

News

The government order permitting Muslim students to wear the headscarf in school has been upheld by the Kerala High Court.



A ruling by the State's Deputy Director of Education allowing the student to wear a hijab to class has been contested by the administration of St. Rita's Public School.

Despite the school's protests, the Kerala High Court on Friday denied an interim stay of a direction from the Deputy Director of Education (DDE), Ernakulam, allowing a Muslim girl student to attend lessons while wearing a hijab, or headgear worn by Muslim women.

The administration of St. Rita's Public School, the school in question, has contested the DDE

directive, arguing that the DDE lacked the authority to make such instructions against a Central Board of Secondary Education (CBSE) institution.

Today, the school's attorney asked the court to halt the DDE's order until the case was resolved.

However, Justice VG Arun declined to give any such temporary order before posting the matter next on October 24.

The DDE is unlikely to use any form of coercion against the CBSE school, the judge reasoned. The Court therefore asked why the school was requesting a stay order.

"You would be worried about whether Exhibit P6 might lead to any additional actions (i.e., coercive measures) against the school. There will be no action. The State Attorney spoke. I'm restricting myself. Since it is a CBSE school, as you correctly stated, no coercive measures can be implemented. The High Court is not idly sitting here. You know nothing will be done, Mr Manoj knows nothing will be done, the Court also knows. So why do you insist on a temporary order? I can't issue temporary orders just to get an order passed. Tell me not to do it. Is it because I am not able to make myself plain, or is it because you are refusing to understand? For instructions, see Post Friday.

A controversy had recently erupted at St Rita's Public School, a CBSE-affiliated Christian institution, after a class 8 Muslim student started wearing a headscarf to school earlier this month. According to the school administration, this was against the dress code.

The student's father and others allegedly broke into the campus and attacked security guards when the school demanded an explanation. Additionally, the school said that protests outside the school gates and efforts were made to get other parents to send their children to school dressed in religious garb.

In order to shield its employees and pupils from further threats or mob invasions, the administration petitioned the High Court after these episodes and was given police protection.

The DDE then sent out a notification on October 14 instructing the school to permit the girl student to continue her education and wear a headscarf to class.

The school administration has now filed a challenge against this in the High Court. It argued that since the school's founding, all students—religious or not—had adhered to the uniform policy, with parents having specifically consented to it at the time of admission.

The school has argued that it is unlawful for the DDE to have permitted the Muslim student to continue attending classes while donning a hijab. The institution further stated that the student was never refused admission and that the order was founded on fraudulent assertions.

Reports state that the student has now made the decision to transfer to another school.

Advocates Bimala Baby, Roshan Shaji, Magi Pavithran, Jasmine Ligy, and Remya Thomas represented the school.