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## HC rule on govt to explain why Private University Ordinance 2008 not illegal

The High Court on Sunday issued a rule upon the government to explain in two weeks why the Private University Ordinance 2008 should not be declared unlawful and ultra vires of the constitution, reports UNB.

A division bench comprising Justice ABM Khairul Haque and Justice M Abdul Hye issued the rule upon a writ petition.

On December 28 last year, the President promulgated the Private University Ordinance, a day before the parliamentary elections, and made it public by a gazette notification on December 30.

North South University (NSU) Foundation and another citizen filed the writ petition challenging the constitutional validity of the Ordinance.

Law and Education secretaries and the University Grants Commission have been made respondents to the case.

Barrister M Sakhawat Hossain

counsel for the writ petitioners, submitted before the court that the President had promulgated the Ordinance beyond his authority under the constitution. Article 58D of the constitution, he pointed out, only empowered the non-party caretaker government to carry on routine functions sans any policy decision.

Terming the Ordinance mala fide and with ulterior motive to achieve goals of vested quarters, Barrister Sakhawat said it was inconsistent with article 7 of the constitution as it undermined the supremacy of the constitution and as such the Ordinance is liable to be declared void.

He further argued that an unconstitutional action cannot be ratified or validated by any device to frustrate the basic feature and structure of the constitution, the supreme law of the Republic.