

অরিধ ... 25 OCT 1990

পুষ্টি ... দ্বিতীয় কলাম ... ৬ ...

The Bangladesh Observer

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DU closure challenged

Rule issued on Law, Education Secretaries

Supreme Court Correspondent

A Division Bench of the High Court Division of the Supreme Court comprising Mr. Justice Abdul Jalil and Mr. Justice Kazi Shafiuuddin has issued a Rule Nisi on Wednesday upon the Secretaries, Ministry of Education and Ministry of Law and Justice and others to show cause by October 31 why the closure of Dhaka University and the impugned order dated 13.10.1990 (order for closure of all educational institutions of Dhaka till 12.11.1990) should not be declared to have been made without lawful authority and/or unconstitutional and void as being violative of the fundamental rights of the petitioners guaranteed by Articles 27 and/or 31 and/or 37 and/or 39 of the Constitution and to show cause as to why the Impugned Ordinance No. 13 of 1990 (the Educational Institution (Law Order) Ordinance) should not be declared to be unconstitutional and violative, as it has not been authorised

by Article 93 of the Constitution and has been violative of the fundamental rights guaranteed by Articles 27, 31, 37 and/or 39 of the Constitution.

The writ has been brought challenging the government's order on closure of Dhaka University and educational institutions of Dhaka by Dr. Anwar Hossain, Mr. Gias Kamal Chowdhury, Dr. Sayeedur Rahman, Mr. Rashed Khan Menon, Dr. Khan Sarwar Murshid, Mr. Fazlul Haque Milon, Mr. Md. Khairul Kabir Khokon, Mr. Md. Afzal Hossain and Mr. Nazmul Huque Pradhan.

On behalf of the petitioners appeared Dr. Kamal Hossain, Syed Ishaque Ahmed, Mr. Shamsul Huq Chowdhury, Mr. Aminul Haq, Mr. Shudhangshu Shekhar Halder, Mr. Aminul Islam, Julmat Ali Khan, Rafiqul Islam Mia, Mahmudul Islam, Shah Abu Naim, Kazi Shahabuddin and Shamim Hasnain.

The petitioners have alleged that

the facts and circumstances had revealed that the Impugned Ordinance and the impugned order were not made until 13.10.90 although the announcement of closure was announced on 13.10.90 without any reference to the Impugned Ordinance or impugned order under the Impugned Ordinance. They have further contended that Ordinance was ante-dated and was sent to the government

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Rule issued

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press on 13.10.90 and the Gazette was also ante-dated and the allegations would be borne out by the production of relevant files from the Ministry of Education and Bangladesh Government Press.

The Impugned Ordinance was also challenged on the ground of being violative of fundamental rights guaranteed under the Constitution. The case will come up for hearing on October 31. The government in the mean time has been directed to file affidavit, if any.