



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 305/2026

Nirmal Dudani S/o Shri Prakash Duduni, Aged About 44 Years, At Present Lodged In Central Jail Udaipur Through His Wife, Anita Dudani W/o Shri Nirmal Dudani Aged About 42, R/o Housing Board Colony Near Central School C Class Pratap Nagar Shashtri Circle Girwa Udaipur

-----Petitioner

Versus

1. State Of Rajasthan, Dept Of Home Rajasthan Jaipur
2. The Director General Jail, Jaipur
3. The District Collector, Udaipur
4. The Superintendent Central Jail, Udaipur

-----Respondents

For Petitioner(s) : None present

For Respondent(s) : Mr. Deepak Choudhary, AAG

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

07/03/2026

1. The present Criminal Writ Petition has been instituted by the petitioner assailing the legality and validity of the order dated 07.10.2025 passed by the State Level Open Air Camp Committee, whereby the petitioner's application seeking transfer from Central Jail, Udaipur to an Open Air Camp under the *Rajasthan Prisoners Open Air Camp Rules, 1972* came to be rejected.
2. The essential facts, succinctly stated, are that the petitioner is presently undergoing incarceration pursuant to the



judgment dated 23.05.2025 rendered by the learned Special Judge, N.D.P.S. Cases, Udaipur in Sessions Case No. 192/2017, whereby he was convicted for the offence punishable under Section 8/15 of the *Narcotic Drugs and Psychotropic Substances Act, 1985* and sentenced, inter alia, to undergo twenty years' rigorous imprisonment. Aggrieved by the said judgment, the petitioner has preferred Criminal Appeal No. 1647/2025 before this Court, which remains pending adjudication.

2.1 Subsequent to his conviction, the petitioner submitted an application before the competent authority praying that he be transferred to an Open Air Camp in accordance with the governing statutory scheme. The said application, however, came to be rejected by the State Level Committee vide order dated 07.10.2025, primarily on the premise that the petitioner stands convicted under the N.D.P.S. Act and that he has undergone only about eight years of incarceration out of the total sentence of twenty years.

2.2 The petitioner contends that the denial of such benefit is discriminatory, inasmuch as similarly situated convicts have been extended the facility of transfer to Open Air Camps. It has been pointed out that Mohan Lal S/o Shri Radhe Shyam, resident of Balagura, Tehsil Mallargarh, District Mandsaur (M.P.), who was also convicted in an N.D.P.S. case, was transferred to Open Air Camp, Sanganer, Jaipur vide order dated 11.04.2019 at Serial No. 116. Likewise, another





convict Mangilal, also convicted under the N.D.P.S. Act, was transferred to an Open Air Camp under the same order at Serial No. 252. The petitioner thus asserts that despite being similarly circumstanced, he has been denied identical relief without any discernible justification, thereby rendering the impugned decision arbitrary and discriminatory.

3. None has appeared on behalf of the petitioner at the time of hearing despite the matter being called. Learned Additional Government Advocate appearing for the State has been heard. The record of the case, including the order impugned, has been carefully examined by this Court.

4. Upon a meticulous scrutiny of the impugned order, this Court finds that the petitioner's application has been rejected in an exceedingly cursory and perfunctory manner. The order, in its entirety, consists of a single-line observation recording that the Committee resolved not to forward the petitioner's case to the Open Air Camp. No reasons, considerations or objective grounds have been articulated. Such an order is conspicuously silent as to the factors which weighed with the authority while arriving at the decision.

4.1 It is a well-entrenched principle of administrative law that every administrative or quasi-judicial decision affecting civil rights or legitimate expectations must be supported by cogent, intelligible and germane reasons. A speaking order is not a mere procedural formality but constitutes the very essence of transparent governance. Reasons disclose the





mental process of the decision-maker and provide assurance that the authority has applied its mind to the relevant facts and governing law.

4.2 The jurisprudential significance of recording reasons cannot be overstated. Reasons are the link between the material on record and the ultimate conclusion reached by the authority. They constitute the bulwark against arbitrariness and ensure that discretion is exercised in a disciplined and accountable manner. An order bereft of reasons is not merely deficient in form; it is fundamentally flawed in substance, as it deprives the affected person of understanding why the decision has been taken and simultaneously frustrates effective judicial review.

4.3 Discretion, by its very connotation, does not imply an unbridled authority to act according to whim or caprice. Discretion is antithetical to arbitrariness. Where the law entrusts a public authority with discretionary power, such power must be exercised judiciously, cautiously and upon due application of mind. The authority must remain guided by relevant considerations and must eschew irrelevant or extraneous factors.

4.4 In a constitutional democracy governed by the rule of law, discretionary power cannot metamorphose into unfettered authority. The conferral of discretion upon an administrative body does not elevate the decision-maker to the position of a sovereign whose determinations are





immune from scrutiny. On the contrary, every exercise of discretion must withstand the test of fairness, reasonableness and transparency.

4.5 The authority empowered to consider applications for transfer to Open Air Camps is required to undertake a conscientious evaluation of several relevant factors, including the prisoner's conduct within the prison precincts, the nature of the offence, the eligibility parameters prescribed under the governing rules and the broader objectives of the Open Air Camp scheme, which is fundamentally rehabilitative in character. The decision-making process must therefore reflect a judicious balance between institutional discipline and the reformatory philosophy underlying the penal system.

4.6 The power to reject a prisoner's request for transfer to an Open Air Camp undoubtedly vests with the competent authority; however, such power must be exercised on the basis of cogent and defensible reasons. For instance, the authority may legitimately decline the request if the prevailing rules do not permit such transfer, if the prisoner's conduct within the jail precincts is unsatisfactory, or if security considerations militate against such placement. Nevertheless, the mere existence of power does not justify its mechanical exercise in the absence of compelling circumstances recorded in writing.

4.7 In the present case, the impugned order discloses no such reasoning. The Committee has failed to indicate





whether the petitioner's conduct in prison was unsatisfactory, whether any adverse material existed against him, or whether his case fell outside the parameters contemplated under the applicable rules. The rejection is thus founded upon a bald and unexplained assertion, which unmistakably reflects a casual and lackadaisical approach in the exercise of statutory discretion.

4.8 Such an unreasoned determination stands in stark contravention of the constitutional mandate of fairness and equality enshrined in Article 14 of the *Constitution of India*. Administrative decisions which are cryptic, opaque and devoid of reasons cannot be sustained in law, for they are antithetical to the rule of law and inimical to the principles of natural justice.

4.9 Tested on the anvil of the aforesaid principles, this Court has little hesitation in holding that the impugned order suffers from the vice of arbitrariness and manifest non-application of mind. The decision-making process adopted by the Committee falls short of the minimum standards of administrative fairness expected of a statutory authority.

4.10 At the same time, this Court is of the considered view that the matter deserves to be remitted to the competent authority for reconsideration rather than granting the substantive relief outright, so that the petitioner's case may be examined afresh in accordance with law and the applicable rules.





5. Consequently, the present Criminal Writ Petition stands disposed of. The impugned order dated 07.10.2025 passed by the State Level Open Air Camp Committee, insofar as it relates to the petitioner, is quashed and set aside.

5. The respondents are directed to reconsider the petitioner's application for transfer to an Open Air Camp afresh, strictly in accordance with the provisions of the *Rajasthan Prisoners Open Air Camp Rules, 1972*, and to pass a detailed, reasoned and speaking order after due application of mind. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.

(FARJAND ALI),J

19-Mamta/-

