

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION 6021 OF 2019**

Nitin Gopinath Bhailume and anr. ....Petitioners  
**Versus**

The State of Maharashtra through the  
Principal Secretary, Home Department,  
Mantralaya, Mumbai and anr. ....Respondents

Ms. Rebecca Gonsalvez, Advocate for the Petitioners.  
Ms. Sangeeta D. Shinde, APP for the State.

**CORAM : PRASANNA B. VARALE &  
S. M. MODAK, JJ.**

**DATE : 18<sup>th</sup> APRIL, 2022.**

**P.C. :**

1. Heard Mrs. Gonsalvez, learned counsel for the petitioners. As a very limited grievance is raised in the petition, the petition is taken up for hearing and final disposal with the consent of the parties.

2. The petitioners, who are presently lodged in Yerawada Central Jail, Pune, are desirous of pursuing their academic career even though they are lodged in Yerawada Central Jail, Pune, by seeking admission in Open Universities. It seems that in response to the notice of this Court, an affidavit-in-reply was filed through the Superintendent, Yerawada Central Jail, Pune, on 3rd April 2021. A list of courses offered by the two

Open Universities namely, Yashwantrao Chavan Maharashtra Open University and Indira Gandhi National Open University are referred to in the annexures to the affidavit-in-reply at Exhibit-A, pages 41 to 43. The said list consists of various courses viz. Foundation Courses, Bachelor Courses and Post-Graduation Courses offered by the said two open universities. The said information was also shared with the petitioners. Exhibit - 'B' annexed to the affidavit-in-reply shows that there is an endorsement of both the petitioners and it reads thus:

कारागृहातील शैक्षणिक अभ्यासक्रमाबाबत माहिती मिळाली.

3. Today, Ms. Shinde, learned APP has placed on record a copy of the communication dated 18<sup>th</sup> April, 2022, addressed to the Office of learned APP. It is stated in the communication that “यशवंतराव चव्हाण मुक्त विद्यापीठ नाशिक अंतर्गत विभागीय केंद्र पुणे या अभ्यास केंद्रावर सन २०२२-२३ या शैक्षणिक वर्षाची प्रथम, द्वितीय, तृतीय वर्षाची प्रवेश प्रक्रिया अदयापर्यंत सुरू झालेली नसून सदरची प्रवेश प्रक्रिया चालू होताच सदर बंदयाना त्यांच्या शैक्षणिक पात्रतेनुसार मुक्त विद्यापीठ अंतर्गत प्रवेश देण्यात येईल“. It can loosely be translated that the process for admission for the Academic Year- 2022-2023 has not yet started in the Divisional Center of Yashwantrao Chavan Open University, Nashik situated at Pune and, as soon as the admission process is initiated, necessary steps for admitting these petitioners in the Open Universities as per their academic qualifications would be taken.

4. Ms. Gonsalvez, learned counsel for the petitioners submitted that as per her instructions, the admission process is initiated. In view of the submission of learned counsel for the petitioners, the prison authorities of the Yerawada Central Jail, Pune, and particularly Superintendent(Prisons) and Deputy Superintendent (Legal Department) attached to Yerawada Central Jail, Pune, shall seek necessary opinion from the responsible officers of Yashwantrao Chavan Open University, Pune and Indira Gandhi National Open University about the admission process and on verifying that such admission process is initiated, the prison authorities to take appropriate steps in compliance with the statements made in the communication dated 18th April 2022. The statement made in the communication dated 18th April 2022 and referred to in our order is accepted as an undertaking to this Court.

5. We further observe that as the petitioners have expressed their desire to pursue academic course in Open University, such desire be treated as welcome steps and the prison authorities to extend all necessary assistance by adopting humanitarian approach to the desire of the petitioners. With these observations, the petition is disposed of.

**( S. M. MODAK, J.)**

**(PRASANNA B. VARALE, J.)**