



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 32051 of 2025

Teachers Association Madaris Arabia And 2
Others

.....Petitioner(s)

Versus

National Human Rights Commission And 8
Others

.....Respondent(s)

Counsel for Petitioner(s) : Hritudhwaj Pratap Sahi,
Mohammad Ali Ausaf,
Prashant Shukla, Sr. Advocate
Counsel for Respondent(s) : C.S.C., Pranav Mishra

Court No. - 2

HON'BLE ATUL SREEDHARAN, J.

HON'BLE VIVEK SARAN, J.

(Per: Hon' ble Atul Sreedharan,J.)

1. Learned counsel for the petitioner has submitted that the arguing counsel is not available and, therefore, has sought adjournment. This is strongly being opposed by the learned counsel for the State who submits that this is a matter involving crores of rupees and the direction has been for the NHRC to inquire into the matter and file a report.

2. In order to ascertain the anxiety of the State that the matter not be adjourned, this Court examined the first of the three orders passed by the NHRC which is dated 28.2.2025. In the order dated 28.2.2025, it is reflected that the complainant before the NHRC has stated that there are 588 Madarsas in collusion and involvement with the officers of the Minority Welfare Department, Govt. of Uttar Pradesh which are running in the State. The complainant further alleged before the NHRC that these Madarsas receive Government grants while not meeting any standards and have illiterate teachers, lack of basic education

infrastructure, building, furniture, hostels etc. It is further alleged by the complainant that the uneducated teachers are recruited through bribes and commissions being offered to the authorities in the State and, therefore, the complainant had sought the intervention of the Commission.

3. His complaint has been transmitted to the D.G, Economic Offences Wing, Govt. of U.P. with a direction by NHRC to get the allegations made in the complaint looked into and to submit an action taken report within four weeks for perusal of the Commission. Thereafter, the order continues by forwarding a copy of the complaint to the D.G, Economic Offences Wing, Govt. of U.P. directing him to take appropriate action in the matter as per the directions of the Commission.

4. Prima-facie, this Court is astounded by the order passed by the NHRC. The powers of the NHRC and its ambit and scope of application, arise from the Protection of Human Rights Act, 1993. In the said Act, Human Rights is defined as follows:-

Section 2(1)(d) "human rights" as the rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in international covenants, and enforceable by courts of India.

5. The Statute makes it very clear that it is only Human Rights violations as defined in the aforementioned Statute in which the Human Rights Commission, whether it be the National Human Rights Commission or the State Human Rights Commission, are empowered to take any cognizance. The National Human Rights Commission and the State Human Rights Commission must realize that they are not tribunal under the law which can try cases. Undoubtedly, if in a particular case where the Human

Rights Commission feels that it must intervene in order to protect human rights of the citizens of this Country as defined in Section 2(1)(d), the Human Rights Commissions can themselves become complainant before a court of competent jurisdiction by filing a complaint if they so desire, or get an FIR registered as a complainant, where the victim is unable to do so. But prima-facie, this Court has doubt whether such direction can be passed to the officers of the executive to act in a particular manner, in a case where human rights are not involved.

6. Besides, in the nature of the case which is mentioned above, this Court finds it surprising that the Human Rights Commissions in the country are trying to indulge in matters which should otherwise have been agitated before the High Court under Article 226 by way of PIL if need be for appropriate orders. Instead of taking suo-motu cognizance in which members of the muslim community are attacked and at times lynched in some cases, and where cases are not registered against perpetrators or not investigated properly, the Human Rights Commissions are seen dabbling in matters that prima facie do not concern them. This Court is not aware of the NHRC taking suo-motu cognizance in situations where vigilantes take the law in their own hands and harass the ordinary citizens of this country or, harass individuals on account of the nature of relationship between persons of different communities or where even having a cup of coffee at a public place with the person of different religion becomes a fearful act. In such cases, no instance has been placed before this Court whether the State Human Rights Commission or the National Human Rights Commission took suo-motu cognizance. But instead it has the time to entertain matters which would fall within the precincts of the High Court under Article 226 and which could be effectively render justice.

7. Under the circumstances, looking into the nature of this case, specifically the manner in which NHRC has gone ahead and accepted the complaint, in a case where prima-facie there was no human right involved. The adjournment sought by the learned counsel for the petitioner is granted. The objections of the State for non-grant of adjournment is rejected.

8. Issue notice to the National Human Rights Commission, the respondent no.1 herein, which shall appear before this Court through its counsel and file a response in this case.

9. Steps be taken within three days.

10. Connect with Writ-C No.15360 of 2026 and list this case on 11.05.2026 along with other cases. On that date this Court shall consider and pass final orders after hearing both parties.

11. The interim order granted earlier shall continue till the next date of hearing.

April 27, 2026
Gaurav Kuls

(Atul Sreedharan,J.)



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Court No. - 2

**HON'BLE ATUL SREEDHARAN, J.
HON'BLE VIVEK SARAN, J.**

(Per : Hon'ble Vivek Saran, J.)

1. I had the opportunity to go through the order dictated by brother Justice Atul Sreedharan on 27th April, 2026. The order was dictated when the petitioner's counsel had asked for an adjournment while making a mention. The petitioner, definitely, was not arguing the case. There was even no representation of the National Human Rights Commission (NHRC). The only party opposing the adjournment during the mentioning was the State counsel.

2. I am strictly of the opinion that if any order touching on the merits of the case or even touching on the role of the NHRC had to be passed, then all parties concerned ought to have been heard.

3. I am also conscious of the fact that a writ court can pass an order even in the absence of any particular party, however, in the instant case, when in Paragraph Nos. 6 and 7, certain definite observations were being made, then it would have been in the fitness of things that parties were properly represented in the Court. In the absence of the parties, no adverse observations were required.

4. Since, various facts have been mentioned in paragraph nos. 6 and 7, with which I do not agree, I differ from the order as has been dictated by brother Justice Atul Sreedharan. However, I am in agreement with the adjournment being allowed.

(Vivek Saran,J.)

April 27, 2026

Jaideep/-