Advocate appearing for the UGC, submits that since the judicial committee has already submitted report on 15.02.2012, the Rule issued in this writ petition is liable to be discharged as being infractuous.

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Mr. ABM Bayezid, the learned Advocate appearing for the UGC, submits that the Rules issued in all these writ petition are liable to be discharged because all the petitioners are claiming their right, interest, possession and authority over the DI University through Professor Syed Ali Naki and in the backdrop of the fact

that Professor Syed Ali Naki's claim over the DI University has been overturned by the judgment passed in writ petition no. 4778 of 2006, none of these writ petitioners from the Savar group, Abul Hossain group and Akbar Hossain group is sustainable. He argues that since these petitioners's claim is based on the trust document no. S-5542 registered by Professor Syed Ali Naki under the Societies Act and since the said document does not empower Professor Syed Ali Naki to run the DI University, thus, neither Professor Syed Ali Naki nor the other claimants through him, such as Abul Hossain group and Akbaruddin group, are competent to file these writ petitions inasmuch as they are bound by the judgment passed in writ petition no. 4778 of 2006. He refers to the report submitted by the Inquiry Commission headed by Justice Kazi Ebadul Huq and submits that none of these groups have requisite qualification to run a private university and it is the duty and responsibility of the Government to shut down these so-called universities. He also alleges that all the petitioners have been running their so-called universities illegally and, as per the report of the Inquiry Commission, they are selling certificates without carrying out any academic activities. He argues that none of them have *locus-standi* to file a writ petition, for, there is no valid DI University in the eye of law for not obtaining permission or license from the Government.

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Mr. Khurshedul Alam, the learned Deputy Attorney General appearing for the Government, informs this Court that he has not been provided with the 'Para-wise Comments' by the Ministry of Education despite his two months' effort which he claims to have been made initially over telephone and then by fax and, therefore, he seeks apology to this Court for not being able to furnish sufficient information and appropriate explanation this Court asked for.

He informs this Court that on the last date of the hearing of these cases, however, he has received some instructions from the Ministry of Education and within few hours he has prepared an affidavit and by placing the said affidavit he submits that on the application of the DI Trust the Government of Bangladesh granted temporary permission to establish the DI University on 19.08.1993 subject to fulfilling the conditions set out in the Private University Act, 1992 within 31st December 1993 and subsequently the said time was extended upto 31.12.1994 but they could not fulfill the statutory conditions to obtain extension or renewal of the permission and consequently the said university did not obtain any permanent license (Sanad) from the Government and on the other hand the DI University never obtained any approval for running the outer campus, because the Private University Act, 1992 does not permit to carry out the academic activities through any outer

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campus. He submits that when Syed Ali Naki filed writ petition challenging the appointment of Professor Monirul Huq, two groups were created in the DI Trust and the DI University and later on further few more groups have been created and each group are claiming ownerships of the DI Trust and the DI University and this Court sitting in writ jurisdiction is not equipped to ascertain as to which group is the valid DI Trust having the authority to run the DI University. He submits that all these Rules are liable to be discharged only on this ground alone inasmuch as this Court does not get involved in adjudication upon any claim which is full of disputed fact. He submits that for determination of the facts in question, oral evidences are required and civil Court is the proper forum for adjudication upon these claims and counter-claims. He further submits that the DI University is running 29 outer campus and the UGC issued a notice on 04.11.2007 to stop the said outer campus, but when the DI University obtained a Rule and ad-interim order of stay upto the disposal of the Rule, till today it has not been possible to stop the said 29 outer campuses. He contends that the Ministry of Education issued a letter on 04.02.2015 to stop the 8 websites of 4 groups of the DI University to the BTRC.

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The learned DAG then by placing the affidavit of the writ petition no. 1500 of 2011 contends that the DI Trust has been incorporated as a society under the Societies Act with the office of

the RJSC on 02.04.2006 bearing registration no. S-5542(656)/06 with 11 persons and thereafter, one Israf Hossain as the Trustee and Secretary of the DI Trust filed Title Suit No. 383 of 2006, which was renumbered as 213/06, before the Learned 1st Assistant Judge, Dhaka for cancellation of the registration of the DI Trust under the Societies Act and seeking declaration that the Board of Trustees mentioned in the schedule of the suit are not real and lawful trustees and simultaneously filed an application for temporary injunction for restraining the activities of the said registered trust which was rejected and against it the plaintiff preferred Miscellaneous Appeal no. 465/06 before the learned District Judge, Dhaka who allowed the application for injunction. He contends that the operation of the said order was stayed by Hon'ble High Court Division vide order dated 10.02.2008 in Civil Revision No. 516/08 which is still in force and he, in an unconvincing demeanor, further submits that since the operation of the order of temporary injunction is stayed by the order of the Hon'ble High Court the registration of the society is in force and operative. He contends that the DI Trust, thereafter, submitted the lists of the Executive Committee dated 03.08.2009, 05.04.2009, 28.09.2008, 30.04.2008 and 17.01.2008. He contends that by the list dated 03.08.2009 Advocate Md. Abdul Aziz and Md. Moshiul Haque Reyad was shown to have co-opted as the members of the Executive

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Committee, by the list dated 05.04.2009 Mr. Khalid Mahmud Chowdhury, Mr. Md. Liakat Ali Shikder and Mr. Md. Golam Kibria have been shown to have co-opted as the members of the Executive Committee. It was also shown that Professor Syed Ali Naki, Chairman and Managing Trustee, died on 28.09.2008 and Mr. Md. Abul Hossain has been co-opted as the Chairman, Md. Shahzada Mohiuddin has been co-opted as the Managing Trustee, Mr. SM Sabbir Hossain has been co-opted as the Secretary and Mr. Md. Shariful Islam has been co-opted as the Treasurer on 31.03.2009 and by the list dated 30.06.2008 it was shown that SH Moniruzzaman has resigned from the Board of Trustees and the list dated 17.01.2008 shows that AA Bazle Rabbi resigned from the post of the Secretary of the Board of Trustees and thereafter, the trust also submitted special resolution dated 24.08.2009 amending several clauses of the Memorandum and Articles of Association as well as other Rules and Regulations and as per the aforesaid list of the Executive Committee and adopted Memorandum of Association and Rules and Regulation, the Board of Trustees led by Abul Hossain group have been formed and given approval by the office of the RJSC on 23.11.2000, he feebly contends.

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Mr. Hedayet Hossain, the learned Advocate appearing for the Bangladesh Bar Council (BBC) in writ petition no. 10398 of 2013, contends that most of the private universities do not have

permission to run as a university, for, they do not have sufficient class rooms, qualified teachers and standard curriculum for the courses which are being offered by them. He submits that the LLB (Hons) course is a specilasied course and in order to make a law-graduate with LLB(Hons), a private university must be equipped with highly qualified full time permanent teachers. Mr. Hossain contends that the DI University could not provide the Bangladesh Bar Council with the license of the DI University and the list of their full-time teachers in the claimed Law Department of the DI University. He assesrts that on secret inspection by the Bangladesh Bar Council, it has been revealed that no criteria or system is being followed for admitting the students in the Law Department, no yearly examinations are being taken, no registry is being maintained and, thus, it does not meet any statutory condition or overall environment of a university.

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He submits that there is no provision in the repealed Private University Act, 1992 or in the Private University Act, 2010 to open a two-year LLB course, but most of the private universities are issuing LLB (Pass) certificates showing completion of 2 years' course. He blames the Government and the UGC for not monitoring this issue properly. He submits that the two-year LLB course must be closed immediately by all the private universities. He refers to the judgment passed in writ petition nos. 10065 of 2010 and 613 of

2011 wherein the LLB (Pass)-course-students of a private university were though initially allowed to sit for the Advocateship examinations, but later on their results were witheld by the Bangladesh Bar Council on the ground that two-year LLB course in the said private university was not permitted. A Division Bench of this Court upon discharging the Rules compensated the students by Taka 5 (five) lacs each payable by the said private university. He submits that the judgments have been upheld by the Appellate Division and following the verdict of the Apex Court, there shall not be any two-year LLB course in any private university.

He prays to this Court to pass necessary directions upon the Government and the UGC to stop opening up Law Departments without having prior clearance from the Bangladesh Bar Council. He submits that Bangladesh Bar Council being the regulatory body are noticing that the private universities are issuing LLB (Hons) course and LLB (Pass) course certificates to the students who not only lack knowledge on law-subjects, but they also do not possess the least linguistic knowledge neither in Bengali nor in English. He submits that since the Law of Evidence, Penal Code, Criminal procedure Code, Civil Procedure Code and Specific Reliefs Acts are the basic statute-books for the legal practitioners of our country given that the civil and criminal justice system are run and controlled by mainly these statute-books which are till today being

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printed only in English, therefore, for a legal practitioner there is a great need of having good grasp on English till those statues are printed in Bengali and it is his opinion that there must be a requirement of having good marks in English-subject of the SSC and HSC exams for becoming eligible in getting admission in the LLB (Hons) course and the students who do not have good marks in English in the SSC and HSC, have to obtain 6.50 in the IELTS from the British Council. He submits that law being a specialized subject, a private university must not be allowed to admit more than 100 (hundred) students in a calendar year and only once in a single year the law students shall be admitted through written examinations which shall be held under the supervision of the Bangladesh Bar Council. He submits that whenever the UGC would receive an application from any private university for opening up LLB (Hons) course, the UGC shall carry out its necessary investigation and then if the UGC forms an opinion in favour of opening up the LLB (Hons) course, the UGC then would write to the Bangladesh Bar Council seeking its clearance and upon obtaining the above letter, the Bangladesh Bar Council shall send two Hon'ble High Court Judges for physical verification so as to see and report to the Bangladesh Bar Council as to whether there are sufficient regular teachers who are qualified to teach, whether sufficient class rooms are there and whether the curriculum of the

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LLB (Hons) course is in conformity with the Bar Council's syllabus of MCQ and written examination. He submits that the private universities must be under a compulsion to send the list of the students admitted in the 1st year with their registration number and photos to the BBC and also their subsequent years' developments shall be sent to the BBC by a list showing the number of students succeeded in passing the courses of each year.

Mr. Hedayed Hossain, the learned Advocate argues that in view of the fact that the DI University has failed to satisfy the Bangladesh Bar Council (BBC) to show that they have a license from the Government to run an university with LLB (Hons) course, the writ petitioners, who claim themselves to have passed LLB (Hons) course from the DI University, are not LLB (Hons) certificate-holders in the eye of law. However, if they have truly pursued the said course from the DI University, the writ petitioners are at liberty to sue against the DI University for compensation. He makes a humble prayer to this Court for passing appropriate necessary directions upon the Government functionaries, the UGC, the BBC and the private universities to follow a procedure for admission of the LLB (Hons) students and then also for completion of the said course.

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We have heard the learned Advocates for the petitioners, respondents and the learned Attorney General, perused the writ

petitions together with their annexures, gone through the relevant laws & decisions and considered the same with great care.

It appears to us that the above 13 (thirteen) writ petitions have been filed on diverse grounds by the distinct persons seeking different remedies. The reasons for bunching up all these writ petitions together are that the subject-matter of all these writ petitions are only one, namely the Darul Ihsan University (the DI University). While the 12 writ petitions (which are filed by the 4 (four) contending groups and by a student) are directed at either regarding appointment of the VC for their respective group or challenging the actions/decision of the Government/UGC, however, the writ petition no. 10398 of 2013 is filed by the former students of the DI University for getting the recognition as the LLB (Hons) certificate-holders from the DI University and for obtaining a direction upon the BBC to issue admit cards for Advocateship examination.

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For adjudication upon all these Rules, the foremost vital issue to be decided by this Court is whether there is any university in this country under the name and style of the Darul Ihsan University (the DI University) whose behalf all these writ petitions are filed, either in the name of the DI University, or in the name of the Board of Trustees of the DI Trust or as the students of the DI University. Side-by-side the second important issue is to be

adjudicated upon as to who are the real trustees of the DI Trust which was created by the deed no. 14285 on 18.12.1986, for, the DI University is an offspring of the DI Trust. Amongst these 4 (four) contending groups before this Court, whoever would succeed in establishing their claim that they are the valid and lawful Board of Trustees of the DI Trust, that group might get the right to run the affairs of the DI University subject to this Court's satisfaction as to the lawful establisthment, recognition and very exsitance of the DI University. Once the valid Board of Trustees of the DI Trust is traced, in juxtaposition of finding the existence of the DI University, this Court will be then competent to grant the remedies they have sought for in their respective writ petitions. Because, without first finding out the valid Board of Trustees of the DI Trust, while on the one hand, there is no scope for this Court to see any one as the petitioner on behalf of the DI Trust or the DI University, on the other, there would be none to receive and comply with the order of this Court, be it in their favour or against them.

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In other words, among these writ petitions which are filed by the valid DI Trust and lawful DI University, those deserve to be considered by this Court towards remedy of their grievances, for, this Court will not be in a position to pass any order of direction upon the Government or the UGC or the BBC to do something or refrain from doing something in respect of the DI University and

also can not declare any action/decision taken by the Government or the UGC or the BBC with regard to the business of the DI University to be legal or illegal until a valid DI University is found to be in existence under a valid Board of Trustees of the DI Trust.

Before embarking upon the task of finding out the existence of a valid Board of Trustees of the DI Trust, let us first examine as to whether this Court is competent to find out and determine the real trustees and successors of the trust deed no. 14285 dated 18.12.1986. It is an admitted position by all the groups that the DI Trust and the DI University were carrying out their functions as a single undivided unit till 01.04.2006. About the aftermath of the said day, it is the claim of the Savar group that Professor Syed Ali Naki as an author plus founding member of the DI Trust, in consultation with the majority trustees of the DI Trust, including the then chairman of the DI Trust, Dr Naimur Rahman, registered the DI Trust on 02.04.2006 under the Societies Act by the RJSC to obey the provision of clause 7 of the DI Trust Deed no. 14285 dated 18.12.1986, which prescribes to register the DI Trust Deed under the Societies Act, and thereby implemented the desire of the founder and main settler of the DI Trust towards carrying out a statutory obligation under Section 11 of the Trust Act, 1882 and, thus, it is the Savar group's claim that the same is not creation of a second DI Trust. In contrast, it is the claim of the Dhanmondi group

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that the then chairman of the DI Trust, Dr Naimur Rahman, immediate after coming to know about the creation of a 2nd DI Trust, convened an emergency meeting to expel Professor Syed Ali Naki and his cohorts and accordingly on 29.04.2006 they were expelled from the Board of Trustees of the DI Trust and, thereafter, the Dhanmondi group by filing a civil suit being Title Suit no. 383 of 2006 (which was renumbered as 213 of 2006) sought for a declaration that the registration of the DI Trust under the Societies Act is illegal and trustees of the the Board of Trust mentioned in the schedule of the suit are not real and lawful trustees. So, evidently the issue as to whether Professor Syed Ali Naki's action of registering the DI Trust on 02.04.2006 under the Societies Act is to be seen as the formation of a 2nd DI Trust, or it was a mere step towards fulfillment of the statutory obligation as stipulated in clause 7 of the Trust Deed no. 14285, appears to us to be a serious disputed question of fact which can be adjudicated upon only by examining the relevant persons who were involved with the DI Trust at that point in time. In other words, the claim of the Savar group that Professor Naki merely registered the deed under the Societies Act upon taking approval from the majority of the trustees, including the consent of the then chairman of the DI Trust, having outrightly been declined by the Dhanmondi group claiming that the then chairman Dr Naimur Rahman throughout his life was

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with the Dhanmondi group and Professor Naki and other 8 trustees were expelled by Dr Naimur Rahman, appears to us to be a complicated question of fact and, therefore, it is not possible to adjudicate upon the issue by this Court inasmuch as the signature of Dr. Naimur Rahman put on the claimed resolution on 29.04.2006 by which Syed Ali Naki is claimed to have been expelled and also the Dhanmondi group's claim that Dr Naimur Rahman was taking part in the activities of the DI Trust from 02.04.2006 until his death on 26.12.2007 requires to be examined by the hand-writing expert on top of taking oral evidence from the relevant witnesses who are available at present and, thus, these writ petitions are not maintainable, as taking deposition and cross examining the witnesses are not possible in this summary jurisdiction.

