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SC clears way for appointing 32,000 govt pry head teachers

Staff Correspondent  02 July, 2026, 12:32



Representational image.

The Appellate Division of the Supreme Court on Thursday removed a major legal obstacle to the appointment of nearly 32,000 head teachers at government primary schools by overturning a 2019 High Court verdict on the seniority of teachers from nationalised schools.

A four-member bench headed by chief justice Zobayer Rahman Chowdhury allowed several appeals filed by the government in 2023 and by directly

recruited primary school teachers in 2020, setting aside the High Court judgment.



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Attorney general Md Ruhul Quddus later told reporters at his office in the capital that the verdict cleared the way for the government to appoint about 32,000 head teachers, a process that had remained stalled due to the legal dispute.

At a press briefing at the secretariat in the capital on Thursday, the primary and mass education minister, ANM Ehsanul Hoque Milon, said that 36,235 head teacher posts were currently vacant at government primary schools in the country.

Primary schools have not seen the appointment or promotion of head teachers since 2017 due to the legal battle.

Milon said that the head teacher positions would be filled through the promotion of assistant teachers.

The promotions will leave the positions of assistant primary teachers vacant, he said.

The new vacancies will take the total number of vacant assistant teacher position to 38,443, the minister said.

He said that the government would immediately appoint assistant teachers to the vacant posts.

The process of appointing 14,384 assistant teachers at government primary schools was almost completed during the interim government's tenure, which ended on February 17, with its final implementation pending the removal of legal obstacles.

'We will finish the remaining work to send them for training within a few days, and they will go to their schools after training,' he said.

The High Court had ruled in 2019 that teachers absorbed from 26,000 non-government primary schools nationalised in 2013 should retain the benefit of their previous service and should not be placed below teachers who were recruited directly by the government after nationalisation.

It also declared invalid the provision requiring nationalised teachers to rank below the last directly recruited assistant teacher in the seniority list and directed the government to issue the necessary orders, including a gazette where required.

The Appellate Division has now overturned those directions in its verdict.

The case arose after the government nationalised about 26,000 non-government primary schools in 2013.

Although many of the teachers had been serving as head teachers before nationalisation, all of them were absorbed into government service as

assistant teachers under the law.

The 2013 rules also provided that teachers recruited directly by the government would rank senior to teachers absorbed from the nationalised schools.

In addition, 50 per cent of the service of nationalised teachers prior to nationalisation would count towards pension and gratuity.

Several nationalised teachers challenged these provisions in the High Court in 2017.

They argued that their previous service as head teachers should also be recognised for seniority and promotion, not only for pension and retirement benefits.

In its March 11, 2019, judgement, the High Court declared the relevant provisions of the 2013 rules unlawful.

It held that the rule placing nationalised teachers below directly recruited teachers in the seniority list had no lawful basis.

The High Court, however, declared legal the Rule 2(Ga) of the Acquired Non-Government Primary School Teachers (Determination of Service Conditions) Rules, 2013, which limited recognition of pre-nationalisation service to 50 per cent for pension and gratuity purposes.

The court rejected the government's claim that the petitioners lacked the qualifications to become head teachers, observing that no documents had been produced to support the allegation.

It noted that the 2013 rules allowed teachers who did not have the required qualifications to obtain them within three years after nationalisation.

The government argued that the 2013 rules were legally framed under the Primary School (Taking Over) Act, 1974, and that teachers had accepted government service subject to those conditions.

It maintained that all teachers from nationalised schools joined government service only as assistant teachers and that appointments and promotions to the post of head teacher had to be made strictly under the existing legal framework.

The government also questioned the claim that all petitioners had previously served as head teachers and disputed the authenticity of some of the documents produced by them.

Directly recruited teachers, who were also respondents in the case, supported the government’s position.

They argued that government-recruited teachers should retain priority in seniority and promotion over teachers absorbed from nationalised schools.

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