

**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. 3810 of 2010

In the matter of:

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

And

In the Matter of:

Md. Zahirul Haque and others.

..... Petitioners.

-Versus-

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

.....Respondents.

None appears

..... For the Petitioners

Mr. Md. Shamsul Islam, Advocate

For the respondent No.2

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

Judgment on 04.08. 2025.

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 respondents should not be directed to absorb/appoint the petitioners in the service of the Republic in their respective nominated posts of Security Guard and M.L.S.S. under the Ministry of Civil Aviation and Tourism as nominated Ex-Mojibnagar Employees, as per nomination letter vide Memo No. Sa Ma. DS/(SP) M-2/1203/73-791, dated 18.12.1985 issued by the Ministry of Establishment under signature of Deputy Secretary (S.P) S.P Section of the Ministry of Establishment (Annexure-E).

No one appears to press the Rule Nisi on repeated calls.

Mr. Md. Shamsul Islam, the learned Advocate appearing for the respondents No.2 after placing an application for discharging the Rule submits that in the facts and circumstances of the present Rule has become in-fructuous and as such, the Rule may kindly be discharged as being in-fructuous.

Having heard the learned Advocate for the respondent No.5 and the learned Deputy Attorney General, perused the writ petition and other materials on record.

It is contended in the application that the writ petition was sworn by the petitioner No. 1 on 10.05.2010 on behalf of the petitioner Nos. 2-29, at the time of swearing affidavit his age was 47 years; that Mujibnagar Government was formed on 17.04.1971 when the age of the petitioner No. 1 was seven years eleven months and one day only and at this stage his age is 62+ years and accordingly if it is calculated it may be presumed that all the petitioners have crossed 60 years of age and as such, there is no scope to absorb them in the Government service and as such the Rule of the instant writ petition has become in-fructuous.

Considering the facts and circumstance of the case together with the above statements made in paragraph No.4 of the

application, we are of the view that instant Rule has become infructuous.

In the result, the Rule Nisi is discharged as being infructuous.

Communicate this order at once.

Md. Mansur Alam, J:

I agree.