

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 2362 of 2024

IN THE MATTER OF:

An application under Article 102 read with Article 44 of the Constitution of the People's Republic of Bangladesh.

And

IN THE MATTER OF:

Md. Arifur Rahman Murad Bhuiyan (in-person)

..... Petitioner

versus

Government of Bangladesh and others

..... Respondents.

Mr. Md. Arifur Rahman Murad Bhuiyan,
In-person.

..... for the Petitioner.

Mrs. Nasrin Akter, DAG with
Mr. Ershadul Bari Khandaker, DAG with
Ms. Most. Monira Sultana, AAG with
Mr. Md. Humayun Kabir, AAG
..... For the Respondents.

Heard on: 29.07.2024 &

Judgment on: 29.08.2024.

Present:

Mr. Justice Mustafa Zaman Islam

and

Mr. Justice S.M. Masud Hossain Dolon

S.M. Masud Hossain Dolon, J:

On an application under article 102 of the Constitution, the Rule Nisi was issued in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the inaction of respondent No. 1 to correct the passport as per the date of actual online registration of birth as per the recommendations of the Bangladesh Embassy (Paris,

France) on 02.08.2023 under the signature of Second Secretary, Embassy of the People's Republic of Bangladesh, Paris as annexure 'Ga' to the writ petition in violation of the fundamental right of the petitioner should not be declared illegal and is of no legal effect and why the direction should not be given to rectify the passport as per the recommendation dated 02.08.2023 (Annexure-Ga) and/or pass such other or further order or orders as to this court may seem fit and proper.”

Fact relevant for disposal of the Rule are that the petitioner Md. Hanif Rana is an expatriate of France. He has been in Saudi Arabia for 18 years and has been in France illegally for about 2 years. While in France, through a letter dated 02.08.2023 signed by the Second Secretary, Bangladesh Embassy (Paris, France) requesting the Director General, Directorate of Passports Department, Dhaka to give special consideration to Mr. Hanif Rana's actual date of birth as claimed by him. Necessary steps are requested to issue revised passport as on 21.11.1983. After receiving the said letter, the Secretary, Security Services Department, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka issued a circular that if there is a discrepancy between the information in the national identity card and the passport of Bangladeshi citizens living inside Bangladesh and abroad, the passport should be re-issued according to the information given in the national identity card. In case of minors, birth certificate should be considered, if necessary any certificate from school or university and equivalent can be considered. But due to the fact that the petitioner Md. Hanif Rana

has been in Saudi Arabia and France for about 22 years, the Secretary, Security Services Department, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka could not provide any national identity card or any documents as per their demand, so the authorities failed to provide the petitioner's passport. Then, the petitioner served a notice and requested the respondents to give the passport but the respondents did not pay any heed to it.

Thereafter, having found no other equally efficacious remedy the petitioner had filed the instant writ petition and obtained the Rule.

Mr. Md. Arifur Rahman Murad Bhuiyan, in-person on behalf of Hanif Rana submits that the petitioner is an expatriate remittance fighter from Bangladesh. He has been living in abroad for almost 22 years. He also submits that as per the recommendations of Bangladesh Embassy (Paris, France) for the last 6 months, instructions are required to correct the passport as per the date of actual registration of birth online and as such the respondents have clear violation of the fundamental rights of the petitioner guaranteed under Article 27, 31, 32 and 36 of the Constitution of the People's Republic of Bangladesh.

Mrs. Nasrin Akter, the learned Deputy Attorney General submits that as per the recommendations of Bangladesh Embassy (Paris, France) Annexure-Ga they have no objection if the issue passports as per the online birth registration.

We have perused the writ petition and all other relevant papers presented by the parties in connection with the contents of this writ petition. It appears that the petitioner is a legitimate Bangladeshi citizen. He has been living in abroad for almost 22 years as an expatriate remittance fighter from Bangladesh. Due to being abroad, he could not provide all the documents required to obtain a passport from the Bangladesh Government. So, as a remittance fighter and as per the recommendation of Bangladeshi Embassy (Paris, France) he is entitled to get his passport.

In view of the above facts and circumstances, we find substances in the submission of the learned Advocate for the petitioner.

In the result, the Rule is made absolute without any order as to costs. The Respondents are directed to give passport as per the recommendations of Bangladesh Embassy (Paris, France) Annexure-Ga within 3(three) months from the date of receiving this judgment in accordance with law.

Communicate the order at once.

Mustafa Zaman Islam, J:

I agree.