



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9556 of 2025

*Kalinga Institute of
Industrial Technology,
Bhubaneswar & Anr.*

....

Petitioner(s)

Mr. C.S. Vaidyanathan, Sr. Adv.

along with associates

Mr. Prafulla Kumar Rath, Sr. Adv.

along with associates

Mr. Shibashish Misra, Adv.

-versus-

*National Human Rights
Commission, New Delhi &
Ors.*

....

Opposite Party(s)

Mr. Pravu Prasanna Behera, ASC

CORAM:

HON'BLE DR. JUSTICE S.K. PANIGRAHI

**Order
No.**

**ORDER
07.04.2025**

01. 1. This matter is taken up through hybrid arrangement.
2. In the present Writ Petition, the Petitioners-University, represented through its Registrars, have assailed the order of cognizance dated 03.03.2025 passed by the learned National Human Rights Commission (Opposite Party No.1) in Case

Signature Not Verified No.134/18/28/2025-WC. The Petitioners further impugn the

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direction issued by Opposite Party No.1 for the constitution of a Spot Inquiry Team in the said case, as well as the subsequent inquiry report submitted by that team.



In addition to the foregoing, the Petitioners have also called into question the ex parte order dated 27.03.2025 passed by Opposite Party No.1 in the same proceedings, namely Case No.134/18/28/2025-WC.

3. Heard learned counsel for the Parties.

4. The learned Senior Advocate, Mr. C S Vaidyanathan, appearing on behalf of the Petitioners, submits that in relation to the alleged incident involving students residing at the Kalinga Institute of Social Sciences (KISS), an inquiry report was prepared by the Child Welfare Committee (CWC), Khordha District, Bhubaneswar, on 06.07.2017. Pursuant to the findings of the said report, certain directives were issued by the Child Welfare Committee, Khordha, against KISS on 08.08.2017.

5. He further submits that aggrieved by the directions issued by the Child Welfare Committee, Khordha District, the Petitioners approached this Court by filing Writ Petition bearing W.P.(C) No.27499 of 2017. Upon hearing the parties, a Co-ordinate Bench of this Court, by order dated 11.09.2019, was pleased to pass an interim order, staying the operation of the said inquiry report along with the directives issued by

Signature Not Verified the Child Welfare Committee, Khordha.

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It is further submitted that on 12.03.2024, the deceased student lodged a complaint with the International Relations Officer of the Petitioners. Upon receipt, the matter was

referred to the Disciplinary Committee, which, in turn,



directed the accused, Mr. Advik Srivastava, to delete all the photographs in question. Subsequently, the issue was amicably resolved by the authorities concerned, with Mr. Srivastava giving an assurance that all private images would be deleted and that no further grievance would arise. The deceased accepted this resolution. It is also submitted that, in view of the sensitive and personal nature of the issue, and considering that the deceased expressed her unwillingness to pursue the matter further, the International Relations Officer refrained from escalating the complaint either to the Internal Complaints Committee or to the jurisdictional Police Station.

7. Subsequently, on 25.01.2025, an altercation took place in the premises of KIIT University between the deceased student and Mr. Advik Srivastava. In the aftermath of the incident, both individuals were promptly escorted to the International Relations Officer of the Petitioners-University for appropriate counselling and a possible amicable resolution of their differences was made. Pursuant to the counselling session, both parties voluntarily submitted written undertakings affirming that they would refrain from establishing any form of contact with each other henceforth.

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However, despite these undertakings, further discord ensued between Mr. Srivastava and the deceased student. During one such subsequent episode, the victim's brother, Mr. Siddhant Sidgal, was also involved. Following this incident, Mr. Srivastava brought to the attention of the



Deputy Director, International Relations Officer, the threats he allegedly received from the brother of the deceased, thereby seeking appropriate institutional intervention.

8. Following the intervention of the International Relations Officer, Mr. Siddhant Sigdal, on 29.01.2025, voluntarily submitted a written undertaking wherein he affirmed that he would neither engage with Mr. Advik Srivastava nor would issue any threats to him. On the very same day, the deceased victim herself appeared before the International Relations Officer and conveyed a verbal assurance to the authorities that she would raise no further grievance against Mr. Advik Srivastava.

9. At this juncture, the learned Senior Advocate appearing for the Petitioners submits that notwithstanding the sequence of preceding events, a tragic development unfolded on 16.02.2025, when the deceased victim was found to have ended her life in her room. In connection with this unfortunate incident, an FIR bearing No. 0054 dated 16.02.2025 was promptly registered at the jurisdictional Police Station. Following the registration of the FIR and upon conclusion of the preliminary inquiry, Mr. Advik Srivastava

Signature Not Verified was arrested on 17.02.2025 and has remained in custody

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10. He further submits that, in connection with the complaint registered as Case No.134/18/28/2025-WC, the learned National Human Rights Commission took



cognizance of the matter on 03.03.2025 and directed the Registrar (Law) to initiate an inquiry. However, neither a copy of the said complaint nor the order of cognizance was served upon the Petitioners. Notably, the subsequent order dated 27.03.2025 records that the Commission had indeed taken cognizance on 03.03.2025. Pursuant to the said directions, a fact-finding Committee was constituted, comprising the Registrar (Law), NHRC; two Officers from the Investigation Division not below the rank of Senior Superintendent of Police; and one Officer or official from the Law Division.

