



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

901 CRIMINAL WRIT PETITION NO. 607 OF 2025

Sudam Vitthalrao Vaywal,
Age : 55 Years, Occu. : Labour,
R/o. Samsapur, Tq. & Dist. Parbhani.

.... Petitioner

VERSUS

1. The State of Maharashtra.
2. Superintendent of Visapur Open Prison,
Tq. Shrigonda, Dist. Ahmednagar

.... Respondents

.....
Advocate for the Petitioner : Mr. Sohail Subhedar h/f Mr. Nilesh S.
Ghanekar

APP for Respondents-State : Mr. G.A. Kulkarni

....

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 02nd May 2025

PER COURT :-

1. The present Writ Petition has been filed for issuing directions to respondent No.2 Superintendent of Visapur Open Prison, Tq. Shrigonda, Dist. Ahmednagar to permit the son of the petitioner, who is a convict, to appear for State Common Entrance Test Cell, Mumbai i.e. entrance examination of MAH-LL.B. 3 Years CET-2025, which is scheduled on 03.05.2025 and the center is Deogiri Institution of Engineering and Management Studies, Chhatrapati Sambhajinagar.

2. It appears that the petitioner's son viz. Mangesh Sudam Waywal is lodged in Visapur Open Prison, Tq. Shrigonda, Dist. Ahmednagar and he intends to appear for the CET examination for LL.B. course. He had made an application to the appropriate authority to allow him to submit the form and accordingly, it appears that, by letter dated 11.02.2025, Special I.G. (Prison) Nashik Division, Nashik allowed him to fill the form and allowed him to appear for the examination. However, now the petitioner states that his son will not be allowed to appear for the exam as the prison authority has refused to release him.

3. Heard learned Advocate for the petitioner and learned APP, who waives notice for the respondents.

4. Learned APP submits a fresh communication made to him by In-charge Superintendent of Prison, Visapur Open Prison, which is taken on record by marking Exhibit-X, wherein it is stated that it will not be appropriate to release the convict for education purpose as there is no such provision.

5. It appears that this In-charge Superintendent of Prison appears to some mistaken belief when the application of the convict

was already granted by his higher authority, which was in respect of permitting the convict to fill the form and appear for the examination also. Then, the objection that has been taken appears to be unfounded. It is the examination of a day. Other arrangements could have been made by the concerned authority if the authority finds that the procedure that is contemplated does not support the application. If the authority had no intention to permit such convict to appear for the exam, then the application dated 11.02.2025 ought to have been rejected. But, when once the permission is granted, the authority should see that its own order is to be implemented by it giving necessary protection.

6. In para.6 of the petition, the petitioner has stated that he is ready to pay the police escort charges if the police authorities make arrangements of his son's appearance at the center. Under such circumstance, the present authority ought to have considered the application which was submitted by the son of the petitioner.

7. Taking into consideration the facts, we direct the In-charge Superintendent of Prison, Visapur Open Prison, Tq. Shrigonda, Dist. Ahmednagar to make arrangements for the appearance of the convict viz. Mahesh Sudam Waywal for the CET

exam for LL.B. course, scheduled on 03.05.2025 at the center Deogiri Institution of Engineering and Management Studies, Chhatrapati Sambhajinagar, under the police escort.

8. Taking into consideration the travelling time required from Visapur Open Prison, Tq. Shrigonda, Dist. Ahmednagar, the police escort should bring the convict viz. Mahesh Sudam Waywal to the center at least one and half hour before the scheduled time i.e. 12.30 p.m. and after the exam is over then the police escort to take him back to Visapur Open Prison.

9. With these directions, the Writ Petition stands disposed off.

10. Parties to act on an authenticated copy of this order.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE