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WP(C) NO. 15783 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

TUESDAY, THE 28<sup>TH</sup> DAY OF APRIL 2026 / 8TH VAISAKHA, 1948

WP(C) NO. 15783 OF 2026

PETITIONER:

MUSLIM GIRLS' HIGHER SECONDARY SCHOOL,  
REPRESENTED BY ITS MANAGER MR. M.K. ANSARI  
ERATTUPETTA, KOTTAYAM DISTRICT,  
KERALA, PIN - 686121

BY ADVS.  
SHRI.C.S.AJITH PRAKASH  
SMT.ANCY THANKACHAN  
SMT.SAHALA FATHIMA

RESPONDENTS:

- 1 STATE OF KERALA REPRESENTED BY THE SECRETARY  
GENERAL EDUCATION (F) DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695014
- 2 DIRECTOR OF GENERAL EDUCATION  
OFFICE OF THE DIRECTOR OF GENERAL EDUCATION  
JAGATHY, THIRUVANANTHAPURAM, PIN - 695014
- 3 DISTRICT EDUCATIONAL OFFICER, KANJIRAPPALLY  
OFFICE OF THE DISTRICT EDUCATIONAL OFFICE  
KANJIRAPPALLY PONKUNNAM JUNCTION,  
KOTTAYAM, PIN - 686506
- 4 ELECTION COMMISSION OF INDIA,  
REPRESENTED BY ITS SECRETARY  
NIRVACHAN SADAN, ASHOKA ROAD,  
NEW DELHI, PIN - 110001



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- 5 CHIEF ELECTORAL OFFICER  
KERALA ELECTION DEPARTMENT KERALA LEGISLATIVE  
COMPLEX, VIKAS BHAVAN P.O.,  
THIRUVANANTHAPURAM, PIN - 695033
  
- 6 MUNICIPAL COUNCIL, REPRESENTED BY ITS SECRETARY  
ERATTUPETTA MUNICIPALITY, ERATTUPETTA P.O  
KOTTAYAM, PIN - 686121
  
- 7 THE SECRETARY  
ERATTUPETTA MUNICIPALITY, ERATTUPETTA P.O  
KOTTAYAM, PIN - 686121

BY ADV SHRI.SUNIL V.MOHAMMED, SC, ERATTUPETTA  
MUNICIPALITY

ADV JESSY S SALIM (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 28.04.2026, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



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## **JUDGMENT**

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following reliefs:

- i. “To issue a writ of mandamus or any other appropriate writ order or direction directing the 7th Respondent, Secretary of Erattupetta Municipality to issue approval letter forthwith on Exhibit P4 application, to the petitioner school to complete the formalities and for onward transmission to the respondent 1 and 2 for granting approval to introduce the co-education scheme in the petitioner school.
- ii. To issue a writ of mandamus or any other appropriate writ order or direction directing the respondent 1 and 2 to grant permission to start the co-education scheme in the petitioner school without insisting for the receipt of approval letter from the 6th respondent Municipality, so as to enable the petitioner to start the co-education during the academic year 2026-2027 itself.
- iii. To call for the records leading to the issuance of Exhibit P3 circular and quash the same, to the extent it insist for approval of the Municipality for applying the co-education scheme, after declaring that such a procedure is not the one contemplated in the relevant Statute or Rules.
- iv. To declare that the Model Code of Conduct is not a bar for consideration of the Petitioners application by the 6<sup>th</sup> or 7<sup>th</sup> or 1<sup>st</sup> and 2<sup>nd</sup> respondent in granting approval to start co-education.”

2. The petitioner school, Muslim Girls’ Higher Secondary School, is a Government-aided minority educational



institution established in the year 1964.

3. The main challenge in the writ petition is that Ext.P3 circular issued by the Government, insisting for the approval of the local self Government for introducing co-education in aided school.

4. Sri. C.S. Ajith Prakash, learned counsel appearing for the petitioner, submitted that Clause (4) of Ext. P3 circular is unenforceable and arbitrary, as it has no statutory backing either under the Municipality Act or under the Kerala Education Rules. He submits that, as per Rule 12 of the Kerala Education Rules, the power to permit deviation from the status of a girls' school and to allow the admission of boys vests exclusively with the Director of Education. In otherwords, there is no statutory requirement for obtaining approval of the local self Government institution, for introducing co-education in a girls school.

5. The learned counsel would further point out that there are no guidelines or procedure prescribed in Ext.P3 circular for granting approval by the Municipality. In the absence of such guidelines or procedure, the power to grant an approval entrusted to the local body is arbitrary and likely to be misused.

6. The learned counsel for the petitioner further submitted that the petitioner had submitted Ext. P4 representation dated 18.02.2026 to the 7th respondent, the Secretary, Erattupetta Municipality, seeking approval of the Municipality as per Ext. P3



circular. There was no positive response from the Municipality. Therefore, the petitioner approached this Court and instituted W.P.(C) No. 10617 of 2026. By Ext. P8 judgment dated 19.03.2026, this Court directed the Secretary, Erattupetta Municipality (2nd respondent therein), to consider Ext. P4 application and to pass appropriate orders within three weeks.

7. The learned counsel further pointed out that, in spite of the specific direction from this Court, the 7th respondent has failed to dispose of Ext. P4 application, for reasons best known to them. Therefore, the petitioner seeks a writ of mandamus commanding the 7th respondent to grant approval forthwith.

8. The learned counsel submitted that the next academic year would commence on 01.06.2026 and that the school authorities have to make the necessary arrangements in the school for starting co-education. Further delay in the grant of approval from the local authority would hinder the decision of the school management to introduce co-education in the school.

9. The learned Government Pleader submitted that the policy of Government is to introduce co-education in Government schools.

10. The learned Standing Counsel for the Municipality submitted that they have no serious objection for granting approval as per Ext. P3 circular. He further pointed out that some complaints were



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received from the neighbouring schools in this regard.

11. The learned Standing Counsel also pointed out that a writ petition, W.P.(C) No. 13677 of 2026, has been filed by K.A. Mohammed Ashraf challenging the introduction of co-education, and that the matter is posted to 15.06.2026.

12. I have heard and carefully considered the submissions advanced and perused the pleadings and materials placed on record.

13. I have also gone through Ext.P3 circular issued by the Government. In Ext.P3 circular, it is made clear that the policy of the Government is to promote co-education. The stand of the Government is to convert the girls only school and boys only school to mixed school. Certain guidelines were issued in Ext. P3 circular to ensure the necessary infrastructure, including furniture and facilities such as drinking water, separate toilet facilities for boys and girls, playground, and so on. But, however, I am unable fathom why clause (4) insists an approval from the concerned local authority. What is the role of local authority in converting girls only school to mixed school or a boys only school to mixed school is not clear from the above circular.

14. It is pertinent to note that, even though Clause (4) insists on approval from the local authority, no procedure such as inspection, etc., is provided in the guidelines. The vesting of blanket



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powers with an authority without prescribing the procedures to be followed by such authority, would lead to arbitray exercise of powers.

15. Considering the urgency and the inaction on the part of the 7<sup>th</sup> respondent Municipality, I deem it appropriate to dispose of this writ petition to the following directions:

(i) The 7th respondent, the Secretary of the Municipality, shall grant approval to the petitioner school as per Clause (4) of Ext. P3 circular within three days from the date of receipt of a copy of this judgment.

(ii) If the 7th respondent fails to grant approval within the said period of three days, the school management may proceed with the introduction of co-education in the school even without the approval of the local authority. The petitioner school shall forward a copy of this judgment to the 7<sup>th</sup> respondent by email and also produce the physical copy of the judgment before the Municipality.

This Writ Petition is disposed of as above.

**Sd/-**  
**K. V. JAYAKUMAR**  
**JUDGE**

msh



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APPENDIX OF WP(C) NO. 15783 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE PROCEEDINGS IN THE RESOLUTION PASSED IN THE GENERAL BODY BY THE MEMBERS OF THE TRUST DATED 17.02.2026
- Exhibit P2 A TRUE COPY OF THE PROCEEDINGS/PTA EXECUTIVE COMMITTEE MEETING RESOLUTION DATED 17.02.2026 OF THE MGHS SCHOOL
- Exhibit P3 A TRUE COPY OF THE GOVERNMENT CIRCULAR NO. GEDFN-F3/173/2022-G.EDN OF GENERAL EDUCATION (F) DEPARTMENT, THIRUVANANTHAPURAM DATED 21-06-2022
- Exhibit P4 A TRUE COPY OF THE APPLICATION SUBMITTED BY THE MANAGER MGHS SCHOOL TO THE 7TH RESPONDENT DATED 18.02.2026
- Exhibit P5 A TRUE COPY OF THE AFFIDAVIT EXECUTED BY THE MANAGER OF THE PETITIONER SCHOOL DATED 02.03.2026 AND SUBMITTED TO THE DEO KANJIRAPPALLY
- Exhibit P6 A TRUE COPY OF THE LETTER SUBMITTED BY THE MANAGER MGHS TO THE DEO KANJIRAPPALLY DATED 02.03.2026
- Exhibit P7 A TRUE COPY OF THE FITNESS CERTIFICATE ISSUED BY THE ASSISTANT ENGINEER ERATTUPETTA MUNICIPALITY DATED 21.05.2025
- Exhibit P8 A TRUE COPY OF THE JUDGMENT IN WP(C) NO. 10617/2026 DATED 19.03.2026
- Exhibit P9 A TRUE COPY OF THE COVERING LETTER TO THE 7TH RESPONDENT
- Exhibit P10 A TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT ISSUED BY THE ERATTUPETTA MUNICIPALITY DATED 25.03.2026
- Exhibit P11 A TRUE COPY OF THE ORDER IN WP(C) NO. 13677/26 DATED 07.04.2026
- Exhibit P12 A TRUE COPY OF THE HEARING NOTE SUBMITTED BY THE PETITIONER TO THE 7TH RESPONDENT DATED 18.04.2026





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- Exhibit P13            A TRUE COPY OF THE COMPENDIUM OF INSTRUCTIONS VOLUME 3 OF THE MODEL CODE OF CONDUCT, DOWNLOADED FROM THE OFFICIAL WEBSITE, ELECTION COMMISSION OF INDIA
- Exhibit P14            A TRUE COPY OF THE CIRCULAR NO. DGE/6691/2026-QIP1 DATED 18.04.2026
- Exhibit P15            A TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT DATED 21.04.2026