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Secondly, in order to determine as to who are the real successors of the founding trustees, the original papers of all the meetings of the DI Trust, starting from the date of its creation on 18.12.1986 upto the alleged date of eviction of the Savar group by the Dhanmondi group on 18.10.2006, are required to be looked into and, thereby, make an assessment that at present who are the lawful trustees of the Trust Deed no. 14285 dated 18.12.1986. While it has not been disagreed by the contending groups that during Syed Ali Ashraf's tenure of chairmanship of the DI Trust, 4 local trustees and 18 foreign nationals were co-opted, however, the claim of the

Dhanmondi Group that a number of further local trustees were inducted in the DI Trust after the expiry of Professor Syed Ali Ashraf, has been seriously objected to by the Savar group, as according to the Savar group the founding trustees Professor Syed Ali Naki, Dr Naimur Rahman and SH Moniruzzaman together with the bonafide co-opted trustees like Mr. Shah Abdul Hannan, Mawlana Mohiuddin and Mr. Tariq Rezaul Kabir having been upset with the immoral and illegal activities of the few trustees of the DI Trust voluntarily abstained from participating in any meeting of the DI Trust and taking this opportunity, the pro-Dhanmondi group trustees were maneuvering the organism in co-opting the local trustees and, in particular, when Professor Syed Ali Naki after the year 2000 sort of disassociated himself for a few years from the activities of the DI Trust, the pro-Dhanmondi group trustees co-opted a number of unscrupulous trustees and, thus, as per the Savar group they are not to be considered as the lawful co-opted trustees. This claim and counter-claim also requires to be adjudicated upon by taking oral evidence and examining the papers of all the board meetings of the DI Trust. To determine this issue while the Dhanmondi group has placed some photocopied papers showing the meeting of the DI Trust, it has been contended by the learned Advocate for the Savar group that since the dreadful night of 18.10.2006, when the original trustees of the DI Trust and the

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lawful administrators of the DI University were evicted from the temporary office at the Dhanmondi address by the Dhanmondi group, till date they have not been able to enter into the said temporary office of the DI University and they are not in a position to substantiate their claim by producing documentary evidences. Therefore, this issue also requires to be adjudicated upon by the civil Court.

Thirdly, the claim of Abul Hossain group that they were inducted in the DI Trust through the trust document no. S/5542, which is the registered document obtained by Professor Syed Ali Naki, upon observing all the requirements of the law, are also not capable of being adjudicated upon by this Court inasmuch as while Abul Hossain Group is claiming that notice was served upon all the trustees including Mr. SH Moniruzzaman, Mr. AA Bazle Rabbi, Mr. Advocate Faizul Kabir and the other existing trustees, it has been seriously protested and disputed by the learned Advocate Mr. Faizul Kabir, who himself being a member of the said trust claims to have no knowledge of the said alteration and amendment. The contention of Mr. Kabir that anyone with ordinary prudence by his naked eyes is able to see that the papers, namely list of the trustees, notice served upon the trustees, resolution taken by the trusts for co-opting Abul Hossain and his cohorts are concocted and forged, for, the official pad used with the name and style of the DI Trust

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containing the address of Dhanmondi, do not match with the official pad of the DI Trust, might have good deal of force. However, we do not want to embark upon examining the said documents, because the same is required to be adjudicated upon by a competent Court, namely civil Court, by taking oral evidence and examining the relevant papers, such as notice served upon the members, list of the trustees submitted before the RJSC and the resolution taken for co-opting them in the said trust etc.

Fourthly, the claim of Akbar Uddin group that during the life-time of Professor Syed Ali Naki by a testamentary Will Akbaruddin has been made the chairman of the DI Trust, which was registered by Professor Syed Ali Naki, also requires to be examined by the civil Court inasmuch as the said Will paper has not been produced before this Court in its original form. Moreover, the said fact has totally been discarded by the Savar group who firmly claims that Professor Syed Ali Naki has never made any Will appointing Akbor Uddin to be the chairman of the DI Trust after his death.

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There are some other contentious issues raised by all these contending 4 (four) groups, but this Court does not deem it de rigueur to examine any further factual issues inasmuch as the above-stated facts simply show that those facts having been disputed by each other cannot be adjudicated upon by this Court.

Therefore, all these Rules, except the writ petition no. 10005 of 2013 and writ petition no. 10398 of 2013 which are not filed by the DI Trust or DI University or their agents, are liable to be discharged on this ground alone. In other words, the endeavour of all the 4 (four) groups as to getting recognition of being the valid trustees of the DI Trust through this Court is beyond the jurisdiction of this Court and, thus, all these writ petitions, except the above two, being not maintainable are destined to be discharged.

Let us see the kismet of the above two Rules. In writ petition no. 10005 of 2013, the writ petitioner claims herself to be a student of the DI University at Dhanmondi address and she seeks a direction from this Court to appoint an administrator for the DI University. Before embarking upon examination of other issues of this case, this Court is to be satisfied as to whether the DI University is a university for which an administrator is required.

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Also, for remedying the petitioners of the writ petition no. 10398 of 2013, who claim themselves to be the LLB (Hons) certificate-holders from the Law Department of the DI University, this Court has to be satisfied that the DI University is a valid university and it was allowed to issue LLB (Hons) certificates.

Therefore, this Court is required to engage in the scrutiny as to the legal existance of the DI University. Furthermore, for an effective disposal of all these 13 (thirteen) Rules, towards issuing

appropriate orders and directions upon the concerned State-functionaries, the statutory authorities and the petitioners of these writ petitions, this Court should take up the examination as to whether the DI University at all exists as a university. Secondly, when there would be a resolution on the issue as to who are the real trustees of the DI Trust upon taking oral evidence and examining the documentary evidence by the civil Court, a pertinent question would then arise. The question is would the DI Trust then be in a position to run the DI University? There should be an answer to the above question in this judgment, otherwise these petitioners will be fighting for and running after a phantasm. Thus, this Court, in order to have fair and effective resolution of the current issues and the issues to be arised after disposal of all these Rules, is obliged to examine as to whether the DI University is a university within the four-corner of the legal provisions of this land.

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Let us now commence the said examination. Towards facilitating the establishment of the private universities in our country, the Legislature enacted a law for the first time under the name and style of বাংলাদেশ বেসরকারী বিশ্ববিদ্যালয় আইন, ১৯৯২ (hereinafter referred to as the Ain, 1992). Section 3 of the Ain, 1992 made provisions for establishment of the private universities. In order to have a proper resolution of this issue, let us look at the said provisions which are reproduced below;

Section 3: বেসরকারী বিশ্ববিদ্যালয়।-
(১) এই আইনের বিধান অনুযায়ী এক বা একাধিক বেসরকারী বিশ্ববিদ্যালয় স্থাপন করা যাইবে।
(২) ----------

Section 3(1) of the Ain, 1992 heralds that establishment of the private universities may be undertaken subject to the compliance of the provisions of the Ain (এই আইনের বিধান অনুযায়ী).

Upon skimming through the entire Ain, 1992 consisting of 21 Sections, apparently Sections 4, 6 and 7 transpire to be relevant for the establishment of a private university.

Section 4: বেসরকারী বিশ্ববিদ্যালয়ের অবস্থান।-
সরকারের অনুমোদনক্রমে এবং এই আইনের বিধান সাপেক্ষে কোন বেসরকারী বিশ্ববিদ্যালয় বাংলাদেশের যে কোন স্থানে অবস্থিত হইতে পারিবেঃ
তবে শর্ত থাকে যে, সরকারের পূর্বানুমোদনক্রমে, কোন বেসরকারী বিশ্ববিদ্যালয় প্রারম্ভিকভাবে কোন স্থানে অস্থায়ীভাবে স্থাপন করা যাইবে, কিন্তু অস্থায়ীভবে স্থাপনের তারিখ হইতে পাঁচ বৎসরের মধ্যে উহা, সরকার কর্তৃক অনুমোদিত, উহার নিজস্ব অন্যূন পাঁচ একর পরিমান ভূমি ও পর্যাপ্ত অবকাঠামোর মধ্যে স্থায়ীভাবে স্থাপন করিতে হইবে। (underlined by us)

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The provision of the above Section 4 of the Ain, 1992 stipulates that although a private university may be temporarily set up on any place, but a permanent structure on 5 acres of land owned by the university must be made within 5 (five) years.

Section 6: বেসরকারী বিশ্ববিদ্যালয় স্থাপনের জন্য সনদপত্র।-
(১) এই ধারার অধীন সরকারের নিকট হইতে প্রয়োজনীয় সনদপত্র অর্জন না করিয়া কোন বেসরকারী বিশ্ববিদ্যালয় স্থাপন বা পরিচালনা করা যাইবে না।
(২) কোন বেসরকারী বিশ্ববিদ্যালয় স্থাপনে বা পরিচালনায় আগ্রহী কোন ব্যক্তি, ব্যক্তি গোষ্ঠী, দাতব্য ট্রাষ্ট বা অন্য কোন প্রতিষ্ঠানকে উপ-ধারা (১) এর অধীন একটি সনদপত্র অর্জনের উদ্দেশ্যে সরকারের নিকট নির্ধারিত ফরমে আবেদন করিতে হইবে।
(৩) উপ-ধারা (২) এর অধীন কোন আবেদন পাওয়ার পর সরকার আবেদনকারীর নিকট হইতে বিষয়টি সম্পর্কে উহার বিবেচনায় প্রয়োজনীয় আরও তথ্য তলব করিতে পারিবে এবং আবেদনটি বিবেচনার পর যদি সরকার এই মর্মে সন্তুষ্ট হয় যে, আবেদনকারী কোন বেসরকারী বিশ্ববিদ্যালয় স্থাপনের জন্য ধারা ৭ এর অধীন শর্তাবলী পূরণ করিয়াছেন তাহা হইলে একটি বেসরকারী বিশ্ববিদ্যালয় স্থাপনের জন্য বিধি দ্বারা নির্ধরিত ফরমে আবেদকারীর অনুকূলে উপ-ধারা (১) এর অধীন একটি সনদপত্র প্রদান করিবে।

(৪) যদি সরকার এই মর্মে সন্তুষ্ট হয় যে, আবেদনকারী একটি বেসরকারী বিশ্ববিদ্যালয় স্থাপনের জন্য ধারা ৭ এর অধীন শর্তাবলী পূরণ করিতে ব্যর্থ হইয়াছে, তাহা হইলে সরকার আদেশ দ্বারা আবেদনকারী কর্তৃক উপ-ধারা (২) এর অধীন দাখিলকৃত আবেদনটি নাকচ করিতে পারিবেঃ
তবে শর্ত থাকে যে, আবেদনকারীকে যুক্তিসংগত শুনানীর সুযোগ প্রদান না করিয়া অনুরূপ কোন আবেদন নাকচ করা যাইবে না।

(৫)---------- (underlined by us)

While sub-Section (1) makes it a mandatory obligation for the founder/s of a private university to obtain a 'certificate'/'license' (সনদপত্র) for setting up a private university, sub-Section (2) states that any person, group of persons or trust is competent to apply to the Government for the license. And while sub-Section (3) states as to the ground of granting of a license, sub-Section (4) outlines reason and procedures of rejection of the application for license.

Section 7: সনদপত্র অর্জনের শর্তাবলী।-
ধারা ৬ এর অধীন সনদপত্র অর্জনের জন্য কোন বেসরকারী বিশ্ববিদ্যালয়কে, অন্যান্যের মধ্যে, নিম্নবর্ণিত শর্তাবলী পূরণ করিতে হইবে, যথাঃ-

(ক) উহার শিক্ষা কার্যক্রম সম্পর্কিত একটি পরিকল্পনা মঞ্জুরী কমিশন কর্তৃক পূর্বানুমোদিত হইতে হইবে;
(খ) প্রারম্ভিক অবস্থায় উহার অন্যূন দুইটি অনুষদ থাকিতে হইবে;
(গ) প্রত্যেকটি অনুষদের জন্য মঞ্জুরী কমিশন কর্তৃক অনুমোদিত সংখ্যক বৈশিষ্ট্যপূর্ণ শিক্ষাগত যোগ্যতাসম্পন্ন শিক্ষক থাকিতে হইবে;
(ঘ) উহার অন্যূন এক কোটি টাকার সংরক্ষিত তহবিল (reserved fund) কোন রাষ্ট্রয়ত্ত ব্যাংকে জমা থাকিতে হইবে;
(ঙ) উহার মঞ্জুরী কমিশন কর্তৃক অনুমোদিত একটি সুষম নিবিড় শিক্ষা ও পাঠ্যক্রম থাকিতে হইবে;
(চ) উহাতে ছাত্র ভর্তির জন্য নির্ধারিত মোট আসন (seat) এর শতকরা পাঁচ ভাগ দরিদ্র অথচ প্রতিভাবান ছাত্র ভর্তির জন্য সংরক্ষিত থাকিতে হইবে এবং এই সকল ছাত্রের বিনা বেতনে অধ্যয়নের সুযোগ থাকিতে হইবে;
(ছ) শিক্ষকগনের বেতনক্রম ও ছাত্রগণ কর্তৃক প্রদেয় বেতনের হার স্পষ্টরূপে বর্ণিত হইতে হইবে।

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All that we understand from perusal of the above provisions of Section 7 of the Ain, 1992 that there are 7 (seven) conditions to be met up by a private university in order to be eligible to obtain a

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license and, among the said 7 conditions, condition no. (ঘ) of Section 7 of the Ain, 1992 requires to have a deposit of Taka 1 (one) crore as reserved fund (সংরক্ষিত তহবিল) in any State-owned scheduled Bank.

From the concurrent reading of Sections 3,4,6 and 7, quoted and discussed hereinbefore, it transpires that no private university shall be allowed to establish and then carry out its academic activities without first having a license/permission (সনদ) from the Government. Under Section 4 of the Ain, 1992, while owning a quantum of 5 acres of land and constructing sufficient infrastructures thereon within the five years from the date of granting initial temporary permission (প্রারম্ভিকভাবে কোন স্থানে অস্থায়ীভাবে) has been made a mandatory requirement (করিতে হইবে), Sections 6 (1) and 7 (ঘ) conjointly stipulates that Taka 1 (one) crore shall be kept by the private university in the State-owned Bank as the reserved fund.

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Now, let us see which group of the DI University fulfills the requirements of the above-discussed law. While the Dhanmondi group and Savar group vehemently assert that in the year 1997 Professor Syed Ali Ashraf managed to deposit Taka 1 crore in the Janata Bank and accordingly wrote a letter to the concerned authority, however, they could not produce corroborative-papers to satisfy this Court that the said deposit of Taka 1 crore was kept

intact from the year 1997 to the onward-years towards getting the status of 'reserved fund' in the light of the fact that 'reserved fund' must be always reserved for a private university. The Dhanmondi group in course of hearing has produced some bank statements of the year 2003 from the Prime Bank in a bid to show that Taka 1 crore is kept in an account of the DI University, but they could not produce any papers to relate the said deposit at the Prime Bank with the deposit made by Professor Syed Ali Ashraf at the Janata Bank in the year 1997. Thus, the bank statements produced before this Court by the Dhanmondi group from the Prime Bank does not indicate that this is the money which has been kept as the reserved fund. More importantly, there is no 2nd account maintained by the Dhanmondi group which would be considered by this Court to be the account of general fund (সাধারন তহবিল) for dealing with day-to-day financial transactions and, therefore, this Court finds that there is only one account which is maintained by the Dhanmondi group to run the affairs of their campus. When the law clearly requires that there must be a 2nd account to be maintained by the private universities; one is reserved fund (সংরক্ষিত তহবিল) for security purpose and another account is a general account (সাধারণ তহবিল) to run their academic activities, none of the groups of the DI University has been able to produce any papers/bank statements to substantiate their claim that the said statutory condition was ever

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fulfilled. Like the Dhanmondi group, the Savar group also claims that in 1997, Professor Syed ali Ashraf deposited Taka 1 (one) crore in the Janata Bank and without showing any linkage with the said amount of money, they simply made a statement in their affidavit that there is Taka 1,34,51,526/- in the Prime Bank. The Abul Hossain group or Akbar Uddin group could not show any paper or Bank statement in support of maintaining the statutory deposit in the reserved fund. So, evidently there was no money in the reserved fund of the DI University from the year 1997 to 2003 and, infact, the DI University has never maintained a separate independent account as required by law to maintain a reserved fund and we hold that the DI University has not fulfilled the said conditions as stipulated in the Ain, 1992.

