

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

Present:
Justice Sheikh Abdul Awal
And
Justice S.M. Iftekhar Uddin Mahamud

Writ Petition No. 6951 of 2022

In the matter of:

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

And

In the Matter of:

Tapan Knati Dey

..... Petitioner.

-Versus-

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

.....Respondents.

Ms. Joya Bhattacharjee, Advocate

..... For the Petitioner

Mr. Md. Mohsin Kabir, D.A.G with

Mr. A.K.M. Rezaul Karim Khandker, D.A.G

Ms. Shahin Sultana, A.A.G with

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

Mr. Md. Mokhlesur Rahman, A.A.G

... For the Government-Respondents.

Heard and Judgment on 18.11.2025

Sheikh Abdul Awal, J:

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh, this Rule Nisi was issued calling upon the respondents to show cause as to why the act of the respondents not to issue freedom fighter certificate to the petitioner

on the basis of the report of Jachai-Bachai (scrutinizing) Committee Borhanuddin, Bhola (Annexure-D-1) should not be declared illegal, without lawful authority and is of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper.

In this case the petitioner sought for a direction upon the respondents to issue a freedom fighter certificate as he fought for this soil in the liberation war held in 1971 annexing some certificate issued by the Muktiyoddha authorities concerned.

Having heard the learned Advocate for the petitioner and the learned Assistant Attorney General and having gone through the writ petition, its annexures and other documents.

To cut short the matter, at the very outset, we like to quote hereunder a few lines from the memo No. 48.02.0000.005.00.841.2019.175 dated 14.09.2019 (Annexure-F) issued under the signature of Deputy Secretary/Deputy Director, Jatio Muktiyoddha Council which reads as follows:

৩) যাচাই বাছাই কমিটির সম্মানিত সদস্য জনাব আহম্মদ উল্লাহ অত্র অফিসে এসে প্রতিবেদনটি দেখে জানান যে, কমিটির স্বাক্ষর করা প্রতিবেদনটি সভাপতি গোপনে কমিটির অন্য সদস্যের অগোচরে কাটাছেঁড়া করে ইচ্ছামত মতামত দিয়ে নিজে জামুকায়ে প্রেরণ করেছেন। উপজেলা নির্বাহী অফিসার মুখ বন্ধ থামে প্রতিবেদন প্রেরণ করেননি। এই প্রতিবেদনের সাথে তিনি একমত নন মর্মে জানান।

উক্ত প্রতিবেদনটি মাননীয় মন্ত্রী, মুক্তিযুদ্ধ বিষয়ক মন্ত্রণালয় ও জামুকার সম্মানিত চেয়ারম্যান মহোদয়ের নিকট উপস্থাপন করা হলে তিনি নিম্নোক্ত নির্দেশনা প্রদান করেনঃ

"ফেরত পাঠানো হোক। পুনরায় ০৭(সাত) কর্মদিবসের মধ্যে প্রতিবেদন প্রেরণের জন্য বলা যায়।"

On a query from the Court the learned Advocate for the petitioner could not show any report from the record that as per the above direction any report has been forwarded.

Mr. Md. Manowarul Islam Uzzal, the learned Assistant Attorney General, on the other hand, submits that no such report has been submitted as yet as per direction dated 14.09.2019 (Annexure-F).

Therefore, in a case of this nature it is very difficult to direct the respondents to enlist the petitioner's name as freedom fighter.

In the facts and circumstances of the case the instant writ petition appears to be premature and misconceived as well.

In the result, the Rule is discharged. In the facts and circumstances of the case there will be no order as to costs.

Communicate this order.

S.M. Iftekhar Uddin Mahamud, J:

I agree.