

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION Nos. 36488 and 36486 of 2025

DATE: 13.07.2026

Writ Petition No.36488 of 2025

Between:

Wells Fargo International Solutions Private Limited

....Petitioner

AND

Telangana State Human Rights Commission

Through its Registrar and another

....Respondents

Writ Petition No.36486 of 2025

Between:

Wells Fargo International Solutions Private Limited

....Petitioner

AND

Telangana State Human Rights Commission

Through its Registrar and another

....Respondents

COMMON ORDER

Since these two writ petitions arise out of the common order dated 14.10.2025 passed by the Telangana State Human Rights Commission (TGHRC) in H.R.C.Nos.822 and 823 of 2020, involve common parties, substantially identical facts, and raise the same questions of fact and law concerning the jurisdiction of the TGHRC to entertain complaints arising out of a private employment dispute,

they were heard together and are being disposed of by this common order.

2. W.P.No.36488 of 2025, is filed under Article 226 of the Constitution of India, with the following prayer:-

“...to issue an appropriate writ, order or direction; more particularly one in the nature of writ of Certiorari, thereby calling for the records of Case No. 823 of 2020 pending before the 1st Respondent and consequently quash Case No. 823 of 2020.

(ii) Consequently, this Hon'ble Court may be pleased to declare the actions of Respondent No. 1 in passing the Common Impugned Order dated 14 October 2025 in H.R.C. No. 822 of 2020 and H.R.C. No. 823 of 2020 holding that it has jurisdiction to entertain Respondent No. 2's Complaints as being illegal, arbitrary, unjust, and violative of the Petitioner's rights under the Constitution and set aside the same and Pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. W.P.No.36486 of 2025, is filed under Article 226 of the Constitution of India, with the following prayer:-

“....to issue an appropriate writ, order or direction; more particularly one in the nature of writ of Certiorari, thereby calling for the records of Case No. 822 of 2020 pending before the 1st Respondent and consequently quash Case No. 822 of 2020.

ii) Consequently, this Hon'ble Court may be pleased to declare the actions of Respondent No. 1 in passing the Common Impugned Order dated 14 October 2025 in H.R.C. No. 822 of 2020 and H.R.C. No. 823 of 2020 holding that it has jurisdiction to entertain Respondent No. 2's Complaints as being illegal, arbitrary, unjust, and violative of the Petitioner's rights under the Constitution and set aside the same and Pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

4. Heard Mr.A.Venkatesh, learned Senior Counsel representing Mr.Pasham Mohith, learned counsel for the petitioner; Ms.R.S.Vilasita, learned counsel representing Mr.A.Samir Kumar Reddy, learned Standing Counsel for Human Rights Commission, appearing for respondent No.1 and Ms.Ch.Sujatha, learned counsel appearing for respondent No.2 and perused the record.

Factual Matrix (in brief)

5. Respondent No.2 joined the services of the petitioner-company on 09.05.2011 as an Associate Financial Analyst. Over the years, she earned successive promotions and was working as a Senior Commercial Loan Servicing Representative (S3). In July, 2019, respondent No.2 lodged an internal complaint (for short 'HR Complaint') before the Human Resources (HR) Department of the petitioner against two of her colleagues, namely, Mr. Imtiaz Ahmed and Mr. Muralidhar Yedugani. The complaint primarily related to employment-related issues, including her dissatisfaction with her performance appraisals and allegations of harassment in the workplace.

6. Upon receipt of the HR Complaint, the HR Department initiated a detailed inquiry into the allegations. However, the investigation stood prolonged on account of the following:

- i) Respondent No.2 availing medical leave during August and September, 2019, and
- ii) Respondent No.2's subsequent submission of voluminous documents during October and November, 2019.

Upon completion of the investigation in December, 2019, the HR Department concluded that the allegations levelled by respondent No.2 were not substantiated.

7. On 20.02.2020, respondent No.2, through her learned counsel, issued a legal notice reiterating the allegations made in her HR Complaint and alleging inaction on the part of the petitioner. Subsequently, in March, 2020, respondent No.2 escalated her grievance to the petitioner's Employee Relations (ER) Department. The ER Department, with a view to ensuring that the grievances of respondent No.2 were comprehensively addressed, initiated an independent inquiry. In the course of such inquiry, respondent No.2 was interviewed on multiple occasions, the witnesses cited by her were examined and other members of the concerned team were also interviewed. Upon completion of the inquiry, the ER Department likewise concluded that the allegations made by respondent No.2 were unsubstantiated. The findings of the inquiry were discussed with respondent No.2 on 17.08.2020, and the closure of the investigation was formally communicated to her through an e-mail dated 20.08.2020.

8. Even prior to escalating respondent No.2's grievance to the ER Department, respondent No.2 had, on 28.02.2020, instituted two separate complaints, being H.R.C. Nos.822 and 823 of 2020, before the TGHRC, alleging violation of her human rights. The complaints principally alleged harassment at the hands of her superior officers and inaction on the part of the petitioner in addressing her grievances.

