

F. R. NO. 2862 / 2022

# IN THE HIGH COURT OF KARNATAKA AT BENGALURU

## PRESENTATION FORM

WRIT PETITION No. .... / 2022



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District

Between

MISS. AISHAT SHIFA

and

STATE OF KARNATAKA

| Sl. No.   | DESCRIPTION OF PAPER PRESENTED        | Court Fee Affixed |
|-----------|---------------------------------------|-------------------|
| 1.        | On the Memo of <u>Writ</u> petition ✓ |                   |
| 2.        | On the Memo of Appeal                 |                   |
| 3.        | On Vakalath ✓                         |                   |
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Respondent Advocate's Clerk

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Bangalore

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## IN THE HIGH COURT OF KARNATAKA AT BENGALURU

W.P. No. /2022

Between:

Miss. Aishat Shifa & Anr  
And

...Petitioners

State of Karnataka &amp; Others

...Respondents

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Place: Bangalore  
Date:07-02-2022

Advocate for Petitioners  
(Mohammed Niyaz.S)



## IN THE HIGH COURT OF KARNATAKA AT BENGALURU

W.P. No. /2022

Between:

Miss. Aishat Shifa & Anr  
And

...Petitioners

State of Karnataka &amp; Others


...Respondents

**SYNOPSIS**

| Date     | Events   |
|----------|--|
| 2020     | Petitioners joined the 5 <sup>th</sup> respondent college and they are perusing their pre university course  |
| Jan-2022 | Respondent no.5 deprived the petitioners from attending the college by restraining them at the entry gate.   |
| Feb-2022 | Petitioners gave representation to the 4 <sup>th</sup> respondent - Deputy Commissioner raising their grievance.   |
| 5-2-2022 | The respondent no.2 issued the impugned order directing all schools run by the State Government shall wear the uniform provided by the concerned Government schools in the State. Private schools should wear uniforms determined by their governing bodies. |
|          | Hence this writ petition   |

**Brief Facts of the Case**

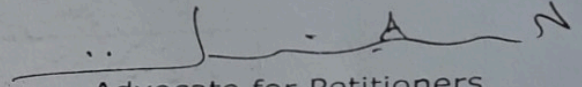
1. Petitioners are students of 5<sup>th</sup> Respondent PU College pursuing Second Year Pre-university course. They secured admission in the said college and are regularly attending classes without any remark or blemish in their academic programme.
2. It is relevant to state that the Petitioners belongs to the Islamic faith and chose to practice their religion out of conviction including the essential religious practice of wearing *the hijab (head scarf/ veil)*.
3. On 4-2-2022 5<sup>th</sup> respondent has instructed the teaching staff of the institution not to permit the students inside the college/classes who wear headscarf, as such the petitioners and their classmates were deprived to attend the classes as long as they continue to wear head scarf. Petitioners and other classmates belonging to Islamic Faith have been forced to stay outside the entry Gate.





4. On 5-2-2022 2<sup>nd</sup> respondent issued impugned order 2<sup>nd</sup> respondent purported to be by invoking section 133 of the Karnataka Education Act, 1983 directing all schools run by the State Government shall wear the uniform provided by the concerned Government schools in the State. Private schools should wear uniforms determined by their governing bodies. Petitioner being aggrieved has filed the above noted writ petition.

Place: Bangalore  
Date:07-02-2022

  
Advocate for Petitioners  
(Mohammed Niyaz.S)



## IN THE HIGH COURT OF KARNATAKA AT BENGALURU

(ORIGINAL JURISDICTION)

W.P. No. /2022

**Between:**

1. Miss. AISHAT SHIFA  
D/o Zulfhukar  
Age about 17 years  
Santosh Nagar, Hemmady Post,  
Kundapur Taluk, Udupi District 576230  
Rep. by her natural guardian and father  
Mr. Zulfhukar

2. Miss. THAIRIN BEGAM  
D/o Mohammad Hussain  
Aged About 18 years  
Kampa Kavrady, Kandlur Post,  
Kundapura, Udupi District-576201

....PETITIONER


**And**

1. The State of Karnataka  
Vidhana Soudha  
Dr Ambedkar Road  
Bangalore- 560 001  
Represented by  
It's Principal Secretary.
2. The Under Secretary to Government  
Department of Education  
Vikas Soudha, Bangalore 560001
3. The Directorate  
Department of Pre University Education  
Bangalore -560 009.
4. The Deputy Commissioner  
Udupi District.  
Shivalli Rajatadri, Manipal,  
Udupi-576104.
5. The Principal  
Government PU College  
Kundapura, Udupi District- 576201

RESPONDENTS

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 AND 227 OF  
THE CONSTITUTION OF INDIA**

The Petitioner is challenging the impugned direction dated 05-02-2022 vide order No. EP14 SHH 2022 Bangalore passed by the 2<sup>nd</sup> respondent purported to be by invoking section 133 of the Karnataka Education Act, 1983 directing all schools run by the State Government shall wear the uniform provided by the concerned Government schools in the State. Private schools should wear





uniforms determined by their governing bodies. Copy of the order dated 5-2-2022 is enclosed as **ANNEXURE A.**

Petitioners most respectfully submits as follows:

1. Petitioners are students of 5<sup>th</sup> Respondent PU College pursuing Second Year Pre-university course. They secured admission in the said college and are regularly attending classes without any remark or blemish in their academic programme. It is relevant to state that the Petitioners belongs to the Islamic faith and chose to practice their religion out of conviction including the essential religious practice of wearing the hijab (head scarf/ veil).
2. It is submitted that, as usual on 3-2-2022, the Petitioners went to college for attending daily classes, to their surprise they were stopped at the entry Gate of the College by the 5<sup>th</sup> Respondent and other staffs of the College. The Petitioners and other classmates were insulted, humiliated and were instructed to remove the head Scarf by the Principal and other staff members of the College. Subsequently the petitioners and other Classmates belonging to Islamic faith were denied entry into the premises by the 5<sup>th</sup> Respondent by closing the entry gate of the College. The action of the 5<sup>th</sup> respondent is inhuman, barbaric, which is blatant violation of the fundamental rights of petitioners guaranteed under Article 15, 19(1)(a), 25 and 21 of the Constitution of India.
3. It is submitted that, the 5<sup>th</sup> respondent has instructed the teaching staff of the institution not to permit the students inside the college/classes who wear headscarf, as such the petitioners and their classmates were deprived to attend the classes as long as they continue to wear head scarf. Petitioners and other classmates belonging to Islamic Faith have been forced to stay outside the entry Gate. The petitioners and other classmates are in a hope of being permitted to enter their classes and continue their education. On refusal by the 5<sup>th</sup> Respondent, not permitting the petitioners and other classmates belonging to Islamic faith no to attend classes as long as they continue to wear head scarf, the petitioners along with other classmates have made representation to the 4<sup>th</sup> respondent, the Deputy Commissioner, Udupi District. Copy of the original Acknowledgment of the representation dated 04-02-2022 is produced herewith as **ANNEXURE-B.**





