

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.

**A N D**

**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**

**Syed Muhammad Dastagir Husain, J:**

Rule Nisi was issued calling upon the respondents to show cause as to why the failure of the respondents in holding election of the Dhaka University Central Student Union (DUCSU) within a stipulated time should not be declared to be of without lawful authority and is of no legal effect and why direction should not be given upon the respondents to take immediate steps for holding election of Dhaka University Central Students Union (DUCSU).

The petitioners are law-abiding citizen of Bangladesh and all of them are students under the different departments of the Dhaka University and they have the common purpose and for that matter this petition is treated as Public Interest Litigation. The hundreds of students admitted in every year in the Dhaka University and the students have right to select their leader through DUCSU election. But due to failure of the authority to hold DUCSU election for long years all of them are aggrieved. However, most of the students living in different places and it was not possible for them to come before this court as petitioners. As per the Constitution of Dhaka University Central Students Union there should be election in every year for DUCSU. The aim and objects for the election to prepare the students of the University for true citizenship and to create leadership among them, to obtain the maximum amount of academic and extra academic advantages from University life, to foster cultural and intellectual co-operation between the student the students of the University and etc. But due to absence of DUCSU election the thousands of student of Dhaka University are depriving from the above mentioned object. Consequently the University is depriving hundreds of qualified and dedicated leaders. Moreover due to absence of DUCSU election day by day the situation of the University is going worsen. The University authority is not taking steps for holding DUCSU election for more than twenty years and by way of such failure thousands of students are deprived off from their democratic rights. So the nation is also deprived off from efficient and qualalitive leadership which ultimately damages our political images in future. The failure to hold DUCSU election more than twenty years is one of the reasons for anarchy in the campus. The Respondents have not taken any effective steps to hold election of DUCU and failed to perform their moral duties to the students of Dhaka University. Not only that in many occassions demand rose from different

corner but it was ignored and the respondents were keeping silent to hold election of DUCSU, which is illegal and failure to perform their duties and responsibility. Due to such failure thousands of students are suffering and are depriving from their right to elect members of DUCSU. There was a news published in the daily "Ittefaq" on 28.5.2002 on the headline "DUCSU election cancelled" .It was reported that under the chair of Professor Azad Chudhury while was Vice Chancellor of Dhaka University has taken decision to cancel the committee of DUCSU. It was decided that after election of the Dhaka University Central Students Union (DUCSU) the term will be of one year and if the election for the next term could not be held within three months in that case the existing committee will perform their duty. But ending of that three months the term of the committee will be expired. In the meeting a decision was given to hold next election in coming October/November. Ultimately no election was held till to-day. Another report was published on 27.2.2002 in the daily NEWAGE on the heading "early DUCSU elections sought". In the report it was stated that failure to hold elections to the Dhaka University Central Students Union in 22 years is one of the reasons for anarchy on the campus and leadership crisis in national politics. It was also reported that the present bad situation of politics can be improved if election of DUCSU and election in all public university are regularly held. At the same date another report was published on 27.2.2012 in Kalerkontho that the students of Dhaka University are demanding election of DUCSU. Under such circumstances the petitioners then served legal notice to the respondents asking them to take immediate steps for holding DUCSU election but no response from them as yet.

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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