

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

**WRIT PETITION NO. 9612 of 2021**

**IN THE MATTER OF:**

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

**IN THE MATTER OF:**

Md. Hasen Ali Sarker alias Chan Miah  
..... Petitioner.

-Versus-

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

..... Respondents

Mr. M. Ruhul Amin Mullah, Advocate  
..... For the petitioner.

Mr. Mohammad Mohsin Kabir, DAG with  
Mr. A.K.M. Rezaul Karim Khandaker, D.A.G  
Ms. Shaheen Sultana, AAG and  
Mr. Md. Manowarul Islam Uzzal, A.A.G with  
Mr. Md. Mukhlesur Rahman, A.A.G  
..... For the respondents.

**Heard and Judgment on: 23.11.2025.**

**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, a Rule Nisi was issued calling upon the respondents to show cause as to why the inaction and failure of the Respondents to amend the Gazette Notification

bearing No, 48.00.0000.004.37.149-2013-439 dated 22.07.2013 by inserting the actual name of the petitioner as Md. Hasen Ali Sarker, son of Jahad Bax Sarker instead of his surname Md. Chan Mia, son of Rehan Bax (as contained in Serial No.97 of District Narsingdi) and to pay all the incurred state benefits since the official recognition of petitioner as freedom fighter dated 22.07.2013 shall not be declared illegal and as to why a direction upon the Respondent Nos. 1-3 shall not be given to amend the Gazette Notification bearing no.48.00.0000.004.37.149-2013-439 dated 22.07.2013 by inserting the actual name of the petitioner as Md. Hasen Ali Sarker, son of Jahad Bax Sarker instead of his surname Md. Chan Mia, son of Rehan Bax and to pay all the incurred state benefits including arrears since the operation of the Gazette Notification dated 22.07.2013 and/or such other or further order or orders passed as to this Court may seem fit and proper.

The relevant facts as stated in the writ petition briefly are that the petitioner is a valiant freedom fighter, who fought for this country in the liberation war, held in 1971. Due to his contribution in the liberation war so many authorities including Professor Muzaffar Ahmed, Advisor of the Government of Bangladesh during the Liberation War and the Minister, Liberation War Affairs and Pankaj Bhattachaya, Deputy Commander, ন্যাপ-কমিউনিস্ট পার্টি ছাত্র ইউনিয়ন বিশেষ গেরিলা বাহিনী issued certificates in favour of the petitioner (Annexure-D-1&D-2) recognizing the petitioner as freedom fighter. In this background his name has been published in Civil Gazette as freedom fighter but wrongly as his surname Chan Mia instead of his actual name Hasan Ali Sarker and thus the petitioner filed an application to Minister, Ministry of Liberation War Affairs to amend his name and pursuant to that

application the authority sent the matter to local Upazilla Nirbahi Officer for inquiry and after thorough investigation into the matter the local U.N.O. forwarded a report on 09.11.2020 to the secretary, Ministry of Liberation War Affairs (Respondent No.1) recommending to take necessary action but the respondent No.1 has not yet been taken any action on it. Thereafter, the petitioner also filed another application on before the Director General of JAMUKA (Annexure-F) under the caption: “গ্যাজেট সংশোধনীর আবেদনপত্র” but the respondent No.3 has not yet been taken any action into the matter.

Aggrieved thereby the petitioner has come before this Court and obtained the present Rule.

Mr. M. Ruhul Amin Mullah, the learned Advocate appearing for the petitioner at the very outset takes us through the inquiry report and then submits that the inquiry committee after thorough inquiry submitted a report stating that the petitioner’s actual name is Hasan Ali Sarker instead of Chan Mia although the JAMUKA did not take any steps to amend/correct the name of the petitioner or to amend the gazette notification in accordance with law resulting the petitioner is facing so many problems. Finally, the learned Advocate submits that unless the petitioner’s name is corrected he will not get any benefit as freedom fighter.

Mr. Mohammad Mohsin Kabir, the learned Deputy Attorney General, on the other hand, submits that in the facts and circumstances of the case a direction may be given to the JAMUKA to do the needful in accordance with law as per report dated 09.11.2020 forwarded by the then Upazilla Nirbahi Officer, Shibpur Narsingdi (Annexure-E).

Having heard the learned Advocate for the petitioner and the learned Deputy Attorney General and having gone through the writ petition and other relevant documents as placed before this Court.

On a scrutiny of the record, it appears that in this case the petitioner filed an application before the Ministry of Liberation War Affairs for correcting his name as Hasan Ali Sarker instead of his nick name/surname Chan Mia and thereafter pursuant to similar type of application the U.N.O. Shibpur Narsingdi submitted a report (Annexure-E) before the JAMUKA stating- “তদন্ত প্রতিবেদনে তদন্ত কর্মকর্তা (জনাব মাহমুদুর রহমান, উপজেলা সমাজসেবা কর্মকর্তা, শিবপুর, নরসিংদী) বিষয়টি সরেজমিনে তদন্ত করে জাতীয় পরিচয়পত্র, শিবপুর উপজেলার আয়ুবপুর ইউনিয়ন পরিষদ চেয়ারম্যান কর্তৃক প্রদত্ত ওয়ারিশান সনদপত্র ও পরিচয়গত সনদপত্র, একই গ্রামের ন্যাপ কমিউনিষ্ট পার্টি ছাত্র ইউনিয়ন বিশেষ গেরিলা বাহিনীর ভাতা প্রাপ্ত চারজন বীর মুক্তিযোদ্ধার প্রত্যয়ন, ন্যাপ কমিউনিষ্ট পার্টি ছাত্র ইউনিয়ন বিশেষ গেরিলা বাহিনীর সদস্য ও মুক্তিযোদ্ধাদের বিশেষ সনদপত্র, ন্যাপ কমিউনিষ্ট পার্টি ছাত্র ইউনিয়ন বিশেষ গেরিলা বাহিনীর ডেপুটি কমান্ডার জনাব পঞ্চজ ভট্টাচার্য কর্তৃক প্রদত্ত প্রত্যয়নপত্র, বিজ্ঞ সিনিয়র জুডিসিয়াল ম্যাজিস্ট্রেট আদালত, নরসিংদীর হলফনামা পর্যালোচনার ভিত্তিতে গেজেটে প্রকাশিত তথ্য ও চাহিত তথ্য একই ব্যক্তি (বীর মুক্তিযোদ্ধা মো: হাছেন আলী সরকার, পিতা: জাহাদ বক্স সরকার, গ্রাম: খৈশাখালী, ডাকঘর: নোয়াদিয়া, উপজেলা: শিবপুর, জেলা: নরসিংদী) এর সত্যতা পাওয়া যায় মর্মে উল্লেখ করেন।” (Annexure-E) although the respondent has not yet been disposed of the petitioner’s application for correction in accordance with law. Therefore, we find merit in this rule.

Accordingly, the Rule Nisi is made absolute in part. The respondent No.3, Director General, Jatio Muktijoddha Council (JAMUKA) is directed to dispose of the application of the petitioner filed under the caption “গ্যাজেট সংশোধনীর আবেদনপত্র” in considering the report forwarded by the Upazilla Nirbahi Officer,

Shibpur Narsingdi (Annexure-E) as early as possible preferably within 2 (two) months from the date of receipt of the order .

In the facts and circumstances of the case there will be no order as to costs.

Communicate this order to the concerned authority at once.

**S.M. Iftekhar Uddin Mahamud, J:**

I agree.