
(2013) 01 RAJ CK 0011
In the Rajasthan High Court
Case No : Civil Writ Petition No. 589 of 2013

Fazzoo @ Fazlu Rahman

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 17-01-2013

Acts Referred:

Citation : (2013) 01 RAJ CK 0011

Hon'ble Judges : Veerendr Singh Siradhana, J; Narendra Kumar Jain, J

Bench : Division Bench

Advocate : Om Prakash Choudhary for Mr. Anshuman Saxena, for the Appellant;
J.R. Bijarnia, AGC, for the Respondent

Final Decision : Allowed

Judgement

1. A copy of parole writ petition has been supplied to learned Additional Govt. Counsel. Heard finally with the consent of learned counsel for the parties.
2. Convict/petitioner has preferred this parole writ petition for issuing necessary direction to respondents to admit him in open air camp. It is averred in the writ petition that petitioner sent an application to Director General of Prisons, Rajasthan, Jaipur on 21st December, 2012 through his mother for his transfer to open air camp, but the said application has not been considered, therefore, petitioner has filed this writ petition. It is also mentioned in the writ petition that co-accused Naim Mohammad has already been transferred to open air camp and case of petitioner was also similar, but his case has not been considered, therefore, action of the respondents is discriminatory in nature. He also submitted that petitioner is unmarried, therefore, his apprehension is that respondents have not considered his case for admission to open air camp in view of Rule 3(m) of the Rajasthan Prisoners Open Air Camp Rules, 1972, whereas Rule 3(m) has already been declared as discriminatory, arbitrary and violative of Article 14 of the Constitution of India by this Court in Geeta Devi Vs. State of Rajasthan, therefore, the same cannot be a ground for rejection of application of the petitioner. He, therefore, submitted that necessary directions may be issued

to respondents to consider the case of the petitioner for admission in open air camp.

3. Learned counsel for respondents submitted that since application of petitioner is pending as mentioned in the writ petition, therefore, it will be appropriate to issue directions to respondents to consider his application, in accordance with law.

4. After considering the submissions of the parties, we are of the view that the application of the petitioner is pending consideration before respondents for his transfer to open air camp, therefore, it will be appropriate to issue directions to respondents to consider and decide the said application.

5. Consequently, we allow this writ petition and direct the respondents to consider the application of petitioner for his admission to open air camp, in accordance with law as soon as possible, but not later than a period of three months from the date of receipt of copy of this order. Registry is directed to supply a copy of this order for compliance to the Director General, Prisons, Rajasthan, Jaipur.