

Court No. - 40 WWW.LIVELAW.IN

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1 of 2021

Petitioner :- Marry Puncha (Sheeb Jose)

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Mary Puncha (Sheeb Jose),Mohd. Kalim

Counsel for Respondent :- G.A.

Hon'ble Munishwar Nath Bhandari,J.

Hon'ble Rohit Ranjan Agarwal,J.

The writ petition has been filed for the following prayer:

"(I). Issue a writ order or direction in the nature of mandamus commanding the state respondents to transfer the women convicts from Central Jail Naini, Prayagraj to District Jail Sonbhadra and District Jail Mirzapur as the both the District Jails Sonbhadra and Mirzapur are now equipped with women barracks for the last two years in the interest of justice."

It was ordered to be registered as Public Interest Litigation vide order dated 18.12.2020. The Public Interest Litigation can be filed now after observing the rules framed by the Allahabad High Court pursuant to the judgment of Apex Court.

Apart from the aforesaid fact, prayer made in the writ petition cannot be said to be in public interest because transfer of convict from one jail to another always remain on the request of the convict. Invariably, whenever convict has difficulty to remain in a particular jail, seeks transfer to other jail after giving cogent reasons. In those circumstances, the State is competent to transfer a convict from one jail to another.

Taking aforesaid into consideration, a direction to transfer all women convicts from one jail to another cannot be without their requests.

Taking into consideration the facts given above, present writ

petition is not maintainable for the cause and cannot be without requests of the women convicts for their transfer, thus, the writ petition is **dismissed**, however, it is liberty to the individual woman convict to make a request for transfer from one jail to another after giving cogent reasons and in that case the government authority in the State of U.P. would consider the application appropriately and if finds substance, would transfer the woman convict from the Central Jail, Naini to the District Jail at Sonbhadra or Mirzapur. Dismissal of the writ petition would not come in their way for the aforesaid.

Order Date :- 5.1.2021

V.S.Singh