4. It is submitted that the Petitioners herein conscientiously chose to follow the tenets of Islam, one of which is to observe *hijab/head scarf*. Not only is it a part of their essential religious identity but denuding them from pursuing their education unless they give up on it is also an affront to their right to living with dignity protected under Article 21 of the Constitution. The unreasonable and discriminatory "punishment" imposed on the petitioners by the 5<sup>th</sup> Respondent for merely practicing their religious tenets, which in no way hinders or obstructs the imparting or acquiring of education within the institute is in blatant violation of the fundamental rights of the petitioners guaranteed under Article 15, 19(1)(a), 25 and 21 of the Constitution of India.
5. It is submitted that in a multi-religious, multi-cultural and vibrant democracy such as ours, identity forms an integral part of religious as well as other minorities. The framers of the constitution had the foresight to apprehend the possibility of the right to practice of religion being trampled upon and therefore zealously sought to protect it by making the right to practice religion a fundamental right, correspondingly casting a duty upon the constitutional courts to enforce it.
6. It is relevant to state that before the passing the impugned order the respondent no.5 and similarly placed colleges in the district headed by the 4<sup>th</sup> respondent have stopped the students who wear head scarf which use wear regularly since their admission in to the respective colleges as it is their personal right guaranteed under the Islamic Shariat. Copies of the new articles of the published in various newspapers are enclosed herewith as ANNEXURE C series.
7. It is relevant to state that the impugned direction came to be passed to legalize the action of the colleges who adopted this illegal means so as to empower them to continue stopping the minority students who wear head scarf to enter the college and to pursue their education, it is one of the means adopted by the colleges subsequently, supported by the state government to diminish the image of students belonging to particular community. Copy of the impugned order is enclosed supra as **Annexure-A**
8. It is submitted that the Order issued by the State Government on 05.02.2022 purportedly u/s 133(2) of the Karnataka Education Act, 1983, is illegal and void, being outrageously violative and in excess of

\_\_\_\_\_ A \_\_\_\_\_ >



what has been prescribed by the very said provision itself. Section 133(2) reads as follows:

**133. Powers of Government to give directions.-**

“(2) The State Government may give such directions to any educational institution or tutorial institution as in its opinion are necessary or expedient for carrying out the purposes of this Act or to give effect to any of the provisions contained therein or of any rules or orders made thereunder and the Governing Council or the owner, as the case may be, of such institution shall comply with every such direction.”

9. As can be seen, directions can only be issued for carrying out the purposes of the Act or for giving effect to any of the provisions therein.
10. It is submitted that not a single provision in the entire 1983 Act talks about 'uniform' / 'dress' for students. Neither does a careful reading of the entire 1983 Act show that regulating / restricting / recommending 'uniform' / 'dress' could be even remotely regarded as one of the 'purposes' of the Act to carry out which the Government could issue directions u/s 133(2).
11. On the contrary a careful reading of the Act would reveal that the impugned direction is in the teeth of the provisions therein as well as the purpose intended by it.
12. The statement of objects and reasons puts forth the intent of the state legislature in enacting the said legislation. As per the statement of objects and reasons, the 1983 Act was considered necessary for the following purposes:
  - a. planned development of educational institutions
  - b. inculcation of healthy educational practice
  - c. maintenance and improvement in the standards of education
  - d. better organisation, discipline and control over educational institutions
  - e. fostering harmonious development and cultivating a scientific and secular outlook
13. The statement of objects and reasons reads as follows:





"An Act to provide for better organisation, development, discipline and control of the educational institutions in the State.

WHEREAS it is considered necessary to provide for the planned development of educational institutions inculcation of healthy educational practice, maintenance and improvement in the standards of education and better organisation, discipline and control over educational institutions in the State with a view to fostering the harmonious development of the mental and physical faculties of students and cultivating a scientific and secular outlook through education;"

(emphasis added)

14. Section 3 thereafter which provides for the regulation of education by the State at all levels only talks of regulation at an administrative and institutional level. There is not even a slightest hint that regulation of education could be stretched as far as to include regulating student's appearance / dress / uniform.
15. The most relevant provision in so far as the present case is concerned is Section 7, which the State Government has turned on its head. It is submitted that Section 7 only empowers the Government to prescribe a curricula for any course of instruction, its duration, medium of instruction, etc.
16. Section 2 further requires the curricula to include schemes *inter alia* relating to national integration, harmony and the spirit of brotherhood transcending religious diversities particularly renunciation of practices derogatory to the dignity of women and to value and preserve the rich heritage of our composite culture. The relevant portion of Section 7 reads as under:
 

**"7. Government to prescribe curricula, etc.-**

(1) Subject to such rules as may be prescribed, the State Government may, in respect of educational institutions, by order specify,- (a) the curricula, syllabi and text books for any course of instruction;\

...

(2) The curricula under sub-section (1) may also include schemes in respect of,-

...

(e) promotion of national integration;

...

(g) inculcation of the sense of the following duties of citizens, enshrined in the Constitution namely:-





(emphasis added)

- (1)** It shall be the duty of the management of local authority institution to comply with all the provisions of this Act and the rules or orders made thereunder."

21. The Petitioner has no other alternate and efficacious remedy than to approach this Hon'ble court, the petitioners have not filed any other petition before this Hon'ble court or before any other forum. Hence this Petition on the following grounds:

                     - A - 2



## 7 GROUNDS

22. It is submitted that such intolerance at the sight of muslim girls wearing hijab is unprecedented and manifests the succumbing of the Respondents to undue pressure from various intolerant forces. In the backdrop and context of recent events such as open calls for social and economic boycott of Muslims, calls for excluding them from the mainstream and even 'genocide' of Muslims throughout the country by speakers at various events self-styled as 'Dharam Sansads', incidents of circulation of mobile apps attempt at 'auctioning' Muslim, and other instances of rising bigotry, the impugned decision makes Muslim apprehensive of their personal safety and feel that their exercise of even their basic fundamental rights is under threat.
23. This Hon'ble Court is most fervently called upon to not look at this incident as a solitary instance but in the scheme of recent events and worldwide apprehensions of coming events casting their shadows beforehand that are threatening the Muslim citizens of this country.
24. It is submitted that the Petitioner's practice of wearing hijab, which according to her is an essential part of her religious practice, in no way interferes with the imparting of education by the 4<sup>th</sup> Respondent. While it is true that the freedom to practice religion has been made subject to public order, morality and health, it is incomprehensible as to how the practice of wearing hijab, which until now never caused any public disorder is being sought to be curtailed, when in reality the public disorder is being created by intolerant groups with vested political interests.
25. It is submitted that the Qur'an is the highest in the hierarchy of sources of divine injunction for Muslims, being the direct word of God, followed by hadees (or hadith), which are Prophetic traditions, and thereafter, consensus of scholars and scholarly writings etc. interpreting the first two. The Qur'an itself in verse 24:31 prescribes injunctions for women in the manner of dress in the following words:

"And tell believing women that they should lower their glances, guard their private parts, and not display their charms beyond what [it is acceptable] to reveal; they should let their headscarves



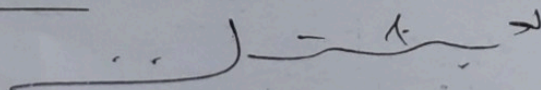


fall to cover their necklines and not reveal their charms except to their husbands, their fathers,..."<sup>1</sup>

26. It is therefore evident that the injunction to wear a headscarf or hijab is an essential feature of Islamic practice, being ordained by the Qur'an itself. While the 'essentiality test' that is commonly attributed to the Constitution Bench decision in *Sri Venkataramana Devaru v. State of Mysore*, 1958 SCR 895 is now itself under challenge before a 9-Judge Bench of this Hon'ble Court in *Kantaru Rajeevaru v Indian Young Lawyers' Association* on the ground that a religious practice cannot be subjected to scrutiny to evaluate its 'essentiality', the Islamic practice of wearing the headscarf satisfies even the higher threshold of the essentiality test, being an injunction in the Qur'an itself, which is the direct word of Allah binding on all Muslims.

