



W.P(MD)No.5028 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P(MD)No.5028 of 2022

and

W.M.P(MD)No.4119 of 2022

R.Vijayakumar

... Petitioner

Vs.

1.The State Human Rights Commission,
Thiruvarangam, No.143, P.S.Kumarasamy Raja Salai,
Green Ways Road, Chennai – 600 028.

2.K.Rajkumar

3.The State of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St.George, Chennai.

***(R.3 impleaded vide order
of this Court dated 29.03.2022)***

... Respondents /
Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, to call for the records pertaining to impugned order dated 28.01.2022 passed by the first respondent in SHRC Case No. 7527 of 2019 on the file of the State Human Rights Commission, Tamil Nadu as illegal and quash the same.



W.P(MD)No.5028 of 2022

For Petitioner : Mr.P.Prakash

For Respondents : Mr.V.Muthuvelan for R.1

Mr.F.Deepak for R.2

Mr.A.Baskaran
Additional Government Pleader for R.3

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan, J.)

The petitioner herein challenges the order dated 28.01.2022 passed by the State Human Rights Commission, Tamil Nadu in SHRC No.7527 of 2019.

2.K.Rajkumar was appointed as Driver cum Conductor in the year 2015 in State Express Transport Corporation. He had been earlier implicated in Crime No.40 of 2014 on the file of the Kadayanallur Police Station for the offences under Sections 147, 294(b), 232, 341 and 506(i) of IPC. He was arrested on 24.01.2014 and released on bail on 30.01.2014. Since final report was not filed within six months, Rajkumar filed a petition before the jurisdictional Magistrate and obtained stoppage of investigation. After he joined service, report was sought as to whether the criminal case registered against him was still



W.P(MD)No.5028 of 2022

pending as on 10.06.2019. On account of erroneous entry in the CCTNS (official website maintained by the Police Department), the criminal case was shown as pending and consequently, the service of Rajkumar was not regularised. In these circumstances, the second respondent herein lodged complaint before the State Human Rights Commission alleging violation of his human right by the writ petitioner herein as during the relevant time the writ petitioner herein was the Inspector of Police, Kadayanallur Police Station.

3.The State Human Rights Commission held that on account of the negligence and dereliction of duty on the writ petitioner's part, the complainant's service could not be regularised. The Commission concluded that the complainant had suffered mental torture as a result and directed the Government to pay compensation of Rs.50,000/- (Rupees Fifty Thousand only) to the Complainant.

4.The only question that calls for consideration is whether the aforesaid lapse attributed to the State Police can be said to constitute a human rights violation. Section 2(d) of the Protection of Human Rights Act, 1993 defines “Human Rights” as follows:



W.P(MD)No.5028 of 2022

“2(d) “Human Rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India”

The definition can be parsed as follows :

(a) The rights must relate to life, liberty, equality and dignity of the individual

(b) They must be guaranteed by the Constitution, or embodied in the International Covenants

(c) They must be enforceable by courts in India.

Section 2(f) defines “International Covenants” as follows :

“International Covenants” means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notification, specify;”

Rights are interests which are recognised and protected by law. It means that which a man is entitled to have or to do, or to receive from others within the limits prescribed by law. There are several kinds of rights. They may have their origin in different branches of law. There are



W.P(MD)No.5028 of 2022

contractual rights, labour rights, tortious rights, civil rights etc., Not all rights of humans qualify as human rights. The expression “human right” has a technical connotation. It must fall within the broad sweep of the definition set out in Section 2(d) of the Protection of Human Rights Act, 1993. As already noted, the rights should not only pertain to one of the categories set out in the provision but also be either guaranteed by the Constitution or embodied in the International Covenants and enforceable by Indian courts. Unless the right in question can be termed as a human right, its violation cannot be taken cognizance by the Human Rights Commission.

5. There could occasionally be over zealousness on the part of the Commission while discharging its statutory functions under Section 12 of the Act. The Commission might even omit to note that it has no jurisdiction over the subject matter. The case on hand is one such instance. We are migrating into the digital age. There are bound to be glitches in the process. The complainant was an accused in a criminal case. Since the timeline in the matter of filing final report was not adhered to, investigation was stopped by the jurisdictional Magistrate. This judicial order was not reflected in the official website maintained by



W.P(MD)No.5028 of 2022

the department. This is no doubt a lapse. But by no stretch of imagination, the complainant's right to life, liberty, equality or dignity can be said to have been infringed. The Commission must record as to how the right in question is a human right as statutorily defined. The Commission cannot deal with the nature of right in a vague manner or by resorting to sweeping generalizations. The Commission has lamented that the complainant was put to mental anguish. Whenever there is violation of right, the victim suffers mental agony. But that by itself is not sufficient to invoke the jurisdiction of the Commission. The right that has been violated must be a human right. The complainant might have probably sued the department or the writ petitioner with a claim for damages. But he could not have claimed a constitutional status for the injury said to have suffered by him. We fail to understand as to how the complainant's dignity has been affected. If someone who has never been implicated in a criminal case is shown as an accused, his dignity can be said to have been violated. Admittedly, the complainant was an accused. He obtained a technical order from the court concerned. It was not incorporated in the police website and the case registered against the complainant continued to be shown as pending. The failure to update the case status cannot be termed as offending one's dignity.



W.P(MD)No.5028 of 2022

6.The sine qua non is the breach of a guaranteed constitutional right or one that is embodied in the International Covenants and enforceable by Indian courts. Unless this threshold is attracted, the Commission will not have the jurisdiction to even entertain the complaint let alone pass a positive order.

7.The complainant has made a mountain out of a molehill. He could have simply applied for a certified copy from the Judicial Magistrate Court, Tenkasi, produced the stoppage of investigation order before the management and obtained an order for regularization of his service. Instead, he moved the Commission with a frivolous petition. There is a phrase “from sublime to the ridiculous”. The Commission is expected to deal with human rights violations and not with service disputes. Regularisation is a service issue. The Commission has given a gratuitous advice to the management that there is no bar for regularising the complainant's service. The Commission is not expected to venture into such domains. The Commission does not exist to correct every wrong committed in society. As observed by the Hon'ble Supreme Court in *Ram Deo Chauhan v. Bani Kanta Das (2010) 14 SCC 209*, the Human Rights Commission cannot function as a parallel seat of justice.



W.P(MD)No.5028 of 2022

8.In the case on hand, there appears to have been a communication gap. The entry made in the CCTNS was admittedly wrong. But then, this was a lapse that could have been very easily dealt with. By no stretch of imagination, such an information gap could be said to constitute violation of one's human rights. The Commission did not have jurisdiction to entertain the complaint in question. When there is no human rights violation, the question of awarding compensation does not arise at all. In this view of the matter, the order impugned in this writ petition is set aside.

9.This Writ Petition is allowed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.K.M, J.]
06.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA/skm



W.P(MD)No.5028 of 2022

To
WEB COPY

1.The State Human Rights Commission,
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
Green Ways Road,
Chennai – 600 028.

2.The Secretary to Government,
Home Department,
Fort St.George,
Chennai.



WEB COPY



W.P(MD)No.5028 of 2022

G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

MGA/skm

W.P(MD)No.5028 of 2022

06.02.2026