



W.P(MD) No.21645 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.21645 of 2024

Manikandan

... Petitioner

Vs

- 1.The State represented by
The Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police /
Director of Prisons and Correctional Services,
C.M.D.A.Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai - 8.
- 3.The Superintendent of Prison,
Central Prison,
Madurai District.

... Respondents



W.P(MD) No.21645 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Government order passed by the first respondent in G.O.Ms.No. 58 (Home (Prison-5) Department dated 27.02.2024 and quash the same on the ground that the same is arbitrary, illegal and without legal basis and consequently direct the respondents to provide the petitioner with “A” Class facility in Madurai Central Prison as per the Tamil Nadu Prison Rules, 1983 in Tamil Nadu Prison Manual Volume - II.

For Petitioner : Mr.S.Maya Perumal

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Heard the learned counsel on either side.

2.The petitioner is a life convict. During his incarceration, he acquired +2 as well as degree qualifications. The petitioner seeks transfer from “B” class to “A” class in Madurai Central Prison. His request was rejected vide G.O(Ms)No.58 Home (Prison - 5) Department dated 27.02.2024. Challenging the same, this Writ Petition came to be filed.



W.P(MD) No.21645 of 2024

3.The learned counsel appearing for the petitioner relying on Rule 225 of the Tamil Nadu Prison Rules, 1983 submitted that the persons who are well educated will have to be conferred with “A” class facilities.

4.We are not swayed by the said submission. As rightly pointed out by the learned Additional Public Prosecutor, acquiring additional educational qualification during incarceration will not be a criteria for conferring “A” class facility. Rule 225 of the Tamil Nadu Prison Rules, 1983 divides convicted prisoners into 2 divisions i.e., class “A” and class “B”. Rule 225(1)(i) states that prisoners shall be eligible for class “A” if they by social status, education or habit of life have been accustomed to a superior mode of living.

5.A bare reading of the aforesaid Rule indicates that the acquisition of educational qualification should have preceded his conviction / sentence. In other words, by virtue of his education, the prisoner should have already been accustomed a superior mode of living when he was a free bird. Acquiring qualification in prison cannot be a ground for invoking Rule 225(1)(i). The impugned GO is sustained.



W.P(MD) No.21645 of 2024

6.This Writ Petition stands dismissed. There shall be no order as to costs.

(G.R.S., J.) (R.P., J.)
18.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police /
Director of Prisons and Correctional Services,
C.M.D.A.Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai - 8.
- 3.The Superintendent of Prison,
Central Prison,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Central Prison, Madurai.

4/5



WEB COPY



W.P(MD) No.21645 of 2024

G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

MGA

W.P(MD) No.21645 of 2024

18.11.2024