27. That the, impugned order passed by the 2<sup>nd</sup> respondent at Annexure A is a classic case of abuse of power and it is in violation of the right to freedom of expression, guaranteed under Article 19(1)(a) of the Constitution. Article 19(1)(a) of the Constitution specifically guarantees the right to freedom of expression, which takes within its sweep the right to freedom of appearance and apparel as well. In ***National Legal Services Authority v. Union of India, (2014) 5 SCC 438*** it was held that no restriction can be placed on one's appearance subject to restrictions made under Article 19(2) of the Constitution. It was held,

"69. Article 19(1) of the Constitution guarantees certain fundamental rights, subject to the power of the State to impose restrictions from (sic on) exercise of those rights. The rights conferred by Article 19 are not available to any person who is not a citizen of India. Article 19(1) guarantees those great basic rights which are recognised and guaranteed as the natural rights inherent in the status of the citizen of a free country. Article 19(1)(a) of the Constitution states that all citizens shall have the right to freedom of speech and expression, which includes one's right to expression of his self-identified gender. The self-identified gender can be expressed through dress, words, action or behaviour or any other form. **No restriction can be placed on one's personal appearance or choice of dressing, subject to**





the restrictions contained in Article 19(2) of the Constitution.

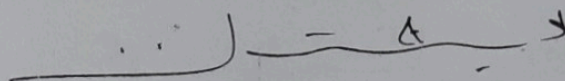
70. We may, in this connection, refer to a few judgments of the US Supreme Court on the rights of TGs' freedom of expression:

70.1. The Supreme Court of the State of Illinois in *City of Chicago v. Wilson* [75 Ill 2d 525 : 389 NE 2d 522 (1978)] struck down the municipal law prohibiting cross-dressing, and held as follows: "the notion that the State can regulate one's personal appearance, unconfined by any constitutional strictures whatsoever, is fundamentally inconsistent with values of privacy, self-identity, autonomy and personal integrity that ... the Constitution was designed to protect".

70.2. In *Doe v. Yunits* [2000 WL 33162199 (Mass Super Ct 2000)] , the Superior Court of Massachusetts, upheld the right of a person to wear school dress that matches her gender identity as part of protected speech and expression and observed as follows: "by dressing in clothing and accessories traditionally associated with the female gender, she is expressing her identification with the gender. In addition, plaintiff's ability to express herself and her gender identity through dress is important for her health and well-being. Therefore, plaintiff's expression is not merely a personal preference but a necessary symbol of her identity".

71. The principles referred to above clearly indicate that the freedom of expression guaranteed under Article 19(1)(a) includes the freedom to express one's chosen gender identity through varied ways and means by way of expression, speech, mannerism, clothing, etc."

28. The petitioners at this crucial juncture of their academic life at the stage of Second year pre university course. They being the followers of the Islamic faith since birth and is practicing the essential religious practise of wearing a hijab/head scarf. The petitioner is an ordinary resident of Udupi District and has safely without any let or hindrance continued to practise the wearing of hijab while participating in all aspects of daily life and the 4<sup>th</sup> and 5<sup>th</sup> respondent prevented them from attending to their classes on the ground that they are wearing hijab, which was not permissible in the college premises. It is relevant to state at this stage that previous students since several years without any





hinderance have continued to wear Hijab and have been passed out of the institution.

29. It is submitted that the Petitioners herein exercising their right to freedom of religion, faith and conscience, enshrined under Article 25 of the Constitution, by wearing a *hijab* to their educational institution. This freedom of conscience cannot be subjected to any restrictions which are not in the nature of public order, morality or health.

30. It is submitted that the right to freedom of apparel and appearances has been specifically recognised as falling under the ambit of the 'right to privacy' in *K.S. Puttaswamy (Privacy-9J.) v. Union of India*, (2017) 10 SCC 1 in the judgment of Justice Chelameswar. It was specifically held,

*"373. ... The choice of appearance and apparel are also aspects of the right to privacy. The freedom of certain groups of subjects to determine their appearance and apparel (such as keeping long hair and wearing a turban) are protected not as a part of the right to privacy but as a part of their religious belief. Such a freedom need not necessarily be based on religious beliefs falling under Article 25."*

31. It is submitted that the right of the Petitioner herein to attend an educational institution of her choice while professing her religion has been emphatically recognized by the Hon'ble Supreme Court in *Bijoe Emmanuel v. State of Kerala* (1986) 3 SCC 615. The Hon'ble Supreme Court specifically recognised that even though the religious beliefs of the Jehovah's Witnesses may "*appear strange or even bizarre*", they are entitled to protection under Article 25(1) and 19(1)(a) of the Constitution. The Hon'ble Supreme Court held,

*"We see that the right to freedom of conscience and freely to profess, practise and propagate religion guaranteed by Art. 25 is subject to (1) public order, morality and health; (2) other provisions of Part III of the Constitution; (3) any law (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice; or (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Thus while on the one hand, Art. 25(1) itself*

*... J - A - S*



*expressly subjects the right guaranteed by it to public order, morality and health and to the other provisions of Part III, on the other hand, the State is also given the liberty to make a law to regulate or restrict any economic, financial, political or other secular activity which may be associated with religious practise and to provide for social welfare and reform, even if such regulation, restriction or provision affects the right guaranteed by Art. 25(1). Therefore, whenever the Fundamental Right to freedom of conscience and to profess, practise and propagate religion is invoked, the act complained of as offending the Fundamental Right must be examined to discover whether such act is to protect public order, morality and health, whether it is to give effect to the other provisions of Part III of the Constitution or whether it is authorised by a law made to regulate or restrict any economic, financial, political or secular activity which may be associated with religious practice or to provide for social welfare and reform. It is the duty and function of the Court so to do. Here again as mentioned in connection with Art. 19(2) to (6), it must be a law having the force of a statute and not a mere executive or a departmental instruction.*

*We are satisfied, in the present case, that the expulsion of the three children from the school for the reason that because of their conscientiously held religious faith, they do not join the singing of the national anthem in the morning assembly though they do stand up respectfully when the anthem is sung, is a violation of their fundamental right to freedom of conscience and freely to profess, practice and propagate religion."*

32. It is submitted that the discrimination against the Petitioners herein is violative of Article 15, for restricting the entry of the Petitioners herein in a government school only on the ground of religion. Article 15 specifically envisages that the State shall not discriminate on grounds of religion. Article 15(2) further envisages that no citizen shall on grounds of religion be subject to any restriction with regard to access of public shops. In *Indian Medical Assn. v. Union of India*, (2011) 7 SCC 179, the Hon'ble Supreme Court specifically held that educational institutions are covered under the ambit of 'shops' in Article 15(2). It was held,

*"187. Inasmuch as education, pursuant to T.M.A. Pai [(2002) 8 SCC 481], is an occupation under sub-clause (g) of clause (1) of*





*expressly subjects the right guaranteed by it to public order, morality and health and to the other provisions of Part III, on the other hand, the State is also given the liberty to make a law to regulate or restrict any economic, financial, political or other secular activity which may be associated with religious practise and to provide for social welfare and reform, even if such regulation, restriction or provision affects the right guaranteed by Art. 25(1). Therefore, whenever the Fundamental Right to freedom of conscience and to profess, practise and propagate religion is invoked, the act complained of as offending the Fundamental Right must be examined to discover whether such act is to protect public order, morality and health, whether it is to give effect to the other provisions of Part III of the Constitution or whether it is authorised by a law made to regulate or restrict any economic, financial, political or secular activity which may be associated with religious practice or to provide for social welfare and reform. It is the duty and function of the Court so to do. Here again as mentioned in connection with Art. 19(2) to (6), it must be a law having the force of a statute and not a mere executive or a departmental instruction.*

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*"187. Inasmuch as education, pursuant to T.M.A. Pai [(2002) 8 SCC 481], is an occupation under sub-clause (g) of clause (1) of*





*Article 19, and it is a service that is offered for a fee that takes care of all the expenses of the educational institution in rendering that service, plus a reasonable surplus, and is offered to all those amongst the general public, who are otherwise qualified, then such educational institutions would also be subject to the discipline of clause (2) of Article 15. In this regard, the purport of the above exposition of clause (2) of Article 15, when read in the context of egalitarian jurisprudence inherent in Articles 14, 15, 16 and Article 38, and read with our national aspirations of establishing a society in which equality of status and opportunity, and justice, social, economic and political, would imply that the private sector which offers such facilities ought not to be conducting their affairs in a manner which promote existing discriminations and disadvantages."*

It is thus submitted that the scope of the anti-discrimination principle under Article 15(2) not only applies to government schools but applies to all public areas including private schools.