By the amendment of the Ain, 1992 and through enactment of বেসরকারী বিশ্ববিদ্যালয় (সংশোধন) আইন, ১৯৯৮ (shortly, the Ain, 1998) on 05.05.1998, the above conditions were made further stringent in the light of inserting the following additional Proviso underneath the existing Proviso, which is as follows: "আরো শর্ত থাকে যে, বিশ্ববিদ্যালয়টি স্থায়ীভাবে স্থাপনের পূর্বে দায়মুক্ত অবস্থায় দলিল রেজিষ্টিকরনের মাধ্যামে বিশ্ববিদ্যালয়ের নামে উক্ত জমি হস্তান্তর করিয়া সরকারের নিকট দলিল দাখিল করিতে হইবে"।

None of the group of the DI University has submitted any paper showing that the above requirement has been met with by depositing the original deed of the land to the Government upon

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purchasing the required quantum of land in the name of the DI University.

Also, by the above Ain, 1998, Section 7(Gha) has been replaced with the following condition; "(ঘ) উহার অন্যূন পাঁচ কোটি টাকা সংরক্ষিত তহবিল (reserved fund) কোন তফসিলী বাংকে জমা থাকিতে হইবে।"

Although the DI University was required to keep Taka 5 (five) crore in the reserved fund after amendment of Section 7 (Gha) on 05.05.1998, but none of the contenders for the DI University has ever made a deposit of Taka 5 (Five) crore in the reserved fund.

On 18.07.2010, the Ain, 1992 was repealed by বেসরকারী বিশ্ববিদ্যালয় আইন, ২০১০ (shortly, the Ain, 2010) and the following provision was made for setting up and running the private universities in its Section 3, which is as under:

> ৩। **বেসরকারী বিশ্ববিদ্যালয় স্থাপন ও পরিচালনা।**- (১) উপ-ধারা (২) এর বিধান সাপেক্ষে, আইনের বিধান অনুযায়ী বাংলাদেশের যে কোন স্থানে বেসরকারী বিশ্ববিদ্যালয় স্থাপন করা যাইবে।
> (২) এই আইনের অধীন সরকারের নিকট হইতে সাময়িক অনুমতিপত্র বা, ক্ষেত্রমত, সনদপত্র গ্রহন ব্যতীত, বাংলাদেশের কোন স্থানে কোন বেসরকারী বিশ্ববিদ্যালয় স্থাপন বা পরিচালনা করা যাইবে না, বা বাংলাদেশে কোন বিদেশী বিশ্ববিদ্যালয়ের অধীন স্নাতক বা স্নাতকোত্তর ডিগ্রী অথবা ডিপ্লোমা বা সার্টিফিকেট কোর্স পরিচালনা বা কোন ডিগ্রী, ডিপ্লোমা বা সার্টিফিকেট প্রদান করা যাইবে না।
> (৩).....
> (৪).....
> (৫).....
> (৬).....

(underlined by us)

In the Ain, 2010, establishment of a private university is stated to be permissible subject to obtaining the 'temporary permission letter' (সাময়িক অনুমতি পত্র) or 'license' (সনদ) from the

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Government. Thus, the Ain, 2010 appears to provide a clearer provision as to setting up a private university inasmuch as in the repealed Ain, 1992 provision of 'temporary permission letter' was not expressly spelt out.

Then, Section 6 of the Ain 2010 seeks to lay down the conditions to be fulfilled for obtaining 'temporary permission letter' by the founder-person/group of persons/trusts (প্রতিষ্ঠাতা) who intends to apply under Section 5.

৬। **সাময়িক অনুমতির শর্তাবলী।**-এই আইনের অধীন সাময়িক অনুমতিপত্রের জন্য নিম্নবর্ণিত শর্তাবলী পূরণ করিতে হইতে হইবে, যথাঃ-

(১) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয় স্থাপন ও পরিচালনার উদ্দেশ্যে অনধিক ২১ (একুশ) কিন্তু অন্যূন ৯ (নয়) সদস্য বিশিষ্ট একটি বোর্ড অব ট্রাস্টিজ গঠন করিতে হইতে;

(২) পাঠদানের নিমিত্ত প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয়ের পর্যাপ্ত সংখ্যক শ্রেণীকক্ষ, লাইব্রেরি, ল্যাবরেটরি, মিলনায়তন, সেমিনার কক্ষ, অফিস কক্ষ, শিক্ষার্থীদের পৃথক কমন রুম এবং প্রয়োজনীয় অন্যান্য কক্ষের জন্য পর্যাপ্ত স্থান ও অবকাঠামো থাকিতে হইবে;

(৩) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয় অন্যূন ২৫০০০ (পঁচিশ হাজার) বর্গফুট আয়তন বিশিষ্ট নিজস্ব বা ভাড়াকৃত ভবন থাকিতে হইবে;

(৪) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয়ের ন্যূনতম ৩ (তিন) টি অনুষদ এবং উক্তঅনুষদের অধীন অন্যূন ৬ (ছয়) টি বিভাগ থাকিতে হইবে;

(৫) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয় উহার শিক্ষা কার্যক্রম সম্পর্কিত একটি পরিকল্পনা প্রণয়ন করিবে, যাহা বিশ্ববিদ্যালয় মঞ্জুরী কমিশন কর্তৃক পূর্বে অনুমোদিত হইতে হইবে;

(৬) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয়ে উহার প্রত্যেক বিভাগ, প্রোগ্রাম ও কোর্স এর জন্য কমিশন কর্তৃক নির্ধারিত সংখ্যক পূর্ণকালীন যোগ্য শিক্ষক নিয়োগ করিতে হইবে;

(৭) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয়ে নিয়োজিতব্য শিক্ষক অন্য কোন বিশ্ববিদ্যালয় বা প্রতিষ্ঠানে কর্মরত থাকিলে তাহাদের মূল নিয়োগকারী কর্তৃপক্ষের অনুমোদিত ছাড়পত্র কমিশনে জমা দিতে হইবে;

(৮) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয়ের একটি নিবিড় পাঠক্রম (Curriculum) এবং প্রতিটি বিষয় (Subject) ও কোর্স প্রণয়নসহ প্রত্যেক বিষয়ে মোট আসন সংখ্যা উল্লেখ করিয়া কমিশনের পূর্ব অনুমোদন গ্রহন করিতে হইবে;

(৯) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয়ের নামে সংরক্ষিত তহবিল (ReserveFund) হিসাবে ঢাকা ও চট্টগ্রাম মেট্রোপলিটন এলাকার জন্য অন্যূন ৫ (পাঁচ) কোটি টাকা, অন্যান্য মেট্রোপলিটন এলাকার জন্য ৩ (তিন) কোটি টাকা এবং অন্যান্য এলাকার জন্য ১.৫ (এক কোটি পঞ্চাশ লক্ষ) কোটি টাকা যে কোন কোন তফসিলী ব্যাংকে জমা থাকিতে হইবে; এবং

(১০) .....

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From a plain reading of the above provisions, it appears that now the Ain, 2010 has laid down clear-cut requirements for the promoters/founders of the private universities, at the time of applying for a 'temporary permission letter'.

Thereafter, following fulfillment of the requirements set out in Section 6 of the Ain, 2010 a 'temporary permission letter' would be issued under Section 7 of the Ain, 2010, which runs as follows:

> **৭। সাময়িক অনুমতি প্রদান।-** (১) ধারা ৫ এর অধীন কোন আবেদনপত্র প্রাপ্তির পর সরকার আবেদনকারীর নিকট হইতে বিষয়টি সম্পর্কে উহার বিবেচনায় প্রয়োজনীয় অতিরিক্ত তথ্য চাহিতে পারিবে এবং আবেদনটি বিবেচনার পর যদি সরকার এই মর্মে সন্তুষ্ট হয় যে, আবেদনকারী ধারা ৬ এর শর্তবলী পূরণ করিয়াছেন, তাহা হইলে সরকার, বিধি দ্বারা নির্ধারিত ফরমে, আবেদনকারীর অনুকূলে স্থায়ীভাবে বেসরকারী বিশ্ববিদ্যালয় স্থাপন ও পরিচালনার জন্য সাময়িক অনুমতি প্রদান করিবে।
> (২) সাময়িক অনুমতিপত্রের মেয়াদ হইবে উহা প্রদানের পরবর্তী ৭ (সাত) বৎসর।
> (৩)ধারা ৫ এর অধীন কোন আবেদনপত্র প্রাপ্তির পর যদি সরকার এই মর্মে নিশ্চিত হয় যে, আবেদনকারী ধারা ৬ অধীন কোন শর্ত পূরণে ব্যর্থ হইয়াছেন অথবা কোন নির্দিষ্ট মেয়াদের জন্য দেশে আর অধিক সংখ্যক বেসরকারী বিশ্ববিদ্যালয় স্থাপনের প্রয়োজনীয়তা নাই, তাহা হইলে সরকার, আবেদনকারীকে শুনানীর সুযোগ প্রদান করিয়া, লিখিত আদেশ দ্বারা, আবেদনটি নামঞ্জুর করিতে পারিবে।

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Section 7 of the Ain, 2010 states that upon receiving the application from the intending founders (person/group of persons/trustees), if the Government is satisfied that all the conditions laid down in Section 6 of the Ain, 2010 have been fulfilled, then a 'temporary permission letter' will be issued for 7 (seven) years, which may be extended for further five years by the Government under Section 11 of the Ain, 2010.

Thereafter, under Section 8 of the Ain, 2010 a private university is required to apply for a 'license' (সনদ) within 7 (seven) years subject to fulfillment of the conditions laid down in Section 9 of the Ain, 2010.

৯। **সনদপত্রের শর্তাবলী।-** ধারা ৭ এর অধীন সাময়িক অনুমতিপ্রাপ্ত প্রত্যেক বেসরকারী বিশ্ববিদ্যালয়কে এই আইনের অধীন সনদপত্রের জন্য নিম্নবর্ণিত শর্তাবলী পূরণ করিতে হইবে যথাঃ-

(১) ঢাকা ও চট্টোগ্রাম মেট্রোপলিটন এলাকার ক্ষেত্রে, প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয়ের নামে অন্যূন ১ (এক) একর পরিমাণ এবং অন্যান্য এলাকার জন্য অন্যূন ২ (দুই) একর পরিমান নিষ্কন্টক, অখন্ড ও দায়মুক্ত জমি থাকিতে হইবে;

(২) দফা (১) এ উল্লেখিত বেসরকারী বিশ্ববিদ্যালয়ের নিজস্ব জমিতে যথাযথ কৃর্তপক্ষ কর্তৃক ক্যাম্পাস ও বিশ্ববিদ্যালয়ের ভবনাদির প্ল্যান অনুমোদন করাইয়া, সাময়িক অনুমতিপত্রে প্রদত্ত মেয়াদের মধ্যে, বেসরকারী বিশ্ববিদ্যালয়ের স্থায়ী অবকাঠামো নির্মাণ করিতে হইবে;

(৩) প্রস্তাবিত বেসরকারী বিশ্ববিদ্যালয়ের জমি কোন ব্যক্তি বা প্রতিষ্ঠানের নিকট কোনভাবে দায়বদ্ধ বা হস্তান্তর করা যাইবে না;

(৪) .....

(৫) .....

(৬) .....

(৭) সাময়িক অনুমতিপ্রাপ্ত প্রত্যেক বেসরকারী বিশ্ববিদ্যালয়কে সনদপত্র প্রাপ্তির জন্য আবেদনের পূর্বে এই আইনের অধীন প্রযোজ্য সকল শর্তাদি প্রতিপালন করিতে হইবে।

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Then, Section 10 of the Ain, 2010 mandates the Government to issue a 'license' (সনদ) in favour of a private university if the above conditions, as set out in Section 7 of the Ain, 2010, are fulfilled.

Thus, from a concurrent reading of Sections 3, 5, 6, 7, 8, 9 and 10, it appears that the Ain, 2010 has made a two-tier procedure for setting up a private university. At the first tier, the founder/s has to obtain 'temporary permission letter' and thereafter the founder/s is required to obtain the 'license' (সনদ) to run the university permanently.

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Now let us see whether the temporary permission, which was obtained by the founder of the DI University Professor Syed Ali Ashraf on 19.08.1993, has been extended by the Government from time to time and, thereby, it can claim itself to be a valid private

university by virtue of having, at least, the temporary permission till date.

It is an admitted fact that initially the DI University was given permission by the Government on 19.08.1993 with the conditions that it shall deposit Taka 1 crore in the reserved fund and shall purchase a piece of land, at least a quantum of 1 acre, to be owned and possessed by the DI University within 31.12.1993. The said period was later on extended up to 31.12.1994 pursuant to the prayer made by the then VC and the founder of the DI University Professor Syed Ali Ashraf and, thereafter, no extension was given to the DI University. The above fact of not granting temporary permission from 01.01.1995 for the DI University by the Government gets established before this Court without any difficulties inasmuch as the DI University has not been able to produce a single piece of paper before this Court to show that the DI University has obtained any permission or extension from the Government to carry out its academic activities from 01.01.1995. The Government has also claimed, by filing affidavit, that the DI University was never accorded any permission to run their university after 01.01.1995 under the Ain, 1992, which was in operation till 18.07.2010.

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Has the DI University met with the conditions as set out in the Ain, 2010 and obtained a 'temporary permission letter' (সাময়িক

সনদ পত্র) or 'license' (সনদ), given that Section 47 of the Ain, 2010 has made it mandatory for private universities established under the Ain, 1992 to comply with the requirements of the new law? Section 47 of the Ain, 2010 is quoted below:

> ৪৭। **এইআইন কার্যকর হইবার পূর্বে সাময়িক অনুমতিপ্রাপ্ত বেসরকারী বিশ্ববিদ্যালয় সংক্রান্ত বিধান।-**
>
> (১) এই আইনে যাহা কিছুই থাকুক না কেন, এই আইন কার্যকর হইবার পূর্বে সাময়িক অনুমতিপ্রাপ্ত কোন বেসরকারী বিশ্ববিদ্যালয় ইতোমধ্যে সনদ গ্রহণপূর্বক স্থায়ী না হইয়া থাকিলে, এই আইন কার্যকর হইবার পর, উক্ত বেসরকারী বিশ্ববিদ্যালয়কে, সরকার কর্তৃক নির্ধারিত সময়ের মধ্যে, ধারা ৯ এর শর্তাবলী পূরণ সাপেক্ষে, সনদপত্র গ্রহণ করিতে হইবে।
>
> (২) কোন বেসরকারী বিশ্ববিদ্যালয় উপ-ধারা (১) এর অধীন নির্ধারিত সময়সীমার মধ্যে সনদপত্র গ্রহণ না করিলে উক্ত সময়সীমার পর সরকার উক্ত বেসরকারী বিশ্ববিদ্যালয়ের সাময়িক অনুমতিপত্র বাতিল করতঃ উহা বন্ধ ঘোষণা করিবে।
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> (underlined by us)

From a mere reading of the above provisions of the latest law regulating the affairs of private universities in our country, it appears to us that among the private universities which were existing and operating their business with temporary permission under the old law, after enactment of the Ain, 2010, the said private universities are required to obtain a license (সনদ) under Section 10 of the Ain, 2010 subject to fulfillment of the conditions laid down in Section 9 of the said Ain, 2010, within the time prescribed by the Government. If the said universities under the old law fail to get license (সনদ) under the new law within the stipulated time, the Government shall close down those private universities.

