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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11063/2017

MOHD. NAUMAN

..... Petitioner

Through: Mr Sunil Upadhyay and Ms Mansi
Bhatia, Advocates.

versus

DIRECTOR GENERAL (PRISON) AND ANR. Respondents

Through: Mr Satyakam, Additional Standing
counsel, GNCTD with Mr R. A. Iyer,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.12.2017**

CM No.45258/2017

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, impugning a communication dated 22.11.2017 addressed by respondent no.1 to the Regional Director, Indira Gandhi National Open University (IGNOU), denying the petitioner the access to function as an Academic Counsellor at study centre no. 0719 at Tihar Jail, for BSW (Bachelor of Social Work) programme. By the said communication, the IGNOU authorities have been called upon to assign a person other than the petitioner for conducting the programme at Tihar Jail Study Centre no.0719, for the benefit of the prisoners.

3. The respondents state that the petitioner's access has been denied for the reason that he had been lodged in jail for serious criminal offences and his conduct during his jail term was reported to be unsatisfactory. It is also alleged that the petitioner had interfered with the department's work and, therefore, the jail authorities did not consider it appropriate to grant the petitioner any access to the prisoners.

4. The learned counsel for the petitioner states that above allegations are unsubstantiated and the petitioner has been provided no opportunity to meet any of the said allegations.

5. This Court is not inclined to entertain the present petition as the petitioner has no vested right to visit the jail premises. BSW programme is conducted for benefit of the prisoners and the jail authorities have complete discretion in determining the persons who are to be granted access to the jail inmates.

6. In the present case, respondent no.1 has received information that the petitioner's conduct during his jail terms was unsatisfactory. It has also been stated that the petitioner has been interfering with the work of department. Thus, in their wisdom, the jail authorities have not considered it fit to permit the petitioner any access to the prisoners.

7. This Court is of the view that the aforesaid decision is not amenable to judicial review and the petitioner has no right to insist on being granted a pass to visit the jail premises. It is trite law that this Court would not issue a writ unless the petitioner is able to establish a legal right (See: ***Calcutta Gas Company (Proprietary) Ltd. v. State of West Bengal and Ors: AIR 1962***

SC 1044).

8. This Court does not find that the petitioner has any right to visit the jail premises, therefore, the impugned decision cannot be interfered. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

DECEMBER 13, 2017
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