33. It is submitted that the Explanation I to Article 25 of the Constitution similarly guarantees the right of Sikh persons to carry the *kirpan*. The Petitioners herein claim a similar right to wear the *hijab*, which is part of their religion and conscience. It is submitted that the Respondents herein cannot deny this right under any of the grounds of restrictions permissible under Article 25 of the Constitution.
34. It is submitted that there cannot be any prohibition under the Constitution or any laws made thereunder to curb any person from wearing any particular attire in pursuance of the right to belief, faith and conscience, as long as it is in keeping with morality, public order and health.
35. The preamble of the Constitution of India makes a solemn assurance of *LIBERTY of thought, expression, belief, faith and worship* to the people. It contains the ideals and aspirations which the constitution makers intended to be realised by its enacting provisions. *Article 21 and Article 25 of the Constitution* is a further protection of the right to personal liberty and the right to freedom of conscience and free profession, practice and propagation of religion as a fundamental right to not just all citizens but to all persons. The fundamental rights guaranteed under Articles 21 and 25 are no doubt subject to reasonable





restriction and such reasonable restriction are as provided in these provisions. Article 25 which specifically secures to all persons the right to free profession, practice and propagation of religion makes it subject only to public order, morality and health.

36. It is submitted that the right of dignified living under Article 21 of the Constitution has been violated by the Respondents herein. The Petitioner believe that it is an essential part of their faith and conscience that they must wear a *hijab*. Their belief which, in their opinion, is an essential practice of their personal faith and conscience cannot be a ground for the State to deny education.
37. It is submitted that it is incumbent on the State to promote "*harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities*;" under Article 51-A(e) of the Constitution. This duty of both the citizens and the State is essential to the constitutional guarantee of 'Fraternity'.
38. The Hon'ble High Court of Kerala in *Amnah Bint Basheer vs Central Board of Secondary Education* reported in 2016 (2) KLT 601 while specifically dealing with the right to wear hijab held that the choice of dress based on religious injunctions is a Fundamental Right protected under Article 25(1) of the Constitution of India, when such prescription of dress is an essential part of the religion. The third respondent's actions impede the petitioner's right to exercise a choice based on a practise of their religious faith which is essential in nature and thereby these actions are an infringement of the Petitioners' fundamental rights guaranteed under Article 25 (1) of the Constitution of India.
39. The action of the Respondents is in violation of the Petitioners fundamental right to life and personal liberty which encompasses their right to choice of attire and appearance guaranteed under Article 21 of the Constitution of India.
40. It is also relevant to observe here that the 2021-22 guidelines for Pre-University Education issued by the Department of Pre-University Education, Government of Karnataka recognises the right of individuals to attire of their choice. This is forthcoming from the specific guidelines issued to all Principals of Government run Pre-University Colleges that Uniforms not being mandatory for students pursuing pre university courses and the imposition of uniform on students is illegal. Further it is

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notified that strict action will be taken against administrators and Principals of institutions found imposing uniform on students.

41. It is submitted that the verses of the Holy Quran and the narrations of the Hadiths (the Prophet's way of life) contain the essential religious practices to be followed by persons of the Islamic faith. The Holy Quran in more than one place has spoken as below about the practice of wearing hijab :

*"O you Children of Adam! We have bestowed on you raiment to cover your shame as well as to be an adornment to you. But the raiment of righteousness, that is the best. Such are among the Signs of Allah, that they may receive admonition."* (Quran Chapter 7: verse 26)

*"And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, or their brothers' sons or their sisters' sons, or their women or the servants whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex, and that they should not strike their feet in order to draw attention to their hidden ornaments. And O you Believers, turn you all together towards Allah, that you may attain Bliss."* (Quran Chapter 24: verse 31)

*"O Prophet, tell your wives and your daughters and the women of the believers to draw their cloaks close round them (when they go abroad). That will be better, so that they may be recognised and not annoyed. Allah is ever Forgiving, Merciful."* (Quran chapter 33: verse 59)

Further the narrations from authoritative hadiths like those contained in al-Bukhaari stress upon the importance of wearing of the hijab which is to be followed as an essential religious practise.

42. By imposing a ban on the Petitioner from attending classes, the 4th Respondent has illegally taken away the Petitioners' right to education and academic progress. It cannot be said that the Petitioners have





already lost valuable time and course on account of the Fourth respondent's illegal act.

#### **GROUND FOR INTERIM PRAYER**

43. That the Petitioners being students of PU College pursuing Second Year Pre-university course have been prevented from attending school since one week They have already missed out classes. It is pertinent to note that their exams are schedule in the month of March. *Prima facie* case for grant of interim relief has been made out in as much as the Petitioners ought not to be denuded from acquiring education.

It is most respectfully submitted that while the adjudication of the validity / legality of the impugned circular may be carried on by this Hon'ble Court, it is expedient that the Petitioners in the meanwhile are allowed to attend classes since the classes before the final exams are of utmost importance as it involves the revision of the entire syllabus. Therefore the *balance of convenience* is also in favour of the Petitioners.

The Petitioners further apprehend that if the impugned direction is not stayed then they will also not be allowed to attend the exams thereby being forced to drop a year, thereby causing them *irreparable injury*.

That the impugned order is in violation of the Article 14, 15, 16, 19, 21 and 25 i.e. the basic fundamental rights guaranteed under the constitution of India. The impugned order directs all schools run by the State Government to prescribe that the students shall wear the uniform provided by the concerned Government schools in the State. Private schools should wear uniforms determined by their governing bodies. Schools coming under the Pre-University Colleges shall wear uniforms prescribed by the respective College Development Committee (CDC) or the governing-body of such colleges. If such colleges have so far not prescribed the uniforms, it shall be prescribed keeping in mind the equality and unity, which should not violate the public order. The said impugned order is a case of abuse of power as such same is in violation of Article 14 of the Constitution of India.

\_\_\_\_\_ J - A S



**PRAYER**

Wherefore, it is most respectfully prayed that this Hon'ble Court be pleased to:-

- a. Issue Writ in the nature of Certiorari quashing the impugned direction dated 05-02-2022 vide order No. EP14 SHH 2022 Bangalore passed by the 2<sup>nd</sup> respondent vide Annexure-A.
- b. Issue Writ in the nature of Mandamus directing respondent no.5 to permit the Petitioners to attend the college without insisting for removal of their head scarf.
- c. Pass any such other order as this Hon'ble Court deems fit in the facts and circumstances of the case, including the cost of this Writ Petition.

**INTERIM PRAYER**

Pending disposal of the above Writ Petition, this Hon'ble Court be pleased to direct the respondent no.5 permitting the petitioners to attend the college/classes by staying the impugned order dated 05-02-2022 vide order No. EP14 SHH 2022 Bangalore passed by the 2<sup>nd</sup> respondent at Annexure-A.



