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“CR”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 5TH DAY OF OCTOBER 2026 / 13TH ASWINA, 1948

WP(C) NO. 6142 OF 2026

**CRIME NO.225/2026 OF KOTTARAKKARA POLICE STATION,
KOLLAM**

PETITIONER/S:

**SINDHU S NAIR
AGED 50 YEARS
W/O SAJI KUMAR VP, SIVANILAYAM, AVANOOR,
KOTTARAKKARA PO, KOLLAM KERALA, PIN - 691506**

**BY ADVS.
SHRI.SYAM J SAM
SHRI.DANIEL MATHEWS KOSHY**

RESPONDENT/S:

- 1 SECRETARY, GENERAL EDUCATION DEPARTMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT
SECRETARIAT, TRIVANDRUM, PIN - 695001**
- 2 DISTRICT EDUCATIONAL OFFICER
NEAR POLICE STATION KOTTARAKKARA, KOLLAM,
PIN - 691506**
- 3 DEPUTY DIRECTOR OF EDUCATION
KOLLAM-ELLAMBALLOOR ROAD, PALACE NAGAR,**



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THEVALLY, KOLLAM, PIN - 691009

- 4 THE ADDITIONAL DIRECTOR (GENERAL)
GENERAL EDUCATION DEPARTMENT, OFFICE OF THE
DIRECTOR OF EDUCATION, TRIVANDRUM, PIN - 695014**
- 5 STATION HOUSE OFFICER, KOTTARAKKARA
KOLLAM THIRUMANGALAM ROAD, NEAR THE GANAPATHY
TEMPLE IN KOTTARAKKARA, KERALA, PIN - 691506**
- 6 SURESH KUMAR
MANAGER, ESWARA VILASAM SCHOOL, NEDUVATHOOR,
KOTTARAKKARA, PIN - 691506**

**BY ADVS.
SHRI.V.A.MUHAMMED
SRI.M.SAJJAD
GP, SMT. SHAHINA HAMEED**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.10.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



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“CR”**P.V.KUNHIKRISHNAN, J****-----
W.P(C) No. 6142 of 2026
-----****Dated this the 05th day of October, 2026****JUDGMENT**

What dress one wears is ordinarily a matter of personal choice of every citizen of this country. No one or society as a whole can dictate how a citizen should dress without the backing of the law. This is a part of the fundamental rights of every citizen.

2. The petitioner herein is the Headmistress of Eeswara Vilasom High School, Kottarakkara. On 03.02.2026, the 6th respondent herein, who is the Manager of the aforementioned school, entered into the petitioner's office and threatened the petitioner that the petitioner must not henceforth wear churidar while coming to the school, and the 6th respondent called the security personnel in front of the petitioner and told him that if the petitioner is coming to the school wearing churidar, he must not allow the petitioner to



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enter the school. On 04.02.2026, when the petitioner came to the school, the security personnel stopped her at the gate and denied entry because she was wearing a churidar that day. She complained to the 5th respondent, and thereafter, the 5th respondent helped the petitioner to enter the school premises. According to the petitioner, in the light of Ext.P1 circular issued by the Directorate of General Education, the petitioner is entitled to wear a churidar. Based on the petitioner's complaint, Ext.P2 FIR was registered against the 6th respondent. It is the case of the petitioner that the 6th respondent is continuously harassing the petitioner and he also has the habit of threatening senior teachers and other staff members of the school. The petitioner produced Ext.P3, a representation dated 04.02.2026, to the 1st respondent. It is further submitted that this is not the first time that the 6th respondent has committed such acts. It is submitted that the 6th respondent was previously convicted of offences punishable under Sections 294(b) and 354 of the Indian Penal Code, based on a complaint by a female staff member. Ext.P4 is the relevant pages of the Judgment in CC No.1741/2010 of the Judicial First Class Magistrate Court-I,



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Kottarakkara. It is further submitted that the 6th respondent is very cruel and authoritative towards his staff, and he often uses the threat of physical violence against them. The petitioner produced Exts. P5 to P7 judgments of this Court to show that this Court also interfered earlier, because of the conduct of the 6th respondent. Hence, this writ petition is filed with the following prayers:

- “1. To issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to disqualify the 6th respondent from the position of manager taking to account all his previous and current misdeeds.
2. To issue a writ of mandamus or any other appropriate writ, order or direction directing the 5th respondent to grant police protection for the petitioner during the remainder of her stint of employment with the school.
3. To pass such other writ, order or direction that this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.” *(SIC)*

3. Heard the learned counsel for the petitioner and the learned Government Pleader. I also heard the learned



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counsel for the 6th respondent.

