

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

WRIT PETITION NO. 15579 OF 2017

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Nurun Nahar

.....Petitioner

-VERSUS-

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

..... Respondents

Mr. Jyotirmoy Barua, Senior Advocate with

Mr. Md. Mesbahul Islam Asif, Advocate

..... For the Petitioner

Mr. Mohammad Waliul Islam Oli, D.A.G with

Mr. Md. Ershadul Bari Khandakar, D.A.G with

Ms. Nilufar Yesmin, A.A.G with

Mr. Md. Moshir Rahman (Rahat), A.A.G with

Mr. Md. Motasin Billah Parvez, A.A.G with

Mr. Md. Faridul Islam, A.A.G

.....For the Respondents

Present:

Mr. Justice Sashanka Shekhar Sarkar

And

Justice Urmee Rahman

Heard on 26.01.2026 and

Judgment on 02.02.2026

Urmee Rahman, J:

In the instant matter a Rule Nisi was issued on an application under
Article 102 of the Constitution of the People's Republic of Bangladesh in the
following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why a direction upon the respondents should not be given to enlist the name of the petitioner’s father late Nurul Islam as ‘Shaheed Freedom Fighter’ and published a gazette in his name and as to way a direction upon the respondents to issue a certificate of ‘Shaheed Freedom Fighter’ and release honorarium including all benefits in his favour should not be given and/or pass such other or further order or orders as to this Court may seem fit and proper.”

Necessary facts for disposal of the instant Writ Petition, in short, are that, the petitioner’s father Nurul Islam was employed in the Railway Mail Service (R.M.S.) at Ishwardi, Pabna and he took part as a freedom fighter in the liberation war in 1971. Subsequently he was brutally killed by the Pakistani occupation Army on 04.12.1971 at Ishwardi Junction while he was on duty of the then Government. Mr. Islam died leaving behind one wife, two sons and five daughters. On 22.06.2017 the petitioner made a representation before the respondents with a request to enlist her father’s name as ‘শহীদ মুক্তিযোদ্ধা’ and publish a Gazette accordingly in his name. Pursuant to the said letter the concerned authority procured detail information about the petitioner’s father and forwarded the same to the Divisional Post Master General (DPMG), Khulna. In the meantime, Director General (DG), Directorate of Post published 2 (two) authentic publications, namely, i) Postal Pedia and ii) Evaluation of postal service, in the year of 2017 and 2018 respectively,

wherein a list was provided with the names of the employees of the Postal Department who were killed/missing during the liberation war. Petitioner's father's name (Nurul Islam) was recorded in serial No. 22 in both the publications as he was killed on 04.12.1971 by the occupation Pakistani Army. Having learnt about the same the petitioner made another representation on 03.06.2021 before the Director General (DG) of Directorate of Post Office with a request to take necessary action to enlist the name of her father as "Shaheed Freedom Fighter" but with no result. The Government of Bangladesh issued gazette notification on 10.11.2016 and subsequently on 08.10.2018 defining 'Freedom Fighter'. Petitioner's father Nurul Islam fall within the definition.

No action being taken by the respondents in order to publish gazette in the name of her father after making repeated representations followed by a Notice Demanding Justice dated 04.10.2017 and there having no other alternative, efficacious remedy available, the petitioner has filed the instant writ petition and obtained the Rule.

Learned Advocate Mr. Jyotirmoy Barua with Advocate Mr. Md. Mesbahul Islam Asif appeared on behalf of the petitioner. Upon placing the writ petition and referring to the annexures Mr. Barua submitted that, the petitioner's father being a government employee was brutally killed by Pakistani occupation Army while he was on duty but the concerned department did not take any initiative to record his name in the list of 'শহীদ মুক্তিযোদ্ধা' though the relevant records are very much available in their office.

Mr. Barua next submitted that, as per the definition the petitioner's father is entitled to be enlisted as 'শহীদ মুক্তিযোদ্ধা' by publication of Gazette notification but the respondents are reluctant and sitting over the matter without disposing of the application of the petitioner and therefore an appropriate order/direction by this court is required to be passed to that effect.

No one appeared to oppose the Rule.

We have heard the learned Advocate for the petitioner and perused all the documents annexed as annexures with the writ petition.

The petitioner has filed the instant writ petition in the form of a mandamus for a direction upon the respondents to publish a Gazette in the name of her father, late Nurul Islam, as a 'শহীদ মুক্তিযোদ্ধা' (Martyred Freedom Fighter) and to issue a certificate in his name and accordingly to provide the all the benefits including honorarium which his family is entitled to in this regard as a *Shaheed* family.

