



KAMARAJ IAS ACADEMY
Only IAS Academy by Grandson of "Perunthalaivar Kamarajar"

? Allahabad High Court Upholds School Uniform Rules in Hijab Case, Reviving Debate on Religious Freedom and Institutional Discipline

Published On: 30-08-2026

Recent Developments:

- The **Allahabad High Court**, in a judgment dated **21 August 2026**, dismissed a petition filed by a minor Muslim student seeking permission to wear a **headscarf or hijab** with the prescribed school uniform at a private **CBSE-affiliated school in Prayagraj**. The court held that the student had not produced sufficient material to establish that wearing a headscarf in school constituted an **essential religious practice** protected under Article 25.
- The Division Bench of **Justice J. J. Munir and Justice Indrajeet Shukla** held that a school may enforce a uniform when the dress code is **uniform, bona fide, non-discriminatory and intended to maintain discipline and institutional identity**.
- The judgment is significant because the constitutional question concerning **hijab and essential religious practice** remains unsettled at the Supreme Court level following the **split verdict of 2022**, which resulted in reference of the matter to a larger Bench.

Background of the Case:

Facts of the Case:

- The petitioner had studied at the same school from **Class VI to Class X** while wearing a headscarf and relied upon photographs and identity cards to demonstrate that the school had previously permitted the practice.
- She sought admission to **Class XI** and argued that the school's earlier tolerance created a basis for allowing her to continue wearing the headscarf.
- The school contended that the headscarf constituted a modification of its prescribed uniform and that allowing individual deviations could undermine **discipline, uniformity and institutional identity**.
- The petitioner also invoked **freedom of speech and expression under Article 19(1)(a)** and the broader constitutional protection of dignity and personal choice.
- The Court, however, distinguished between an individual's general freedom of religious belief and an enforceable claim to modify an institutionally prescribed uniform.

What the Allahabad High Court Held:

Previous Tolerance Does Not Create a Permanent Right:

- The Court held that the fact that the student had worn the headscarf for several years without objection did not create a **vested or enforceable right** to continue modifying the prescribed uniform.
- Earlier non-enforcement could not prevent the institution from subsequently enforcing its existing dress-code policy.
- The ruling therefore distinguishes between **past administrative tolerance** and a legally enforceable fundamental right.

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

Institutional Authority Over Uniform:

- The Court recognised the school's authority to prescribe and enforce a uniform when the policy is **religion-neutral, non-discriminatory and connected with institutional discipline**.
- The Court reasoned that permitting individual students to make subjective modifications could effectively transfer disciplinary authority from the institution to individual students.
- A uniform can promote **equality among students, institutional identity and a religion-neutral educational environment**, provided its application does not discriminate against a particular religious group.

Claim of Essential Religious Practice:

- The Court found that the petitioner's claim that wearing a headscarf was religiously obligatory was not supported by sufficient **authoritative religious material, pleadings or expert evidence**.
- Consequently, the Court declined to recognise the particular practice as an **essential religious practice** protected by Article 25 in the circumstances of the case.
- The judgment followed the reasoning of the **Karnataka High Court's 2022 Full Bench**, which had similarly held that wearing the hijab was not established as an essential religious practice in Islam.

Constitutional Framework:

Article 25 – Freedom of Religion:

- **Article 25(1)** guarantees all persons freedom of conscience and the right freely to profess, practise and propagate religion, subject to **public order, morality, health and other provisions of Part III**.
- Article 25 is therefore not an **absolute right**, because religious freedom operates within constitutional limitations and alongside other fundamental rights.
- The Constitution expressly recognises the wearing and carrying of **kirpans** as part of the profession of the Sikh religion, demonstrating that the constitutional text itself specifically protects certain religious practices.

Article 19(1)(a) and Article 21:

- **Article 19(1)(a)** protects freedom of speech and expression, which has been interpreted by Indian courts to encompass aspects of individual expression and identity.
- **Article 21** protects life and personal liberty and has been judicially expanded to include dimensions such as dignity, privacy and decisional autonomy.
- The central constitutional challenge arises when an individual's **religious expression, personal autonomy and equality interests** intersect with an institution's legitimate requirement for discipline and uniformity.

Essential Religious Practice Doctrine:

Meaning and Judicial Development:

- The **Essential Religious Practice test** examines whether a claimed practice is sufficiently fundamental to a religion to receive constitutional protection under Article 25.
- Courts have historically examined **religious texts, doctrinal evidence, historical practice and the importance of a practice to the religion** while determining whether a claimed practice is essential.
- The doctrine has attracted criticism because it places courts in the difficult position of assessing **religious doctrine and theological essentiality**.

Hijab Litigation:

- The **Karnataka High Court in 2022** held that wearing hijab by Muslim women had not been established as an essential religious practice and upheld the validity of the uniform requirement in the circumstances before it.