9. In February, 2021, pursuant to the notices issued by the Commission, the petitioner entered appearance through counsel and filed a common affidavit dated 08.02.2021, setting out the factual background and raising a preliminary objection as to the maintainability of the complaints and the jurisdiction of the Commission to entertain the same.

10. The petitioner thereafter filed detailed counter-affidavits reiterating its objection to the jurisdiction of the Commission. It was contended that the Commission lacked jurisdiction under Section 12 of the Protection of Human Rights Act, 1993 (for short '1993 Act'), to entertain complaints against a private entity or persons who were not public servants. It was further contended that the disputes raised by respondent No.2 were, in essence, disputes arising out of a private employer-employee relationship and, therefore, lay beyond the statutory jurisdiction of the Commission.

11. Respondent No.2 filed rejoinders to the counter-affidavits, to which the petitioner filed sur-rejoinders. Thereafter, respondent No.2 filed a counter to the petitioner's sur-rejoinders. The petitioner also placed its written submissions before the Commission in support of its preliminary objection regarding jurisdiction.

12. Upon hearing the parties, the Commission reserved the matter for orders on 16.06.2022. However, before orders could be pronounced, the office of the Registrar fell vacant. Following the

appointment of a new Registrar in April, 2025, fresh summons was issued requiring the petitioner to appear before the Commission.

13. Pursuant thereto, the petitioner appeared before the Commission and reiterated its preliminary objection regarding the Commission's jurisdiction, requesting that the issue of maintainability be decided as a preliminary issue. The Commission agreed to consider the objection at the threshold, but directed the petitioner to produce copies of the reports pertaining to the inquiries conducted by the HR Department and the ER Department. The petitioner accordingly produced the said reports on 14.10.2025, whereafter the Commission heard the parties on the question of maintainability.

14. By a common order dated 14.10.2025, the Commission rejected the petitioner's preliminary objection and held that since the complaints did not pertain to "service benefits" but related to allegations of harassment of a woman employee, which if proved, would erode the dignity and self-respect of women and strikes at the very root of gender equality, thereby infringing upon the basic human rights; it possessed the jurisdiction to inquire into the complaints. Consequently, the Commission directed that the complaints be listed for further inquiry on merits on 04.12.2025.

15. Aggrieved thereby, the petitioner has instituted the present writ petitions.

Submissions on behalf of the petitioner

16. Learned Senior Counsel for the petitioner, has advanced the following submissions:

- i) That Section 12(a) of the 1993 Act, confers jurisdiction upon the State Human Rights Commission to inquire into complaints alleging violation of human rights only where such violation is alleged to have been committed by a public servant or where there is negligence on the part of a public servant in preventing such violation. It was contended that the petitioner is a private limited company and its employees are private individuals who do not answer the description of a "public servant" within the meaning of Section 21 of the Indian Penal Code (IPC), 1860, now Section 2(28) of the Bharatiya Nyaya Sanhita (BNS), 2023. Consequently, the Commission lacked the statutory jurisdiction to entertain the complaints.
- ii) That the complaints preferred by respondent No.2 do not contain any allegation either against a public servant or regarding negligence on the part of any public servant in the prevention of any alleged violation of human rights. The complaints are directed exclusively against the petitioner-company and its employees, all of whom are private

individuals. In the absence of the foundational jurisdictional requirement contemplated under Section 12 of the Act, the assumption of jurisdiction by the Commission is wholly without authority of law and the proceedings initiated pursuant thereto are liable to be declared *void ab initio*.

- iii) Reliance was placed upon the judgments of the Madras High Court in ***Santosh Hospitals Private Ltd. v. State Human Rights Commission, Tamil Nadu***¹ and ***MIOT Hospitals v. State Human Rights Commission, Tamil Nadu and Others***², wherein it was held that the jurisdiction of the Human Rights Commission is confined to complaints relating to acts or omissions attributable to public servants and does not extend to disputes involving purely private individuals or entities.
- iv) That even assuming for the sake of arguments that the allegations made by respondent No.2 were true, they pertain to matters relating to performance appraisal, workplace grievances, alleged harassment and other service-related issues arising out of a private employer-employee relationship. According to the learned senior counsel, the complaints essentially concern an internal employment dispute between respondent No.2 and her colleagues/superior officers and do

¹ 2005 (2) MWN (Cr.) 46 (DB)

² 2017 SCC OnLine Mad 33032

not disclose any violation of human rights as contemplated under the provisions of the Act. In this regard, reliance was placed upon the judgment of this Court in ***IREP Dhan Pvt. Ltd. v. Telangana State Human Rights Commission and Others***³, wherein it was held that the Human Rights Commission cannot assume jurisdiction over disputes arising out of a private contract of employment or purely private employment disputes.