4. At first blush, the dispute appears to be a simple question of attire: whether a Headmistress of a school can attend school during working hours wearing a churidar rather than a saree. But I believe that this apparently narrow question raises a matter of deeper constitutional and institutional significance. The case concerns the dignity, autonomy and professional standing of an educated woman and the permissible limits of managerial authority over her personal choice of dress. A saree may be a graceful and respectful form of attire to one individual. Yet its dignity cannot be converted into a compulsory uniform by force of individual preference. Similarly, a churidar, when worn decently and appropriately in a professional setting, does not diminish the competence, decorum or authority of the Headmistress. Moreover, as per Ext.P1 circular, wearing a churidar is permissible for teachers. Therefore, in the light of Ext.P1, the question is whether the Manager of an educational institution, in the absence of a valid, clear and uniformly applicable rule, can insist that a woman employee dress in accordance with his personal conception of what is



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proper.

5. Clothes may express culture, comfort and individual choice. However, they cannot ordinarily become a measure of a person's worth or dignity. This case is not a contest between a saree and a churidar. The Court must decide whether a Manager can turn his personal notion into a binding command. The Constitution does not make a woman's dignity contingent on her conformity with another person's preferred mode of attire. Dress is a personal choice. No one can restrict it, and no one can dictate which dress an individual must wear. The dignity and cultural tradition of an attire should be decided by the person concerned, not by society. Therefore, I am of the considered opinion that no one can dictate that a person should wear a particular attire unless there is backing of law in connection with the dress code of an institution or other establishment.

6. In this case, a perusal of Ext.P1 circular would show that the petitioner, who is a teacher of the school, can wear churidar. Therefore, the 6th respondent cannot interfere with the petitioner's choice of attire, especially when the churidar is permitted.



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7. When this Writ Petition came up for consideration before this Court on 17.02.2026, this Court passed the following order:

“Learned Government Pleader takes notice for respondents 1 to 5. Issue notice to the 6th respondent by speed post.

2. In the meantime, there will be an interim order directing the 5th respondent to afford adequate and effective police protection to the petitioner to enable her to enter the school and carry on her work as Headmistress, without interference from the 6th respondent, pending disposal of the writ petition.

3. Learned Government Pleader shall get instructions from the 1st respondent as to whether any action has been initiated against the Manager, pursuant to Ext.P7 judgment dated 20.10.2011 in W.P.(C) No.2129/2010.

Post on 10.03.2026. ”

8. The Government Pleader, after getting instructions, submitted that the 2nd respondent visited the school on 04.02.2026 and on 07.02.2026, after the alleged incident happened on 04.02.2026, and conducted an enquiry and gave a prima facie report to the 3rd respondent to take disciplinary action against the 6th respondent. It is submitted



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that the enquiry is going on. The 6th respondent filed a counter affidavit, wherein he denied the petitioner's contention that he insisted that the Headmistress should wear a saree. It will be better to extract paragraphs 3 to 6 of the counter affidavit filed by the 6th respondent.

“3. The Petitioner is the Headmaster of the School. This Writ Petition is filed citing false and untenable contentions. The allegation that this deponent entered into the Petitioner’s office on 03/06/2026 and threatened the Petitioner is a fabricated story. The deponent has never threatened nor imposed any dress code at the Petitioner. This deponent has not authorised any security personnel of the School to check the dress code of the Petitioner. This deponent has no intention to do so.

4. The allegation that this deponent has infringed the personal rights of the Petitioner is false. The averment is aiming at tarnishing reputation of this deponent and it is only with malafide intention against this deponent.

5. This deponent has never stopped or prevented the Petitioner from entering or re-entering the School premises on working days. This deponent has not authorised any personnel of the School to prevent the Petitioner ’s entry into the School.

6. The Petitioner has her own share of grave



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dereliction of duties violating the provisions of KER. The Petitioner has also faced with inquiries in this regard. It is to cover up the misdeeds done by the Petitioner in the disciplinary proceedings, she is trying to make up a story that this Respondent is threatening her.”

9. In light of the fact that the enquiry is going on, I think no further observation is necessary. The counsel appearing for the 6th respondent took me through the counter affidavit and submitted that the petitioner was derelict in duty and that several notices were issued to the petitioner. I do not wish to make any observation on the same, too. The authority concerned is free to do the needful in accordance with the law. But the incident mentioned by the petitioner on 03.02.2026 and 04.02.2026, stating that the Manager of the School restrained her, who is the Headmistress, from entering the School on the ground that she had not worn a saree and had worn a churidar, cannot be accepted, if it happened. But, since an enquiry is going on, I leave it there. But I declare that a citizen's attire is his/her choice, and nobody can insist that it conform to society's customs, nor can anybody dictate that it be in a



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manner acceptable to society, especially when no law backs it. These are individual choices of the citizen. If any such dictate is made, it is the duty of the law-enforcing authority to take appropriate steps in accordance with law forthwith.