Advocate for Petitioners  
(Mohammed Niyaz.S)

Place: Bangalore  
Date: 07-02-2022

**Address for Service:**

Yennes Legal & Co.  
No.215, Walnutz Tower,  
3<sup>rd</sup> Floor, R.T.Nagar,  
Bangalore 560032  
Ph: 8951052007  
yenneslegalandco@gmail.com



## IN THE HIGH COURT OF KARNATAKA AT BENGALURU

W.P. No. /2022

Between:

Miss. Aishat Shifa & Anr  
And

...Petitioners

State of Karnataka &amp; Others

...Respondents

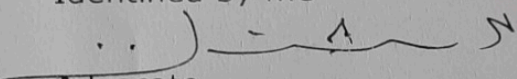
## Verifying Affidavit

I Mr.Zulfhukar S/o K.ZuberSab age about 48 years R/at Santosh Nagar, Hemmady Post, Kundapur Taluk, Udupi District 576230, now at Bangalore Representing the petitioner no.1 hereby solemnly affirm and state on oath as follows:

1. I state that I am father of the 1<sup>st</sup> Petitioner in the above case. I am well conversant with the facts of the case hence I am swearing to this Affidavit on behalf of the petitioners as I am authorized to do so.
2. I state that averments made in paras 1 to 24 of the accompanying writ petition are true and correct to the best of my knowledge, information and belief.
3. I state that Annexures enclosed along with this writ petition Annexure A to B are true copies of their originals.

Verified that the contents of the affidavit are true and correct.


Identified by me

  
Advocate

Bangalore

Date: 7-2-2022

No. of corrections:

  
Deponent



ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಕೆಗಳು

ವಿಷಯ: ರಾಜ್ಯದ ಎಲ್ಲಾ ಶಾಲಾ ಕಾಲೇಜುಗಳಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿಗಳ ವಸ್ತ್ರ ಸಂಹಿತೆ ಕುರಿತು.

ಓದಲಾಗಿದೆ: 1) ಕರ್ನಾಟಕ ಶಿಕ್ಷಣ ಕಾಯ್ದೆ 1983.

2) ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: 509 ಎಸ್‌ಹೆಚ್‌ಹೆಚ್ 2013.

ದಿನಾಂಕ: 31-01-2014.

\*\*\*

ಪ್ರಸ್ತಾವನೆ:-

ಮೇಲೆ ಓದಲಾದ ಕ್ರಮ ಸಂಖ್ಯೆ:1ರಲ್ಲಿ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು 1983ರಲ್ಲಿ ಜಾರಿಗೆ ತಂದಿರುವ ಶಿಕ್ಷಣ ಕಾಯ್ದೆ 1983ರಲ್ಲಿ (1-1995) ಕಲಂ 7 (2) (5)ರಲ್ಲಿ ವಿವರಿಸಿರುವಂತೆ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಎಲ್ಲಾ ಶಾಲೆಗಳ ವಿದ್ಯಾರ್ಥಿ-ವಿದ್ಯಾರ್ಥಿನಿಯರು ಒಂದೇ ಕುಟುಂಬದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಳ್ಳಬೇಕೆಂದು ಮತ್ತು ಯಾವುದೇ ಒಂದು ವರ್ಗಕ್ಕೆ ಸೀಮಿತವಾಗಿರದೇ ಸಾಮಾಜಿಕ ನ್ಯಾಯದ ಪರವಾಗಿ ನಡೆದುಕೊಳ್ಳಬೇಕು. ಪ್ರಸ್ತುತ ಕಾಯ್ದೆ ಕಲಂ-133ರ ಅಡಿಯಲ್ಲಿ ಶಾಲಾ ಮತ್ತು ಕಾಲೇಜುಗಳಿಗೆ ಈ ಬಗ್ಗೆ ಸೂಕ್ತ ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡುವ ಅಧಿಕಾರವು ಸರ್ಕಾರಕ್ಕೆ ಪ್ರದತ್ತವಾಗಿರುತ್ತದೆ.

ಮೇಲೆ ಓದಲಾದ ಕ್ರಮ ಸಂಖ್ಯೆ:(2)ರಲ್ಲಿನ ಸುತ್ತೋಲೆಯಲ್ಲಿ ಪದವಿ ಪೂರ್ವ ಶಿಕ್ಷಣವು ವಿದ್ಯಾರ್ಥಿಗಳ ಜೀವನದಲ್ಲಿ ಪ್ರಮುಖ ಘಟ್ಟವಾಗಿರುತ್ತದೆ. ಸರ್ಕಾರ ನೀಡುವ ಸೂಚನೆಗೆ ಅನುಗುಣವಾಗಿ ಮತ್ತು ಬಿಡುಗಡೆ ಮಾಡುವ ಅನುದಾನವನ್ನು ಸರಿಯಾಗಿ ಉಪಯೋಗಿಸಿಕೊಳ್ಳುವ ನಿಟ್ಟಿನಲ್ಲಿ ಹಾಗೂ ಮೂಲಭೂತ ಸೌಕರ್ಯಗಳನ್ನು ಅಭಿವೃದ್ಧಿಪಡಿಸುವ, ಶೈಕ್ಷಣಿಕ ಗುಣಮಟ್ಟವನ್ನು ಕಾಪಾಡುವ ದೃಷ್ಟಿಯಿಂದ ರಾಜ್ಯದ ಎಲ್ಲಾ ಶಾಲಾ ಮತ್ತು ಕಾಲೇಜುಗಳಲ್ಲಿ ಅಭಿವೃದ್ಧಿ ಸಮಿತಿಗಳನ್ನು ರಚಿಸಲಾಗಿದ್ದು, ಆಯಾ ಶಾಲಾ ಮತ್ತು ಕಾಲೇಜು ಅಭಿವೃದ್ಧಿ ಸಮಿತಿಯ ನಿರ್ಣಯಗಳ ಪ್ರಕಾರ ಕಾರ್ಯನಿರ್ವಹಿಸಲು ಸೂಚಿಸಲಾಗಿದೆ.

ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿಯು (ಸರ್ಕಾರಿ ಶಾಲಾ ಕಾಲೇಜುಗಳಲ್ಲಿ- ಎಸ್.ಡಿ.ಎಂ.ಸಿ. ಶಾಸಕಿ ಶಾಲಾ ಕಾಲೇಜುಗಳಲ್ಲಿ-ಮೋಷಕರು ಮತ್ತು ಶಿಕ್ಷಕರ ಸಮಿತಿ ಹಾಗೂ ಆ ಸಂಸ್ಥೆಯ ಆಡಳಿತ ಮಂಡಳಿ) ಮೇಲಿನಂತೆ ಸುಗಮ ಶೈಕ್ಷಣಿಕ ವಾತಾವರಣವನ್ನು ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಕಲ್ಪಿಸುವ ಸದಾಶಯದಿಂದ ಸೂಕ್ತ ನೀತಿ ಸಂಹಿತೆಗಳನ್ನು ಆಯಾ ಶಾಲಾ ಕಾಲೇಜುಗಳಲ್ಲಿ ಸರ್ಕಾರದ ನೀತಿಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ನಿರ್ಣಯಿಸಿ ಅಳವಡಿಸಿಕೊಳ್ಳಬಹುದಾಗಿದೆ. ಅಂತಹ ಸಮಿತಿಯ ನಿರ್ಣಯವು ಆಯಾ ಶಾಲಾ ಕಾಲೇಜುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಇರುತ್ತದೆ.