- v) That Regulation 2(1)(b) of the Andhra Pradesh State Human Rights Commission (Procedure) Regulations, 2013 (for short '2013 Regulations'), as applicable to the State of Telangana, defines a "complaint/petition" to mean a communication alleging violation or abetment thereof, or negligence in the prevention of such violation, by a public servant, of any of the human rights. It was submitted that the said Regulation, read with Section 12 of the Act and Regulation 12(d), prescribes a threshold requirement that the complaint must allege violation of human rights by a public servant. Since the complaints filed by respondent No.2 do not satisfy this jurisdictional prerequisite, they were not maintainable before the Commission.
- vi) That the procedural framework prescribed under the Regulations also reinforces the limited jurisdiction of the

³ W.P.No.899 of 2021 dated 27.10.2021

Commission. Learned senior counsel submitted that the prescribed formats annexed to the Regulations, particularly Form A (Notice) and Form C, are designed exclusively for seeking information from an "authority" or public authority. The repeated use of the expression "authority" in the statutory forms unmistakably indicates that the proceedings contemplated under the Regulations are intended to be directed against public bodies or public officials and not against private entities such as the petitioner-company.

- vii) Reliance was also placed upon the judgment of the Hon'ble Supreme Court in ***N.C. Dhoundial v. Union of India***⁴ to contend that the Human Rights Commission is a statutory body whose jurisdiction is confined to the powers expressly conferred by the Act. It was argued that the Commission, being a creature of statute, cannot enlarge the scope of its jurisdiction beyond the statutory limitations and is bound to act strictly within the parameters of the Act.
- viii) That the Commission, by assuming jurisdiction over a purely private employment dispute and compelling the petitioner to participate in proceedings which are without jurisdiction and a nullity in law, has acted arbitrarily and in excess of its statutory authority, thereby infringing the petitioner's rights guaranteed under Article 14 of the Constitution of India. It was

⁴ AIR 2004 SC 1272

submitted that compelling the petitioner to undergo proceedings before a forum inherently lacking jurisdiction causes serious prejudice and amounts to an abuse of the process of law.

Submissions on behalf of respondent No.1

17. Learned counsel representing respondent No.1, has advanced the following submissions:

- i) That the complaints preferred by respondent No.2 cannot be characterised as disputes relating merely to service conditions or service benefits. According to the learned counsel, the gravamen of the allegations pertains to continuous harassment and humiliation allegedly meted out to respondent No.2 by her superior officer, resulting in erosion of her dignity, self-respect and mental well-being. It was, therefore, contended that the Commission had rightly treated the complaints as raising allegations of violation of human rights rather than as ordinary service disputes.
- ii) That the mere fact that the alleged incidents arose in the course of an employer-employee relationship would not, by itself, oust the jurisdiction of the Commission. Learned counsel submitted that the true nature of the complaint has to be determined from its substance and not merely from the relationship between the parties. According to the learned

counsel, where the allegations disclose infringement of the fundamental rights to life, dignity and equality, the existence of an employment relationship would not denude the Commission of its jurisdiction to inquire into the matter.

- iii) That the provisions of the Act, being a beneficial legislation intended to safeguard human rights, deserve a liberal interpretation. It was argued that the expression "public servant" occurring in the Act should not be construed in an unduly technical or restrictive manner so as to defeat the object of the legislation.
- iv) That although the petitioner is a private company, the allegations relate to acts of harassment committed at the workplace by a person occupying a position of authority over respondent No.2. Thus, the Commission, while discharging its statutory obligation of protecting human rights, ought not to be precluded from examining the allegations merely because they arose within a private establishment.
- v) That the Commission had rightly distinguished the decision of this Court in **IREP Dhan Pvt. Ltd.** (supra 3). It was contended that while the dispute in the said case essentially pertained to service benefits, the present case concerns allegations of harassment of a woman employee resulting in violation of her dignity and fundamental human rights. Therefore, the

Commission had correctly held that the complaints did not relate to service benefits simpliciter but raised issues warranting an inquiry under the provisions of the Act.

Submissions on behalf of respondent No.2

18. Learned counsel representing respondent No.2, has advanced the following submissions:

- i) That the provisions of Section 12 of the 1993 Act, ought to receive a broad and purposive construction consistent with the object sought to be achieved by the enactment. It was contended that the Commission is a specialised statutory body constituted for the protection and promotion of human rights and, therefore, its jurisdiction cannot be construed in a narrow or restrictive manner so as to defeat the very purpose of the legislation. According to the learned counsel, allegations pertaining to harassment of a woman at the workplace strike at the core of her dignity, equality and bodily integrity and, therefore, legitimately fall within the Commission's jurisdiction.
- ii) That the expression "human rights", as defined under Section 2(1)(d) of the Act, is of wide amplitude and encompasses rights relating to life, liberty, equality and dignity of the individual guaranteed under the Constitution or embodied in the International Covenants and enforceable by courts in India. It was contended that the allegations made by respondent No.2,

particularly those relating to persistent harassment at the workplace resulting in the loss of her pregnancy, if established, would constitute a violation of her fundamental rights to dignity and equality and, consequently, amount to a human rights violation within the meaning of the Act.