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Through the examination carried out so far, it has already been revealed that the DI University obtained temporary permission initially upto 31.12.1993 which was subsequently extended upto

31.12.1994 under the old law, and thereafter no temporary permission was granted by the Government. However, for argument's sake if we take a view that the temporary permission granted by the Government under the old law was kept alive impliedly till the enactment of the Ain, 2010, even then the DI University must satisfy the statutory compliance under Section 47 of the Ain, 2010. All the contending groups of the DI University have hopelessly failed to obtain a fresh 'temporary permission letter' (সাময়িক অনুমতিপত্র) under Section 7 of the Ain, 2010 or a 'license' (সনদ) under Section 10 of the Ain, 2010. Our scrutiny, thus, unfolds the story about the DI University that it failed to obtain any temporary permission not only under the old law from 01.01.1995, but also under the new law, which came into being on 18.07.2010.

Therefore, it leads us to hold that the DI University has been running without having any sanction of law since 01.01.1995. The above findings lead us to conclude that a valid Board of Trustees of the DI Trust, even if it is determined by the civil Court or if the contending parties are amicably merged into one group and they themselves form a Board of Trustees for the DI Trust, they need to apply for obtaining a 'temporary permission letter' and a 'license' under the Ain, 2010 and, then, if the Government is satisfied that the Board of Trustees has been able to fulfill the conditions set out

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in the law, it shall be at liberty to grant a 'temporary permission letter' or a 'license'. However, the 'temporary permission letter' or 'license' must not be given under the name and style of the Darul Ihsan University. The reasons are that from the annexed papers submitted by the Government, it is evident that till date it has become an unworkable task for the Government and the UGC to stop the misdeeds of unscrupulous persons, who, under the garb of running the academic activities in the name of the Darul Ihsan University, are carrying out the illegal business of selling certificates. Therefore, even if only one Darul Ihsan University is allowed to be established lawfully upon fulfillment of its statutory requirements, there shall remain a vulnerablity for the prospective students to be cheated and defrauded and, thus, for the greater interest of the prospective students of this country, the Government shall never issue any 'temporary permission letter' (সাময়িক অনুমতি পত্র) or a 'license' (সনদ) under the name and style of the Darul Ihsan University in the future. The DI Trust may only apply for getting a 'temporary permission letter' and 'license' in a different name, preferably under the name and style of "Syed Ali Ashraf Islamic University", subject to their compliance of the conditions laid down in the relevant statute, namely বাংলাদেশ বেসরকারী বিশ্ববিদ্যালয় আইন ২০১০, in honour of the fabled educationist who worked for setting up an Istamic University in private arrangement, throughout his life.

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Should this Court, after adjucating upon the issue that in the eye of law there is no existence of any university under the name of the Darul Ihsan University, pass appropriate order and direction upon the concerned State-functionaries and the statuory bodies for effective disposal of these cases? Its answer lies in finding out whether the Government has performed the duties which the Government is required by law to do.

While the repealed Ain, 1992 and the new law namely Ain, 2010 have bestowed the Government with almost all the powers, starting from the power of permitting a private university to be established (under Sections 4 & 6 of the repealed Act, 1992 & under Sections 3, 5, 6 & 7 of the Ain, 2010) upto the power of closing down a private university (under Section 16 of the repealed Ain, 1992 & under Section 48 of the Ain, 2010), it was a sacred and prime duty of the concerned officials of the Ministry of Education to strictly monitor as to whether a private university is being run with the permission of the Government. The concerned officials of the Ministry of Education were duty bound to close the business of the DI University on 01.01.1995, when the temporary permission expired. If the Government and the UGC are to be taken to have showed extra regard to Professor Syed Ali Ashraf, as has been sought to impress upon this Court by the Dhanmondi and the Savar groups, at least the concerned Government officials could have kept

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the DI University under a persistent pressure, by issuing notices upon the DI University from time to time, for fulfillment of the conditions of depositing Taka 5 (Five) crore in the reserved fund and of deposting the original deeds of the land of the DI University to the Government after enactment of the Ain, 1998. In the strict sense, after the 1st January, 1995 it was the statutory duty of the Government to close down the activities of the DI University under Section 16 of the repealed Ain, 1992 and under Section 48 of the Ain, 2010, but the Government utterly failed to perform its duties, as evidently it did not close down the academic activities of the DI University. Instead, from time to time, the Government issued appointment letters appointing the VCs for the DI University even though the said university had ceased to exist in the eye of law from 01.01.1995. If a lenient view is taken in honour of the legendary Professor Syed Ali Ashraf that during his tenure as the VC of the DI University, no action was taken by the Government against the DI University despite its temporary permission expiring from 31.12.1994, however, after the death of Professor Syed Ali Ashraf 06.06.1998 the Government was not in any way fair or competent to issue appointment letters of the VCs, such as appointments of Professor Abdul Hamid on 23.10.2000 and Professor Monirul Huq on 12.10.2006, for the DI University. All the above actions of the Government only deserve castigation from this Court in the

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backdrop of the fact that while it was the statutory duty of the Government to close down the activities of the DI University for the latter's failure to fulfill the statutory conditions and, thus, having lost its existence in the eye of law long ago, the issuance of the appointment letters for the VCs of the DI University simply demonstrates the laches and negligence of the concerned authority. In fact, the Government officials' above self-driven inaction attributes to collapse the higher education of the country in the private sector, resulting in sufferings and losses of thousands of innocent students.

The Government officials' sloppiness is further displayed by the circular no. শিম/শাঃ ১৪/ ৮বেঃবিঃ ৮/ ২০০০/৬৩২ (২৭) dated 31.12.2001, issued by one Ms. Asma Tamkin, a Senior Assistant Secretary under the Ministry of Education, by which it was circulated that from 01.01.2002, the private universities would be allowed to open and run their outer campus. This appears to us to be an utterly reckless step taken by the Government inasmuch as the Ain, 1992 having not provided any provision allowing the private universities to open any outer campus, there was no authority for the Ministry of Education to issue such a circular without being approved by the Cabinet. It has not only damaged the quality and standard of education system of Bangladesh, but has also caused irreparable loss to the huge number of innocent

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students of this country. While the repealed law did not allow opening any outer campus of private universities, the new law by its Section 13 completely prohibited opening any outer campus by the private universities in express and lucid terms, which runs as follows;

> ১৩। অনুমোদিত ক্যাম্পাস।-
>
> (১) বেসরকারী বিশ্ববিদ্যালয় স্থাপন ও পরিচালনার নিমিত্ত প্রদত্ত সাময়িক অনুমতিপত্রে বা, ক্ষেত্রমত, সনদপত্রে সংশ্লিষ্ট বেসরকারী বিশ্ববিদ্যালয়ের অনুমোদিত ক্যাম্পাস যে শহর বা স্থানে স্থাপিত ও পরিচালিত হইবে উহার সুনির্দিষ্ট উল্লেখ থাকিবে।
>
> (২) উপ-ধারা (১) অধীন উল্লিখিত শহর বা স্থানে সংশ্লিষ্ট বেসরকারী বিশ্ববিদ্যালয়ের অনুমোদিত ক্যাম্পাস সীমিত রাখিতে হইবে এবং অন্য কোন স্থানে উক্ত বিশ্ববিদ্যারয়ের কোন কার্যক্রম পরিচালনা বা কোন ক্যাম্পাস বা শাখা স্থাপন ও পরিচালনা করা যাইবে না।
>
> (underlined by us)

It is to be noticed from the date of the memo (31.12.2001) under question that it was issued immediately after formation of a new Government and, thus, it surfaced before us as a mystery as to whether there was a nod of the Cabinet as to issuance of the memo by the Ministry of Education, for, the circular having a devastating effect on the State's education sector was not supposed to be circulated without being discussed and approved first by the Cabinet. On the one hand, when this Court was not ready to believe the contents of the said memo dated 31.12.2001 for not being backed by any statutory provision or ministerial decision, on the other hand the substance of the subsequently issued memo dated 25.06.2007 ("উপর্যুক্ত বিষয়ে বেসরকারী বিশ্ববিদ্যালয় কর্তৃক আউটার ক্যাম্পাস খোলার বিষয়ে শিক্ষা মন্ত্রনালয় হতে ৩১/১২/২০০১ তারিখে জারীকৃত শি:ম: ১৪/৮/বে:বি:-

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৮/২০০০/৬৩২(২৭) নং স্মারক (কপি সংযুক্ত) এর কার্যকরীতা বাতিল করা হলো") confused this Court. After looking at the contents of the above memo, at first sight this Court was a bit hesitant to believe it to be a true or authentic office order and, under the circumstances, this Court made an endeavour to uncover the mystery through getting categorical statement from the Ministry of Education in the form of getting the answers to the following queries; (i) inspite of not having permission or license after 01.01.1995 from the Government, why has the Government not closed down the DI University? (ii) if the Government was inclined to show a leniency upto the tenure of Vice-Chancellor of Professor Syed Ali Ashraf so as to enable him to fulfill the conditions within his life-time, why did the Government appoint the next VCs for the DI University without first being satisfied with the fulfillment of the legal requirements and (iii) whether the memo no. শিম/শা:১৪/৮ বে:বি:-৮/২০০০/৬৩২(২৭) dated 31.12.2001 purportedly signed by Ms Asma Tamkin, Senior Assistant Secretary, was issued by the Ministry of Education at all. Thus, the learned DAG was asked to take specific instructions with regard to issuance of the memo dated 31.12.2001 in order to find out the veracity of the contents of this memo by contacting the concerned officials of the Education Ministry. In the past, the Ministry of Education's officials had indulged in issuing some letters, which were subsequently disowned by them, as

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transpired from the various papers filed by the 4 (four) groups in these 13 (thirteen) writ petitions. Just for an example, two of the Memos issued by the Ministry of Education are reproduced below:

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
শিক্ষা মন্ত্রণালয়
বাংলাদেশ সচিবালয়, ঢাকা

২৩ আশ্বিন ১৪১৬ বাং
নং-শিম/বেবি/৩পি-১/২০০৯/৫৯৫/১(২)-১৪৮(১) তারিখঃ ০৮ অক্টোবর ২০০৯ইং

সূত্রঃ দারুল ইহসান ট্রাস্টের পত্র নং ABR/DIT/018/09 তারিখঃ ০৮/০৯/২০০৯ইং।

বিষয়ঃ দারুল ইহসান বিশ্ববিদ্যালয়ের উপাচার্যের নিয়োগ বাতিল/দায়িত্ব পালন প্রসঙ্গে।

উপর্যুক্ত বিষয় ও সূত্রের পরিপ্রেক্ষিতে নির্দেশক্রমে জানানো যাচ্ছে যে, যেহেতু অধ্যাপক মনিরুল হকের দারুল ইহসান বিশ্ববিদ্যালয়ের উপাচার্য হিসাবে নিয়োগের বৈধতা আদালতে মামলাধীন রয়েছে এবং যেহেতু অধ্যাপক মনিরুল হক আদালত থেকে কোন চূড়ান্ত সিদ্ধান্ত অর্জন করতে পারেনি এবং যেহেতু দারুল ইহসান বিশ্ববিদ্যালয়ের সংবিধি যাহা গেজেট নোটিফিকেশনের জন্য ৩১/০৭/২০০৬ তারিখে শিক্ষা মন্ত্রণালয় গ্রহণ করেছে, এর ধারা ১১ (ঞ) মোতাবেক সৈয়দ আলী নকি ও তাঁর উত্তরসূরীগণের প্রস্তাবিত উপাচার্য হিসাবে দায়িত্ব পালনে উচ্চ ও নিম্ন আদালতের অন্তর্বর্তীকালীন রায়সমূহ দ্বারা সংরক্ষিত, সেহেতু আদালতের মামলা নিষ্পত্তি না হওয়া পর্যন্ত ১১/১০/০৬ ইং তারিখে অধ্যাপক মনিরুল হকের নিয়োগের পূর্বে বিশ্ববিদ্যালয়টি, দারুল ইহসান ট্রাস্ট, রেজিঃ নং-এস, ৫৪২(৬৫৬)০৬ এর নিয়ন্ত্রণাধীন যেভাবে পরিচালিত হচ্ছিল অনুরূপভাবে পরিচালনার নির্দেশ দেওয়া হল।

(মোমেনা মনি)
সহকারী সচিব
ফোনঃ ৭১৬১১৭৬

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From a plain reading of the above memo, it appears that it was issued on 08.10.2009 by an Assistant Secretary of the Ministry of Education. Thereafter, a Deputy Secretary of the Ministry of Education, Mr. Ranjit Kumar Sen, on 18.11.2009 sought to disown the previous letter. The said disowning letter is also reproduced herein below:

অতি জরুরী
বিশেষ বাহক মরফত

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
শিক্ষা মন্ত্রণালয়

অধিশাখা-১৭

নং-শিম/শাঃ ১৭/৮/বেঃবি-২৮/২০০১/৬৫৩ তারিখঃ ১৮/১১/২০০৯

বিষয়ঃ দারুল ইহসান বিশ্ববিদ্যালয়ের উপাচার্যের নিয়োগ পত্রের যথার্থতা প্রসঙ্গে।

সূত্রঃ বিমকের পত্র নং-বিমক/বেঃবিঃ/৪১২(২)/অংশ-২/০২/৬৯৭৩, তাং ১৩/১১/২০০৯ খ্রিঃ।

উপর্যুক্ত বিষয় ও সূত্রের পরিপ্রেক্ষিতে নির্দেশক্রমে জানানো যাচ্ছে যে, বিশ্ববিদ্যালয় মঞ্জুরী কমিশন কর্তৃক প্রেরিত পত্রের সাথে সংযুক্তিয় পত্রটি শিক্ষা মন্ত্রণালয়ের সংশ্লিষ্ট অধিশাখা-১৭ হতে জারী করা হয়। উল্লিখিত কর্মকর্তা মোমেনা মনি (শাখা-১৩, অনুদান শাখা) এর সাথে যোগাযোগ করে জানা যায় যে, তাঁর শাখা থেকে এ ধরনের কোন পত্র ইস্যু করা হয়নি। অধিকন্তু পত্রে দেয়া স্বাক্ষরকারীর নাম, পদবী ও স্বাক্ষরের সাথে উক্ত কর্মকর্তার নাম, পদবী ও স্বাক্ষরের মিল নেই।

২। এমতাবস্থায়, বিশ্ববিদ্যালয় মঞ্জুরী কমিশন কর্তৃক প্রাপ্ত শিক্ষা মন্ত্রণালয়ের কথিত ০৮/১০/২০০৯ তারিখের শিম/বেবি/৩পি-১/২০০৯/৫৯৫/১(২)-১৪৮(১) নং পত্রটির কোন ভিত্তি নেই বলে প্রতীয়মান হয়।

(রঞ্জিৎ কুমার সেন)
উপসচিব(বিশ্বঃ ১)
ফোনঃ ৭১৬১১৭৬

To any reader's mind a question would click, after skimming through the above memo, why has Ms Momena Moni herself not issued any rejoinder in declining to have issued the first memo and, secondly, whether any action was taken against the beneficiary of the said first memo. Thus, any one would still get an obscured status on the above two memos claimed to have been issued by the Ministry of Education. In other words, it remains unclear as to which one is the genniue memo or whether both the memos are forged.

Taking the above incidents of the Ministry of Education into our consideration, it was, therefore, emphasised by us that the learned DAG must consult with the Senior Secretary of the Ministry of Education who is in a position to investigate the

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authenticity of the said memo dated 31.12.2001 not only by consulting the relevant files, but also sharing the issue with Ms. Asma Tamkin, who had issued the memo as the Senior Assistant Secretary of the Ministry of the Education in the year 2001 and presently should be serving as the Joint Secretary or Additional Secretary in/under any Ministry.

