

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

WRIT PETITION NO. 8994 of 2023

IN THE MATTER OF:

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

IN THE MATTER OF:

Bir Muktijoddha Shohrab alias Budu son of late Ukil Uddin Sheikh being dead his wife Aleya Begum.

..... Petitioner.

-Versus-

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

..... Respondents.

Mr. S.M.A. Sabur with

Ms. Masuda Rehana Begum, Advocates

..... For the petitioner.

Mr. Mohammad Mohsin Kabir, DAG with

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

Ms. Shaheen Sultana, AAG with

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

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

..... For the respondents.

Heard and Judgment on: 18.12.2025.

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 action

of the impugned Memo No. 05.44.0108.000.06.012.21-176 (10) dated 02.02.2021 issued under the signature of the Respondent No. 8 (T.N.O) for cancellation of the national gazette, Muktijoddha certificate, MIS (Muktijoddha Information System) and other relevant documents of the petitioner's husband as a freedom fighter in the liberation war of Bangladesh, 1971 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 husband of the petitioner late Md. Sohrab Hossain as freedom fighter fought for this country in the liberation war, held in 1971, who participated training at Bagerhat P.C. College field under the leadership of local M.P. Mr. Shiekh Abdur Rahman and Advocate S.M.A Sabur for the liberation war with other co-freedom fighters. After local training the petitioner went to India and joined at Barasat Youth Camp, West Bengal, India and again took arms training under the supervision of Sector Commander Major M.A. Jalil of Sector No.9. Thereafter, the petitioner's husband participated in the liberation war and took part in several frontal fights against the Pakistani Military and Rajakar. After liberation war the petitioner's husband voluntarily surrendered his arms with other fellow freedom fighters to the then Division Commissioner, Khulna in presence of the then M.Ps and sub-sector commander and Zonal Commander of a Special Garila Bahini Advocate S.M.A. Sabur. Due to his contribution in the

liberation war his name was published in the civil gazette as a freedom fighter on 01.12.2005 by the Ministry of Liberation War Affairs being Gazette No. 3396 at page No. 10950 (Annexure-B) and thereafter, the petitioner's husband got provisional certificate from the Ministry of Liberation War Affairs and his name was also published in the website of the Ministry of Liberation War Affairs and incorporated his name in MIS as freedom fighter (Annexure- C, C-1 &C-2). In this background the Government of Bangladesh allowed monthly state honorarium in favour of the petitioner's husband, Md. Soharab Hossain by issuing bhata book (Annexure-D). Thereafter, all on a sudden in first part of 2021 Jatio Muktijoddha Council (JAMUKA) on the basis of a wrong report and comment abruptly stopped to pay state honorarium of the petitioner's husband as a freedom fighter.

Against which the petitioner on behalf of her deceased husband filed an appeal before Jatio Muktijoddha Council (JAMUKA) in a vain.

Aggrieved thereby finding no other alternative way the petitioner as wife of Muktijoddha late Md. Soharab Hossain has come before this Court and obtained the present Rule.

Mr. S.M.A. Sabur, the learned Advocate appearing for the petitioner submits, it is on record that the petitioner's husband fought for this country in the liberation war and due to his contribution in the liberation war so many authorities of Liberation War Affairs including the State Minister, Ministry of Liberation War Affairs issued certificates recognizing the petitioner's deceased husband as a freedom fighter and

thereafter the Government published his name in civil gazette on 01.12.2005 as a freedom fighter. The learned Advocate further submits that the petitioner as wife of freedom fighter Md. Shorab Hossain after his death started to get state honorarium since July, 2010 through bhata book but JAMUKA without assigning any reason whatsoever or without issuing any show cause notice upon the petitioner on the basis of a baseless perfunctory report forwarded by local T.N.O. (Bagerhat) stopped the honorarium of the petitioner's husband and thereafter the petitioner as wife of freedom fighter late Md. Soharab Hossain filed an appeal before the JAMUKA and thereafter JAMUKA pending hearing of that appeal pursuant to the report of jachai-bachhai committee dated 02.02.2021 cancelled the gazette of the petitioner's husband as freedom fighter on 10.05.023 without considering the case of the petitioner's deceased husband from a correct angle and the same is liable to be declared to have been made without any 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 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 husband of the petitioner, late Md. Shohrab Hossain as a Freedom Fighter fought in the liberation war, held in 1971 and his name has been published in civil gazette on 01.12.2005 as a

freedom fighter (Annexure- B) and thereafter, Respondent No. 1, Secretary Ministry of Liberation War Affairs issued a certificate in favour of the petitioner's husband recognizing him as a Freedom Fighter (Annexure-C) and his name also published in the website of the ministry of Liberation War Affairs and also included his name in MIS (Muktijoddha Information System) as evidenced by "Annexure-C-1&C-2" to the writ petition. It further appears that the petitioner as wife of freedom fighter started to get state honorarium since July, 2010 through bhata book (Annexure-D) and JAMUKA without any proper investigation into the matters as well as ignoring the petitioner's paper abruptly on the basis of a report forwarded by local T.N.O, Bagerhat stopped the payment of state honorarium to the petitioner and thereafter against the said action and baseless report of the T.N.O the petitioner filed an appeal in a vain (Annexure-F) and the respondents also pursuant to such baseless report forwarded by local T.N.O, Bagerhat cancelled the gazette of the petitioner's husband as a freedom fighter.

Considering all these facts and circumstances of the case as revealed from the materials on record, we find no cogent reasons as to why the respondents stopped the state honorarium of the petitioner as wife of a freedom fighter. A 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 decision of the respondents to stop payment of state honorarium of the petitioner (wife of freedom fighter, Md. Shohrab Hossain) is not based on relevant factors. The decision was taken 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 the action of the impugned Memo No. 05.44.0108.000.06.012.21-176 (10) dated 02.02.2021 issued under the signature of the Respondent No. 8 (T.N.O) for cancellation of the gazette, Muktijoddha certificate, MIS (Muktijoddha Information System) and other relevant documents of the petitioner's husband as a freedom fighter in the liberation war of Bangladesh, 1971 is 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.