- iii) That respondent No.2 was subjected to continuous harassment at her workplace by her immediate superior, Mr. Muralidhar Yedugani, over a period of nearly two years. According to respondent No.2, such harassment included the use of abusive language, repeated humiliation in the presence of her colleagues, manipulation of her performance evaluation, unwarranted scrutiny and constant monitoring of her work, all of which caused her severe mental agony and emotional distress.
- iv) That the sustained harassment and the hostile work environment had a serious adverse impact on her physical and mental health and ultimately resulted in a miscarriage in August, 2019. According to respondent No.2, the acts complained of constituted a violation of her fundamental rights, particularly her right to life, dignity and bodily integrity guaranteed under Article 21 of the Constitution of India, and therefore squarely fell within the ambit of "human rights" as defined under the 1993 Act.

- v) That despite repeatedly bringing the alleged acts of harassment to the notice of the petitioner's HR Department, no effective or meaningful action was taken against the persons concerned. Respondent No.2 contended that the inquiries conducted by the HR Department as well as the ER Department were neither fair nor impartial and were undertaken only with a view to protect the petitioner-company and its managerial personnel.
- vi) That instead of redressing her grievances, the petitioner retaliated against her by placing her under a Performance Improvement Plan (PIP) and initiating steps to terminate her employment. According to respondent No.2, the actions of the petitioner were vindictive in nature and amounted to victimisation for having raised complaints regarding workplace harassment.
- vii) That the TGHRC was fully competent to entertain and inquire into her complaints under Section 12 of the 1993 Act. According to respondent No.2, the complaints involved serious allegations affecting her dignity, equality and fundamental human rights as a woman employee and, therefore, the Commission had rightly assumed jurisdiction to examine the matter on merits.
- viii) That if the complaints were to be rejected on the ground of lack of jurisdiction, respondent No.2 would be left without an

efficacious remedy, particularly when the petitioner had failed to address respondent No.2's grievances through its internal mechanisms.

- ix) Reliance was placed upon the decision of the Hon'ble Supreme Court in ***Apparel Export Promotion Council v. A.K. Chopra***⁵.

19. We have taken note of the respective submissions urged and the material on record.

20. The principal question that falls for consideration in the present writ petitions is whether the Telangana State Human Rights Commission, constituted under the 1993 Act, possesses jurisdiction to entertain complaints alleging violation of human rights against a private company and its employees, who admittedly do not answer the description of "public servants" under the Act ?

Consideration by this Court

I. Scope of Jurisdiction of the State Human Rights Commission

21. The 1993 Act was enacted to provide for the constitution of the National Human Rights Commission (NHRC), the State Human Rights Commissions and Human Rights Courts for the better protection of human rights and for matters connected therewith or incidental thereto. The expression "human rights" is defined under Section 2(d) of the Act as under:

⁵ AIR 1999 SC 625

(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;

22. The functions of the Commission are enumerated under Section 12 of the Act, which reads as under:

12. Functions of the Commission.—The Commission shall perform all or any of the following functions, namely:—

- (a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court], into complaint of—
 - (i) violation of human rights or abetment thereof; or
 - (ii) negligence in the prevention of such violation, by a public servant;
- (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- [(c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;]
- (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- (e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- (g) undertake and promote research in the field of human rights;
- (h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

- (i) encourage the efforts of non-governmental organisations and institutions working in the field of human rights;*
- (j) such other functions as it may consider necessary for the promotion of human rights.*

23. Section 2(m) of the Act defines the expression "public servant" by adopting the meaning assigned to it under Section 21 of the IPC, 1860 (now Section 2(28) of the BNS, 2023).

24. A conjoint reading of Sections 12 and 18 of the 1993 Act indicates that while Section 18 prescribes the powers exercisable by the Commission upon completion of an inquiry, the jurisdiction to initiate such inquiry is traceable exclusively to Section 12. The conferment of procedural powers analogous to those of a Civil Court does not enlarge or extend the substantive jurisdiction of the Commission beyond the limits prescribed by the Act.

25. A plain and grammatical reading of Section 12(a) reveals that the jurisdiction of the Commission is triggered only when a complaint alleges: (i) violation of human rights, (ii) abetment thereof, or (iii) negligence in the prevention of such violation, by a public servant. The qualifying expression "by a public servant" governs all the categories of functions enumerated in clauses (i) and (ii) of Section 12(a). Consequently, the existence of an allegation against a public servant, or negligence attributable to a public servant in preventing such violation, constitutes the foundational jurisdictional fact for invoking the Commission's jurisdiction under the Act.

