

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

WRIT PETITION NO. 3094 OF 2012

IN THE MATTER OF :

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

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IN THE MATTER OF :

Ali Asif Shaown & others

.... Petitioners.

= Versus =

Bangladesh, represented by the Secretary,
Bangladesh Secretariat, P.S. Sahabagh, P.S.
Sahabagh, Dhaka and others.

.... Respondents.

Mr. Manzill Murshid, Advocate

... for the petitioners.

**Mr. Mahbubey Alam, Senior Advocate with
Mr. Amit Talukder, Advocates**

... for the Respondent Nos. 2 & 5

Heard on 7.12.2017, 16.1.2018 and

Judgment on 17.1.2018

Present :

**Mr. Justice Syed Muhammad Dastagir
Husain**

and

Mr. Justice Md. Aaur Rahman Khan

Extract of the operative portion of the Judgment is as follows:

“Mr. Manzill Murshid, the learned advocate appearing on behalf of the petitioner submits that the petitioners took admission in Dhaka University and they are regular student, but they are deprived from their right to vote for DUCSU therefore it is illegal and also unreasonable. They are the students of Dhaka University, it is the legitimate expectation of the petitioners to participate in the election of Dhaka University Central Student Union but that has been denied by the failure of the respondents therefore, it should be interfered by this court. He further submits that the respondents without any valid reason decided to keep silent about the election of DUCSU. The respondents having acted neither lawfully nor fairly so their silence to hold election of DUCSU and as such they are deprived from their right to vote for selection of leaders of DUCSU of Dhaka University. Under such circumstances as such illegal, unjust, unfair and unlawful silence of the Respondents in holding DUCSU election be compelled to appear before this court and asking to hold election and unless and until that has been interfered there will be election, the petitioners along with hundreds of students since being deprived from their right to vote for selection of leaders of DUCSU of Dhaka University, it should be interfered for ends of justice.

Mr. Mahbubey Alam, Senior Advocate along with Mr. Amit Talukder, the learned advocates appearing on behalf of the Respondent Nos. 2 & 5 Vice Chancellor and Registrar, Dhaka University by filing affidavit in opposition submits that last DUCSU election was held in 1990. Subsequently for unavoidable reasons and circumstances, DUCSU election could not be held. University of Dhaka would arrange election of DUCSU in suitable time and situation taking consideration of favourable atmosphere in the campus. He submits the University of Dhaka declared election schedule for holding 25 representatives of registered graduate in the senate of the University as per the provisions of section 20(2) of Dhaka University Ordinance 1973. On 6.1.2018 polling of the said election was held at twenty nine centers out side Dhaka and on 13.1.2018 polling would be held at thirteen centers outside Dhaka. On 20.1.2018 polling of the said election will be held at three centers in Dhaka University Campus. Under such facts and circumstances the Rule is to be discharged in the interest of justice.

Heard the learned advocates, as it appears from the argument and the papers it has been stated by the learned advocates of both sides that there should be election but at on suitable atmosphere. It is the legitimate expectation of the students to participate in the election of Dhaka University. The respondents as it appears without any valid reason decided to keep silent about the election of DUCSU, they have deprived the students from their right to vote for selection of leaders of DUCSU of Dhaka University. Their silence to hold election of DUCSU is malafide, arbitrary and illegal in the eye of law. The Vice Chancellor as it appears from the affidavit in opposition that the University of Dhaka declared election schedule for the registered graduates in the senate of the University and it is going on smoothly as per Annexure-I. Therefore the situation or the atmosphere for holding election is very much fair and it can be held within a short period of time. Considering the facts and circumstances we hold that since the atmosphere is cogent thereby there is no reason to withheld the election. The Respondent No.2 may declare a date for holding election. Therefore we direct the Respondents to hold election immediately just after the election of registered graduate which is going on preferably within 6 months from the date of receipt of this order. In case of necessity the Ministry of Home is directed to take appropriate steps for holding election of Dhaka University student Union. Accordingly, the Rule is made absolute.”

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