11. On 05.03.2025, the Inspector-in-Charge of Info City Police Station, Bhubaneswar, formally informed the Registrar of Petitioner No.1 that senior judicial officials of the National Human Rights Commission would be visiting from 05.03.2025 to 07.03.2025 to conduct an inquiry into the circumstances surrounding the death of the deceased student. The communication also specified the individuals who were required to be present during the spot visit. Subsequently, between 06.03.2025 and 08.03.2025, the fact-finding Committee visited the premises of the Petitioners'

Signature Not Verified institution and undertook its inquiry, culminating in the

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preparation of its report. Thereafter, on 27.03.2025, the National Human Rights Commission passed the impugned ex parte order in Case No.134/18/28/2025-WC, upon conclusion of the inquiry.



12. At this stage, learned Senior Advocate earnestly submits that although the officials of the National Human Rights Commission undertook an inquiry and subsequently prepared a report, neither the said report nor its findings were made available to the authorities of the Petitioners' Institution prior to the issuance of the impugned order dated 27.03.2025. Such omission, it is contended, constitutes a clear breach of the principles of natural justice and stands in violation of the statutory safeguards embodied under Section 16 of the Protection of Human Rights Act, 1993. For ease of reference, the text of Section 16 of the said Act is reproduced herein below: -

"16. Persons likely to be prejudicially affected to be heard.-

If, at any stage of the inquiry, the Commission-

(a) consider it necessary to inquire into the conduct of any person; or

(b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, it shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached."

13. Learned Senior Advocate appearing on behalf of the Petitioners further submits that the issue involved in the

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present case concerns the complaint before the learned National Human Rights Commission in the aftermath of the death of a Nepali student by committing suicide wherein the learned National Human Rights Commission took cognizance of the matter on 03.03.2025. Thereafter, the



Supreme Court on 24.03.2025 in the case of *Amit Kumar Vrs. Union of India*¹ has also taken note of the said event at the Petitioner No.1-University (at para-52) along with certain other similar incidents in the Colleges across India. Taking serious view of the matter regarding suicidal death in the Educational Institutions, the Supreme Court has formed a National Task Force under the Chairmanship of Hon'ble Mr. Justice S. Ravindra Bhat, Former Judge, Supreme Court of India to examine the issue.

14. He further contends that the National Task Force constituted by the Supreme Court is a Commission constituted under Article 142 of the Constitution of India. Therefore, in light of the provision under Section 36(1) of the Protection of Human Rights Act, 1993, the learned National Human Rights Commission ought to have shown some restraint before passing the impugned order.

15. Learned Senior Advocate appearing for the Petitioners, in the course of submissions, states that the Petitioners, having been adversely affected by the decision rendered by the learned National Human Rights Commission, have been constrained to approach this Court by way of the present

Signature Not Verified Writ Petition, seeking appropriate relief.

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It must be underscored that when orders are passed by quasi-judicial authorities, adherence to the principles of natural justice is not a mere formality but a foundational

¹ 2025 SCC OnLine SC 631



requirement. The absence of notice or the denial of an opportunity to be heard renders such exercise susceptible to challenge and vitiates the fairness of the process.

17. In such view of the matter, let notice be issued to the Opposite Parties.

18. Learned counsel for the State waives of notice on behalf of the Opposite Party Nos.2 to 4. Let three spare copies of the brief be served on him within three working days hence.

19. Accordingly, issue notice to the Opposite Party Nos.1, 5, 6 and 7 by Registered Post with A.D/ Speed Post making it returnable by 26th April, 2025. Requisites for issuance of notice shall be filed within three working days hence.

20. List this matter on 29th April, 2025.

I.A. No.5603 of 2025

21. Issue notice as above.

22. Accept one set of process fee.

23. As an interim measure, it is directed that all further proceedings in Case No.134/18/28/2025-WC, presently pending before the learned National Human Rights Commission (Opposite Party No.1), shall remain stayed until the next date of listing of this matter. It is further directed

Signature Not Verified that the operation and effect of the impugned order dated

Digitally Signed 07.03.2025, passed in the aforesaid case, shall also remain
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24. The Opposite Party Nos.2 to 6 are hereby directed to refrain from taking any further steps or actions pursuant to



the impugned order dated 27.03.2025, until the next date on which this matter is listed before this Court.

(Dr. S.K. Panigrahi)
Judge

Ayaskanta

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