Pursuant to this Court's order, the learned DAG for the last 2 months, as he informed this Court, was struggling to get information, papers and para-wise comments from the concerned officials of the Ministry of Education. These matters were being heard at length for the last couple of months and, apart from this Court's direction on the very first day, on and often during this last two months, this Court was directing the learned DAG to assist this Court by way of submitting relevant papers and documents upon collecting them from the concerned officials of the Ministry of Education. Every time, the learned DAG expressed his frustration, as inspite of his repeated reminders to the concerned officials of the Education Ministry over telephone and fax, he could not get any instructions from the Government. The learned Attorney General Mr. Mahbubey Alam, under the circumstances, having appeared before this Court submitted that there should not be any further delay in disposing of these cases because of the non-cooperation of the Government officials and it is up to this Court to make any

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observation on the Government officials' manner of handling these cases. When this Court closed its hearing, at this juncture, the Ministry of Education provided some verbal information to the learned DAG without furnishing him any written para-wise comments, though it was their legal duty to furnish the required information in the form of parawise-comments to the office of the Attorney General. With the above scanty information although the learned DAG, to his best ability, submitted an affidavit-in-opposition, he himself was not happy in presenting it before this Court given that no paper was supplied to him for submitting before this Court as to whether the Government denies the said mysterious memo dated 31.12.2001 or owns it. In the affidavit-in-opposition, the Ministry of Education in an evasive manner has simply stated that the Government on 25.06.2007 directed all the private universities to close down the activities of their outer campuses and, thus, the Ministry abstained from specifically disowning the contents of the memo dated 31.12.2001.

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It is to be recorded here that among all these 13 (thirteen) writ petitions, the first writ petition bearing no. 10242 of 2006 was filed on 11.10.2006 challanging the action of the Ministry of Education regarding appointment of the VC for the DI University. Had the Ministry been prompt in disposal of the above writ petition no. 10242 of 2006 within a few months of issuing show cause

notice (issuance of Rule Nisi) by this Court, upon full hearing of the Rule, this Court could have ordered to close down the DI University and consequently the Abul Hossain group and Akbaruddin group would not have emerged out of the DI University, which by then had become a controversial, a sick and a non-functional institution. Furthermore, by quick disposal of the first writ petition, the loss and damage suffered by the State and its citizens could have been minimized to a great extent. It was, therefore, the Ministry of Education's duty to seek assistance from the office of the Attorney General to dispose of these writ petitions expeditiously. Furthermore, after submission of the inquiry report dated 15.02.2012 by the Inquiry Commission, the Ministry ought to have come out of hibernation and thereby could have instructed their own lawyers or office of the Attorney General to expedite the disposal of all these cases. Shockingly, years after that, when this Court directed the learned DAG to obtain information from the Ministry, they were still found to be disinterested to co-operate with this Court. Thus, the Ministry of Education has utterly failed to perform their duty in handling the issue of the DI University in this Court as well.

Given the manner and style of dealing with this case by the Government officials, following the poor handling of the issues of the DI University, this Court is of the view that by merely

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lambasting the concerned Government officials, adjudication of these cases would remain incomplete and ineffective. Thus, the question posed hereinbefore is answered in the affirmative and we hold that appropriate orders and directions are required to be passed upon the concerned State-functionaries and statutory bodies.

The loss and damage which has been incurred through issuance of the said letter dated 31.12.2001 cannot be measured in pecuniary terms. While a perpetrator in committing a single offence inflicts harm or causes damage to only a single person or a limited number of persons, the Ministry of Education by issuing such letter dated 31.12.2001 has done so much of damage and loss to the educational sector of this country that even if the concerned officials are fined with crores of Taka, it will not be a sufficient compensation to the State. In order to stop recurrence of this type of action by the Government officials in the future, this Court is of the opinion that a token amount of compensation should be paid by the person who had issued the letter dated 31.12.2001. Learned DAG has learnt from the Ministry that Ms Asma Tamkin is presently serving as the Joint Secretary of the Ministry of Local Government and despite the learned DAG's continual request to the high officials of the Ministry of Education to contact Ms Asma Tamkin and to examine the concerned file to assist the Court by providing the required information and papers, they did not bother to furnish

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specific explanations regarding her authority in issuing such a circular having such a terrible, disastrous and ruinous consequence on the education sector of this land.

Let us now see whether the UGC, as a statutory body, has carried out its statutory duty and whether appropriate directions should be passed upon them. In dealing with the activities of the DI University and determining the fate of the thousands of students of the DI University, the UGC has also demonstrated utter negligence as the regulatory body. The UGC holds sufficient power to oversee the functions of the private universities under the University Grants Commission of Bangladesh Order (PO No. 10 of 1973) and বেসরকারী বিশ্ববিদ্যালয় আইন, ২০১০ (previously, বেসরকারী বিশ্ববিদ্যালয় আইন, ১৯৯২). While article 5(2) of the PO No. 10 of 1973 empowers the UGC to visit the universities, Sections 47 & 48 of the Ain, 2010 mandate the UGC to inspect a private university at any time and pass necessary orders upon it.

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In the deteriorating situation of the DI University, they had the duty to closely monitor the activities of the DI University and, thereby, to discourage prospective students in clearer and strong words in taking admission in the said university in addition to advising the Government to close down the DI University. They appear to simply justify their performance in this regard by publishing only a notification (গণবিজ্ঞপ্তি) which was published on

19.02.2008 in the Daily Janakantha. However, anyone would see the said step to be a shoddy performance by the UGC which was avoiding its duty, given that it could not assist the prospective students to take a decision as to whether they should take admission in the DI University or not. The UGC could have showed its due diligence by making reports to the Government and the Chancellor from time to time about the activities of the DI University since 1st of January, 1995 and, in particular, by advising the Government to close down the DI University after the death of Professor Syed Ali Ashraf. Instead of doing that, they have been corresponding with the DI University at the address of Dhanmondi, Dhaka seeking to recognize them to be a valid and legal university, which is completely inconsistent with their pretended step of publication of the notification (গন বিজ্ঞপ্তি).

Learned Advocate for the Savar group has brought allegations against the UGC that the UGC was regularly corresponding with the Dhanmondi group, but it purposefully refrained from communicating with the Savar group inspite of their best effort to communicate with the UGC on numerous occasions by writing letters. The learned Advocate has produced before us a bundle of correspondences made by the Savar group to the UGC and made an allegation against the UGC that the UGC being a statutory body not only showed discourtesy by not replying to their

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above correspondences, but also sought to grant recognition in favour of the Dhanmodi group as a university by being in constant touch with them and, as per them, a few officials of the UGC have been doing it, after being gained over by the Dhanmondi group. Although this Court is abstaining from digging out the Savar group's above allegation against the UGC and thereby refraining from making any observation on the style of maintaining relationship with the Dhanmondi group by the UGC, however, it should be recorded, as a pertinent observation, that the UGC was not fair in dealing with the affairs of the DI University and they simply showed heedlessness in monitoring the affairs of the DI University.

The slackness of the UGC has further been displayed when it issued a letter to the Dhanmondi group on 01.03.2007 allowing them to open up the LLB (Hons) course in spite of having knowledge about the DI University that it was running without any permission from the Government, let alone obtaining the license. This letter appears to have been issued by one Md. Khaled, who was serving as the Director of the UGC at the time of issuance of the letter and now holding the post of Secretary of the UGC. Because of this letter, the petitioners of writ petition no. 10398 of 2013, who claim themselves to be the former law-graduates of the DI University at Dhanmondi campus, were enticed to get admitted

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in the LLB (Hons) course at the DI University at Dhanmondi and now they have come up with a claim that since they have completed LLB (Hons) course, they should not be declined by the concerned professional body (Bangladesh Bar Council) to allow them to sit for the Advocateship examination. Therefore, it would not be irrational to take a view that the said letter dated 01.03.2007 issued by Mr. Md. Khaled, the then Director and presently the Secretary of the UGC, by which the LLB (Hons) course of the DI University was opened, contributed significantly to deteriorate the situation of the DI University. While the future career of the students of existing subjects were in limbo, the UGC's permission in favour of the DI University for admission of further students in a new subject is not conceivable by this Court. It appears to us from the letter dated 31.05.2015 (স্মারক নং ইউজিসি/বেঃবিঃ/৪০০(৩)/অংশ-১/০২/৩৬৫৫) that the UGC simply made a blunder by mentioning the DI University to be a valid private university and, thereby, pushed the students towards a serious uncertainty about their future career, for, it led them to believe that they are pursuing a lawful course in a valid private university. Because of the said official's self-interest, or at least carelessness, not only have the few hundreds LLB students suffered loss, but Law itself, as an academic subject of great honour and prestige, which produces members of the Judicary as a whole - meaning the members of the Bench and the Bar, has

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been damaged. It is an irreparable loss for a nation given that whenever these LLB certificate-holders would approach any employer at home and abroad, they will have a negative impression about the LLB subject. Therefore, the concerned official of the UGC should compensate the State. The loss, that has been suffered by the State for the said official's selfish decision, cannot be offset by any amount of money, but in order to stop repetition of the same misdeed in future by the UGC officials, the said official of the UGC should pay a token amount of compensation to the State Exchequer.

Therefore, the answer to the question put herein before as to whether appropriate order should be passed upon the UGC, comes in favour of passing necessary direction upon the UGC.

Was there any statutory duty on part of the Bangladesh Bar Council (BBC) to do something that could have helped the petitioners of the writ petition no. 10398 of 2013 in not getting admitted in the Law Department of the DI University?

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In the quest for an answer thereto, the relevant provisions of the Bangladesh Legal Practitioners and Bar Council Order, 1972 (PO 42) may assist us in this regard. Article 27 of the PO 42 appears to be relevant for this purpose, which is reproduced below:

> 27. (1) Subject to provisions of this order and the rules made there under, a person shall be qualified to be admitted as an advocate if he fulfils the following conditions namely:-
> (a) he is a citizen of Bangladesh;

(b) he has completed the age of twenty-one years;
(c) he has obtained-
  (i) a degree in law from any university situated within the territory which forms part of Bangladesh; or
  (ii) .....
  (iii) .....
  (iv) a bachelor's degree in law from any university outside Bangladesh recognized by the Bar Council; or
  (v) he is a barrister;
(d) he has passed such examination as may be prescribed by the Bar Council; and
(e) .....

(underlined by us)

The above law clearly stipulates that only obtaining a law-degree from any university can make a person eligible to apply for becoming an Advocate. While article 27(1)(c)(i) of the PO 42 directs the BBC to see whether the law-graduate is from a local university, article 27(1)(c)(iv) asks the BBC to be satisfied as to whether the candidate has graduated in law from a recognized foreign university. Thus, a person must have a law degree from a university either from home or abroad and it must be recognized by the BBC. At the time of enactment of the PO 42, only public universities were functional in Bangladesh and the Legislature has employed the word 'university' for the local public universities and for the foreign universities, the Legislature has used the phraseology 'university ..... recognised by the Bar Council'. Before enactment of the Ain, 1992, (Private Universities Act, 1992), there was no private university in Bangladesh and, therefore,

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the BBC has never prepared any list of the local universities who produce Law-graduates, so as to be used as the list of 'recognized private universities by the Bar Council'. In view of the fact that the local public universities follows a set of criteria for admitting the students in the professional subjects, thus the PO 42 did not incorporate any provision requiring the Law-graduates to possess any particular criterion.

Given the vulgarisation of the educational quality by most of the private universities of this country, the BBC must prepare a list of the private universities whose LLB (Hons) certificate may be recognized for Advocateship examination. In order to do that, the BBC must ask the private universities to follow the admission procedures akin to the public universities in admitting the LLB (Hons) course and set the same criteria of having particular marks in English and Bengali with overall good results in the SSC & HSC exams, as required by the public universities. Only the students who have passed HSC or equivalent in the last two years with GPA5 from any group (science, arts or commerce), securing 70% marks in English or having a score of 6+ in IELTS, shall be eligible to apply for admission in the LLB (Hons) course, subject to payment of prescribed fees. The primary Statutes of this country namely Penal Code, Evidence Act, Specific Relief Act, Civil Procedure Code and Criminal Procedure Code, are all inscribed in

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English. On top of linguistic form of the above laws, the High Court Division's and Appellate Division's judgments are mostly delivered in English. The facts remain that those laws have not been translated and printed in Bengali version till now and, therefore, the potential LLB (Hons) students must have a good, if not the best, grasp on English. This requirement shall be in place up to the time this country translates and prints those Statutes in Bengali. It would not be irrelevant to observe here that since majority of the people of this country speak in Bengali, the State should take step to translate and print all the laws of this land in Bengali version without making any further delay.

In other professional fields, such as medical and dental, when private educational institutions were set up, their professional body BMDC put the conditions that the aspirant candidates must sit for admission test at a time once in a year after few months of publication of the results of HSC & equivalent examinations and only the successful students should be competent to be admitted in their chosen medical/dental college subject to availability of vacancy in the said college. Likewise, the BDC should arrange for the admission tests for the aspirant candidates once in a year, preferably after a month of publication of admission results in the public universities. The intending students who wish to be admitted in the private universities would sit in the examination and after

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their successful passing in the admission test, they would be allowed to take admission in their chosen private university.

No private university shall be permitted to admit more than 100 (one hundred) students in a calendar year. Also, the BBC itself shall monitor the admission process of the LLB (Hons) course in the private universities and also oversee the students' subsequent academic improvements by maintaining the Registry for the first year, 2nd year, third year and final year LLB(Hons) students studying in the private universities in order to ensure that no pseudo student obtain LLB (Hons) certificate merely by paying yearly fees, without passing midterms/periodical/yearly examinations. In a public university it is not possible to show a student to be a LLB (Hons) student without passing in the admission test and thereafter a student may be able to get a LLB (Hons) certificate after at least four years, only through passing in all the subsequent years' examinations.

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The BMDC does not impose any professional exam after passing the MBBS course, because of maintaining a filtering process at the time of admission in the MBBS course. Likewise, the BBC should consider this admission test to be more important than the Advocateship/enrolment test, for, when the private universities would not have any chance to admit irregular students, like the public universities, the Advocateship/enrolment examination would

then be taken only for the purpose of finding out a limited number of the best among the lot, to enrol them as Advocates. For introducing this system, the BBC does not need to install any new system, because the students may be invited to apply and sit for the test applying the same system which is already in place for the MCQ test of the Bar enrolment exanimation. All that the BBC requires to do is that they have to float the advertisement in the newspapers and the TV, that from this year the students who wish to pursue their LLB (Hons) course in the private universities must sit and pass in the admission test to be arranged by the BBC.

No private university shall commence the LLB (Hons) course without first obtaining 'Clearance Certificate' from the BBC. It is a statutory requirment under the PO 42 that the students after passing LLB (Hons) shall pass the MCQ and written tests in order to be enrolled as Advocates and accordingly the BBC has fixed some law-subjects to be the syllabus for the said MCQ and written tests. Therefore, the BBC needs to be satisfed that a private university is offering those subjects and there are full-time regular competent teachers to teach the students in a conducive environment. It is worthwhile to note here that although LLB (Hons) course is primarily designed for and aimed at preparing the students for entrance examinations for the bar and judicial service, however, for becoming a Law Officer in any corporate body or for

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teaching in the Law Departments, a handful law-graduates are required. Therefore, while every private university shall prepare their curriculum and syllabus keeping the core subjects of the law in their syllubus, they shall also be at liberty to incorporate some other rarely-used laws. There are thousands of statutes/legislations in our country and it is simply impossible for a university to teach all the laws in the LLB (Hons) course. The Law Departments of all the universities, be it private or public, play a role of coaching centres for entrance examination of bar & bench as well as for preparing the students for other jobs. In order to obtain clearance from the BBC, private universities must apply with a payment of Taka ten lacs to the Bar Council as a deposit so that if a private university does not follow the above procedure in future, the BBC can forfeit the said money on top of blacklisting the said university whose students shall not be permitted to sit for the enrollment examination. The BBC, upon receiving application for a private university, shall send two Hon'ble Judges of the Supreme Court to visit the applicant-university's class rooms, meet the law teachers, examine the syllabus of the LLB (Hons) course and see the other environments. Upon receiving a satisfactory report from the Hon'ble Judges, the BBC would then issue a 'Clearance Certificate' for the intending private university. It is expected that the private universities with good reputation, both locally as well as

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internationally, such as North South University, Independent University, Brac University and a few more private universities, would be happy with the introduction of this system by the BBC. However, if appropriate suggestions are put forward by them, the same may be discussed in the forum of Legal Education Committee of the BBC. The Legal Education Committee shall always be headed by an Hon'ble Judge of the Supreme Court of Bangladesh in addition to having two other Hon'ble Judges of the Supreme Court as the members of the said Committee. Because of non-obtaining this prior clearance from the Bangladesh Bar Council, the writ petitioners of writ petition no. 10398 of 2013 suffered loss by being declined by the Bangladesh Bar Council to issue Admit Cards for their long-cherished Advocateship examination.

