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)	:	Prashant Shukla, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C., Pranav Mishra

Court No. - 40

HON'BLE SARAL SRIVASTAVA, J.
HON'BLE AMITABH KUMAR RAI, J.

1. Heard learned counsel for the petitioners, Shri Pranav Mishra, learned counsel for respondent No. 8, and learned Standing Counsel for the State-respondents.

2. By means of the present writ petition, the petitioners have prayed for the following reliefs:

> "*1. To issue a writ, order or direction in the nature of certiorari quashing the orders dated 28.2.2025, 23.4.2025 and 11.6.2025 passed by respondent No. 1/National Human Rights Commission, New Delhi in Case/File No. 1398/24/0/2025 (Annexure No. 1 to this writ petition), whereby a direction has been issued to respondent No. 6 (Director General, Economic Offence Wing, U.P. Lucknow) to inquire into the allegations made by respondent No. 9 in his complaint and to further submit an action taken report.*
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> *2. To issue a writ, order or direction in the nature of certiorari quashing the consequential Government Order dated 23.4.2025 issued by respondent No. 4 (Annexure No. 2 to this writ petition), whereby pursuant to the aforesaid directions of the National Human Rights Commission dated 28.2.2025, 23.4.2025 and 11.6.2025, a roving inquiry is being conducted into all 558 aided Madrasas by the Economic Offence Wing, U.P. Lucknow.*
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> *3. To issue a writ, order or direction in the nature of mandamus commanding and directing the respondents not to proceed any further inquiring into the matter pursuant to the orders dated 28.2.2025, 23.4.2025 and 11.6.2025 of respondent No. 1/NHRC and the Government Order dated 23.4.2025.*"

3. The petitioners have assailed the orders dated 28.2.2025, 23.4.2025 and

11.6.2025 passed by respondent No. 1/National Human Rights Commission, New Delhi.

4. Challenging the aforesaid orders, learned counsel for the petitioners contends that under Section 12 of the Protection of Human Rights Act, 1993, the functions of the Commission are specifically enumerated. He further submits that Section 36(2) of the Act clearly provides that the Commission shall not inquire into any matter after the expiry of one year from the date on which the alleged act constituting violation of human rights is said to have been committed.

5. On the strength of the aforesaid provisions, it is argued that under Section 12-A, the Commission may inquire suo motu, or on a petition presented by a victim or any person on his behalf, or on the basis of any direction or order of any Court. However, in the present case, none of the conditions stipulated under Section 12-A are attracted. It is further urged that the complaint is silent regarding the date of the alleged act constituting violation of human rights, and since the averments made therein are vague and do not disclose any specific date, it is not possible to ascertain whether the complaint was filed within one year from the date of the alleged violation. Hence, it is submitted that the entire exercise undertaken by respondent No. 1 is without jurisdiction.

6. Learned Standing Counsel, on the other hand, submits that the Commission has given elaborate reasons in holding that an investigation in the matter is necessary.

7. Matter requires consideration.

8. Learned Standing Counsel has accepted notice on behalf of respondents No. 2 to 7, whereas Shri Pranav Mishra has accepted notice on behalf of respondent No. 8.

9. Issue notices to respondents No. 1 and 9, returnable at an early date.

10. All the respondents may file counter affidavit within four weeks. Petitioners shall have four weeks thereafter to file rejoinder affidavit.

11. List this case on 17.11.2025 before the appropriate Bench.

12. Until further orders of this Court, the effect and operation of the orders dated 28.2.2025, 23.4.2025 and 11.6.2025 passed by respondent No. 1/National Human Rights Commission, New Delhi in Case/File No. 1398/24/0/2025 shall remain stayed.

13. The matter shall not be treated as tied up or part heard to this Bench

(Amitabh Kumar Rai,J.) (Saral Srivastava,J.)

September 22, 2025
Sumaira