26. The State Human Rights Commission is a statutory body created under the Act. Being a creature of statute, it possesses only such powers as have been expressly conferred upon it or are necessarily incidental thereto. It has no inherent or plenary jurisdiction. Therefore, its authority to entertain complaints must be exercised strictly within the four corners of the Act. In the absence of any statutory provision conferring jurisdiction upon the Commission to inquire into alleged violations of human rights committed by private individuals or private entities, the Commission cannot assume such jurisdiction merely because the allegations disclose issues touching upon life, liberty, equality or dignity. However serious or grave the allegations against a private individual may be, the remedy would lie before the forum recognised by law having jurisdiction over such disputes, and not before the State Human Rights Commission unless the jurisdictional requirements prescribed under the Act are satisfied.

27. It is a settled principle of statutory interpretation that where the language employed by the legislature is plain, clear and unambiguous, the Court must give effect to the provision as it stands. Neither can words be added to a statute nor can a meaning be assigned which is contrary to the express language employed by the legislature. The legislative intent must, therefore, be gathered primarily from the words used in the enactment.

28. Applying the aforesaid principle, this Court finds that Section 12(a) of the Act admits of no ambiguity. The provision authorises the Commission to inquire into complaints alleging (i) violation of human rights or abetment thereof, or (ii) negligence in the prevention of such violation, by a public servant. The expression "public servant" is not left undefined. By virtue of Section 2(m) of the Act, it bears the meaning assigned to it under Section 21 of the IPC, 1860 (now Section 2(28) of the BNS, 2023). The legislative choice to incorporate an existing statutory definition leaves no scope for expanding the category of persons against whom the Commission may exercise its jurisdiction.

29. It is pertinent to note that the petitioner is a private limited company incorporated under the provisions of the Companies Act, and its officers and employees do not fall within the statutory definition of a "public servant". Equally, the complaints preferred by respondent No.2 do not allege either violation of human rights by a public servant or negligence on the part of any public servant in preventing such violation. The foundational jurisdictional requirement contemplated under Section 12(a) of the Act is, therefore, absent in the present case.

30. It is equally well settled that a statutory authority can exercise only such powers as are expressly conferred upon it or are necessarily incidental to the exercise of those powers. A statutory

tribunal cannot enlarge its own jurisdiction by adopting an expansive interpretation contrary to the plain language of the statute. Any exercise of jurisdiction in excess of the authority conferred by the statute is without jurisdiction and cannot be sustained in law.

31. The aforesaid principle stands authoritatively affirmed by the Hon'ble Supreme Court in ***N.C. Dhoundial*** (supra 4), wherein it was held as under:

14. We cannot endorse the view of the Commission. The Commission which is a “unique expert body” is, no doubt, entrusted with a very important function of protecting human rights, but, it is needless to point out that the Commission has no unlimited jurisdiction nor does it exercise plenary powers in derogation of the statutory limitations. The Commission, which is the creature of statute, is bound by its provisions. Its duties and functions are defined and circumscribed by the Act. Of course, as any other statutory functionary, it undoubtedly has incidental or ancillary powers to effectively exercise its jurisdiction in respect of the powers confided to it but the Commission should necessarily act within the parameters prescribed by the Act creating it and the confines of jurisdiction vested in it by the Act. The Commission is one of the fora which can redress the grievances arising out of the violations of human rights. Even if it is not in a position to take up the enquiry and to afford redressal on account of certain statutory fetters or handicaps, the aggrieved persons are not without other remedies. The assumption underlying the observation in the concluding passage extracted above proceeds on an incorrect premise that the person wronged by violation of human rights would be left without remedy if the Commission does not take up the matter.

(Emphasis supplied)

32. The Hon'ble Supreme Court further observed that even where the Commission is unable to entertain a complaint owing to the limitations imposed by the Act, the aggrieved person is not rendered

remediless, as such person is entitled to pursue such remedies as may be available under the ordinary law. Therefore, the existence of statutory limitations on the jurisdiction of the Commission cannot be diluted on considerations of hardship or expediency.

33. The statutory scheme under the 1993 Act, is further reinforced by the provisions of the 2013 Regulations which continue to govern the procedure of the Telangana State Human Rights Commission.

34. Regulation 2(1)(b) defines a "complaint/petition" as under:

2. Definitions.

(1) In these Regulations, unless the context otherwise requires:

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*a. ******

b. "Complaint/Petition" means all petitions or communications received by the Commission from a victim or any other person on his behalf, in person or by post or telegram or fax or any other means whatsoever, alleging violation or abetment thereof or negligence in the prevention of such violation, by a public servant, of all or any of the human rights defined in Section 2(d) read with Section 21(5) of the Act, or the material on the basis of which the State Commission takes suo motu cognizance.

(Emphasis supplied)

The definition expressly incorporates the requirement that the complaint must allege violation of human rights, or negligence in preventing such violation, by a public servant. Thus, the Regulations themselves recognise the existence of a jurisdictional threshold before a complaint can be entertained by the Commission.

35. Further, the procedural forms appended to the Regulations also lend support to the above interpretation. Form A, which is the

prescribed notice issued upon admission of a complaint, is addressed to the concerned "Authority", and the accompanying note specifically provides as under:

Note: The information shall be furnished only by the authority, to whom the notice is issued and not by anybody else.

