

The 28th day of September, in the year of two thousand twenty two.

Present:

Mr. Justice Md. Ruhul Quddus

And

Mr. Justice S.M. Maniruzzaman.

IN THE MATTER OF:

Md. Hafisur Rahman Khokon Son of Abdul Mazid and Most. Jayeda Khatun Member Candidate of 4 No. Ward Of village: Ranigoan Post Office- Baghber-2110 Upazilla Nalatibari District Sherpur.

.....Petitioner

-VERSUS-

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

.....Respondents.

To.

1. The Government of Bangladesh represented by the -Secretary, Ministry of Local Government, Rural Development and Cooperatives, Bangladesh Secretariat, Secretariat Building, Ramna, Dhaka,
2. Bangladesh Election Commission Represented by the Chief Election Commissioner, Election Commission Bhaban, Sher-E-BanglaNagar, Dhaka.
3. The Secretary, Election Commission Bangladesh, Election Commission Secretariat, Sher-E-Bangla Nagar, Agargaon, Dhaka
4. Additional Divisional Commissioner (General), Mymensingh, & Appel Officer Zila Parishad Election-2022
5. Deputy Commissioner & The Returning Officer Sherpur Zila Parishad Election-2022.

Whereas the petition above mentioned has been preferred by the petitioner above named to this court against, Impugned Order No. 02 dated 22.09.2022 issued by the respondent No. 4, i.e., Additional Divisional Commissioner (General), Mymensingh and Appel Officer, Zila Parishad Election-2022 affirming the Order dated 18.09.2022 passed by the Respondent No. 05 i.e. The Returning Officer, Zila Parishad Election-2022 rejecting the nomination paper of the petitioner under Rule 14 of the Zila Parishad Election Rule, 2016 (Annexure-D and F).

Now upon hearing Mr. ASM Sakib Sikder, Advocate for the petitioner Mr. Towhidul Islam, Advocate for the Election Commission 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 26th day of October, 2022, as to why the impugned order dated 22.09.2022 passed by the Additional Divisional Commissioner (General), Mymensingh Division and Appellate Authority, Sherpur Zila Parishad Election-2022 in Appeal Case No. 02 of 2022 (Annexure-F to the writ petition) dismissing the appeal and thereby affirming the order dated 18.09.2022 passed by the Deputy Commissioner and Returning Officer, Sherpur Zila Parishad Election-2022, District-Sherpur cancelling the nomination paper submitted by the petitioner to contest the upcoming Sherpur Zila Parishad Election- 2022 as a Member Candidate (Ward No. 04) should not be declared to have been passed without lawful authority and is of no legal effect and why the respondents should not be directed to allow the petitioner to contest the upcoming Sherpur Zila Parishad Election- 2022 by allocating him a symbol of a Member Candidate (Ward No. 04) thereof and/or such other further order or orders should not be passed as to this Court may seem fit and proper.

Pending hearing of the rule, operation of the impugned order is stayed for a period of 02 (two) months.

The respondents are directed to allow the petitioner to contest the ensuing election allocating him a Symbol and doing the needful

Witnesses: Mr. Justice **Hasan Foez Siddique**, performing the functions of the Hon'ble Chief Justice of Bangladesh on this the 28th day of September, in the year of two thousand twenty two.

Superintendent

Assistant Registrar

Typed by: 02.10.2022

Read by: 2-10-22

Exam. by: 02.10.22

Readied by: