

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

WRIT PETITION NO. 10271 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. Harun-or-Rashid

..... Petitioner.

-Versus-

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

..... Respondents.

Mr. Md. Shahajada, Advocate

..... For the petitioner.

Mr. Mohammad Mohsin Kabir, DAG with

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

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 on 10.12.2025, 17.12.2025 and

Judgment on: 17.12.2025.

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 the People's Republic of Bangladesh, this Rule Nisi was issued calling upon the respondents to show cause as to why the

Memo being No. 48.00.0000.004.37.001.22.503 dated 10.03.2022 issued by the respondent No. 3 cancelling the name of the petitioner from the list of Freedom Fighters namely Lal Mukti Barta bearing serial No. 606040067 on withholding the name of the petitioner in the MIS online System and thereby stopping the payment of Muktijoddha Vata of the petitioner (Annexure-M) should not be declared to have been made without any 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.

The facts of the case as stated in the writ petition briefly are that the petitioner as freedom fighter fought for this country in the liberation war, held in 1971. Due to his contribution in the liberation war Sector Commander, Major M.A. Jalil and Sub Sector Commander, Captain Mahdi Ali Imam, Sector No.9 issued training certificates in favour of the petitioner (Annexure-A &A-1). It is further stated that movement order issued on 14.02.1972 in favour of the petitioner (Annexure-A-2) and the petitioner deposited his weapon namely, SMG to the Camp Commandant and accordingly received certificate (Annexure-A-3). Thereafter, his name was published in the Lal Mukti Barta bearing serial No. 606040067 recognizing the petitioner as freedom fighter (Annexure-B). The petitioner also got provisional certificate as a Freedom Fighter from the Ministry of Liberation War Affairs (Annexure-D) and thereafter his name was published in the website of the Ministry of Liberation War Affairs (Annexure-E) as freedom fighter. In this background the Government of Bangladesh

allowed monthly state honorarium in favour of the petitioner by issuing bhata book on 29.04.2014 to till March, 2022 (Annexure-H) and thereafter, the respondent No.1 included the name of the petitioner in MIS (Annexure-I). In this background, Jatio Muktijoddha Council (JAMUKA) on the basis of a complaint made by a 3rd party abruptly without considering his documents and without taking any evidence from him abruptly canceled the Lal Mukti Barta bearing serial No. 606040067 on withholding the name of the petitioner in the MIS online System and thereby stopping the payment of Muktijoddha Vata of the petitioner (Annexure-M).

Aggrieved thereby finding no other alternative way the petitioner has come before this Court and obtained the present Rule.

Mr. Md. Shahajada, the learned Advocate appearing for the petitioner submits it is on record that the petitioner fought for this soil in the liberation war and due to his contribution in the liberation war so many authorities including Sector Commander of Sector No. 9 in the Liberation War as issued certificate recognizing the petitioner as a freedom fighter and thereafter his name was published in Lal Muktibarta as freedom fighter and accordingly, the petitioner got provisional certificate as a Freedom Fighter from the Ministry of Liberation War Affairs. The learned Advocate further submits that the petitioner due to his contribution in the liberation war started to get state honorarium since 29.04.2014 through bhata book but JAMUKA without any proper investigation into the matter on the basis of an allegation made by a 3rd party canceled the Lal

Mukti Barta bearing serial No. 606040067 on withholding the name of the petitioner in the MIS online System and stopping the payment of Muktijoddha Vata of the petitioner by the impugned memo (Annexure-M) and as such, the same is liable to be declared to have been passed without lawful authority and is of no legal effect.

Mr. A.K.M. Rezaul Karim Khandaker, the learned Deputy Attorney General, on the other hand, simply opposes the Rule.

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

On a scrutiny of the record, it appears that in this case the petitioner as a Freedom Fighter fought in the liberation war, held in 1971 and thereafter, the Government of Bangladesh as well as so many authorities including the Sector Commander of Sector No.9, Major M.A. Jalil issued certificates in favour of the petitioner recognizing him as a Freedom Fighter (Annexure-A, A-1, &D) and his name also published in Lal Mukti Barta the website of the ministry of Liberation War Affairs as Freedom Fighter (Annexure-B&E). It further appears that after the liberation war the petitioner handed over his weapon namely, SMG to the Camp Commandant and that he received certificate (Annexure-A-3). It is also found that the petitioner started to get state honorarium as freedom fighter from 29.04.2014 to till March, 2022 through bhata book and deposited the same in his bank account (Annexure-H&H-1) and thereafter JAMUKA without any proper investigation into the

matter abruptly on the basis of an allegation made by a 3rd party canceled the Lal Mukti Barta bearing serial No. 606040067 on withholding the name of the petitioner in the MIS online System and thereby stopping the payment of Muktijoddha Vata of the petitioner by the impugned memo (Annexure-M).

Considering all these facts and circumstances of the case as revealed from the materials on record, we find no cogent reason as to why the respondents by the impugned memo dated 10.03.2022 (Annexure-M) canceled the Lal Mukti Barta bearing serial No. 606040067 on withholding the name of the petitioner in the MIS online System and thereby stopping the payment of Muktijoddha Vata of the petitioner. The state 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, we are of the view that the impugned notification is not based on relevant factors. The notification was issued without considering the proper, appropriate, and important considerations that should have guided its creation. This lack of basis in relevant factors indicates the notification was arbitrary, malafide, and potentially discriminatory, making it legally flawed and subject to being declared without lawful authority.

In the result, the Rule Nisi is made absolute. The impugned memo No. 48.00.0000.004.37.001.22.503 dated 10.03.2022 so far as it relates to the petitioner cancelling the the

Lal Mukti Barta bearing serial No. 606040067 withholding the name of the petitioner in the MIS online System and whereby stopping the payment of Muktijoddha Vata to the petitioner is hereby declared to have been made without lawful authority and is of no legal effect and the respondents are directed to pay monthly state honorarium to the petitioner as a Freedom Fighter in accordance with law.

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

Communicate this order to the respondents at once.

S.M. Iftekhar Uddin Mahamud, J:

I agree.