

**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. 4376 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:

Md. Younus Miah and others.

..... Petitioners.

-Versus-

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

..... Respondents.

Mr. Md. Khurshid Alam Khan, Senior
Advocate

..... For the Petitioners

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

... For the Government-Respondents

Judgment on 31.07. 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 names of the petitioners being the Freedom Fighters left out by “উপজেলা যাচাই বাছাই কমিটি, উপজেলা-রাজাপুর, জেলা-ঝালকাঠি, বিভাগ-বরিশাল” (Annexure-G) who were enlisted as the Freedom Fighters in earlier list by the same committee (Annexure-D) should not declared to have been made 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.

Mr. Md. Khurshid Alam Khan, the learned Advocate appearing for the petitioners at the very outset submits that due to pandemic situation the petitioners could not prefer an appeal against the decision of “উপজেলা যাচাই বাছাই কমিটি, উপজেলা-রাজাপুর, জেলা-ঝালকাঠি, বিভাগ-বরিশাল” (Annexure-G) and therefore, the petitioner finding no other alternative way filed this writ petition before this Court. However, he adds that in the facts and circumstance this Rule Nisi may kindly be disposed of with a direction to prefer appeal before the উপজেলা যাচাই বাছাই কমিটি, উপজেলা-রাজাপুর, জেলা-ঝালকাঠি, বিভাগ-বরিশাল against the impugned decision (Annexure-G) with an application for condonation of delay.

Mr. Md. Bodiuzzaman Tapadar, the learned Deputy Attorney General submits that since due to pandemic situation the petitioners could not prefer appeal and thus, a direction may be given to the petitioners to file appeal with an application for condonation of delay.

Having heard the learned Advocate for the petitioners and the learned Deputy Attorney General, perused the writ petition and other materials on record.

We therefore, find that the petitioners have the alternative remedy by way of appeal and as such this Writ Petition is not maintainable.

In the facts and circumstance of the case the petitioners may avail the remedy of appeal against the impugned order before the appropriate authority with an application for condonation of delay, if they so advised and if it is open to them. The authority shall consider the prayer for condonation of delay in accordance with law.

In the result, the Rule Nisi is disposed of with the above direction.

Let a copy of this judgment and order be communicated to the Court concerned at once.

Md. Mansur Alam, J:

I agree.