

১৬/১০/২২

স্থানীয় সরকার বিভাগ	
(আইন) অধিশাখা	
১। অফিস পেশ করুন	২। পেশ করুন
৩। নথিতে রাখুন	৪। স্বাক্ষর
নম্বর: ৩৩৮	তারিখ: ৫/১০/২২

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)  
**WRIT PETITION NO. 11722 of 2022.**

১২/১

স্থানীয় সরকার বিভাগ	
সিনিয়র সচিবের দপ্তর	
১) অতিরিক্ত সচিব	১) প্রশাসন
২) মহাপরিচালক	২) নগর উন্নয়ন
৩) যুগ্মসচিব	৩) উন্নয়ন
৪) যুগ্মসচিব (পরিকল্পনা)	৪) পানি সরবরাহ (পাস)
	৫) উপজেলা অধিশাখা
	৬) ইউপি অধিশাখা
	৭) অডিট অধিশাখা
	৮) আইন অধিশাখা
ডায়েরি নম্বর: ৩৩৮	তারিখ: ৫/১০/২২
	স্বাক্ষর

The 04<sup>th</sup> day of October, in the year of two thousand twenty two.

Present

Mr. Justice Jahangir Hossain

And

Mr. Justice Md. Bashir Ullah.

IN THE MATTER OF:

Md. Tarak Maktum Joyerdar Sojib Son of Md. Abu Sayed Joyerdar and Mst. Deljar Akter of Village- Rothpara Gopinathpur, Post Office: Mela Gopinathpur, Upazila- Akkelpur, District- Joypurhat. Member Candidate, Member No. 5, Zilla Parishad Election-2022, Joypurhat.

.....Petitioner

-VERSUS-

The Government of Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Development and Co-operatives, Bangladesh Secretariat, Ramna, Dhaka and others.

.....Respondents

To,

1. The Government of Bangladesh, represented by the Secretary, Ministry of Local Government, Rural Development and Co-operatives, Bangladesh Secretariat, Ramna, Dhaka.
2. The Election Commission of Bangladesh, represented by the Chief Election Commissioner, Election Commission Secretariat, Sher-E-Bangla Nagar, Dhaka-1207.
3. The Additional Divisional Commissioner (Development & ICT), Rajshahi & Appellate Authority, Joypurhat Zilla Parishad Election-2022.
4. The Deputy Commissioner, Joypurhat & the Returning Officer, Zilla Parishad Election-2022, Joypurhat.

Whereas the petition above mentioned has been preferred by the petitioner above named to this court against, Decision of the respondent No. 3 dated 22.09.2022 (Annexure-D) in Appeal No. 6 of 2022 (Joypurhat) disallowing the appeal and thereby affirming the decision dated 18.09.2022 (Annexure-C) passed by the respondent No. 4 canceling the nomination paper of the petitioner for the post of Member, Ward No. 5 (Member No. 5) of Zilla Parishad Election- 2022, Joypurhat scheduled to be held on 17.10.2022 **AND** Direction upon the respondents to allow the petitioner to participate in the upcoming Zilla Parishad Election- 2022, Joypurhat scheduled to be held on 17.10.2022 for the post of Member, Ward No.5 (Member No. 5) and also to give him symbol.

Now upon hearing Mr. Md. Hasan Abdul Quium, Adv for the petitioner Mrs. Samira Tarannum Rabeya, D.A.G Mrs. Anjuman Ara Begum, A.A.G Mr. Kazi Samsun Nahar, A.A.G Mr. Sayem Mohammad Murad, A.A.G Ms. Farzana Rahman Shampa, A.A.G Ms. Tamana Ferdous, A.A.G for the Respondents and upon consideration of the said petition this Court doth order and do **issue a Rule Nisi** calling upon you the aforesaid **respondents** to show cause on or **before the 01<sup>st</sup> day of November, 2022**, as to why the impugned decision of the respondent No.03 dated 22.09.2022 [Annexure-D] in Appeal No. 06 of 2022 [Joypurhat] disallowing the appeal and thereby affirming the decision dated 18.09.2022 [Annexure-C] passed by the Respondent No.04 canceling the nomination paper of the petitioner for the post of Member, Ward No.05 [Member No.05] of Zilla Parishad Election-2022, Joypurhat scheduled to be held on 17.10.2022 should not be declared to have been taken without lawful authority and is of no legal effect and as to why the respondents should not be directed to allow the petitioner to participate in the upcoming Zilla Parishad Election, 2022 Joypurhat scheduled to be held on 17.10.2022 for the post of Member, Ward No.05 [Member No.05] and also give him symbol and/or to pass such other or further order or orders as to this Court may seem fit and proper.

Pending hearing of the Rule, let operation of the impugned decision of the respondent No. 03 dated 22.09.2022 [Annexure-D] in Appeal No.06 of 2022 disallowing the appeal and thereby affirming the decision dated 18.09.2022 [Annexure-C] passed by the Respondent No. 04 canceling the nomination paper of the petitioner be stayed for a period of 03[three] months from date.

The respondents are directed to allow the petitioner to participate in the upcoming Zilla Parishad Election, 2022 Joypurhat scheduled to be held on 17.10.2022 for the post of Member, Ward No. 05 [Member No.05] and also give him symbol.

The petitioner is directed to put in requisites for service of the notice upon the respondents by usual course as well as by registered post' with acknowledgement receipt at the costs of the petitioner.

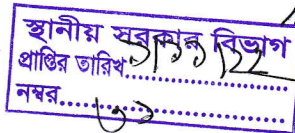
Witnesses: Mr. Justice Hasan Foez Siddique, the Hon'ble Chief Justice of Bangladesh on this **the 04<sup>th</sup> day of October**, in the year of two thousand twenty two.

Typed by: Asif : 12.10.2022

Read by: 12.10.22

Exam. by: 12.10.22

Readied by: 12.10.22



Superintendent  
12.10.2022

Assistant Registrar  
12.10.22

13.10.22