



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.20257 of 2015

L.M.Vijai Boominathan

: Petitioner

Vs.

1.The State of Tamilnadu,
Represented by
The Home Secretary, (Prison)
Secretariat, Fort St George,
Chennai.

2.The Additional Director General of Police(Prisons)/
The Inspector General of Prisons,
CMDA Tower -II, No.1, Gandhi Irwin Road,
Egmore, Chennai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to initiate necessary action to fill up the existing welfare officer and social worker vacancies under rule 116 and 117 of Tamil Nadu Prison Rules 1983 in all Central Prisons, Special Prisons for women, and Borstal schools in Tamil Nadu within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

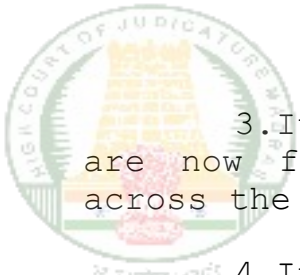
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this writ petition under *pro bono publico* to direct the respondents to initiate immediate action to fill up the existing vacancies in the post of Welfare Officer and Social Worker in all the Central Prisons, Special Prisons for Women and Borstal Schools in Tamil Nadu in accordance with Rule 116 and 117 of Tamil Nadu Prison Rules 1983.

2.The Tamil Nadu Prison Rules 1983 provides for appointment of Welfare Officer in each of the Central Prisons besides Psychologist and Social Worker in selected Central prisons and Borstal School specified by the Government.



3. It is the case of the petitioner that the Assistant Jailors are now functioning as Welfare Officers in the Central Prisons across the state.

4. It is the further case of the petitioner that the Central Prisons and Borstal Schools were declared as selected Central prisons by the Government for appointment of Psychologist and Social Worker.

5. According to the petitioner, there are several duties and functions assigned to the Social workers and the welfare officers and the same could be performed properly, only in case appointments are made by the State.

6. The Deputy Secretary to Government, Home Department filed a counter affidavit, wherein it was indicated that the Government has sanctioned the posts of Welfare Officer in all the Central Prisons and Borstal Schools. Similarly, the Government has also framed the recruitment Rules for appointment to the post of Social Case Work Expert. According to the Deputy Secretary to Government, action has already been taken by the Government under the Tamil Nadu Public Service Commission to fill up the post of Social Case Work Expert and the posts would be filled up soon.

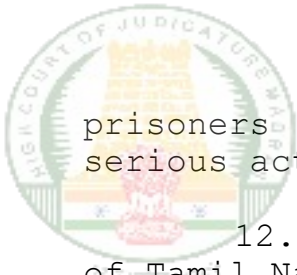
7. The learned counsel for the petitioner contended that it would not possible for the Assistant Jailor to function either as a welfare officer or as a Social Case Work Expert. Moreover, the work of Social Case work Expert would require interaction with the prisoners and it could not be possible to perform such multiple activities by the jail officials.

8. There is a statutory mandate, given under Rule 114 of the Tamil Nadu Prison Rules, 1983, for constituting welfare officers in each of the Central Prisons. Similarly, the Government must provide Social Welfare Experts in the selected Central prisons.

9. We are now considered with the post of welfare officer and social worker. The counter affidavit filed by the Home Department indicates that in the Central Prison, the work of Welfare Officer is taken care of by the Assistant Jailor. Similarly, the post of Social Case work Expert is also looked after by the Jail officials.

10. The Government has sanctioned the post of Welfare Officer and Social Case work Expert for appointment by direct recruitment. The appointment is now only in paper. The Government has not taken any serious effort to fill up the post of Social Case work Expert or Welfare Officer.

11. The Rule contained a clear indication that the Welfare Officer, Psychologist and Social Worker must undertake certain definite functions. There is no question of entrusting such function with the Assistant Jailor, who is in charge of keeping the



prisoners inside the jail. The Government ought to have taken serious action in the matter.

12. We therefore issue the following direction to the State of Tamil Nadu to fill up the vacancies:

"The first respondent is directed to fill up all the posts of Welfare Officer and Social Case Work Expert in the Central Prisons and Borstal School as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of this order."

13. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To:

1. The Home Secretary, (Prison)
Secretariat,
Fort St George,
Chennai.

2. The Additional Director General of Police (Prisons) /
The Inspector General of Prisons,
CMDA Tower -II, No.1, Gandhi Irwin Road,
Egmore, Chennai.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.69729

+1cc to Mr.R.ALAGUMANI Advocate in SR. No.69177

MM/AM

JS/GT/SAR.2/17.08.2017/3P-5C

Order made in
W.P. (MD) No.20257 of 2015
Dated: 31.07.2017