There is yet another aspect of legal education prevailing in our country. In other disciplines, such as medical, engineering and chartered accountancy, there is no short-cut route to get entry in the relevant profession resorting to a two-year course. Even for a Phd degree-holder in a different subject of science, there is no short course to become an MBBS doctor or BSC engineer. Like-wise, there should not be any 2-year LLB course to become an Advocate. No public university offers a two-year LLB course, except the National University. While the UGC must direct all the private universities to convert the two-year course into LLB (Hons) course

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immediately, the National University must ask the Law-colleges to introduce 4 (four) years LLB (Hons) course from 2020 giving them 4 (four) years time so as to prepare themselves for running the LLB (Hons) course. In the sub-continent, during British regime, provision was made to enable the graduates of any discipline to become an Advocate by completing a two-year course through law-colleges run and controlled by public universities of great fame and name, such as University of Calcutta, University of Dhaka and during post-British regime, in our part, in Dhaka University only. After our country became independent, only University of Dhaka and Chittagong University used to run and control the LLB two-year course and no question has ever risen about the standard of the LLB two-year course till the period the said public universities were running the course. The Law Colleges used to have been run by eminent professors, jurists and lawyers, and most of our eminent lawyers and judges were the products of the said Law Colleges under the University of Dhaka and Chittagong University. However, since the time of taking over the control of the LLB two-year course by the National University, the quality of the course has been seriously fallen down and the products are too poor to be eligible as an Advocate, let alone pass in the competitive exams held for appointments of judges in the lower judiciary, or finding a job in any university as a law-teacher. There was a justification, in

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the past, to introduce the two-year LLB (pass) course, for, the graduates of any discipline of British era, Pakistan epoch and of the post-independence period were so qualified that had they been allowed to start practice in the legal profession, with the passage of time following acquiring experience by being attached with a lawyer, they would have been able to demonstrate an impressive performance. This is not the case of the graduates of these days, as most of them cannot write English or Bengali correctly, not to speak of drafting a petition or moving a case before the Courts articulately. Advocates are addressed by the commoners as the 'learned' and the reason behind it is that the members of this profession not only possess sound knowledge on law, but they also equally hold knowledge on History, Philosophy and Literature. Moreover, from the British period to the middle of 1990, only a few public universities were equipped with full-time competent teachers to run the LLB (Hons) course, but presently most of the public universities are running the LLB (Hons) course and, therefore, there is no more justification of retaining the two-year LLB (pass) course in our country.

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After laying down the above interpretations and guidelines on the Law-degree (degree in law), as enshrined in article 27 (1)(c)(i) of the PO 42, this Court requires to reason for carrying out

the above exercise and also it becomes obligatory for this Court to cite the authority and competency to lay down the guidelines.

In writ petition no. 10398 of 2013, in which the LLB (Hons) certificate-holders from the DI University have been denied by the BBC to issue admit cards for Advocateship exam, the learned Advocate for the BBC has presented before this Court the vulnerable condition of the prospective students who have pursued two-year LLB (Pass) course and plight of the LLB (Hons) certificate-holders from the private universities and requested this Court to pass necessary orders upon the UGC and National University to close down the two-years LLB (Pass) course and also prayed for empowering the Bangladesh Bar Council to oversee the standard of LLB (Hons) course in the private universities. Previously, a number of writ petitions were filed in this Court challenging the refusal of the BBC to admit the LLB certificate-holders from private universities in which cases the students did not get recognition of LLB degree holders and the Rules were discharged with a direction upon the concerned private university to compensate Taka 5 (five) lacs to each of the writ petitioner-student. Of them, recently the Appellate Division upheld the verdict of the High Court Division passed in writ petition no. 10065 of 2010 and writ petition no. 613 of 2013.

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To maintain the quality of the legal profession as well as uphold the standard of the judges, this Court is setting out some essential directions as a part of its Constitutional obligation. It is to be known to all, if not already known, that when this Court sits in Constitutional jurisdiction and a Constitutional issue is brought to the notice of this Court in course of examining the other issues raised in a writ petition, it becomes this Court's bounden duty to make pertinent observations, albeit by way of *obiter dicta*, towards assisting the Legislature in considering as to whether any law requires to be legislated for the interest of the nation and also guiding the executives to the right path. In course of examining the issues raised in writ petition no. 10398 of 2013, wherein the former LLB students of the Darul Ihsan University sought for a direction upon the Bangladesh Bar Council to allow them to sit for admission test for the Advocateship enrollment, this Court takes in its judicial notice that the LLB courses in this country are being run in awful manner which should not be allowed to continue by this Court, for, the LLB graduates ultimately culminate into the part of the judiciary, either as a Judicial Officer or as an Advocate. LLB as an academic subject, thus, is directly linked up with the judiciary.

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Independence of the judiciary is one of the pillars of our Constitution and the judiciary shall never be in a position to work independently if it is not manned by brilliant and competent people.

Therefore, it becomes a Constitutional duty of this Court, on top of upholding the image and prestige of the judiciary, to safeguard the independence of the judiciary through maintaining the quality of the 'degree in law', an expression employed in article 27(1)(c)(i) of the PO 42 of 1972. Accordingly, this Court was constrained to make the above observations and lay down the pertinent directions.

We may now turn to see the fate of the four contending groups of the DI University and the consequences they are to face.

This Court has purposefully opted to refrain from making any observation as to the legitimacy of the Board of Trustees of the DI Trust claimed by the Savar group, the Dhanmondi group, the Abul Hossain group and the Akbaruddin group, for, the issue has been left for adjudication by the civil Court. However, while the Dhanmondi group and Savar group have endeavoured their best to show some papers and documents in support of their purported claim and counter-claim on the ownership of the DI University, the Abul Hossain group and the Akbar Uddin group utterly failed to show a single piece of paper as to the claim of having their connection with the deed no. 14285 dated 18.12.1986 by which the DI Trust was created. They do not own and posess the required quantam of landed property and they do not maintain a reserved fund of Taka 5 (Five) crore. Mr. Fida M. Kamal, the learned Advocate for the Dhanmondi group, and Mr. Md. Faizul Kabir, the

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learned Advocate for the Savar group, in course of making their submissions, have alleged that Abul Hossain group and Akbar Uddin group are fraudsters and this Court also finds that their manner and style of conducting the cases filed before this Court speak a lot and amply suggest that they have not come with clean hands in this Court. Since all the four contending groups have been running their respective universities illegally without obtaining permission from the Government, they must make good the damage to the students who have received certificates from them.

By the papers and documents submitted before us in relation to the claim and counter-claim on the ownership or control of the certificate no. S-5542 dated 02.04.2006 issued by the RJSC in favour of Professor Syed Ali Naki, this Court though is able to adjudicate upon the issue as to whether the inclusion of the Abul Hossain group in the Professor Naki's DI Trust through subsequent amendment of the Board of Trustees of the said trust was lawful, however, the said registration in favour of Professor Syed Ali Naki itself having been challenged by the Dhanmondi group vide institution of a civil Suit, which is still awaiting final verdict by the lower appellate Court, we refrain from making any observation on the Abul Hossaion group's claim as to whether they had been co-opted in a lawful manner and whether they have any connection with the DI Trust under the said registered document. However, it

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deems to this Court to be of worth to note that if the civil Court finds that the Abul Hossain group's registration has been given unfairly, the Registrar of the RJSC must be fined by the civil Court following the adjudication of the said Suit and the said fine should be paid to the Government Exchequer from the pocket of the Registrar of the RJSC who was serving therein at that relevant point in time.

Akbar Uddin group, after making their submissions at length, came back in their sense and started to realize that it would simply be wasting the time of this Court to proceed with their meritless case and that it is highly likely that on top of imposing usual costs, compensatory costs might be slapped by this Court. Thus, they eventually decided to non-prosecute their writ petition no. 8647 of 2001 and, that is how, by pulling themselves out from contesting this Rule, they not only managed to save themselves from being burdened with heavy costs, but also escaped from being vilified by this Court.

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Although the learned Advocate Mr. Shahin Ahmed, appearing on behalf of the Abul Hossain group in writ petition no. 9519 of 2011, was struggling to satisfy this Court as to whether the Abul Hossain group has any standing for filing the above writ petition and thereby whether the writ petitioner-Abul Hossain can challenge the memo no. SHIMO/SHA: 17/complaint 3/2004 (part-

2)/505 dated 25th October, 2011 issued by respondent no. 2 and the Notification being Memo no. UGC /Ba: Bi/268 (investigation commission)/2011/8906 dated 31st October, 2011 and the letter being Memo No. UGC/Ba: Bi/268 (investigation commission)/volume-2/2011/9067 dated 13th November, 2011 issued by respondent no. 6 appointing investigation commission, however, he could not non-prosecute the case due to the Abul Hossain group's instruction to receive a detailed judgment from this Court. In the case of Kazi Md. Salamtullah & others Vs Bagladesh 2016 (1) LNJ 218, it was held that:

> It is within the competency of an Advocate to non-prosecute a Rule or not to press an application, be it a writ petition or other application, whenever it becomes known to him that facts have been suppressed by the petitioner or if an indication is made by the Court that there is no merit in the case after being afforded the opportunity of presenting his case at length. The source of this power of an Advocate is his Vokalatnama, wherein all the litigants confer upon an Advocate the power of filing the case in tandem with the power to do the needful in connection with the said case which necessarily includes the power of taking a decision to non-prosecute a petition (not to press a petition) and non-prosecute the Rule. However, to be on safer side, the filing Advocate may seek a written instruction from his client for an untainted and bonafide case where the writ petition/application is immune from the blame of suppression of facts or adopting any other unfair means.

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Although the learned Advocate for the petitioner in writ petition no. 9519 of 2011, Mr. Shahin Ahmed, was competent to non-prosecute the Rule when this Court expressed its view

verbally, after he was allowed to make his submissions for his desired length of time, we do not take his stance negatively, for, it is the discretion of an Advocate to proceed with the Rule and non-prosecute the Rule. However, on the strength of the vokalatnama, while an Advocate is always at liberty not-to-press an application (not-press), which is being done every day in the Motion Hearings, or not-to-proceed with the Rule (non-prosecution of a Rule), it becomes a professional duty for an Advocate to press an application or proceed with the Rule where the client instructs to receive an order or judgment, even at the expense of costs to be imposed upon the petitioner. Hence, as an Advocate of this Court, it was the learned Advocate's duty to elaborately argue his case and, then, convey the view of the Court to the petitioner that the Rule appears to be a meritless one and deserves to be discharged. Having done Mr. Shahin's part, it is the petitioner who appears to be happy to receive a detailed judgment from this Court with order of costs and other observations on the style of handling the case, no matter how fatal the consequence might be. However, the learned Advocate Mr. SK Baharul Islam and Mr. Abdullah-Al-Mahbub, who are the learned Advocates for other writ petitions of Abul Hossain group, namely writ petition nos. 1443 of 2011 and 8144 of 2011, deserve deprecation in the strongest term from this Court for

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their conduct. In the above-cited case at para 29, it was observed that:

> This Court is well empowered to oversee the professional performance and also to regulate the Court-conduct of the learned Advocates and, in an appropriate case, impose costs upon a learned Advocate for finding his conduct to be unbefitting with the norms and etiquettes of the legal profession.

They dared to continue with the Rules arising out of the above writ petitions filed by the Abul Hossain group by adopting the tactic of disappearance after attending this Court only for once. While this Court was repeatedly asking the learned Advocates for other writ petitions of Abul Hossain group, namely writ petition nos. 1443 of 2011 and 8144 of 2011 to appear before this Court, the engaged lawyers of these writ petitions did not show the civility to make their submissions by appearing before this Court. After making their submissions, the fair and best course of action for them was to non-prosecute the Rules when this Court had verbally informed them that the Rules are without any substance. The conduct of Abul Hossain group led us to take a view that the Abul Hossain group wanted to dissipate further time in their desparate attempt to continue with their illegal academic activities and, therefore, they wittingly abstained from assisting this Court in disposing of these Rules.

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Before parting with this judgment, this Court considers it to be pertinent to record some observations on the assets and

properties of the DI Trust and the DI University founded by late Professor Syed Ali Ashraf who is known, both at home and abroad, as an Islamic scholar of high altitude.

It is to be remembered by the valid Board of Trustees of the DI Trust that because of the tireless efforts of the fabled educationist Professor Syed Ali Ashraf, the idea of setting up private universities in this country found a place in the Government-policy. Following Professor Syed Ali Ashraf's determination in establishing the Darul Ihsan University, the Government, the UGC and many other international organizations, such as The Muslim World League of Makkah, Iqra Trust, King Abdul Aziz University and many more individuals had come forward to help the legendary Professor in the establishment of the DI University, which was supposed to be a thriving institution of high intellectual and moral standard of the Muslim nations. The Board of Trustees must bear in mind that establishment of an Islamic University in private sector was a dream of Professor Syed Ali Ashraf which is evident from the personal notes of Professor Syed Ashraf that though the DI University was established in 1989 by the Darul Ihsan Trust, however, the process of setting up of this university was in fact started by him at a conference on Muslim education in Makkah in 1977, and thereafter it was followed by subsequent conferences on different aspects of Muslim education in

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Islamabad in 1980, in Dhaka in 1981, in Jakarta in 1982 and in Cairo in 1987, which had the approval of Muslim Governments. The Makkah Declaration by the heads of Muslim States in 1981 made positive theoretical commitment to Islamic education where Professor Syed Ali Ashraf was involved and finally he himself tried to implement, what he had been thinking about for the decades, by donating his 8.63 acres of land at Savar.

Therefore, after forming a valid Board of Trustees of the DI Trust, through the civil Court or through amicable settlements among the contending parties, the said valid Board of Trustees should consider to rename the university as 'Syed Ali Ashraf Islamic University' in the backdrop of imposing prohibition by this Court to use the name of "Darul Ihsan University" for the reasons enunciated hereinbefore. In these days of world-wide moral degradation and struggle between extremists of all sorts, the proposed private Islamic University may be established under the Private University Act, 2010 which would aim at the balanced growth of the total personality of students.

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If the Savar group and the Dhanmondi group fail to merge into one group towards formation of a single 'Darul Ihsan Trust' or if the valid Board of Trustees of the DI Trust is not determined by the civil Court, then the Government shall take over the asset and property of the 'Darul Ihsan Trust' under the relavant laws, namely

Societies Registration Act, 1860, the Trust Act, 1882, the Waqfs Ordinance, 1962 and any other law. The Savar group and the Dhanmondi group, both of them, have claimed before this Court that they have more than 1 (one) crore Taka each in their respective Bank Accounts and furthermore there is 8.36 acres of land at Ganakbari near Savar Cantonment. Thus, if the Government takes over the cash and the landed property in their control, the management of the proposed 'Syed Ali Ashraf Islamic University' should confer upon the Savar Cantonment Board making the GOC of the said Cantonment to be the chairman of the Darul Ihsan Trust. Upon taking over the asset and properties of the DI Trust and the DI University, if the management of the proposed university is handed over to the Savar Cantonment, it is expected that by receiving education in the proposed university, students will grow up as full-fledged citizens of a modern democratic State and apply eternal norm of values to all aspects of human life. This proposed university would not impose any ideology on students; rather it shall guide them to study dispassionately different concepts of knowledge and compare them with the Islamic concept and make the choice themselves. The proposed university should be a creative alternative to modern secular education.

