

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

**WRIT PETITION NO. 1482 of 2022**

**IN THE MATTER OF:**

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

**IN THE MATTER OF:**

Md. Solaiman Ali

..... Petitioner.

-Versus-

Government of Bangladesh represented by  
the Secretary, Ministry of Liberation War  
Affairs and others.

..... Respondents

Mr. Md. Anowar Hossain, Advocate

..... For the petitioner.

Mr. Mohammad Mohsin Kabir, DAG with  
Mr. A.K.M. Rezaul Karim Khandaker, D.A.G with  
Ms. Shaheen Sultana, AAG and

Mr. Md. Manowarul Islam Uzzal, A.A.G with  
Mr. Md. Mukhlesur Rahman, A.A.G

..... For the respondents.

**Heard and Judgment on: 15.12.2025.**

**Present:**

**Mr. Justice Sheikh Abdul Awal**

**And**

**Mr. Justice S.M. Iftekhar Uddin Mahamud**

**Sheikh Abdul Awal, J.**

On an application under Article 102 of the Constitution of  
Bangladesh, this Rule Nisi was issued calling upon the respondents  
to show cause as to why the impugned inaction and failure of the

respondents in inclusion the name of the petitioner as “Muktijoddha” in the official gazette notification should not be declared illegal and as to why they should not be directed to enlist the name of the petitioner as “Muktijoddha” in the official Gazette and to pay all due Rastrio Muktijoddha Sammani Bhata and/or such other or further order or orders passed as to this Court may seem fit and proper.

The relevant facts as stated in the writ petition briefly are that on 15.06.1971 the then Government of the People's Republic of Bangladesh popularly known as Mujibnagar Government (the Provisional Government of Bangladesh) appointed the petitioner as an Assistant Accountant stating that 'এতদ্বারা আপনাকে জানানো যাইতেছে যে অত্র শিবিরে একজন সহ-হিসাব রক্ষকের প্রয়োজন হওয়ায় আপনাকে অত্র শিবিরে সহ-হিসাব রক্ষক পদে নিয়োগ করা হইল। প্রকাশ থাকে যে মুজিব নগর সরকার ঘোষিত মাসিক ৫০ (পঞ্চাশ টাকা) ভাতা আপনাকে প্রদান করা হইবে।' In this way the petitioner joined in the said post and the then Government issued an Identity Card to the petitioner and he served in the Bangladesh Juba Shibir, Najirhat, Kuchbihar. Subsequently, the petitioner was absorbed as a Mujibnagar Employee in the Jashore Central Jail as Sub-Jailor as per order of the Inspector General of Prisons, Bangladesh vide Memo No. 323(4)/JR-S/80, dated 17.03.1981 and thereafter, he served in the different prisons as Sub-Jailor of the different jail of the Country and finally he retired from his service as Jail Superintendent of Kurigram Zilla Prison by taking all benefits as a freedom fighter of the country and his name was appeared in the Sobuj Muktibarta being no. 0316060862 and the petitioner received a temporary certificate as Freedom Fighter from Central Command Council, Bangladesh Muktijoddha Sangsad on 25.06.2001 and he received State Honorium as a freedom fighter from 01.07.2010 to 15.04.2013

but the respondents most arbitrarily refrained from issuing any gazette notification declaring the petitioner as freedom fighter.

Being aggrieved by and dissatisfied under the circumstances, the petitioner has come before this Court and obtained the present Rule.

Mr. Md. Anowar Hossain, the learned Advocate appearing for the petitioner at the very outset takes us through the writ petition and other annexed documents and then submits that as per definition of Freedom Fighter laid down in Bangladesh Gazette, Additional Issue dated 10.11.2016 the petitioner is a Freedom Fighter and he got all benefits as freedom fighter although the respondents have not been taken any action to publish the name of the petitioner in official gazette as yet and ultimately finding no other way the petitioner preferred this writ petition and obtained the Rule.

