

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.1034 OF 2014

(Gyaneshwar Bhaurao Domewale and others vs. Jail Superintendent, Nagpur Central Jail)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri M.N. Ali, Advocate for petitioners.

Shri T.A. Mirza, Additional Public Prosecutor for
respondent.

CORAM : A.B. CHAUDHARI AND
 P.N. DESHMUKH, JJ.

DATED : MARCH 4, 2015

The petitioners have filed this petition
praying for issuing directions to respondent to
appoint them on the post of Night Watchman.

Heard learned Counsel for the parties and
perused the affidavit-in-reply filed by respondent. It
appears that all the three petitioners are undergoing
life imprisonment for the offence punishable under
Section 302 of Indian Penal Code. It further appears
that earlier all the petitioners were released on

furlough, but had not surrendered on the due date and as such, petitioner no.1 was found absconding for 603 days, petitioner no.2 was found absconding for 1063 days and petitioner no.3 was found absconding for 2297 days. Though petitioners were produced before the Selection Committee on 16/5/2014, they were not considered fit for their posting as Night Watchmen for the aforesaid reason.

We have further noted that eligibility criterion for promotion to the post of Night Watchman is provided under Maharashtra Prison Manual Chapter XL Convict Officers Section and the statutory Rules. According to Rules, prisoner has to have 400 days remission balance in his remission register. However, we find that petitioner nos.1 and 3 have no balance of remission while petitioner no.2 is having balance of 256 days' remission.

Though petitioners have also raised a ground that some prisoners are given promotion of Night Watchmen in spite of their absconding after release on parole/furlough, we do not find it necessary to go into this aspect as the petitioners

apparently are not eligible to claim such posting having no remission of 400 days to their account. As such, the petitioners are disqualified on this count also.

In that view of the matter, we find no substance in the criminal writ petition. Hence, the criminal writ petition is dismissed.

JUDGE

JUDGE

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