ರಾಜ್ಯದ ಎಲ್ಲಾ ಶಾಲಾ ಕಾಲೇಜುಗಳಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿ-ವಿದ್ಯಾರ್ಥಿನಿಯರು ಏಕರೂಪ ಕಲಿಕಾ ಕಾರ್ಯಕ್ರಮದಲ್ಲಿ ಭಾಗವಹಿಸಲು ಅನುಕೂಲವಾಗುವಂತೆ ಎಲ್ಲಾ ಶಾಲಾ ಕಾಲೇಜುಗಳಲ್ಲಿ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಹಮ್ಮಿಕೊಳ್ಳಲಾಗಿದೆ. ಆದರೆ, ಕೆಲವು ವಿದ್ಯಾ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿ ವಿದ್ಯಾರ್ಥಿನಿಯರು ತಮ್ಮ ಧರ್ಮದ ಅನುಸಾರ ಆಚರಣೆಗಳನ್ನು ವಾಲಿಸುತ್ತಿರುವುದು ಕಂಡುಬರುತ್ತಿದ್ದು ಇದರಿಂದ ಶಾಲಾ ಕಾಲೇಜುಗಳಲ್ಲಿ ಸಮಾನತೆ ಮತ್ತು ಏಕತೆಗೆ ಧಕ್ಕೆ ಬರುತ್ತಿರುವುದು ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ಗಮನಕ್ಕೆ ಬಂದಿರುತ್ತದೆ.



ವೈಯಕ್ತಿಕ ವಸ್ತು ಸಂಹಿತೆಗಿಂತ ಏಕರೂಪ ವಸ್ತು ಸಂಹಿತೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರಾಷ್ಟ್ರದ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯ ಮತ್ತು ವಿವಿಧ ರಾಜ್ಯಗಳ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯಗಳ ಮುಂದೆ ದಾಖಲಾದ ಪ್ರಕರಣಗಳಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ತೀರ್ಮಾನ ನೀಡಲಾಗಿರುತ್ತದೆ:

1) ಕೇರಳ ರಾಜ್ಯದ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು W.P(C) No. 35293/2018ರ ದಿನಾಂಕ:04-12-2018ರಂದು ನೀಡಲಾದ ಆದೇಶದ ಕಂಡಿಕೆ-9ರಲ್ಲಿ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಹೇಳಿರುವ ತತ್ವವನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ವಿವರಿಸಿರುತ್ತದೆ:

"9. The Apex court in Asha Renjan & others v/s State of Bihar & others [(2017) 4 SCC 397] accepted the balance test when competing rights are involved and has taken a view that individual interest must yield to the larger public interest. Thus, conflict to competing rights can be resolved not by negating individual rights but by upholding larger right to remain, to hold such relationship between institution and students."

2) ಫಾತಿಮಾ ಹುಸೇನ್ ಸೈಯದ್ ವಿರುದ್ಧ ಭಾರತ್ ಎಜುಕೇಷನ್ ಸೊಸೈಟಿ ಮತ್ತು ಇತರರು, (AIR 2003 Bom 75) ಪ್ರಕರಣದಲ್ಲಿ ಇದೇ ರೀತಿಯಲ್ಲಿ ವಸ್ತು ಸಂಹಿತೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕಾರ್ತಿಕ್ ಇಂಗ್ಲೀಷ್ ಸ್ಕೂಲ್, ಮುಂಬೈನಲ್ಲಿ ಸಮಸ್ಯೆ ಉದ್ಭವಿಸಿದ್ದು, ಸದರಿ ಸಮಸ್ಯೆಯ ವಿಚಾರಣೆಯನ್ನು ಬಾಂಬೆ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಪರಿಶೀಲಿಸಿದ್ದು, ಈ ಶಾಲೆಯ ಪ್ರಾಂಶುಪಾಲರು ಆರ್ಜಿಫಾರರಿಗೆ ಶಿರವಸ್ತ್ರ(Head scarf) ಹಾಕಿಕೊಂಡು ಅಥವಾ ತಲೆಯನ್ನು ಮುಚ್ಚಿಕೊಂಡು ಶಾಲೆಗೆ ಬರದಂತೆ ನಿರ್ದೇಶಿಸಿರುವುದು ಸಂವಿಧಾನದ ಅನುಚ್ಛೇದ 25ರ ಉಲ್ಲಂಘನೆ ಅಲ್ಲವೆಂದು ಅಂತಿಮವಾಗಿ ತೀರ್ಮಾನ ನೀಡಿರುತ್ತದೆ.

3) ಮೇಲೆ ಹೇಳಲಾದ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಮಾನವನ್ನು ಅವಲೋಕಿಸಿ ಮಾನ್ಯ ಮದ್ರಾಸ್ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಸಹ ವಿ. ಕಮಲಮ್ಮ ವಿರುದ್ಧ ಡಾ.ಎಂ.ಜಿ.ಆರ್. ಮೆಡಿಕಲ್ ಯುನಿವರ್ಸಿಟಿ, ತಮಿಳುನಾಡು ಮತ್ತು ಇತರರು. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಸದರಿ ವಿಶ್ವವಿದ್ಯಾಲಯವು ಮಾರ್ಪಾಡು ಮಾಡಿ ನಿಗದಿಪಡಿಸಿದ ವಸ್ತು ಸಂಹಿತೆಯ ನಿರ್ಧಾರವನ್ನು ಎತ್ತಿ ಹಿಡಿದಿದೆ. ಇದೇ ತರಹದ ವಿಷಯವು ಮಾನ್ಯ ಮದ್ರಾಸ್ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಶ್ರೀ ಎಂ.ವೆಂಕಟಸುಬ್ಬರಾವ್ ಮೆಟ್ರಿಕ್ಯುಲೇಷನ್ ಹೈಯರ್ ಸೆಕೆಂಡರಿ ಸ್ಕೂಲ್ ಸ್ಟಾಫ್ ಅಸೋಸಿಯೇಷನ್ ವಿರುದ್ಧ ಶ್ರೀ ಎಂ.ವೆಂಕಟಸುಬ್ಬರಾವ್ ಮೆಟ್ರಿಕ್ಯುಲೇಷನ್ ಹೈಯರ್ ಸೆಕೆಂಡರಿ ಸ್ಕೂಲ್ ಎಂಬ ಮತ್ತೊಂದು (2004) 2 MLJ 653 ಪ್ರಕರಣದಲ್ಲಿ ಸಹ ಪರಿಗಣಿತವಾಗಿದೆ.

ಮೇಲೆ ಪ್ರಸ್ತಾಪಿಸಲಾದ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯ ಹಾಗೂ ವಿವಿಧ ರಾಜ್ಯಗಳ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿನ ತೀರ್ಮಾನಗಳನ್ವಯ ಶಿರವಸ್ತ್ರ(Head scarf) ಹಾಕಿಕೊಂಡು ಅಥವಾ ತಲೆಯನ್ನು ಮುಚ್ಚಿಕೊಂಡು ಶಾಲೆಗೆ ಬರದಂತೆ ನಿರ್ದೇಶಿಸಿರುವುದು ಸಂವಿಧಾನದ ಅನುಚ್ಛೇದ 25ರ ಉಲ್ಲಂಘನೆ ಅಲ್ಲವೆಂದಿರುವುದರಿಂದ ಹಾಗೂ ಕರ್ನಾಟಕ ಶಿಕ್ಷಣ ಕಾಯ್ದೆ 1983 ಮತ್ತು ಅದರಡಿ ರಚಿತವಾದ ನಿಯಮಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿ ಸರ್ಕಾರವು ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ:



ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ಇಪಿ 14 ಎಸ್‌ಹೆಚ್‌ಹೆಚ್ 2022 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:05.02.2022.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ಶಿಕ್ಷಣ ಕಾಯ್ದೆ 1983 ಕಲಂ 133 ಉಪ ಕಂಡಿಕೆ (2)ರಲ್ಲಿ ಪ್ರದತ್ತವಾಗಿರುವ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ ರಾಜ್ಯದ ಎಲ್ಲಾ ಸರ್ಕಾರಿ ಶಾಲೆಗಳಲ್ಲಿ ಸರ್ಕಾರ ನಿಗದಿ ಪಡಿಸಿರುವ ಸಮವಸ್ತ್ರವನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಧರಿಸತಕ್ಕದ್ದು. ಖಾಸಗಿ ಶಾಲೆಗಳು ತಮ್ಮ ಆಡಳಿತ ಮಂಡಳಿಗಳು ನಿರ್ಧರಿಸಿರುವಂತಹ ಸಮವಸ್ತ್ರವನ್ನೇ ಧರಿಸತಕ್ಕದ್ದು.