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Following the examination of the papers submitted by the contending groups of the DI University, having perused the writ

petitions and affidavits-in-opposition and annexures thereto, on hearing the submissions advanced by the learned Advocates for all the contending groups, the learned Advocate for the UGC and also the learned Attorney General with the learned Deputy Attorney General and upon considering the laws & decisions, this Court makes the following declarations, orders and directions;

Declarations/Orders of this Court as to the affairs of the DI University:

(i) It is declared that the Darul Ihsan University (which have been referred to as the DI University althrough this judgment) is not a university in the eye of law.

(ii) Notwithstanding the above finding about the Darul Ihsan University, this Court, in this Judgment, is not making any declaration on the Certificates issued by the Darul Ihsan University as to whether those are valid or invalid. It is up to the authorities of the relevant profession and the employers of the different sectors, be it the private or public sector employer, either to accept the Certificates issued by the Darul Ihsan University or to dishonour those certificates.

(iii) If any student claims to have suffered any loss or have been victimized in any form because of pursuing any course in the Darul Ihsan University, s/he shall be entitled to a compensation of Taka 5 lacs. The Students, for the said purpose, shall have to approach the concerned

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person/campus from which he or she has received his/her certificate.

Declarations/Orders of this Court on the Law degree:

(i) It is declared that 'a degree in law', which is a statutory requirement for becoming an Advocate under article 27(1)(c)(i) of the PO 42 of 1972, means (a) LLB (Hons) course run by any public university of Bangladesh, (b) LLB (Hons) course run by the private universities who obtained 'Clearance Certificate' from the Bangladesh Bar Council, (c) LLB (Hons) course of a foreign university recognized by the Bangladesh Bar Council, (d) LLB (pass) course, which is being currently run by the National University and would remain as a vaild "degree in law" only upto the year 2020 and (e) a foreign LLB course or any other foreign course on law required to be completed towards becoming a Barrister.

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(ii) A two-year LLB (Pass) course from a private university is not 'a degree in law'.

Directions upon the Government:

(i) It is ordered that the Government shall close down all the activities of the Darul Ihsan University immediately.

(ii) Henceforth, there shall not be any outer campus of any private university in any place of Bangladesh and the Government shall close down all the outer campuses of all

the private universities, including all the outer campuses of the Darul Ihsan University.

(iii) The Government shall circulate, through electronic and print media, that the Darul Ihsan University has been shut down by the Government. It shall, before 01.08.2016, arrange to put the above circulation on TV scrolls of at least 5 (five) TV channels, including the BTV, for 7 (seven) consecutive days.

(iv) There must not be any university in the name and style of the Darul Ihsan University in this country. No new permission shall be given by the Governemnt to run any university, titling the 'Darul Ihsan University'.

(v) It is, however, up to the Government whether or not they would issue any 'temporary permission letter' (সাময়িক অনুমতি পত্র) and the 'license' (সনদ) if the Darul Ihsan Trust, upon formation of the valid Board of Trustees by the civil Court or upon merging all the groups they themselves form one single Darul Ihsan Trust, applies for 'temporary permission letter' (সাময়িক অনুমতি পত্র) and the 'license' (সনদ) in a different name.

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(vi) If the Savar group and the Dhanmondi group fail to merge into one group towards formation of a single 'Darul Ihsan Trust' or if the valid Board of Trustees of the DI Trust is not determined by the civil Court, then the Government shall take over the asset and property of the 'Darul Ihsan Trust'

under the relavant legal provisions of the country and thereafter the Government may confer the management of the proposed 'Syed Ali Ashraf Islamic University' upon the Savar Cantonment Board making the GOC of the said Cantonment to be the chairman of the Darul Ihsan Trust.

(vii) The Secretary, Ministry of Education is directed to file affidavit-in-compliance upon complying with the above direction nos. i, ii & iii on or before 01.08.2016.

Directions upon the University Grant Commission (UGC):

(i) The UGC shall not accord permission to any private university to open LLB (Hons) course without having prior approval, to be known as 'Clearance Certificate', from the Bangladesh Bar Council.

(ii) Within 3 (three) days from the date of receipt of this order, the UGC shall issue notice to all the private universities of Bangladesh to obtain 'Clearance Certificate' from the Bangladesh Bar Council to run the LLB (Hons) course.

(iii) The UGC is directed to inform this Court about the compliance of the above directions by way of filing affidavit-in-compliance on or before 01.08.2016.

Directions upon the Bangladesh Bar Council (BBC):

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(i) The BBC shall prepare a list of the private universities who have been issued with the 'Clearance Certificate' and place the said list in the website of the BBC.

(ii) Upon receiving an application from a private university to obtain a 'Clearance Certificate' together with a non-refundable security deposit of Taka ten lacs in the Bank Account of the BBC and an undertaking that the university shall admit its LLB (Hons) students only from the list of the successful candidates of the BBC's Admission test for LLB (Hons) course, the BBC shall issue the 'Clearance Certificate' within 3 (three) months from the date of receipt of the above application.

(iii) Before issuance of the 'Clearance Certificate' to any private university, the BBC shall request two Hon'ble Judges of the Supreme Court to inspect the aspirant private university to see whether there is at least five standard size class rooms for exclusive use of the law students, whether at least 10 (ten) full-time qualified teachers have been recruited on permanent basis and whether the overall environment of the Law Department is conducive to produce law-graduates and if the Hon'ble judges submit a positive report, the BBC shall issue the 'Clearance Certificate' containing that '*this is to certify that the LLB (Hons) course run by the North South*

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University/Independent University/BRAC University is a recognized course by the Bangladesh Bar Council'.

(iv) The BBC shall arrange for the admission test of the LLB (Hons) students in the private universities in the last week of the September of each year.

(v) The BBC shall float advertisement in the widely-circulated 2 (two) daily national newspapers inviting the prospective students to apply in the prescribed form for admission in the LLB (Hons) course in the private universities with payment of the prescribed fees and submission of two photographs and the SSC & HSC certificates.

(vi) The BBC may conduct the admission test applying the same procedure which is in place for the MCQ and written tests for Advocateship examination.

(vii) The BBC, however, shall be at liberty to enter into a contract either with University of Dhaka or with the reputed private universities, such as North South University, Independent University and Brac University to conduct the whole admission process.

(viii) Only the students with GPA5, securing 70% marks in English in the HSC or equivalent passed within the last two preceding years, shall be eligible to apply for the admission test and the 'A level' certificate-holders of English medium

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background with B grade result shall be eligible to apply for LLB (Hons) admission test. The students with below 70% marks in English in the HSC shall be eligible to apply subject to obtaining 6+ in the IELTS certificate from the British Council.

Directions upon the National Univeristy:

(i) The National University is directed to make necessary aggangements for installing 4(four)-year LLB (Hons) course by abandoning the current two-year LLB (pass) course from the academic year 2020-2021.

(ii) The National University shall ensure that at least 10 (ten) full-time permanent teachers have been employed in the Law Colleges, which are running the two-year LLB (pass) course, by asking the permament teachers to send their CVs with the academic certificates.

(iii) The National University shall introduce online admission system and no Law College shall be allowed to admit more than one hundred students in a calendar year. The National University shall prepare a gradation list of the aspirant students as per the SSC & HSC or equivalent academic results of the students.

(iv) The National University shall circulate the above directions to all the Law Colleges under it within one month of the

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receipt of this order and then file an affidavit-in-compliance before this Court on or before 31.08.2016.

Directions upon the Private Universities:

(i) No private university shall admit LLB (Hons) students whose names do not appear in the 'Pass List' of the Admission Test for the LLB (Hons) course held by the BBC and it shall not take more than 100 LLB (Hons) students in a calendar year and also shall not run a two-year LLB degree level course.

(ii) All the private universities, that are running the LLB (Hons) course and any private university which desires to open up the LLB (Hons) course, shall apply to the BBC within 01.09.2016 for obtaining the 'Clearance Certificate' with a payment of Taka 10,00,000/– (ten lacs) as security deposit in the Bank Account of the BBC and the CVs of the ten permanent teachers with their academic certificates.

(iii) After completing the admission process of the students, the private university shall send the list of the First Year LLB (Hons) students of the Law Department and, thereafter, their further developments shall be supplied to the BBC on or before 30th October of the each year.

(iv) However, the private universities shall not be required to comply with the above directions to run the 'Bachelor ~~in~~ of Executive Law' course (BEL) incorporating any laws/statutes in its syllabus as per their need and choice, for

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the students who do not wish to be judicial officer or Advocate. But they must not use the word 'LLB' in their certificate.

Direction upon Ms. Asma Tamkin, Joint Secreatry to the Ministry of LGRD who was serving as the Senior Assistant Secreatry on 31.12.2001:

In view of the observations made hereinbefore in this judgment on the purported letter dated 31.12.2001 signed by Ms. Asma Tamkin who was serving as the Senior Assistant Secretary in the Ministry of Education at that relevant point of time in 2001, she is directed to pay a compensation of Taka 5 (five) lacs to the Government Exchequer within 01.08.2016 and file an affidavit-in-compliance before this Court on or before 01.08.2016.

Direction upon Mr. Md. Khaled, the Secretary of the UGC:

For the manner and style of dealing with the issue of the Darul Ihsan University by Md. Khaled, the then Director and presently serving as the Secretary of the UGC, as surfaced hereinbefore in this judgment in course of scrutinizing the performance of the UGC, Mr. Md Khaled is directed to pay a compensation of Taka 5 (five) lacs to the Government Exchequer within 01.08.2016 and file an affidavit-in-compliance before this Court on or before 01.08.2016.

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Out of the above 13 writ petitions, writ petition nos. 10242/06, 3189/08, 1500/11, 6799/11 and 9529/12 have been filed

by the Savar group and among them the writ petition no. 6799 of 2011 will not be adjudicated upon by us, for, after concluding the hearing, we were informed that the case has been allocated by the Hon'ble Chief Justice to a Division Bench presided over by his Lordship Justice Moyeenul Islam Chowdhury. Writ Petition no. 9406/10 has been filed by the Dhanmondi group and eventually they have decided to non-prosecute the Rule on 12.01.2015 and on the same day the Rule was discharged for non-prosecution, which came to our notice during hearing of the case. However, since the matter was brought to the list by the UGC in a bundle/group, we opted to keep the said case in the bundle in an expectation to be benefited in any manner by the averments and its annexed papers and, accordingly, the matter was appearing in the Cause List till the date of pronouncement of the judgment, albeit informing the parties that there would be no order of further disposal of the Rule. Writ Petition nos. 1443/11, 9519/11 and 8144/11 have been filed by the Abul Hossain group, writ petition no. 8647/01 has been filed by Akbar Uddin group, writ petition no. 5248/10 has been filed by the Co-ordinator, Darul Ihsan University, Panchagar Campus, writ petition no. 10005/13 has been filed by a former student of the DI University and writ petition no. 10398/13 has been filed by a few former law students of the DI University.

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Since writ petition nos. 10005 of 2013 and 8647 of 2011 have been non-prosecuted by the petitioners, we are inclined to

discharge the Rule without slapping any costs upon the petitioners and writ petition no. 10398 of 2013 also deserves to be discharged without any order as to costs, as this writ petition have been filed by the students who have been declined by the Bangladesh Bar Council to sit for the Advocateship enrollment examination and, in fact, are the victims of the misdeeds of the corrupt persons of the Darul Ihsan University, the UGC and the Government.

And rest of the Rules issued in the writ petitions being nos. 10242 of 2006, 3189 of 2008, 5248 of 2010, 1443 of 2011, 1500 of 2011, 8144 of 2011, 9519 of 2011, 9529 of 2012 & 10398 of 2013 are liable to be discharged with exemplary costs, which should not be less than Taka 10 lacs for each of the writ petitions.

In the result, the Rules issued in writ petition being nos. 10242 of 2006, 3189 of 2008, 5248 of 2010, 1443 of 2011, 1500 of 2011, 8144 of 2011, 9519 of 2011, 9529 of 2012 & 10398 of 2013 are discharged with costs of Taka 10,00,000/- (Ten lacs) for each of the writ petitions and the Rules issued in writ petition nos. 10005 of 2013, 8647 of 2011 and 10398 of 2013 are discharged without any order as to costs. The costs are to be paid to the National Exchequer from the pocket of the claimed trustees of the respective group of the DI Trust, not from the fund of the DI Trust or DI University, by way of submitting Treasury Challan within 30 (thirty) days from the date of receipt of this judgment and the writ petitions of the

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above writ petitions shall file affidavit-in-compliance on or before 01.08.2016.

The interim-orders passed in these Rules by this Court at the time of issuance of these Rules are hereby vacated.

Let the file of the writ petition no. 6799 of 2011 be placed, if not already sent, before the Division Bench presided over by his Lordship Mr. Moyeenul Islam Chowdhury as per the order of the Hon'ble Chief Justice for its disposl. Also, the file of writ petition no. 9406 of 2010 shall be sent to the record-room, as the same has already been discharged on 12.01.2015.

Let these matters appear in the Daily Cause List on 01.08.2016 so as to enable this Court to see whether the directions passed by this Court have been complied with by the concerned State-functionaries, statutory bodies and the persons.

Office is directed to open a separate file containing fresh order-sheets and a copy of this judgment in order to conveniently place these matters before this Court on 01.08.2016 keeping the bundles of these files in the record-room.

Let a copy of this judgment be sent to the (i) Chairman, Judicial Service Commission, (ii) Secretary, Cabinet Division, (iii) Chairman, University Grants Commission, (iv) Chairman, Bangladesh Bar Council, (v) Secretary, Ministry of Education, (vi) Vice-Chencellor, National University, Gazipur, (vii) Vice

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Chancellors of all the Private Universities of Bangladesh, (viii) GOC, Savar Cantonment, Savar, Dhaka, (ix) Ms. Asma Tamkin, Joint Secretary, Ministry of LGRD and (x) Mr. Md. Khaled, Secretary of the UGC at once for their information and necessary actions.

M.K.A. Sarkar.

MD. REZAUL HAQUE, J:

I agree.

Md. Rezaul Haque.

Copy forwarded to, (Not according to seniority).

1. Chairman, Judicial Service Commission, 15 College Road, Dhaka.
2. Principal Secretary, Prime Minister's Office, Tejgaon, P.S. Tejgaon, District: Dhaka.
3. Secretary, Cabinet Division, Bangladesh Secretariat, Ramna, Dhaka
4. Chairman, University Grants Commission, University Grants Commission of Bangladesh, Agargaon, Police Station – Tejgaon, Dhaka.
5. Chairman, Bangladesh Bar Council, P.S: Ramna, Dhaka.
6. Secretary, Ministry of Education, Bangladesh Secretariat, Ramna, Dhaka.
7. Vice-Chancellor, National University, Gazipur.
8. Vice Chancellor, Ahsanullah University of Science and Technology, Plot No. 141-142, Tejgaon I/A, Dhaka – 1215.
9. Vice Chancellor, American International University Bangladesh, 83/B Kemal Ataturk Avenue, Road-4, Banani, Dhaka – 1213, Bangladesh.
10. Vice Chancellor, Army University of Engineering and Technology (BAUET), Qadirabad, P.O. – Dayarampur, Upazila – Bagatipara, District: Natore-6431.
11. Vice Chancellor, Army University of Science and Technology (BAUST), Saidpur, Saidpur Cantonment, Saidpur, Nilphamari.
12. Vice Chancellor, ASA University Bangladesh, ASA Tower, 23/3, Bir Uttam A.N.M. Nuruzzaman Sarak, Shayamoli, Mohammadpur, Dhaka.
13. Vice Chancellor, Asian University of Bangladesh, House-25, Road-5, Sector 7, Uttara Model Town, Dhaka.
14. Vice Chancellor, Atish Dipankar University of Science & Technology, House # 83, Road # 4, Block-B, Banani, Dhaka – 1213.
15. Vice Chancellor, Bangladesh Army International University of Science & Technology, Comilla Cantonment, Comilla.
16. Vice Chancellor, Bangladesh Islami University, Gazaria Tower, 89/12, R.K. Mission Road, Gopibag, Bishwa Road, Dhaka – 1203.
17. Vice Chancellor, Bangladesh University, 15/I, Iqbal Road, Mohammadpur, Dhaka-1207.
18. Vice Chancellor, Bangladesh University of Business & Technology (BUBT), Rupnagar, Mirpur-2, Dhaka-1216.
19. Vice Chancellor, Bangladesh University of Health Sciences, 125/1, Darus Salam, Mirpur-1, Dhaka – 1216, Bangladesh.