36. Likewise, Form C, which is the prescribed format for calling for information or reports, contains a specific column titled '*Authority from whom information or report called for.*'

37. On perusal of the above, it is evident that the repeated use of the expression '*authority*' in the prescribed statutory forms is not without significance. The procedural framework envisaged under the Regulations proceeds on the premise that the Commission would ordinarily call for information or reports from public authorities or public officials against whom the allegations are made. Therefore, the Regulations are in consonance with the statutory mandate contained in Section 12 of the Act and reinforce the legislative intent that the Commission's inquiry is directed against acts or omissions attributable to public servants. The Commission, being bound by its own Regulations, could not have issued notices to or called for reports from a private company. By doing so, the Commission acted in excess of its powers and contrary to the Regulations.

38. The scope and ambit of the jurisdiction exercisable by the Human Rights Commissions under the 1993 Act, has fallen for

consideration before various High Courts. The judicial pronouncements on the issue have consistently emphasized that the jurisdiction of the Commission is circumscribed by the statutory framework of the Act.

39. In ***Santosh Hospitals Private Ltd*** (supra 1) the Madras High Court, upon an examination of the provisions of the Act and the Regulations framed thereunder, held:

24. Thus, a perusal of the provisions of the Act and the forms annexed to the Regulations clearly indicate that the Human Rights Act deals with violation of Human Rights by a public servant and not others. The petitioner is surely not a public servant, and hence the Human Rights Act will not apply to him at all.

(Emphasis supplied)

The aforesaid view was subsequently reaffirmed by the Madras High Court in ***MIOT Hospitals*** (supra 2) wherein it was observed:

10. We find ourselves in respectful agreement with the view expressed in decision of Division Bench of this Court reported in 2005 (2) MWN (Cr.) 46 (DB) to the effect that the Act deals with violations of human rights by public servants and not others.

40. It is relevant to note that the jurisdiction conferred upon the Human Rights Commissions under the Act is not plenary in nature but is conditioned by the requirements expressly stipulated in Section 12 thereof. The Courts have consistently declined to extend such jurisdiction to disputes involving purely private individuals or private entities in the absence of the statutory jurisdictional prerequisites.

41. The contention that the provisions of the Act ought to receive a liberal interpretation so as to encompass alleged violations committed by private persons cannot be accepted in the face of the express language employed by the legislature. While the Act is undoubtedly a beneficial legislation intended to advance the protection of human rights, the scope of jurisdiction conferred upon the Commission must nevertheless be gathered from the statute itself and not from considerations of perceived necessity or expediency.

42. It is a settled principle that a statutory authority cannot enlarge the ambit of its own jurisdiction by adopting an expansive interpretation of the enabling provision. Had the Parliament intended to confer upon the Human Rights Commissions jurisdiction to inquire into alleged violations committed by private individuals or private entities simpliciter, appropriate language to that effect would have found place in the statute. The legislative choice to confine the inquiry contemplated under Section 12(a) to cases involving a public servant is, therefore, a significant indicator of legislative intent and cannot be rendered otiose by judicial interpretation.

II. Nature of the Dispute and its Jurisdictional Implications

43. Even on the assumption that the Commission could exercise jurisdiction against private persons, the controversy in the present case remains one arising out of the employer-employee relationship

between the petitioner-company and respondent No.2. A perusal of the complaints preferred by respondent No.2 would disclose that the allegations principally relate to performance appraisals, workplace interactions with her immediate superior, alleged harassment in the course of employment, and the alleged failure of the petitioner's HR Department to redress her grievances. These matters arise in the context of the contractual relationship between the employer and the employee and are governed by the applicable service conditions, the internal policies of the petitioner-company, and the remedies available under the relevant law.

44. The material placed on record further indicates that the petitioner-company had an internal grievance redressal mechanism, of which respondent No.2 admittedly availed herself by lodging complaints before the HR Department and thereafter before the ER Department. Both inquiries culminated in findings that the allegations levelled by respondent No.2 were not substantiated. This Court expresses no opinion on the correctness or otherwise of those findings, as the merits of the allegations do not fall for consideration in the present proceedings.

45. The Commission, while passing the impugned order, sought to distinguish the decision of this Court in ***IREP Dhan Pvt. Ltd.*** (supra 3) on the ground that the dispute therein related to "service benefits", whereas the present case pertains to allegations of

harassment. In the considered view of this Court, such a distinction does not materially alter the jurisdictional issue arising under Section 12 of the Act.

46. The mere nature of the allegations, whether relating to service conditions, workplace harassment, performance appraisal, or any other aspect of the employer-employee relationship, cannot, by itself, determine the jurisdiction of the Commission. The decisive consideration is whether the jurisdictional preconditions stipulated under Section 12 of the 1993 Act stand satisfied. In the present case, the complaints neither allege any violation of human rights by a public servant nor attribute negligence to any public servant in preventing such violation. Questions relating to the fairness or otherwise of the internal inquiries conducted by the petitioner-company, and the entitlement of respondent No.2 to any relief arising out of her employment, are matters falling within the domain of the competent forum constituted under law. The Human Rights Commission cannot assume jurisdiction over such disputes in substitution of the remedies otherwise available under the applicable statutory or common law framework.