ಪದವಿ ಪೂರ್ವ ಶಿಕ್ಷಣ ಇಲಾಖೆಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ಕಾಲೇಜುಗಳಲ್ಲಿ ಆಯಾ ಕಾಲೇಜಿನ ಕಾಲೇಜು ಅಭಿವೃದ್ಧಿ ಸಮಿತಿ (CDC) ಅಥವಾ ಆಡಳಿತ ಮಂಡಳಿಯ ಮೇಲ್ವಿಚಾರಣಾ ಸಮಿತಿಯು ನಿರ್ಧರಿಸುವಂತಹ ಸಮವಸ್ತ್ರಗಳನ್ನು ಧರಿಸತಕ್ಕದ್ದು. ಆಡಳಿತ ಮಂಡಳಿಗಳು ಸಮವಸ್ತ್ರಗಳನ್ನು ನಿಗದಿಪಡಿಸದೇ ಇದ್ದಲ್ಲಿ, ಸಮಾನತೆ ಮತ್ತು ಐಕ್ಯತೆಯನ್ನು ಕಾಪಾಡಿಕೊಂಡು ಹಾಗೂ ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆಗೆ ಭಂಗ ಬರದಂತೆ ಇರುವ ಉಡುಪುಗಳನ್ನು ಧರಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದೆಂದು ಆದೇಶಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶನುಸಾರ

ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

*(ಪದ್ಧಿತಿ ಎಸ್.ಎನ್.)* 12/22

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ

ಶಿಕ್ಷಣ ಇಲಾಖೆ(ಪದವಿ ಪೂರ್ವ)



ದಿನಾಂಕ: ೦೫-೦೨-೨೦೨೨

ಸ್ಥಳ: ಕುಂದಾಪುರ.

ರಂದು:

ಬಿಲ್ಕಾಪುರಿಯವರು,

ಜಿಲ್ಲಾ ಪಂಚಾಯತ್ ಕಚೇರಿ,

ಕುಂದಾಪುರ.

ಈ,

ಬಿಲ್ಕಾಪುರಿಯವರು,

ಕುಂದಾಪುರ ಜಿಲ್ಲಾ,

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಕುಂದಾಪುರ ಪಂಚಾಯತ್ ಕಚೇರಿ, ಬಿಲ್ಕಾಪುರಿಯವರು  
ಈ ಐದನೆಯ ರೀತಿ ವಸ್ತು ಧರಿಸಿ. ಹಾಜರಾಗಲು ಉಪಯುಕ್ತವೆ-  
ಯ ಕೂಡ.

ನೀವು ಮೇಲೆ ಹೇಳಿದ ಬಿಲ್ಕಾಪುರಿಯವರು, ಶಿಕ್ಷಣ ಪಡೆಯುತ್ತಿದ್ದು,  
ಜಿಲ್ಲಾ ಪಂಚಾಯತ್ ಕಚೇರಿ ಧರಿಸಿ ತರಗತಿಗಾಗಿ ಹಾಜರಾಗಬೇಕೆಂದು.  
ಐದನೆಯ ನಮೂನೆ ಹಿಂದೆ ಈ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಶಿಕ್ಷಣ  
ಪಡೆಯುವವರೂ ರೀತಿ ವಸ್ತು ಧರಿಸಿ, ಬಿಲ್ಕಾಪುರಿಯವರು ಕೂಡ ಶಿಕ್ಷಣ  
ಪಡೆಯು, ತಮ್ಮ ಬಿಲ್ಕಾಪುರಿಯವರು ಹಾಜರಾಗಬೇಕೆಂದು. ಐದನೆಯ, ಐ-೩-  
೨೦೨೨, ಗುರುವಾರ ಐದನೆಯ ರೀತಿ ವಸ್ತು ಧರಿಸುವಂತೆ ತಡೆಹಿ  
ದಿದ್ದಾರೆ. ಶಿಕ್ಷಣ ಧರಿಸಿ ಬಂದ ಬಿಲ್ಕಾಪುರಿಯವರು ತರಗತಿ  
ಮತ್ತು ಕಚೇರಿ ವರ್ತಕಕ್ಕೆ ಪ್ರವೇಶಿಸಲು ಬಂದರೆ ರಸ್ತೆ ಬದಿ  
ನಲ್ಲಿಯೇ ಐದನೆಯವರ ಸ್ಥಳದಿಂದ. ಇದು ಕಾನೂನು ಬಾಹಿರ  
ಮತ್ತು ಶಿಕ್ಷಣದ ನಿಯಮ ವಿರುದ್ಧವಾಗಿದೆ. ಐದನೆಯ  
ರಸ್ತೆ ಹೊರಗೆ ಐದನೆಯ, ನಮಗೆ ಈ ಐದನೆಯ ನಂ  
ಕಡೆಯ ಸುತ್ತುವರೆಯುವ ಸುತ್ತುವರೆಯುವ ಬದಿಯಲ್ಲಿ ರೀತಿ ವಸ್ತು  
ಧರಿಸಿ ತರಗತಿ ಹಾಜರಾಗುವ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಿಕೊಡ-  
ಬೇಕಾಗಿ ತಮ್ಮಲ್ಲಿ ಐದನೆಯವರ ಕಡೆಗೆ ಬರೆಯುವುದಿಲ್ಲ.

ಬಿಲ್ಕಾಪುರಿಯವರು  
ಜಿಲ್ಲಾ ಪಂಚಾಯತ್ ಕಚೇರಿ  
ಕುಂದಾಪುರ ಜಿಲ್ಲಾ

ಬಿಲ್ಕಾಪುರಿಯವರು ಹೆಸರು:-

Fathima Bushra

Thairin Begam

Mina Banu

Afrin

ತರಗತಿ ಸಹಿ

II<sup>nd</sup> Rec Fathima

II<sup>nd</sup> Rec. Thairin

II<sup>nd</sup> Rec Meena Banu

II<sup>nd</sup> Rec Afrin

ಹಿ

ಸಂತ್ರಸ್ತ ಬಿಲ್ಕಾಪುರಿಯವರು



|                   |  |
|-------------------|--|
| Aysha nimbra      | II <sup>nd</sup> Rec. Ayisha Nimra           |
| Mubashira         | II <sup>nd</sup> Rec. Mubashira              |
| Ashura Paveen     | II <sup>nd</sup> Rec. Ashura Paveen          |
| Mufidha Banu      | II <sup>nd</sup> Rec.                        |
| Fathana           | I <sup>st</sup> Rec. Fathana                 |
| Aysha Shifa       | I <sup>st</sup> Rec. <del>Shifa</del>        |
| Safa Banu         | I <sup>st</sup> Rec. <del>Safa</del>         |
| Shama             | I <sup>st</sup> Rec. Shama                   |
| Saniya            | I <sup>st</sup> Rec. Saniya                  |
| Salwa             | I <sup>st</sup> Rec. Salwa                   |
| Tabsheena Fathima | I <sup>st</sup> Rec. <del>Tabsheena</del>    |
| Shifa Sheikh      | I <sup>st</sup> Rec. <del>Shifa Sheikh</del> |
| Aysha Afsin       | I <sup>st</sup> Rec. Aysha Afsin.            |
| Muskan            | I <sup>st</sup> Rec. Muskan                  |
| Nazila G.P        | I <sup>st</sup> Rec. <del>Nazila</del>       |
| Aysha Saniya      | I <sup>st</sup> Rec. Aysha Saniya            |
| Tasleema          | I <sup>st</sup> Rec. Tasleema.               |
| K.I Mehak         | I <sup>st</sup> Rec. K.I. Mehak.             |
| Fathimatul Fazila | I <sup>st</sup> Rec. <del>Fathimatul</del>   |
| Nushaiba Banu     | I <sup>st</sup> Rec. <del>Nushaiba</del>     |
| Ameenabi          | I <sup>st</sup> Rec. Ameenabi                |



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TYPER COPY ANN - B

ದಿನಾಂಕ: 04-02-2022

ಸ್ಥಳ: ಕುಂದಾಪುರ

ರಿಂದ;

ವಿದ್ಯಾರ್ಥಿನಿಯರು  
ಸರಕಾರಿ ಪದವಿ ಪೂರ್ವ ಕಾಲೇಜು  
ಕುಂದಾಪುರ.

