



23-8-10 23-8-10 23-8-10 23-8-10 23-8-10
IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 2932 of 2010

IN THE MATTER OF:

An application under Article 102(1), 102(2)(a)(i) and 102(2)(a)(ii) of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

3. Shapan Cowkider, son of Md. Nurul Islam Chowkider, of village South Chakdh, Post: Chakdh Bazar, Police Station Narioia, District-Shariatpur and others.Petitioners.

-Versus-

1. Bangladesh, Represented by the Secretary, Ministry of Establishment, Bangladesh Secretariat, Police Station-Ramna, District Dhaka.
2. Bangladesh, Represented by the Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Police Station Ramna, District- Dhaka.
3. Bangladesh, Represented by the Secretary, Ministry of Social Welfare, Bangladesh Secretariat, Police Station Ramna, District Dhaka
4. Bangladesh, represented by the Secretary, Ministry of Health and Family Planning, Bangladesh Secretariat, Police Station Ramna, District Dhaka.
5. Bangladesh Public Service Commission, Represented by its Chairman, Old Airport Building, P.S. Tejgaon, Dhaka 1215
6. The Chairman, Bangladesh Public Service Commission, Old Airport Building, P.S. Tejgaon, Dhaka 1215
7. The Secretary, Bangladesh Public Service Commission, Old Airport Building, P.S. Tejgaon, Dhaka 1215
8. The Controller of Examinations (Cadre), Bangladesh Public Service Commission, Old Airport Building, P.S. Tejgaon, Dhaka 1215
9. Director General, Directorate of Health, Mohakhali, P.S. Gulshan, Dhaka
10. National Disability Welfare Coordination Committee, Represented by its Chairman, Ministry of Social Welfare, Bangladesh Secretariat, P. S. Ramna, Dhaka
11. The Chairman, National Disability Welfare Coordination Committee, Ministry of Social Welfare, Bangladesh Secretariat, P. S. Ramna, Dhaka



12. The Secretary, National Disability Welfare Coordination Committee, Ministry of Social Welfare, Bangladesh Secretariat, P. S. Ramna, Dhaka.

..... Respondents.

AND

IN THE MATTER OF:

Persistently depriving Bangladeshi citizens with disabilities from the opportunity of appearing in the Bangladesh Civil Services (BCS) Examinations and not allowing them to join any cadre as may be determined by the Bangladesh Public Service Commission

AND

IN THE MATTER OF:

Publishing a supplementary notice expressly specifying that there is no bar to persons with disabilities from applying for 30th BCS Examination-2010, in addition to the Notification, bearing File No. 80.200.046.00.00.001.2010-360, dated 08.3.2010, published by the Respondent No.8

AND

IN THE MATTER OF:

Applying discretionary powers and performing duties of the respondents for ensuring the accommodation of persons with disabilities in the appropriate cadre posts of Bangladesh civil service in compliance with Section 6(2) of the Disability Welfare Act, 2001 (Act XII of 2001) read with Schedule 'C' of the said Act

AND

IN THE MATTER OF:

Declaring the application of Schedule III of Bangladesh Civil Service (Age, Qualification and Examination for Direct Recruitment) Rules, 1982, being No.S.R.O. 142-L/82/ED/Recruitment/1-15/80, dated 11.5.1982, in general and without considering the fundamental rights of the citizens with disabilities, inconsistent with the Part III of the Constitution of the People's Republic of Bangladesh and as such void

AND

IN THE MATTER OF:

Enforcement of fundamental rights guaranteed under Article 26, 40 and 27 of the Constitution of the Peoples Republic of Bangladesh.

Present

Mr. Justice Md. Mamtaz Uddin Ahmed.

And

Ms. Justice Naima Haider.



The 8th June, 2010.

Dr. Kamal Hossain, learned Senior Advocate with
Mr. Mahbubey Alam, learned Attorney General with
Mr. Mustafa Zaman Islam, DAG

.....for the respondents.

The affidavit of compliance filed today by the Deputy Attorney General on behalf of the respondent Nos. 10, 11 and 12 may be kept with the record which will be considered at the time of hearing of the Rule.

Let a Rule Nisi issue calling upon the respondents to show cause as to why an order will not be passed directing the respondents for applying discretionary powers and performing duties of the respondents for ensuring the accommodation of Citizens with disabilities in the appropriate cadre posts of Bangladesh civil service in compliance with section 6(2) of the Disability Welfare Act, 2001 (Act XII of 2001) read with schedule 'Cha' of the said Act and as to why an order will not be passed declaring the application of Schedule III of Bangladesh Civil Service (Age, Qualification and Examination for Direct Recruitment) Rules, 1982, being No. S.R.O. 142-L/82/ED/Recruitment/1-15/80, dated 11.5.1982, in general and without considering the fundamental rights of the citizens with disabilities to that extent to be inconsistent with the part III of the Constitution of the People's Republic of Bangladesh and as such void shall not be declared to have been issued without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 4(four) weeks form date.

The petitioners are directed to put in requisites for service of notice upon the respondents in the usual course and through registered post.

Md. Mamtaz Uddin Ahmed.


Naima Haider.

Type by:  22.8.2010.

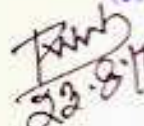
Read by:

Exd. By:  22/8/10

প্রত্যাখিত অবিকল প্রতিলিপি

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সহকারী বালিস্টিক
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ
(উপস্থিত ই-১ পথের ১ম অফিসের)
১৬ ধানমন্ডে কমলা এলাকা

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