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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.12971 OF 2021

V.Yugathithyan

... Petitioner

Versus

1. The State Rep. by its
The Home Secretary of Prison,
Secretariat,
Chennai - 600 009.
2. The Director General of Prison,
Office of the DGP, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Deputy Inspector General of Prison,
Coimbatore Range,
Gandhipuram,
Coimbatore - 641 018.
4. The District Collector,
Opp-District Court,
Palayapalaiyam,
Erode - 638 011.
5. The Superintendent of Prison,
Coimbatore Central Prison,
Gandhipuram,
Coimbatore.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in No.18674/t.k.5/2020-1 dated 19.01.2021 passed by the fifth respondent and quash the same and direct the respondents to provide the "A" Class facility in view of the Rule 226 of the Tamil Nadu Prison Rules, 1983 to the petitioner/convict namely V.Yugathithyan S/o. Velliyangiri confined at Central Prison - Coimbatore, immediately.



For Petitioner : Mr.M.Mohamed Saifulla
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

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O R D E R

This Writ Petition is filed to call for the records in No.18674/t.k.5/2020-1 dated 19.01.2021 passed by the fifth respondent and quash the same and direct the respondents to provide the "A" Class facility in view of the Rule 226 of the Tamil Nadu Prison Rules, 1983 to the petitioner/convict namely V.Yugathithyan S/o. Velliyangiri confined at Central Prison - Coimbatore, immediately.

2.The learned counsel appearing for the petitioner submits that the petitioner is an accused in Crime No.408 of 2014 and he faced the trial in S.C.No.112 of 2015. On conclusion of the trial, by Judgment dated 21.07.2016, the II Additional District and Sessions Court, Salem had convicted and sentenced the petitioner to undergo life imprisonment as major punishment. Aggrieved against the said conviction order, the petitioner had filed an appeal before this Court in CrI.A.No.554 of 2017 and this Court by order dated 10.01.2020, had dismissed the appeal and confirmed the conviction passed by the trial Court. Aggrieved the concurrent findings, the petitioner had filed an appeal before the Hon'ble Supreme Court of India in SLP(CrI.) No.3434 of 2020 and the same was also dismissed the Apex Court on 04.08.2020. The petitioner being an Aeronautical Engineering graduate filed this petition to provide "A" Class facility to him.

3.The petitioner's mother sent a representation to the prison authorities on 06.12.2020, which was forwarded to the fifth respondent, for taking steps. The fifth respondent sent all the relevant documents to the fourth respondent for an enquiry and his recommendation. Subsequently, the fourth respondent had not recommended to provide the same. Based on the recommendation of the fourth respondent, the fifth respondent had rejected the petitioner mother's application, for providing "A" Class facility to the petitioner. The petitioner is an Aeronautical Engineering graduate and the same is not in dispute. The fourth respondent i.e. the District Collector, Palayapalaiyam, Erode had perused the certificates produced by the petitioner. The fourth respondent had sent a report stating that the petitioner is a Life Convict Prisoner (C.T.No.19466) and he is not eligible for "A" Class facility, since he led a minimum standard of living. Hence, the fifth respondent had rejected the claim, which is not proper.



4.He further submitted that this Court on a similar situation in the case of R.Robert Payas Vs. The Home Secretary, Government of Tamil Nadu, Secretariat, Chennai and others reported in CDJ 2021 MHC 1625 had held that as per Rule 225 of the Tamil Nadu Prison Manual, 1983, a person is entitled for "A" Class facility based on his educational qualification.

5.The learned Additional Public Prosecutor has filed his counter and also produced the recommendation of the District Collector, Erode, in which, it is seen that the petitioner's mother is residing in the address provided in the representation. Further the petitioner's father Velliyangiri had passed away in a road accident 15 years ago, leaving his wife and son alone. The petitioner's mother owned 50 cents of agricultural land, apart from that she had no other property. Further she is also into the business of Siddha Medicines and she is making her own income through it. Further it is confirmed from the report of the fourth respondent that the petitioner had possessed the Engineering graduation. Further submitted that the District Collector had stated that the petitioner is not accustomed to any superior mode of living.

6.From the submissions and on perusal of the materials, it is not in dispute that the petitioner is an Aeronautical Engineer. Further the petitioner's mother owned 50 cents of agricultural land and she is taking care of the agricultural activities and she is also dealing with Siddha medicines and making her income. The principle enunciated by this Court in the Order reported in CDJ 2021 MHC 1625, (cited supra) and the educational qualification alone would suffice for a person to be classified under "A" Class facility. In this case, the petitioner is an Aeronautical Engineering Graduate and in view of the above, this Court directs the Superintendent of Prison, Coimbatore Central Prison, Gandhipuram, Coimbatore, to classify the petitioner under "A" Class facility by following the Rule 226 of the Tamil Nadu Prison Manual, 1983 and to provide "A" class facility to the petitioner.

7.With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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Chennai - 600 009.
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5. The Superintendent of Prison,
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Gandhipuram,
Coimbatore.

+1cc to Mr.M.Mohamed Saifulla, Advocate, S.R.No.55349

W.P.No.12971 of 2021

BR(CO)
PM/25/11/2021