47. The mere characterisation of a dispute arising out of an employment relationship as involving human rights would not, by itself, confer jurisdiction upon the Commission unless the statutory requirements prescribed under the Act are fulfilled. The distinction

between disputes arising out of an employer-employee relationship and complaints maintainable under the 1993 Act, is not merely one of nomenclature but one that bears directly upon the extent of the Commission's statutory jurisdiction. The Commission is a specialised statutory body constituted for the purposes specified under the Act and cannot assume the role of a forum for adjudicating disputes which otherwise fall within the domain of the competent judicial or statutory authorities.

48. In the present case, the Commission proceeded on the premise that, since the allegations pertained to harassment of a woman, it was competent to entertain the complaints notwithstanding the absence of any allegation against a public servant. In doing so, the Commission overlooked the jurisdictional limitations contained in Section 12 of the Act. The assumption of jurisdiction solely on the nature of the allegations, without satisfying the foundational statutory requirement, cannot be sustained.

49. It is pertinent to note that there can be no quarrel with the proposition that allegations of harassment at the workplace, particularly those involving the dignity and safety of women employees, warrant serious consideration and must be addressed in accordance with law. However, the gravity or nature of the allegations cannot furnish a basis for conferring jurisdiction upon the Commission where none exists under the 1993 Act. The

jurisdiction of the Commission is circumscribed by Section 12 of the Act and cannot be expanded on equitable considerations or with reference to the seriousness of the allegations.

50. If respondent No.2 is aggrieved by the alleged acts of workplace harassment, it is open to her to avail such remedies as may be available under the applicable law, including the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (for short '2013 Act'), where applicable, or any other remedy recognised by law. The existence or availability of such alternative remedies, however, is not determinative of the issue before this Court. The only question arising for consideration is whether the Human Rights Commission possesses the statutory jurisdiction to entertain the complaints. As already held, the Commission cannot assume jurisdiction merely because the allegations disclose a serious grievance, in the absence of the jurisdictional requirements prescribed under the Act.

51. Moreover, the complaints preferred by the respondent No.2 are directed against the petitioner, a private limited company, and its employees. The allegations are principally levelled against Mr. Muralidhar Yedugani, who is a manager employed by the petitioner-company. Admittedly, neither the petitioner nor its employees fall within the ambit of the expression "public servant" as defined under Section 2(m) of the 1993 Act, read with Section 21 of the IPC, 1860

(now Section 2(28) of the BNS, 2023). Consequently, the foundational jurisdictional requirement for invoking the jurisdiction of the Commission under Section 12(a) of the Act is absent in the present case. In the absence of such a jurisdictional fact, the Commission could not have lawfully assumed jurisdiction to inquire into the complaints.

III. The Allegation of Miscarriage

52. Respondent No.2 has alleged that the miscarriage suffered by her was attributable to the harassment and mental stress allegedly caused by her immediate superior during the course of her employment. The petitioner has categorically denied the said allegation and has disputed the existence of any causal connection between the alleged workplace incidents and the miscarriage.

53. The contention that the miscarriage suffered by respondent No.2 was a consequence of the alleged harassment at the workplace raises disputed questions of fact, the adjudication of which would necessarily depend upon the appreciation of oral and documentary evidence, including expert medical evidence. However, this Court is not concerned with the truthfulness or otherwise of the said allegation in the present proceedings. The only question that arises for consideration is whether the Commission was vested with the jurisdiction to entertain such complaints under the provisions of the 1993 Act. Even if the allegations are assumed to be correct for the

limited purpose of examining the issue of jurisdiction, the seriousness or nature of the allegations cannot confer jurisdiction upon the Commission where none exists under the statute. The jurisdiction of the Commission must be determined strictly in accordance with the provisions of the Act and cannot be expanded merely on account of the gravity of the allegations

IV. Violation of Article 14 of the Constitution of India

54. Article 14 of the Constitution embodies the guarantee against arbitrariness in State action. It is well settled that every statutory authority is required to act fairly, reasonably and strictly within the bounds of the powers conferred upon it by the statute. The respondent No.1, being a statutory Commission constituted under the 1993 Act, is bound to exercise its powers in conformity with the provisions of the Act and the constitutional mandate of fairness and non-arbitrariness.

55. It is to be noted that the Commission assumed jurisdiction notwithstanding the absence of the jurisdictional prerequisites prescribed under Section 12 of the Act. In doing so, the Commission overlooked the express statutory scheme, the applicable Regulations and the settled legal position governing the extent of its jurisdiction. The exercise of jurisdiction in excess of the authority conferred by the statute cannot be sustained in law. The consequence of such an erroneous assumption of jurisdiction is that the petitioner has been

compelled to participate in proceedings before a forum which, on the facts of the present case, lacked the statutory competence to entertain the complaints. Such action, being dehors the provisions of the Act, cannot be regarded as fair, reasonable or in consonance with the mandate of Article 14 of the Constitution.