The learned Advocate further submits that inadvertently the name of the petitioner was not published in the Lal Muktibarta and on 08.03.2016 the Commander, Bangladesh Muktijoddha Sangsad, Vurungamari Upazila, Kurigram issued a certificate admitting they said mistake stating that 'সে ১৯৭১ ইং সালে মহান মুক্তিযুদ্ধে স্বক্রীয়ভাবে অংশগ্রহণ করে। অতীব দুঃখজনক লাল মুক্তিবর্তা প্রণয়ন কালে ০৩১৬৪০৮৬২ নাস্বারটি ভুলক্রমে বাদ পড়ে যায়' and in spite of that the respondents most arbitrarily refrained from issuing any gazette notification declaring the petitioner as freedom fighter and as such, in the facts and circumstances a direction may be given to concern authority to publish the name of the petitioner in the civil gazette as freedom fighter and to continue the state honorarium otherwise the petitioner as freedom fighter will suffer irreparable loss and injury.

Mr. A.K.M. Rezaul Karim Khandar, the learned Deputy Attorney General, on the other hand, on going through the relevant law laid down in sub-section “Ga” in Bangladesh Gazette, Additional Issue dated 10.11.2016 finds it’s difficult to oppose the contentions raised by the learned Advocate for the petitioner.

Having heard the learned Advocate for the petitioner and the learned Deputy Attorney General and having gone through the writ petition and other relevant documents as placed before this Court.

To appreciate the submission of the learned Advocate for the petitioner, we feel it necessary to quote hereunder the relevant law for having better view in the dispute in question.

Sub-section “Ga” of Bangladesh Gazette, Additional Issue dated 10.11.2016 reads as follows:

গ) যারা মুক্তিযুদ্ধকালী সময়ে গঠিত গণপ্রজাতন্ত্রী বাংলাদেশ সরকারের (মুজিবনগর সরকার) অধীনে কর্মকর্তা/কর্মচারী হিসেব দায়িত্ব পালন করেছেন।

On a scrutiny of the record, it appears that the petitioner served under the Mujinagar Government during liberation war as an Assistant Accountant and thereafter the petitioner was absorbed as a Mujibnagar Employee in the Jashore Central Jail as Sub-Jailor by an order of the Inspector General of Prisons, Bangladesh vide Memo No. 323(4)/JR-S/80, dated 17.03.1981 and he served in the different prisons as Sub-Jailor of the various jail of the Country and finally retired from his service as Jail Superintendent of Kurigram Zilla Prison by taking all benefits as a freedom fighter of the country. It further appears that inadvertently the name of the petitioner was not published in the Lal Muktibarta and in this regard on 08.03.2016 the Commander, Bangladesh Muktijoddha Sangsad, Vurungamari Upazila, Kurigram as well as other fellow freedom

fighters issued certificates admitting the said mistake stating that 'সে ১৯৭১ ইং সালে মহান মুক্তিযুদ্ধে স্বক্রীয়ভাবে অংশগ্রহণ করে। অতীব দুঃখজনক লাল মুক্তিবর্তা প্রণয়ন কালে ০৩১৬৪০৮৬২ নাম্বারটি ভুলক্রমে বাদ পড়ে যায়' (Annexure-H, H-1&H-2).

It further appears that the petitioner also got state honorarium as freedom fighter from the Government using the vhatta book issued in favour of the petitioner by the Government (Annexure-G).

An honorarium should not be canceled without sufficient cause, as this principle aligns with professional courtesy and contractual fairness. State honorarium is a payment for special or occasional work, and canceling it arbitrarily would be a breach of the implied or explicit agreement between the payer and the recipient. Therefore, in the facts and circumstances of the case and law bearing on the subject, we have no hesitation to hold that the petitioner is a freedom fighter and his name should be published in official civil Gazette as a Freedom Fighter.

In view of our discussions made above together with the law bearing on the subject by now it is clear that the instant Rule must succeed.

In the result, the Rule is made absolute. The respondents are directed to publish the name of the petitioner in the civil gazette as freedom fighter and to continue the monthly state honorarium to the petitioners in accordance with law.

In the facts and circumstances of the case there will be no order as to costs.

Communicate this order to at once.

**S.M. Iftekhar Uddin Mahamud, J:**

I agree.

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Communicate this order to at once.

**S.M. Iftekhar Uddin Mahamud, J:**

I agree.

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