ರಿಗೆ;

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು  
ಉಡುಪಿಜಿಲ್ಲೆ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಕುಂದಾಪುರ ಪದವಿ ಪೂರ್ವ ಕಾಲೇಜಿನಲ್ಲಿ ವಿದ್ಯಾರ್ಥಿನಿಯರಿಗೆ ಈ ಹಿಂದಿನಂತೆ ಶರ  
ವಸ್ತ್ರ ಧರಿಸಿ ಹಾಜರಾಗಲು ಅನುಮತಿಸುವ ಕುರಿತು.

ನಾವು ಮೇಲೆ ಹೇಳಿದ ವಿದ್ಯಾ ಸಂಸ್ಥೆಯಲ್ಲಿ ಶಿಕ್ಷಣ ಪಡೆಯುತ್ತಿದ್ದು, ಆರಂಭದಿಂದಲೇ ಶರವಸ್ತ್ರ  
ಧರಿಸಿ ತರಗತಿಗಳಿಗೆ ಹಾಜರಾಗುತ್ತಿದ್ದೆವು. ಅಷ್ಟೇ ಅಲ್ಲ ನಮಗಿಂತ ಹಿಂದೆ ಈ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ  
ಶಿಕ್ಷಣ ಪಡೆದವರೂ ಶರವಸ್ತ್ರದೊಂದಿಗೆ ವಿದ್ಯಾರ್ಥಿನಿಯರು ಕೂಡ ಶಿಕ್ಷಣ ಪಡೆದು ತಮ್ಮ ವಿದ್ಯಾಭ್ಯಾಸ  
ಪೂರ್ಣಗೊಳಿಸಿದ್ದರು. ಆದರೆ ದಿ. 03-02-2022 ಗುರುವಾರ ಇಂದಿನಿಂದ ಶರವಸ್ತ್ರ ಧರಿಸದಂತೆ  
ತಡೆಹಿಡಿದಿದ್ದಾರೆ. ಶರವಸ್ತ್ರ ಧರಿಸಿ ಬಂದ ವಿದ್ಯಾರ್ಥಿನಿಯರಿಗೆ ತರಗತಿ ಮತ್ತು ಕಾಲೇಜು ವತಾರದಲ್ಲಿ  
ಪ್ರವೇಶಿಸಲು ಬಿಡದೆ ರಸ್ತೆ ಬದಿ ನಿಲ್ಲುವ ಅನಿವಾರ್ಯತೆ ಸೃಷ್ಟಿಸಿದ್ದಾರೆ. ಇದು ಕಾನೂನು ಬಾಹಿರ  
ಮತ್ತು ಶೈಕ್ಷಣಿಕ ನೀತಿಗೆ ವಿರುದ್ಧವಾಗಿದೆ. ಆದುದರಿಂದ ನಮ್ಮ ಕೋರಿಕೆ ಏನೆಂದರೆ ನಮಗೆ ಈ  
ಹಿಂದಿನಂತೆ ನಮ್ಮ ಖಡ್ಗಾಯ ಸಂಪ್ರದಾಯದಂತೆ ಸಂವಿಧಾನ ಬದ್ಧವಾಗಿ ಶರವಸ್ತ್ರ ಧರಿಸಿ ತರಗತಿಗೆ  
ಹಾಜರಾಗಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿಕೊಡಬೇಕಾಗಿ ತಮ್ಮಲ್ಲಿ ವಿನಯ ಪೂರ್ವಕವಾಗಿ ವಿನಂತಿಸುತ್ತಿದ್ದೇವೆ.

ಇತೀ

ಸಂತಸ್ತ ವಿದ್ಯಾರ್ಥಿನಿಯರು.

ವಿದ್ಯಾರ್ಥಿನಿಯರ ಹೆಸರು.

ತರಗತಿ

ಸಹಿ

Fathima Bushra

2nd PUC

Thairin Begum

2nd PUC

Minaz Banu

2nd PUC

Afrin

2nd PUC



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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

W.P. No. /2022

Between:

Miss. Aishat Shifa & Anr  
And

...Petitioners

State of Karnataka & Others

...Respondents

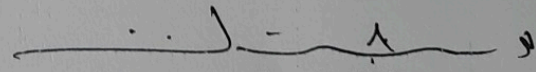
**APPLICATION UNDER SECTION 151 OF CPC FOR DISPENSATION**

Petitioners most respectfully submits as follows:

1. Petitioners have challenged the impugned order dated 5-2-2022 passed by the 2<sup>nd</sup> respondent as it is in violation of fundamental rights of the petitioners.
2. That the impugned order came to be passed on Saturday, 5<sup>th</sup> Feb, 2022, certified copy of the impugned order is not available with the petitioner. In view of the urgency copy of the impugned order which is being circulated in social media is enclosed for the kind persual of this Hon'ble court.
3. That the production of the certified copy of the impugned order may be dispensed with as the petitioners are students and they have no access to the certified copy of the same.

Wherefore, this Hon'ble court may be pleased to dispense with the production of certified copy of the impugned order dated 05-02-2022 vide order No. EP14 SHH 2022 Bangalore passed by the 2<sup>nd</sup> respondent vide Annexure-A, in the interest of justice and equity.

Place: Bangalore  
Date: 07-02-2022

  
Advocate for Petitioners  
(Mohammed Niyaz.S)



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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

W.P. No. /2022

Between:

Miss. Aishat Shifa & Anr  
And

...Petitioners

State of Karnataka & Others

...Respondents

**VERIFYING AFFIDAVIT**

I Mr. Zulfhukar S/o K. Zuber Sab age about 48 years R/at Santosh Nagar, Hemmady Post, Kundapur Taluk, Udupi District 576230, now at Bangalore Representing the petitioner no.1 hereby solemnly affirm and state on oath as follows:

1. I state that I am father of the 1<sup>st</sup> Petitioner in the above case. I am well conversant with the facts of the case hence I am swearing to this Affidavit on behalf of the petitioners as I am authorized to do so.
2. I state that averments made in paras 1 to 3 of the accompanying application are true and correct to the best of my knowledge, information and belief.

Verified that the contents of the affidavit are true and correct.

Identified by me

Advocate

Deponent

Bangalore

Date: 7-2-2022

No. of corrections:



IN THE HIGH COURT OF KARNATAKA AT BANGALORE

W.P. No.

/2022

**Between:**

Miss. Aishat Shifa & Anr

..Petitioners

And

State of Karnataka & Others

..Respondents

| INDEX  |                     |        |
|--------|---------------------|--------|
| SL.NO. | DESCRIPTION         | PG.NO. |
| 1      | IA for dispensation |        |
| 2      | Verifying Affidavit |        |

Bangalore

Date: 7-2-2022



Advocate for Petitioners  
(MOHAMMED NIYAZ.S)