10. It is true that there is a prayer in the Writ Petition to disqualify the 6th respondent. I do not wish to make any observation on the same, because the educational authority has ordered an enquiry. If there is sufficient cause of action, the statutory authorities can do the needful in accordance with the law, after giving sufficient opportunity of hearing to the petitioner and the 6th respondent. No further direction is necessary in this case.

With these observations, this Writ Petition is disposed of in the following manner:

1. I declare that a citizen's attire is his/her choice, and nobody can insist that it conform to society's customs, nor can anybody dictate that it be in a manner acceptable to society, especially when no law backs it.
2. If there is any obstruction from the 6th



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respondent or others to the petitioner in discharging her duties as a Headmistress, the 5th respondent will ensure that the petitioner enters the School premises freely, without any obstruction from the 6th respondent, till she is in service.

3. I also make it clear that, if there is any enquiry pending against the 6th respondent regarding his conduct, the competent authorities are free to take appropriate steps in accordance with the law, after giving sufficient opportunity of hearing to the petitioner and the 6th respondent.

Sd/-**P.V.KUNHIKRISHNAN
JUDGE**

JV/DM

Judgment reserved	NA
Date of judgment	05.10.2026
Judgment dictated	05.10.2026
Draft Judgment Placed	06.10.2026
Final Judgment Uploaded	07.10.2026



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APPENDIX OF WP(C) NO. 6142 OF 2026**PETITIONER EXHIBITS**

- EXHIBIT P1** THE TRUE COPY OF THE CIRCULAR REGARDING DRESS CODE FOR TEACHERS PRESCRIBED BY THE FIRST RESPONDENT DATED 20/11/2015
- EXHIBIT P2** THE TRUE COPY OF THE FIR FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT DATED 04/02/2026
- EXHIBIT P3** THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 04/02/2026
- EXHIBIT P4** THE TRUE COPY OF THE RELEVANT PAGES OF THE JUDGMENT IN CC 1741/2010 BEFORE THE JFCM-1 KOTTARAKKARA DATED 21/12/2015
- EXHIBIT P5** THE TRUE COPY OF JUDGMENT IN WP(C) 28985/2010 OF THIS HON'BLE COURT DATED 15/12/2010
- EXHIBIT P6** THE TRUE COPY OF THE ORDER IN WA 2129/2010 OF THIS HON'BLE COURT DATED 20/01/2011
- EXHIBIT P7** THE TRUE COPY OF THE JUDGMENT IN WA 2129/2010 OF THIS HON'BLE COURT DATED 20/10/2011

RESPONDENT EXHIBITS

- EXHIBIT R-6(A)** TRUE COPY OF THE MEMO OF CHARGES ISSUED BY THE MANAGER TO THE PETITIONER DATED 27.12.2024
- EXHIBIT R-6(B)** TRUE COPY OF THE STATEMENT OF ALLEGATIONS ISSUED BY THE MANAGER DATED 27/12/2024
- EXHIBIT R-6(C)** TRUE COPY OF THE ORDER OF THE ORDER NO. B2/752643/2024 DATED 11.12.2024 OF THE DEO, KOTTARAKKARA ALONG WITH REVISED ORDER
- EXHIBIT R-6(D)** TRUE COPY OF THE G.O (P) NO. 5/2022/G.EDN. DATED 18/04/2022
- EXHIBIT R-6(E)** TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE MANAGER DATED 09/01/2025
- EXHIBIT R-6(F)** TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE MANAGER DATED 23/01/2025
- EXHIBIT R-6(G)** TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE MANAGER DATED 17/02/2025



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EXHIBIT R-6(H)	TRUE COPY OF THE COMPLAINT GIVEN BY THE SOUMYAMOL C. S TO THE MANAGER DATED 6/6
EXHIBIT R-6(I)	TRUE COPY OF THE COMPLAINT GIVEN BY THE SOUMYAMOL C. S TO THE DATED 08.06.2025
EXHIBIT R-6(J)	TRUE COPY OF THE COMPLAINT GIVEN BY THE SMT. SOUMYAMOL C. S TO THE PRINCIPAL DATED 23/06/2025
EXHIBIT R-6(K)	TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE MANAGER DATED 21/07/2025
EXHIBIT R-6(L)	TRUE COPY OF THE SHOW CAUSE NOTICE IN THAT REGARD ISSUED BY THE MANAGER DATED 11/09/2025
EXHIBIT R-6(M)	TRUE COPY OF THE COMPLAINT MADE BY SMT SOUMYAMOL C. S TO THE MANAGER DATED 22/09/2025
EXHIBIT R-6(N)	TRUE COPY OF THE COMPLAINT MADE BY THE PARENTS OF M/SAKHIL AND SHARINATH DATED 09/01/2026