20. Vice Chancellor, BGC Trust University Bangladesh, Chittagong, BGC Biddyanagar, Chandanaish, Chittagong.
21. Vice Chancellor, BGMEA University of Fashion & Technology, S.R. Tower, 105, Uttara Model Town, Dhaka – 1230.
22. Vice Chancellor, BRAC University, 6,6 Mohakhali, Dhaka 1212 (Approval Address During).
23. Vice Chancellor, Britannia University, Padua Bazar, Biswaroad, Comilla.
24. Vice Chancellor, Canadian University of Bangladesh, AWR NIB Tower, House-99, Road-11, Block-C, Banani, Dhaka.
25. Vice Chancellor, CCN University of Science & Technology, Chowdhury Estate, CCN Road, Kotbari, P.O.: Elahipur, Comilla Sadar South, Comilla.
26. Vice Chancellor, Central University of Science and Technology, Plot No. A/5, Block: D, Mirpur-14, Dhaka.
27. Vice Chancellor, Central Women's University, 1, RK Mission Road, Dhaka 1203.
28. Vice Chancellor, Chittagong Independent University (CIU), Minhaj Complex, 12 Jamal Khan Road, PS: kotwali, Chittagong-4000.
29. Vice Chancellor, City University, Khagan, Birulia, Savar, Dhaka.
30. Vice Chancellor, Cox Bazar International University, Dynamic Cox Kingdom, Kolatoli Circle, Cox's bazar.
31. Vice Chancellor, Daffodil International, Datta Para, Chou Baria, Ashulia Model Town, Dhaka.
32. Vice Chancellor, Darul Ihsan University, House-21, Road 9/A, Dhanmondi R/A, Dhaka – 1209.
33. Vice Chancellor, Dhaka International University, House # 04, Road # 01, Block # F, Banani, Dhaka – 1213.
34. Vice Chancellor, East Delta University, 1267/A, Rumana Haq Tower Goshaildanga, Agrabad, Chittagong.
35. Vice Chancellor, East West University, A/2 Jahurul Islam Avenue Jahurul Islam City, Aftabnagar, Dhaka – 1212.
36. Vice Chancellor, Eastern University, House No. 15/2, Road 3, Dhanmondi, Dhaka – 1205.
37. Vice Chancellor, European University of Bangladesh, Janata Housing, Plot # 211 & 212, Shah Alibag, Mirpur-2, Dhaka - 1216.
38. Vice Chancellor, Exim Bank Agricultural University, Bangladesh, 69-69/1 Sagar Tower, Boro Indara Moor, Chapainawabgonj 6300.
39. Vice Chancellor, Fareast International University, R.S.R. Tower, House # 50, Road # 11, Block-C Banani, Dhaka – 1213, Bangladesh.
40. Vice Chancellor, Feni University, Barahipur, Plot No. 1845, Trunk Road, Feni 3900.
41. Vice Chancellor, First Capital University of Bangladesh Shahnaz Mansion, Poura Collegepara, Chuadanga.
42. Vice Chancellor, German University Bangladesh, Telepara, T & T Road, P.O. Chandna, Chowrasta 38, Gazipur Sadar, Gazipur-1702, Bangladesh.
43. Vice Chancellor, Global University Bangladesh, BN Tower, Sher-E-Bangla Sarak, Central Bus Terminal, Barisal.
44. Vice Chancellor, Gono Bishwabidyalay, Nolam, Post – Mirzanagar, Savar, Dhaka – 1344.
45. Vice Chancellor, Green University of Bangladesh, 220/D West Kafrul, Begum Rokeya Sarani, Dhaka – 1207, Bangladesh.
46. Vice Chancellor, Hamdard University Bangladesh, New Town, Meghnaghat, Sonargaon, Narayangonj.
47. Vice Chancellor, IBAIS University, House-21/A, Road – 16 (Old 27), Dhanmondi, Dhaka – 1209.
48. Vice Chancellor, Independent University, Bangladesh, Plot-16, Aftabuddin Ahmed Road, Block-b, Bashundra R/A, Dhaka – 1229.
49. Vice Chancellor, International Islamic University, Chittagong, 154/A College Road, Chittagong-4203.
50. Vice Chancellor, International University of Business Agriculture & Technology, 4, Embankment Drive Road, Sector-10, Uttara Model Town, Dhaka – 1230, Bangladesh.

51. Vice Chancellor, Ishakha International University, 461, Nilganj Road, Sholakia, Kishoreganj.
52. Vice Chancellor, Khwaja Yunus Ali University, Vill: Enayetpur, P.S: Enayetpur, District: Sirajgonj.
53. Vice Chancellor, Leading University, Sylhet, Surma Tower VIP Road, Taltola, Sylhet-3100.
54. Vice Chancellor, Manarat International University, Plot # CEN 16, Road # 106, Gulshan, Dhaka – 1212.
55. Vice Chancellor, Metropolitan University, Sylhet, Al-hamra (7th Floor), Zindha Bazar, Sylhet-3100.
56. Vice Chancellor, N.P.I. University of Bangladesh, 173/3, Narangai, Manikganj.
57. Vice Chancellor, North Bengal International University, 42, Khonika, Binodpur Bazar, Motihar, Rajshahi-6206.
58. Vice Chancellor, North East University Bangladesh, Telihaor, Sheikghat, Sylhet, Bangladesh.
59. Vice Chancellor, North South University, Plot # 15, Block-B, Bashundhara, Baridhara, Dhaka – 1229.
60. Vice Chancellor, North Western University, Khulna, A. Mannan Tower, 236 M.A. Bari Road, Sonadanga, Khulna.
61. Vice Chancellor, Northern University of Bangladesh, Sher Tower, Holding # 13, Road # 17, Banani, Dhaka – 1213.
62. Vice Chancellor, Northern University of Business & Technology, Khulna, Akunzi Tower, 41-42 Mozid Sarani, Shibbari Junction, Khulna-9100.
63. Vice Chancellor, Notre Dame University Bangladesh, 2, Arambagh, Motijheel, PO Box 7, Dhaka – 1000, Bangladesh.
64. Vice Chancellor, Port City International University, 7-14, Nikunja Housing Society, South Khulshi, Chittagong.
65. Vice Chancellor, Premier University, Chittagong, 1/A, O.R. Nizam Road, Panchlaish, Chittagong
66. Vice Chancellor, Presidency University, Plot # 11/A, Road # 92, Gulshan-2, Dhaka – 1212.
67. Vice Chancellor, Prime University, 2A/1, North East of Darussalam Road, Mirpur-1, Dhaka – 1216.
68. Vice Chancellor, Primeasia University, Star Tower, 12 Kemal Ataturk Avenue, Banani, C/A, Dhaka – 1213.
69. Vice Chancellor, Pundro University of Science & Technology, Rangpur Road, Gokul, Bogra.
70. Vice Chancellor, Queens University, House 43/E, Road 17/A, Banani, Dhaka.
71. Vice Chancellor, Rabindra Moitri University, Kushtia, D-92, Housing Estate, Kushtia.
72. Vice Chancellor, Rajshahi Science & Technology University (RSTU), Natore, VIP Tower, Holding # 112 Dhaka Road, Bara Harishpur, Natore Sadar Natore 6400.
73. Vice Chancellor, Ranada Prasad Shaha University, 25, Sultan Giasuddin Road, Sitalakhya, Naryanganj-1400.
74. Vice Chancellor, Royal University of Dhaka, House-2, Road – 10, Block-E, Banani, Dhaka – 1213.
75. Vice Chancellor, Shanto Mariam University of Creative Technology, House-01, Road – 4, Sector-13, Uttara, Dhaka – 1230.
76. Vice Chancellor, Sheikh Fazilatunnesa Mujib Univesity, Nayapara, Pantch Raster Moor, Jamalpur-2000.
77. Vice Chancellor, Sonargaon University, 29/1, Kawran Bazar, Dhaka – 1215.
78. Vice Chancellor, Southeast University, AR Tower, 24, Kemal Ataturk Avenue, Banani, Dhaka – 1213.
79. Vice Chancellor, Southern University Bangladesh, Chittagong, 739/A, Mehedibag Road, Chittagong.
80. Vice Chancellor, Stamford University, Bangladesh, 44(Old-744), Sat Mosjid Road, Dhanmondi, Dhaka.
81. Vice Chancellor, State University of Bangladesh, 77 Satmasjid Road, Dhanmondi, Dhaka – 1205.

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তারিখ ২৫/৭/২০২৫

82. Vice Chancellor, Sylhet International University, Sylhet, Shamimabad, Bagbari, Sylhet.
83. Vice Chancellor, The International University of Scholars, F/15, Pragati Sarani, Badda, Gulshan, Dhaka.
84. Vice Chancellor, The Millennium University, Momenbag, P.O.: Shantinagar, Motijhil, Dhaka.
85. Vice Chancellor, The Peoples University of Bangladesh, 3/2, Asad Avenue, Mohammadpur, Dhaka – 1207.
86. Vice Chancellor, The University of Asia Pacific, House # 73, Road # 5/A, Dhanmondi R/A, Dhaka – 1209.
87. Vice Chancellor, Times University Bangladesh, 651-652, West Khabashpur, Faridpur-7800.
88. Vice Chancellor, United International University, House – 80, Road-8/A (Old-15), Mirza Golam Hafiz Road, Dhanmondi, Dhaka – 1209.
89. Vice Chancellor, University of Creative Technology, Chittagong, House # 34, Road # 02, Block # B, Chandgaon Residential Area, Chittagong.
90. Vice Chancellor, University of Development Alternative, House-301, Road – 14/A (New), Dhanmondi, R/A, Dhaka – 1209.
91. Vice Chancellor, University of Information Technology & Sciences, jamalpur twin tower (tower-2) GA-3/1, Progoti Sarani, Baridhara J-Block, Dhaka – 1212.
92. Vice Chancellor, University of Liberal Arts Bangladesh, House # 56, Road # 4/A, Satmosjid Road, Dhanmondi R/A, Dhaka – 1209.
93. Vice Chancellor, University of Science & Technology, Chittagong, Foy's Lake, Khulshi, Chittagong-4202.
94. Vice Chancellor, University of South Asia, House # 76 & 78, Road # 14, Block B, Banani, Dhaka – 1213.
95. Vice Chancellor, Uttara University, House # 04, Road # 15, Sector # 06, Uttara, Dhaka – 1230.
96. Vice Chancellor, Varendra University, House # 529/1, Kazla, Motihar, Rajshahi-6204, Bangladesh.
97. Vice Chancellor, Victoria University of Bangladesh, Barek Mansion, 58/11/A Panthapath, Dhaka – 1205.
98. Vice Chancellor, World University of Bangladesh, House # 3/A, Road # 4, Dhanmondi, Dhaka 1205, Bangladesh House – 151/8, Green Road Dhanmondi, Dhaka – 1205.
99. Vice Chancellor, Z.H. Sikder University of Science & Technology, Vill. Madhupur, Post. Karticpur, P/S – Bhedergong, District Shariatpur.
100. GOC, Savar Cantonment, Savar, Dhaka.
101. Ms. Asma Tamkin, Joint Secretary, Ministry of LGRD.
102. Mr. Md. Khaled, Secretary of the UGC, University Grants Commission of Bangladesh, Agargaon, Police Station – Tejgaon, Dhaka.
103. Deputy Secretary (University), Government of Bangladesh Ministry of Education, Bangladesh Secretariat, P.S. Paltan, District: Dhaka.
104. Professor Monirul Huq C/O. Dr. Naimur Rahman 5 Circuit House Road, Shantinagar, P.S. Ramna, District: Dhaka.
105. Professor Akbar Uddin Ahmed Son of late Jalaluddin Ahmed, House No. 43 Road No. 05, Dhanmondi R/A, Dhaka.
106. Director, University Grants Commission of Bangladesh, (Private University Division), Agargaon, Police Station – Tejgaon, Dhaka.
107. Deputy Secretary (General) University Grants Commission of Bangladesh (Private University Division), Agargaon, Police Station – Tejgaon, Dhaka.
108. Deputy Secretary (University-1) Ministry of Education, Secretariat, Ramna, Dhaka.
109. Secretary, Ministry of Home, Bangladesh Secretariat, Dhaka.
110. Inspector General, Police Headquarter, Dhaka.
111. Deputy Commissioner, Panchagarh.
112. Registrar Joint Stock Companies and Firms, Dhaka, TCB Building, 6th Floor, 1, Kawran Bazar, Dhaka.
113. Prof. Saiful Islam, Darul Ihsan Campus, Ganak Bari, Post Office Dhamsuna, Ashulia, Dhaka – 1209.

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114. Associate Prof. Helal Ahmed, Son of Moulvi Kabir Ahmed, Darul Ihsan Campus, Ganak Bari, Post Office Dhamsuna, Ashulia, Dhaka – 1209.
115. Prof. Rahmat-e-Khuda, Son of Johadar Rahman 66, New Circular Road Property Crest, Flat No. D-13, Malibagh, Dhaka – 1217.
116. Md. Akbaruddin Ahmed, Son of Late Jalaluddin Ahmed, BDBP Bhaban, 6th Floor, 12 Kawran Bazaar, Dhaka.
117. Md. Abul Hossain, BNS Centre, 13th floor, Plot No. 87, Dhaka Mymensingh Road, Sector-7, Uttara, Dhaka – 1230.
118. A.A. Bazle Rabbi Son of Late A.A. Abdul Ali, Capital Tower 5th Floor, Dar-us-Salam Road, Mirpur-1, Dhaka – 1216.
119. Mr. Md. Shamsul Alam, Director-in-charge, Private University Division, Bangladesh University Grants Commission, Agargaon, Sher-E-Bangla Nagar, Dhaka – 1207.
120. Secretary, Ministry of Commerce, Government of the People's Republic of Bangladesh, Bangladesh Secretary, Ramna, Dhaka.
121. Assistant Registrar, Taher Ahmed, Office of the Registrar, Joint Stock Companies and Firms, T.C.B. Bhaban, Karwan Bazar, Dhaka.
122. Abul Hossain, Son of (not known) B.N.S. Center, Plot No. 87, Section No. 07 (13th Floor), Dhaka – Mymensingh Road, Uttara, Dhaka-1230.
123. Darul Ihsan University, represented by the Registrar (in-charge) Md. Zahangir Alam, House No. 21, Road No. 9/A, Dhanmondi Residential Area, Dhaka, 1209.
124. Darul Ihsan University, represented by its Registrar, Mirpur-6, Ka, 1/21, Mirpur-10, Dhaka – 1216.
125. S.M. Sabbir Hassan, the Secretary Darul Ihsan Trust and Treasurer of Darul Ihsan University, B.N.S. Center, Plot No. 87 (13th floor), Dhaka – Mymensingh Road, Sector-7, Uttara Dhaka – 1230.
126. Md. Shamsul Alam, Secretary, Darul Ihsan University Enquiry Commission, Bangladesh University Grants Commission Bhaban, Agargaon, Sher-e-Bangla Nagar, Dhaka-1207.
127. Bangladesh Bar Council, P.S: Ramna, District: Dhaka represented by it's Secretary.
128. Chairman, Enrollment Committee Bangladesh Bar Council, P.S: Ramna, District: Dhaka.
129. Chairman, Department of Law, Darul Ihsan University, House No. 21 Road No. 9/A, Dhanmondi, District: Dhaka.

For information and necessary action.

By order.

Superintendent
21.7.16

Assistant Registrar.
21.7.16

Typed by: Mahfuz:21.07.2016.

Read by: 21/07/16

Exam. by: 21.07.16.

Readied by: