

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

Present:
Justice Sheikh Abdul Awal
And
Justice Md. Mansur Alam

Writ Petition No. 14915 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:

S.M. Rezaul Karim.

..... Petitioners.

-Versus-

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

..... Respondents.

Mr. S.M. Aminul Islam, Advocate

..... For the Petitioner

Mr. Md. Bodiuzzaman Tapadar, D.A.G
with

Ms. Salma Sultana (Soma), D.A.G with
Mr. Md. J.R. Khan Robin, A.A.G with
Mr. A.B.M. Ibrahim Khalil, A.A.G with
Mr. Md. Manowarul Islam Uzzal, A.A.G
... For the Government-Respondents

Heard on 03.08.2025

Judgment on 10.08.2025.

Sheikh Abdul Awal, J:

On an application under Article 102 of the Constitution
of the People's Republic of Bangladesh, a Rule Nisi was issued

calling upon the respondents to show cause as to why the inaction of the respondents in taking steps for enlisting the name of the petitioner in the Gazette as Freedom Fighters and paying State Honorarium to the petitioner should not be declared illegal, without lawful authority and is of no legal effect and as to why a direction should not be given upon the respondents to include and publish the name of the petitioner as freedom fighter in the official Gazette and/or pass such other or further order or orders as to this Court may seem fit and proper.

Material facts relevant for disposal of this Rule, briefly, are that the petitioner is a freedom fighter, who fought for the independence of this country in 1971 and thereupon, he got several certificates issued by Mr. Mohammad Ataul Gani Osmani, Commander-in-Chief Bangladesh Armed forces, Mr. Muhammad Shahjahan Omar Bir Uttam District Commanding Officer, Mr. M.A. Mannan, Commander, Kotwali Barishal, Commander A. Majid Talukder and Mr. Kabir Ahmed Khan, Chairman, Central Commad Council as contained in “Annexure A-A 12” of the writ petition. But unfortunately his name was not published in the Gazette as freedom fighter.

The petitioner also filed applications before the concerned authorities and also made online application to take necessary steps for publishing his name as freedom fighter in the official gazette. But the respondents did not take any initiative to do the same, as yet.

Finding no other alternative efficacious remedy, the petitioner has come before this Court and obtained the instant Rule Nisi.

Mr. S.M. Aminul Islam, the learned Advocate appearing for the petitioner submits that some of the freedom fighters namely 1) Md. Yahsin Ali Howlader 2) Maksudur Rahman 3) Maqbul Hossain 4) Md. Ali Azim Khan 5) Abdur Rab Sikder 6) Md. Maslem Ali Khan standing on the same footing have been enlisted as freedom fighters, but the respondents most arbitrarily and illegally did not enlist the name of the petitioners till to date. Lastly, the learned Advocate submits that the petitioner filed on 28.09.2014 online application before the respondent No. 5, Managing Director, Muktijoddaha Kallyan Trust but the respondent No.5 is not paying any heed to the online application filed by the petitioner. He adds on the similar type of subject matter a Division Bench of this Court made the Rule disposed of in Writ petition No. 16510 of 2017.

Mr. Md. J.R. Khan Robin, the learned Assistant Attorney General, on the other hand, submits that in a case of this nature a direction may be given upon the respondents to look into the matter.

We have heard the learned Advocate and the learned Deputy Attorney General, perused the writ petition, its annexures and other relevant documents placed before this Court.

In this instant writ petition the petitioner has challenged the inaction and failure of the respondent No.5 to dispose of the online application filed by the petitioner to take necessary steps for publishing his name as freedom fighter in the official gazette in accordance with the forwarding of Thana Nirbahi Officer to the Deputy Commissioner Barisal under the caption-

“জনাব এস, এম, রেজাউল করিম, পিতা- আলতাফ হোসেন সরদার, গ্রাম-চর আইচা, ইউনিয়ন- ৭নং চরকাউয়া, ডাকঘর-খানপুর, উপজেলা-বরিশাল সদর, জেলা-বরিশাল এর নাম কোন তালিকায় নাম নেই এমন বীর মুক্তিযোদ্ধাদের তালিকায় অন্তর্ভুক্ত করা প্রসঙ্গে।” as evidenced by “Annexure-C” to Writ Petition and certificates issued by Mr. Mohammad Ataul Gani Osmani, Commander-in-Chief Bangladesh Armed forces, Mr. Muhammad Shahjahan Omar Bir Uttam District Commanding Officer, Mr. M.A. Mannan, Commander, Kotwali Barishal, Commander A. Majid Talukder and Mr. Kabir Ahmed Khan, Chairman, Central Commad Council as contained in Annexure A-A 12 of the Writ Petition.

We note that inspite of the repeated requests and reminders the respondents have not taken any steps to publish the name of the petitioner in the Gazette although the names of some freedom fighters of Barisal District have already been published in the Gazette long ago. We further note that some of the freedom fighters standing on the same footing have already been enlisted as freedom fighters, we found the petitioner got several certificates as real freedom fighter issued by Mr. Mohammad Ataul Gani Osmani, Commander-in-Chief Bangladesh Armed forces, Mr. Muhammad Shahjahan Omar Bir Uttam District Commanding Officer, Mr. M.A. Mannan, Commander, Kotwali Barishal, Commander A. Majid Talukder and Mr. Kabir Ahmed Khan, Chairman, Central Commad Council and others.

Mr. Md. J.R. Khan Robin, the learned Assistant General, however, on a query by us did not oppose the prayer of the petitioner that a direction may be given upon the respondents to enlist the petitioner's name in the freedom fighters' list in accordance with the forwarding of T.N.O. to Deputy Commissioner Barisal "Annexure- C" to Writ Petition and pursuant the same petitioner's name has been included as freedom fighter of 7 no. Char kawa Union, under Barisal district "Annexure-D".

Under such circumstances, we direct the respondents to look into the matter in light of the certificates issued by Mr. Mohammad Ataul Gani Osmani, Commander-in-Chief Bangladesh Armed forces, Mr. Muhammad Shahjahan Omar Bir Uttam District Commanding Officer, Mr. M.A. Mannan, Commander, Kotwali Barishal, Commander A. Majid Talukder 02.02.2004 and Mr. Kabir Ahmed Khan, Chairman, Central Commad Council etc. "Annexure A-A 12" and the forwarding of Thana Nirbahi Officer to Deputy Commissioner Barisal under the caption- "জনাব এস, এম, রেজাউল করিম, পিতা- আলতাফ হোসেন সরদার, গ্রাম-চর আইচা, ইউনিয়ন- ৭নং চরকাউয়া, ডাকঘর-খানপুর, উপজেলা- বরিশাল সদর, জেলা-বরিশাল এর নাম কোন তালিকায় নাম নেই এমন বীর মুক্তিযোদ্ধাদের তালিকায় অন্তর্ভুক্ত করা প্রসঙ্গে।" as evidenced by "Annexure- C" to Writ Petition and pursuant the same petitioner's name has been included as freedom fighter of 7 no. Char kawa Union, under Barisal district "Annexure-D" and consider the petitioner for enlistment in the Gazette, subject to the condition that he is a genuine freedom fighter.

The Rule is, accordingly, disposed of with the above observations. There is, however, no order as to costs.

Communicate the order forthwith.

Md. Mansur Alam, J:

I agree.