

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

Present:

**Justice Sheikh Abdul Awal**

**And**

**Justice S.M. Iftekhhar Uddin Mahamud**

**Writ Petition No. 8272 of 2023**

In the matter of:

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

And

In the Matter of:

Most. Sufia Begum and others

..... Petitioners.

-Versus-

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

..... Respondents.

Mr. M.G. Mahmud (Shaheen), Advocate

With

Mr. Sohel Rana, Advocate

..... For the Petitioners.

Mr. Mohammad Mohsin Kabir, D.A.G.

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

D.A.G with

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

Ms. Shaheen Sultana, A.A.G.

... For the Government-Respondents.

**Heard and judgment on 17.12.2025**

**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 Memo No. 48.02.0000.001.00.276.16.820 dated 07.08.2022 issued by the

respondent No.3 cancelling the Gazette No. 2577 of the petitioners' father as Freedom Fighter so far it relates to serial No. 50 (Annexure-F) pursuant to the decision taken on 19.07.2022 in the 80<sup>th</sup> meeting of Jatio Muktijoddha Council (JAMUKA) should not be declared to have been passed 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.

The relevant facts as stated in the writ petition briefly are that the father of the petitioners' Md. Shamsul Huda was valiant freedom fighters, who fought for this country during the liberation war, held in 1971. Due to contribution in the liberation war, Ministry of Liberation War affairs issued a Provisional Certificate on 12.07.2004 recognizing him as a freedom fighter (Annexure-A and A-1). Thereafter, his name was published in Civil Gazette on 23.11.2005 being Sl. No. 2577 (Annexure-B) and BGB Gazette on 22.09.2004 being Sl. No. 5737 (Annexure-B-1) as freedom fighter. In this back ground Ministry of Liberation War Affairs started to pay state honorarium to the father of the petitioners since June-2010 until his death on 04.03.2020 and thereafter the present petitioners as daughters of the deceased freedom fighter got state honorarium till September- 2022 and thereafter, on the basis of an allegation made by a third party the gazette of the petitioners' father was cancelled by Ministry of liberation War Affairs (Annexure-H).

Finding no other alternative the petitioners preferred this writ petition and obtained the present Rule.

Mr. M.G. Mahmud (Shaheen), the learned Advocate submits that the father of the petitioners fought for this Country and got a series of certificates from the authority concerned and ultimately his name was published in Civil gazette and BGB gazette (Annexure-B and B-1) and the petitioners' father got state honorarium since June-

2010 to till his death on 04.03.2020 and thereafter, the present petitioners as daughters of the deceased freedom fighter withdrawn state honorarium on behalf of his father till September-2022 although the Ministry of Liberation War Affairs without asking any question abruptly cancelled the gazette of the petitioners' father relying on a complaint made by a third party. He adds that the proposition of law is well settled that once state honorarium is granted or paid that must not be cancelled without any specific allegation and as such, the impugned notification /Memo so far as it relates to the petitioners' father is liable to be declared to have been passed without lawful authority and is of no legal effect. Finally, the learned Advocate submits that due to direction of this Court in the Rule issuing order the petitioners have been getting monthly state honorarium till date.

Mr. Mohammad Mohsin Kabir, the learned Deputy Attorney General, on the other hand, simply opposes the Rule. He could not show any cogent reason as to why the Ministry of War Affairs cancelled the gazette of the petitioners' father as freedom fighter.

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.

On scrutiny of the record, it appears that the father of the petitioners' as freedom fighter fought for this country during the liberation war, held in 1971. Due to his contribution in the liberation war, Ministry of Liberation War affairs issued a Provisional Certificate on 12.07.2004 recognizing him as freedom fighter (Annexure-A and A-1). Thereafter, his name was published in Bangladesh Gazette and BGB Gazette (Annexure-B and B-1) as freedom fighter and the petitioners' father got state honorarium since June- 2010 till to his death on 04.03.2020 and thereafter, the

present petitioners as daughters of the deceased freedom fighters withdrawn honorarium on behalf of their father till September-2022. It further appears that on the basis of a complaint made by a third party the Ministry of Liberation War Affairs abruptly cancelled the gazette of the petitioners' father without assigning any cogent reason whatsoever. It is also found that the petitioners are still receiving the state honorarium as per direction of this Court passed in Rule issuing order. The abrupt cancellation of a government gazette notification and cessation of state honorarium payments without a show cause notice is generally a violation of the principles of natural justice and due process.

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 respondent No.3 by the impugned Memo 48.02.0000.001.00.276.16.820 dated 07.08.2022 (Annexure-F) cancelling the Civil gazette so far as it relates to the name of the father of the petitioners as freedom fighter. 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 cancelling 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/memo is not based on relevant factors. The notification/memo 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 is made absolute and the impugned Memo dated 07.08.2022 issued by the respondent No.3 cancelling the Gazette No. 2577 of the petitioners' father as Freedom Fighter so far it relates to serial No. 50, (Annexure-F) pursuant to the decision taken on 19.07.2022 in the 80<sup>th</sup> meeting of Jatio Muktijoddha Council (JAMUKA) is declared to have been made without lawful authority and is of no legal effect and the respondents are directed 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 the respondents at once.

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

I agree.