- The decision was challenged before the Supreme Court, where a **two-judge Bench delivered a split verdict in October 2022**.
- **Justice Hemant Gupta** upheld the restrictions, while **Justice Sudhanshu Dhulia** took a different approach emphasising individual choice and access to education.
- Because the judges reached different conclusions, the matter was referred for consideration by a **larger Bench**, leaving the constitutional issue unresolved at the Supreme Court level.

Comparative Judicial Position:

Karnataka High Court:

- The 2022 Full Bench treated the hijab claim primarily through the **essential religious practice doctrine** and upheld the authority to prescribe uniforms in the circumstances considered by the Court.

Kerala High Court:

- The Kerala High Court has previously treated decisions concerning permission for headscarves within institutional dress requirements as substantially falling within the **domain of educational institutions**, subject to applicable law.

Supreme Court:

- The 2022 split verdict demonstrated two competing constitutional approaches: one emphasising **institutional discipline and uniformity**, and the other emphasising **individual choice, dignity and access to education**.
- The absence of a final larger-Bench ruling means that the constitutional position remains subject to further authoritative determination.

Significance for Indian Polity and Governance:

Secularism and Institutional Neutrality:

- The case raises the question of how **constitutional secularism** should operate within educational institutions.
- A genuinely religion-neutral uniform can promote institutional equality by applying the same dress requirement to students irrespective of their religious identity.
- At the same time, uniform policies must satisfy constitutional requirements of **non-discrimination and reasonableness**.

Rights–Duties Balance:

- Fundamental rights protect individual autonomy, but educational institutions also possess legitimate interests in **discipline, administration and institutional identity**.
- The larger constitutional challenge is therefore to balance **religious freedom, equality, expression, dignity and institutional autonomy** without allowing any one consideration to automatically override the others.

Key Concerns:

Judicial Determination of Religious Doctrine:

- The Essential Religious Practice doctrine can require courts to determine whether a practice is sufficiently fundamental to a particular religion, raising questions about the appropriate **institutional role of constitutional courts** in matters of theology.

- Critics argue that constitutional protection should focus more strongly on individual rights rather than requiring courts to determine what constitutes religiously essential conduct.

Educational Access:

- Dress-code disputes can have consequences beyond religious expression if students are unable or unwilling to comply with institutional requirements.
- Policymaking should therefore ensure that disputes do not unnecessarily undermine **access to education, gender equality and social inclusion**.

Uniformity Versus Individual Identity:

- Uniforms seek to reduce visible distinctions among students, whereas religious attire can represent **identity, conscience and personal expression**.
- A sustainable constitutional approach must therefore reconcile institutional uniformity with legitimate individual freedoms wherever reasonable accommodation is legally and practically possible.

Way Forward:

Constitutional and Institutional Approach:

- The Supreme Court's larger Bench should provide authoritative clarity on the relationship between **Article 25, Article 19(1)(a), Article 21 and institutional dress codes**.
- Educational institutions should frame dress codes through transparent, **non-discriminatory and consistently enforced rules**, with clear procedures for grievances and reasonable accommodation where legally permissible.
- Courts should carefully distinguish between **genuine religious compulsion, personal preference and institutional requirements** rather than adopting an automatically uniform approach to every religious-attire dispute.
- Policymakers should prioritise **access to education, equality, dignity and social harmony** while maintaining legitimate institutional discipline.
- Constitutional adjudication should remain sensitive to India's **pluralistic and diverse social structure**, while ensuring that fundamental rights are not weakened by arbitrary institutional practices.

Conclusion:

- The Allahabad High Court judgment reinforces the importance of **institutional uniformity and discipline** while applying the existing judicial approach to claims based on essential religious practice.
- However, the judgment does not finally settle the broader constitutional question because the Supreme Court's **2022 split verdict** left the issue awaiting authoritative consideration by a larger Bench.
- The larger constitutional challenge lies in reconciling **religious freedom, individual autonomy, equality, educational access and institutional discipline** within India's secular constitutional framework.
- A durable solution should protect genuine constitutional freedoms while ensuring that educational institutions remain **inclusive, non-discriminatory, disciplined and focused on learning**.

Value Addition for UPSC:

Constitutional Articles:

- **Article 14:** Equality before law and equal protection of laws.
- **Article 15:** Prohibition of discrimination on specified grounds, including religion.
- **Article 19(1)(a):** Freedom of speech and expression.
- **Article 21:** Protection of life and personal liberty.
- **Article 25:** Freedom of conscience and free profession, practice and propagation of religion.

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

- **Article 26:** Freedom to manage religious affairs, subject to constitutional limitations.

Important Judicial Concepts:

- **Essential Religious Practice:** A judicial doctrine used to determine whether a claimed religious practice receives protection under Article 25.
- **Constitutional Morality:** A principle requiring public institutions and constitutional actors to uphold the values embedded in the Constitution.
- **Reasonable Accommodation:** Adjusting institutional rules where feasible to enable individuals to exercise protected rights without imposing disproportionate burdens on others.

Institutional Autonomy: The legitimate authority of educational institutions to establish rules necessary for administration, discipline and institutional functioning.