



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20187 of 2025 (PIL)

Shivsankar Mohanty

....

Petitioner

Represented by Adv.—
In person

-Versus-

State of Odisha and others

....

Opposite Parties

Represented by Adv.—
Mr. Pitambar Acharya, Advocate General
assisted by Mrs. Suman Pattanayak, Addl. Govt. Advocate
Mr. T.K. Satapathy, Standing Counsel (UGC-O.P.5)

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

Order No.

ORDER
22.07.2025

- 01.**
1. The instant Public Interest Litigation (PIL) is at the behest of the petitioner making himself to be the public-spirited person flagging a serious issue in relation to an unprecedented incident happened on 12th July, 2025, when a girl committed self-immolation by pouring petrol in front of a Principal's office. Unfortunately, despite the medical attention having given, she succumbed to the burn injury on 14th July, 2025.
 2. The incident leading to such self-immolation shocked the conscience of the country and opened a discourse on several aspects



including the safety and security, providing proper mechanisms and the redressal of the grievance in a proper and fair manner.

3. The victim raised a serious issue of sexual harassment and the Internal Complaints Committee (ICC) after making an inquiry, submitted the report, but she immolated herself perceiving that the proper justice has not been extended to her.

4. Undeniably, such incident has shattered the emotions of the citizenry and the demonstrations were made for justice to be extended to her.

5. The petitioner in the instant PIL prayed for constitution of a Special Investigation Team (SIT) to be headed by a responsible officer of repute, so that a proper and fair investigation can be ensured obviously in pursuit of rendering justice to the said victim.

6. Mr. Pitambar Acharya, learned Advocate General hands over the document detailing the steps having taken by the State and fervently submits that the State has taken such issues seriously and, in fact, have constituted a special investigating team to be monitored by high ranking police officials, one of whom is a lady officer and the investigation is proceeding at a considerable pace.



7. The detailing of the steps further corroborates that immediately after the FIR was registered, the Head of the Department and the Principal of the collage have been apprehended and they are also put under suspension. The learned Advocate General fairly concedes that the incident has caused disturbances and steps are being taken as permissible in law.

8. It is really disturbing that the students, who got admission in a reputed college would be subjected to any sexual harassment and the alacrity is not shown in addressing the grievance in a proper manner. A right to life enshrined under Article 21 of the Constitution of India includes the right to live with dignity. The students are not foreign to such fundamental rights being a citizen of the country and, therefore, once a serious allegation is made, it is a duty of the Internal Complaints Committee (ICC) to evaluate such complaint in a more pragmatic way.

9. Since the SIT has already been constituted by the State as disclosed by the learned Advocate General and the investigation is monitored by the high ranking police officers in absence of any incriminating materials coming before the Court, we do not think that any SIT to be constituted under the judicial fiat at this stage.



10. Equally it does not absolve the duty of the Court to see that the investigation is being done in a rightful manner and may on a periodical basis seek the progress, which have been made. Constituting a SIT over the SIT constituted by the Government may not be proper at the nebulous stage of the investigation unless it is perceived by the Court from the materials produced before it that the investigation is misdirected.

11. We do not delve deep any further after noticing this, but we cannot overlook the other aspects raised in the instant PIL that several political parties are demonstrating by engulfing and/or preventing the certain officials in discharging their duties and coming out from their respective chambers.

12. In a democratic society right to protest is ingrained and inherited in the system as we grew up from the era of the freedom moments, where the protest was one of the effective tools or the weapons. Equally, we cannot ignore that in the garb of a right to protest, no one should be allowed to take the law in their own hand nor should cause any disturbance to the normal life of a person and in this regard even the apex Court has considered that right to protest peacefully is a fundamental right.



13. Our country embraces the dissenting views but such dissent must be in an orderly manner requiring the society to ponder upon and the discourse in this regard are always welcomed. Any act in the guise of a dissent which offends any provision of law can never be regarded as a right guaranteed under the constitution as every fundamental right is subject to such reasonable restrictions, which is imposed on every citizen of the country.

14. The law and order is a State subject and it is a duty of the State to take appropriate measures and/or steps in the event, it brings disharmony in the law and order situation and we, therefore direct the State to take appropriate steps as permissible in law in the event, any such act, which is impermissible or forbidden by law is taken by a person or an association of person.

15. The State shall submit the progress having made in the investigation in the sealed cover on the next date, when the matter would be listed. Apart from the State and University Grants Commission (UGC), there is no representation on behalf of the opposite parties, we, therefore, direct the petitioner to take notice upon them.



16. Notice be issued to the opposite party Nos.3 and 4 by Speed Post with A.D. returnable within three weeks. Requisites be filed within three working days.

17. The details of the steps taken by the Government produced by the learned Advocate General in the sealed cover be resealed and kept under the custody of the Registrar Judicial of this Court.

18. List this matter on 12th August, 2025.

(Harish Tandon)
Chief Justice

(M.R. Pathak)
Judge

SK. Jena/Secy.
S.K. Behera/Jr. Steno

Signature Not Verified

Digitally Signed
Signed by: SANJAY KUMAR JENA
Designation: SECRETARY
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 23-Jul-2025 11:00:44