56. It is well settled that the question of jurisdiction is a pure question of law which goes to the very root of the matter. Where a statutory authority lacks inherent jurisdiction to entertain a proceeding, any action taken in pursuance thereof is rendered without jurisdiction. In such circumstances, the petitioner cannot be compelled to participate in the proceedings and defer its objection to a subsequent stage. An inherent lack of jurisdiction cannot be cured by consent, acquiescence or participation in the proceedings.

57. In the instant case, the petitioner raised a specific objection as to the maintainability of the proceedings and the jurisdiction of the Commission at the earliest available opportunity. However, the Commission rejected the said objection and proceeded to assume jurisdiction notwithstanding the statutory limitations governing the exercise of its powers. Therefore, the petitioner cannot be relegated to participate in proceedings before an authority which lacks jurisdiction.

58. It is equally well settled that a statutory authority cannot enlarge the scope of its own jurisdiction by interpretative process.

Any action taken beyond the authority conferred by the statute is without jurisdiction.

59. In the present case, the petitioner being a private limited company incorporated under the provisions of the Companies Act, is neither owned nor controlled by the Central Government or any State Government, nor is it shown to discharge any public or governmental functions. The mere fact that the petitioner is a wholly owned subsidiary of a foreign banking company does not, by itself, bring it within the ambit of Article 12 of the Constitution. Consequently, the petitioner-company cannot be regarded as an "authority" or an instrumentality of the State within the meaning of Article 12 of the Constitution.

V. Scope of the Writ of Certiorari

60. The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking issuance of a writ of Certiorari to quash the impugned order and the consequential proceedings in H.R.C.Nos.822 & 823 of 2020. It is well settled that a writ of certiorari lies to correct errors of jurisdiction committed by statutory authorities or tribunals, including cases where such authorities act without jurisdiction, in excess of the jurisdiction conferred upon them, or in disregard of the limits prescribed by the governing statute. As discussed hereinabove, the Commission assumed jurisdiction notwithstanding the absence of

the jurisdictional requirements contemplated under Section 12 of the 1993 Act. Therefore, the impugned order suffers from a jurisdictional infirmity warranting interference by this Court in exercise of its certiorari jurisdiction.

61. The power conferred upon this Court under Article 226 of the Constitution is intended, *inter alia*, to ensure that statutory authorities act within the confines of the jurisdiction vested in them by law. Where an authority assumes jurisdiction contrary to the statutory mandate, this Court would be justified in exercising its supervisory jurisdiction to set aside such action.

62. Further, the reliance placed by respondent No.2 on ***Apparel Export Promotion Council*** (supra 5) is misconceived. There can be no quarrel with the proposition laid down therein that sexual harassment at the workplace violates the dignity of a woman and requires effective redressal. However, the issue before the Hon'ble Supreme Court in the said case arose in the context of disciplinary proceedings and the scope of judicial review over the punishment imposed by the employer under the 2013 Act, and not the jurisdiction of a Human Rights Commission under Section 12 of the 1993 Act. In the present case, the question is not whether the allegations, if proved, would constitute workplace harassment, but whether the respondent No.1 could assume jurisdiction over complaints directed exclusively against a private company and its

employees, none of whom are public servants. As already held above, seriousness of the allegations cannot enlarge the statutory jurisdiction of the Commission, which must be exercised strictly within the confines of the 1993 Act. Therefore, the said decision is clearly distinguishable both on facts and in law, and does not advance the case of the respondent No.2 in any way.

Conclusion

63. For the foregoing reasons, this Court is of the considered view that the Telangana State Human Rights Commission has acted has acted in excess of the jurisdiction conferred upon it under the Protection of Human Rights Act, 1993 in entertaining HRC Nos.822 & 823 of 2020. The common order dated 14.10.2025 passed in H.R.C.Nos.822 & 823 of 2020, by the Telangana State Human Rights Commission rejecting the petitioner's preliminary objection as to maintainability cannot be sustained and is liable to be set aside.

64. Accordingly, Writ Petition Nos.36488 and 36486 of 2025 are allowed. H.R.C.Nos.822 & 823 of 2020 pending on the file of the Telangana State Human Rights Commission stand quashed. It is, however, clarified that respondent No.2 shall be at liberty to avail such remedy as may be available to her in accordance with law before the competent forum. Any such proceedings shall be decided independently on their own merits, uninfluenced by the observations made in this judgment.

As a sequel, the miscellaneous petitions, if any, shall stand closed. No costs.

APARESH KUMAR SINGH, CJ

G.M. MOHIUDDIN, J

Date: 13.07.2026

Note:

LR copy to be marked.

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