



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 119 of 2026

Jyoti Rajpoot

.....Petitioner(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Home Deptt. (Prison)
Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	In Person
Counsel for Respondent(s)	:	C.S.C., Shishir Jain

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Heard Ms Jyoti Rajpoot, Petitioner In Person, learned State Counsel and Shri Shishir Jain, learned counsel appearing for the High Court.

2. By means of this writ petition, the petitioner has prayed for the following main relief (s) :-

"a. Issue an appropriate writ, order or direction declaring that refusal by the Registry to accept jail-certified Vakalatnamas and connected applications merely on the ground of non-filing of supporting affidavits, in cases where the prisoners are indigent, abandoned or otherwise incapable of swearing affidavits, is arbitrary, unreasonable and violative of Articles 14, 21 and 22 of the Constitution of India.

b. Issue a writ, appropriate order or direction commanding the respondent no. 2 and 4 to forthwith intimate, complete and ensure the entire statutory and administrative process for the release of the women/prisoners named in Annexure no.2, who have already granted bail and to secure their actual release from custody within a stipulated time.

c. Issue a writ of mandamus directing the Registry of this Hon'ble Court to accept Vakalatnamas duly certified by jail authorities, particularly in cases of incarcerated persons who are unable to arrange affidavits due to imprisonment, lack of family support or extreme poverty, and not to raise purely technical objections that defeat substantive justice.

d. Direct the registry of Hon'ble high court to frame and implement a uniform and humane procedure for filing applications, appeals and modification

petitions on behalf of incarcerated persons, ensuring that procedural technicalities do not obstruct access to justice.

e. Issue a writ of mandamus directing the State Legal Services Authority, Uttar Pradesh and the District Legal Services Authorities to take suo motu action in all cases of the state where an accused or convict has been granted bail but continues to remain in jail for more than seven days due to inability to furnish sureties, and to take immediate steps either for furnishing sureties or for seeking release on personal bond in accordance with law and also produced the said prisoners data before the court.

f. Direct the State Government and Jail Administration to prepare and periodically update a Jail wise and district-wise list of prisoners who remain incarcerated despite grant of bail, and to place such list before the concerned Legal Services Authorities for immediate remedial action.

g. Issue an appropriate writ or direction mandating time-bound consideration and disposal of mercy petitions pending before the State Government and the Central Government, and to evolve a transparent monitoring mechanism to ensure that such petitions are not kept pending for inordinate periods.

h. Declare that denial of access to constitutional and statutory remedies to prisoners on the ground that no family member is available to file affidavits or pursue their cases is unconstitutional, discriminatory and violative of Articles 14 and 21 of the Constitution of India.

i. Direct the State Legal Services Authority, Uttar Pradesh to actively assist women prisoners, prisoners with disabilities, elderly prisoners and indigent prisoners in pursuing bail, modification, appeal and mercy-petition related proceedings, irrespective of the availability of family support.

j. Issue appropriate directions to the State Government and Jail Authorities to establish an effective communication mechanism ensuring that every prisoner is promptly informed about grant of bail, disposal of appeals or any other judicial orders affecting their liberty.

*k. Issue a writ of mandamus directing strict compliance with the guidelines laid down by this Hon'ble Court in *Rekha v. State of Uttar Pradesh* and other binding precedents concerning welfare, education, healthcare, shelter and regular parental contact of children of incarcerated parents.*

k. Declare that insistence upon rigid technical procedures in matters concerning incarcerated persons, who by reason of imprisonment cannot be equated with ordinary litigants, is contrary to the constitutional mandate of

access to justice and human dignity.

I. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice, equity, human rights and protection of fundamental rights of prisoners and their children."

3. The question before us is as to whether in a criminal matter such as criminal appeals or bail whether it be during trial or in an appeal, if the appellant or applicant is incarcerated and some counsel, whether a private counsel or from the Legal Aid Services Authority, is looking after his case and subsequently he wants to engage another counsel and in furtherance thereof provides duly signed 'vakalatnama' which is verified by the Jail Superintendent and hands it over to a private counsel, Whether such private counsel subsequently engaged should be required to seek NOC from the earlier counsel, whether private or of the Legal Aid Authority or file an affidavit explaining why NOC could not be obtained. Whether this procedure, in a given case, where NOC is not being provided or it is difficult to obtain it and there is no paikar to sign the affidavit, as in this case, is not cumbersome to the extent of violating the Right of Access to Justice of the incarcerated under trial or convict, especially as, Right to Life and Liberty is invariably involved in such matters which are paramount under the Constitutional Scheme and not subservient to procedural matters, unless absolutely necessary for good and valid reasons.

4. Let a response be filed by Shri Shishir Jain, learned counsel appearing for the High Court.

5. List/put up this case in the month of March, 2026.

6. We entertain the writ petition only in so far as reliefs no. A, C, D, H and K. As regards the other reliefs, we grant liberty to the petitioner to file a fresh writ petition after proper research as to whether there are orders or pronouncements of any Court on the subject matter, if so, to annex the same and, then, make out a case as to why another P.I.L. in respect of the same should be entertained.

February 12, 2026
Praveen

(Abdresh Kumar Chaudhary,J.) (Rajan Roy,J.)