



WP(MD)No.17800 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.17800 of 2019
and
WMP(MD)Nos.14265 and 14280 of 2019**

P.Siva

... Petitioner

Vs

**1.???The State of Tamil Nadu,
represented by its Secretary,
Home Department,
Chennai - 600 005.**

**2.??The Superintendent of Prison,
The Central Prison,
Palayamkottai,
Tirunelveli District.**

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order in No.897/KISI.2/2018, dated 14.02.2019 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to relieve the petitioner from the post of Assistant Jailor within the time period stipulated by this court.



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For Petitioner : Mr.R.Karthick

for M/s.T.Lajapathiroy

For Respondents : Mr.G.V. Vairam Santhosh

Additional Government Pleader

ORDER

The petitioner, who was recruited as an Assistant Jailer through Tamil Nadu Public Service Commission was posted as Sub-Jailer at Ambasamudram by the Additional Director General of Police by his proceedings dated 09.02.2018. By a proceedings of the Superintendent of Prison, Central Prison, Palayamkottai, Tirunelveli, dated 26.02.2018, the petitioner was provided with training in Academy of Prison and Correctional Administration, Vellore from 01.03.2018 to 30.11.2018. While so, the petitioner has made a request by his letter, dated 31.01.2019 to resign his job with effect from 01.02.2019 for personal reasons. The second respondent has passed an order on 14.02.2019, calling upon this petitioner to pay a sum of Rs.3,51,463/- as per Rule 8(B)(3) of the Tamil Nadu Jail Subordinate Service Rules. As against the order dated 14.02.2019, the petitioner has filed this writ petition in the



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year 2019.

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2.The learned counsel appearing for the petitioner submits that there is no agreement as provided under Rule 8B of the Tamil Nadu Jail Subordinate Service Rules and therefore, there cannot be any recovery as per the Tamil Nadu Jail Subordinate Service Rules in the absence of such an agreement.

3. This Court considered the rival submissions and perused the materials placed on record.

4. The petitioner has resigned the post of Assistant Jailer during the training period. The government have provided necessary training for being appointed as Assistant Jailor. Rule 8B(3) of the Tamil Nadu Jail Subordinate Service Rules enables the government to recover the entire amount spent for the particular candidate for the training provided to him, if they quit the job. However there must be an agreement to that effect between the candidate and the government. Rule 8B(3) of the Tamil Nadu Jail Subordinate Service Rules is extracted as under:-



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"8B. Appointment of Assistant Jailor or Matron by direct recruitment.-

Every candidate selected for appointment to the post of Assistant Jailor or Matron by direct recruitment shall, before undergoing the training prescribed in Rule 8, execute an agreement in proper form with two sureties binding himself or herself:-

(i) to undergo, in full, the training prescribed in Rule 8;

(ii) to serve in the Prison Department for a period not less than five years; and

(iii) to refund to the State Government the entire amount drawn by him or her as pay and allowances during the period of training, if he or she fails to fulfill either of the conditions in clauses (i) and (ii);"

5. This Court directed the respondents to produce the agreement if any between the petitioner and the government, however no such agreement is produced before this Court. In the absence of any such agreement between the petitioner and the government as per above Rule, the respondents are not justified in passing the recovery order.



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Accordingly, this writ petition is allowed. The impugned order is set aside. No costs. Consequently connected miscellaneous petitions are closed.

20.01.2025

DSK

To

1. The Secretary,
Home Department,
Chennai - 600 005.
2. The Superintendent of Prison,
The Central Prison,
Palayamkottai,
Tirunelveli District.



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B.PUGALENDHI.J.,

DSK

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20.01.2025