It appears from Annexure-B that, the said Nurul Islam, son of late Moulavi Ajim Uddin Ahammed, died leaving behind one wife Jahanara Begum, two sons and five daughters. Later on, Jahanara Begum died leaving behind her children. Petitioner is the daughter of Nurul Islam and Jahanara Begum and her other brothers and sisters have authorized her by executing a letter of authority to file the instant writ petition on their behalf (annexure-D).

Petitioner's case is that, her father Nurul Islam served in the Railway Mail Service (RMS) during the Liberation War of 1971 and became the victim of target killing of the Pakistani Army. Annexure F series are the documents from which it transpires that, Mst. Jahanara Begum, wife of late Nurul Islam received family pension from Pakistan Posts and Telegraphs Department, which was subsequently extended for her life time on her application by the memo dated 06.11.2007. From these documents it is noticed that Nurul Islam has been identified as 'Nurul Islam-1' as there was another employee with the same name working in that department.

By the memo dated 23.04.2017 the office of the Prime Minister sought for information from the Secretary, Ministry of Postal and Telecommunication about the government employees under this Ministry who were killed missing during the liberation war (annexure-H). By the memo dated 28.06.2017 the M.R.S. (H.S.G.) of Postal Transport Service, Iswardi, Pabna sent the detail information of the petitioner's father and forwarded the same to Divisional Post Master General (DPMG), Khulna stating inter alia that the name of the post of Nurul Islam was 'Sorter' and he died during the relevant period of time at the balcony of R.M.S. office situated at platform No. 3 of Iswardi Junction Station.

Annexure-I is the photocopy of two books namely, 'Postal Pedia: ডাক ব্যবস্থার ক্রমবিকাশ' and 'ডাক ব্যবস্থার ক্রমবিকাশ' (Evolution of Postal Service) Postal Pedia- I' written and edited by Shudhangshu Sekhar Bhadra, the then Additional DG of Bangladesh Post Office published in the year 2017

and 2018 respectively. It appears from these annexures that both the books contain a list of officers/employees of Postal Service during the liberation war of 1971. The name of Nurul Islam-1 appears in serial number 22 under Khulna Circle as Sorter, Sub Record Office, Iswardi, age 44 years and date of death/missing to be 04.12.1971 published at page 310 and 408 of the books respectively. This book appears to be an authentic source of history of evolution of postal service in Bangladesh.

On obtaining a copy of these publications, the petitioner made a representation before the DG, Bangladesh Postal Department requesting him to take necessary action to enlist her father's name as 'শহীদ মুক্তিযোদ্ধা'(Annexure-J) but no response has been made till date.

By the gazette notification dated 08.10.2018 'বাংলাদেশ মুক্তিযোদ্ধা কল্যাণ ট্রাস্ট আইন, ২০১৮' was enacted and in that Act the term 'শহীদ বীর মুক্তিযোদ্ধা' has been defined as, "এইরূপ বীর মুক্তিযোদ্ধা যিনি মুক্তিযুদ্ধ চলাকালে যুদ্ধে অংশগ্রহণ করে শহীদ হইয়াছেন".

On meticulous perusal of the documents on record we find that the petitioner has been able to establish the fact that his father is a 'শহীদ মুক্তিযোদ্ধা' (martyred freedom fighter) by producing authentic source of information supported by relevant material documents and accordingly her father is entitled to be enlisted as 'শহীদ মুক্তিযোদ্ধা'. Therefore the respondents are under a legal obligation to enlist him with that status, issue a certificate in his name, publish a Gazette notification to that effect and to provide the entitlements to his family as 'Shaheed family'.

However, the Respondents have failed to do so despite having been communicated by the petitioner several times.

With the findings and observations made hereinabove we find substance in the Rule.

In the result the Rule is made absolute.

However, without any order as to costs.

The respondents hereby are directed to take immediate necessary action to enlist the name of Nurul Islam, son of late Moulvi Ajimuddin Ahammed, Sorter, Sub Record Office, Iswardi, Khulna Circle of Bangladesh Postal Department as ‘শহীদ মুক্তিযোদ্ধা’ and publish a Gazette notification to that effect and issue a certificate in his name as ‘শহীদ মুক্তিযোদ্ধা’ within 30 (thirty) days of receipt of this order. The respondents are further directed to release honorarium including all other benefits available to the ‘*Shaheed* family’ of Nurul Islam, which they are lawfully entitled to soon after publishing the gazette.

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

Justice Sashanka Shekhar Sarkar, J:

I agree.