

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

Present:

Justice Sheikh Abdul Awal

And

Justice S.M. Iftexhar Uddin Mahamud

Writ Petition No. 12699 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:

Abdullah Al Harun

..... Petitioner.

-Versus-

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

.....Respondents.

Mr. Taslim Uddin Khan, Advocate

..... For the Petitioner.

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. Shahin Sultana, A.A.G.

... For the Government-Respondents.

Heard and judgment on 17.11.2025

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

respondents shall not be directed to enlist the name of the petitioner as Muktijoddha in the list of Muktijoddha and publish the same in Bangladesh Gazette and/or such other and further order or orders passed as to this Court may seem fit and proper.

The relevant facts briefly as stated in the Writ Petition are that the petitioner having served as the General Instructor in the ‘ New Hapania (Moratella) Youth Transit Camp at Agartala, India under Mujibnagar Government during the entire period of liberation war of Bangladesh. The petitioner’s contribution towards the liberation war has been recognized with great respect. The Ministry of Liberation War Affairs, Government of Bangladesh having formulated a definition of Muktijoddha of the Liberation War of Bangladesh and published the same in the extra ordinary issue of Bangladesh Gazette dated 10.11.2016, vide Memo. No. 48.00.0000.004.49.233.09-1832 dated 06.11.2016. In clause (Ga) of the said definition it has been stated that the Bangladeshi citizens who served as officer/employee under the Mujibnagar Government during the liberation war shall be treated as Muktijoddha. Accordingly the petitioner to be enlisted as a bonafide Muktijoddha within the purview of the above definition of Muktijoddha.

Although in spite of repeated applications the Jatiya Muktijoddha Council (JAMUKA) did not enlist the petitioner as freedom fighter.

Being aggrieved thereby the petitioner filed this Writ Petition and obtained the present Rule Nisi.

Mr. Taslim Uddin Khan, the learned Advocate for the petitioner submits that as per definition of MuktiJoddha published in additional issue of Bangladesh Gazette dated 10.11.2016 under Memo No. 48.00.0000.004.49.233.09-1832 dated 06.11.2016 the petitioner is entitled to be enlisted as freedom fighter although inspite of repeated reminders the respondents did not enlist the petitioner as freedom fighter and as such, the Rule is liable to be made absolute.

Mr. Monowarul Islam, the learned Assistant Attorney General, on the other hand, by filing affidavit in opposition opposes the Rule. He submits that in this case there is nothing on record to suggest that petitioner was an employee of Mujib Nagar Government or he participated in liberation war as freedom fighter and as such, the petitioner's application for enlist his name as a freedom fighter is justly rejected in accordance with law.

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 relevant documents as placed before this Court.

On a scrutiny of the record, it appears that in this case, the petitioner Abdullah Al Harun filed an application before Chairman, Jatio MuktiJoddha Council (JAMUKA) on 15.08.2022 under the caption “ প্রকৃত মুক্তিযোদ্ধা হিসাবে স্বীকৃতি প্রদান ও গেজেট প্রকাশ করে মুক্তিযোদ্ধাদের তালিকায় আমার নাম (অব্দুল্লাহ আল হারুন) অন্তর্ভুক্ত করার আবেদন প্রসঙ্গে (জিডি নং ১১৯১৬১৪)” and thereafter, Jatio MuktiJoddha Council (JAMUKA) by order dated 14.02.2023 rejected the said application stating that “ আবেদনকারী কাহাদের ট্রেনিং

দিয়েছেন এমন কোন ব্যক্তির নাম বা সাক্ষ্য উপস্থিত করতে পারেননি। উপজেলায় যাচাই-বাছাইকালে যাচাই কমিটি সর্বসম্মতভাবে মুক্তিযোদ্ধা হিসেবে নামঞ্জুর করেছেন। সবকিছু পার্যালোচনা করে রীট আবেদনকারী জনাব আব্দুল্লাহ আল হারুণ মুক্তিযোদ্ধা হিসেবে প্রমাণিত নন।” Further, the grounds taken in the writ petition based on bundle of facts which can be decided only at the trial on taking evidence. In a summary proceeding under Article 102 of the Constitution of the People's Republic of Bangladesh it is not possible to record a disputed question of fact. Therefore, the writ petition is not maintainable.

The learned Assistant Attorney General submits that in the facts and circumstances of the case the petitioner ought to have filed appeal to ventilate his grievances and in a case of this nature, we do not find any reason to differ from it.

In the facts and circumstances of the case as revealed from the materials on record, we find no merit in this Rule.

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.