

ITEM NO.1501

COURT NO.6

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 7095/2022

AISHAT SHIFA

Appellant(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.43791/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.43792/2022-EXEMPTION FROM FILING O.T. and IA No.43793/2022-PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

W.P.(C) No. 120/2022 (PIL-W)
 (FOR ADMISSION and IA No.25497/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.22709/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 7075/2022 (IV-A)
 (FOR ADMISSION and I.R. and IA No.71109/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 6957/2022 (IV-A)
 (FOR ADMISSION and I.R. and IA No.74342/2022-EXEMPTION FROM FILING O.T.)

C.A. No. 7078-7083/2022 (IV-A)
 (FOR ADMISSION and I.R. and IA No.72460/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 7077/2022 (IV-A)
 (FOR ADMISSION and I.R. and IA No.73629/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 7074/2022 (IV-A)
 (IA No.74416/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.74417/2022-EXEMPTION FROM FILING O.T.)

C.A. No. 7076/2022 (IV-A)
 (FOR ADMISSION and I.R. and IA No.74952/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.74953/2022-EXEMPTION FROM FILING O.T.)

C.A. No. 7072/2022 (IV-A)
 (FOR ADMISSION and I.R. and IA No.90379/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.90380/2022-EXEMPTION FROM

FILING O.T.)

**C.A. No. 6934/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.62935/2022-EXEMPTION FROM FILING O.T.)**

**C.A. No. 7084/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.62775/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**C.A. No. 7085/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.63025/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.63026/2022-EXEMPTION FROM FILING O.T.)**

**C.A. No. 7092/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.51013/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**C.A. No. 7088/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.41603/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**W.P.(C) No. 95/2022 (X)
IA No. 20677/2022 - CLARIFICATION/DIRECTION
IA No. 20679/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 20678/2022 - EXEMPTION FROM FILING O.T.
IA No. 21395/2022 - EXEMPTION FROM FILING O.T.
IA No. 21397/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON)**

**C.A. No. 7087/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.42508/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.43892/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON)**

**C.A. No. 7090/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.45966/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.45969/2022-EXEMPTION FROM FILING O.T. and IA No.45962/2022-PERMISSION TO FILE LENGTHY LIST OF DATES)**

**C.A. No. 7096/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.47581/2022-EXEMPTION FROM FILING O.T. and IA No.47580/2022-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.47579/2022-APPROPRIATE ORDERS/DIRECTIONS and IA No.47578/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**C.A. No. 7091/2022 (IV-A)
(FOR ADMISSION and I.R. and IA No.45710/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.45711/2022-EXEMPTION FROM FILING O.T.) IA No.49455/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.45712/2022-PERMISSION TO FILE ADDITIONAL**

DOCUMENTS/ FACTS/ANNEXURES)**C.A. No. 7089/2022 (IV-A)****(FOR ADMISSION and I.R. and IA No.51104/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.51106/2022-EXEMPTION FROM FILING O.T.) (IA No.51105/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)****C.A. No. 7086/2022 (IV-A)****(FOR ADMISSION and I.R. and IA No.58461/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)****C.A. No. 7069/2022 (IV-A)****(IA No.107701/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.107700/2022-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)****C.A. No. 7098/2022 (IV-A)****(FOR ADMISSION and I.R. and IA No.46870/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.46869/2022-EXEMPTION FROM FILING O.T.)****C.A. No. 7093/2022 (IV-A)****(FOR ADMISSION and I.R.) (IA No.124777/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.124781/2022-EXEMPTION FROM FILING O.T. and IA No.124779/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)****C.A. No. 7099/2022 (IV-A)****(FOR ADMISSION and I.R. and IA No.110146/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.110147/2022-EXEMPTION FROM FILING O.T.)****C.A. No. 7070/2022 (IV-A)****IA No. 128223/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT****IA No. 128224/2022 - EXEMPTION FROM FILING O.T.****Date : 13-10-2022 These matters were called on for pronouncement of Judgment today.****Counsel for the parties**

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Mr. Adeel Ahmed, AOR
Mr. Ejaz Maqbool, AOR
Mr. Anas Tanwir, AOR
Mr. Ranbir Singh Yadav, AOR
Mr. Mareesh Pravir Sahay, AOR
Ms. Aswathi M.K., AOR
Mr. Javedur Rahman, AOR
Mr. Rishad Ahmed Chowdhury, AOR
Mr. Prashant Bhushan, AOR
Mr. Mehmood Umar Faruqui, AOR
Mr. Zulfiker Ali P. S, AOR
Ms. Anindita Pujari, AOR
Mr. Satya Mitra, AOR
Mr. Aljo K. Joseph, AOR
Mr. Mohd. Irshad Hanif, AOR
Mr. Naresh Kumar, AOR
Mr. M. R. Shamshad, AOR
Mr. Abhay Anand Jena, AOR
Mr. Shadan Farasat, AOR

Mr. Aman Varma, AOR
Mr. Vikram Hegde, AOR
Mr. Abhishek, AOR
Mr. Shubhranshu Padhi, AOR
Mr. Nachiketa Joshi, AOR
Respondent-in-person
Mr. Charudatta Vijayrao Mahindrakar, AOR
Mr. K. V. Muthu Kumar, AOR
Ms. Misha Rohatgi, AOR
Mr. Shailesh Madiyal, AOR
Mr. Shoumendu Mukherji, AOR
Mr. Pulkit Srivastava, AOR

Mr. Siddhartha Sinha, AOR
Mr. Mahesh Thakur, AOR
Mr. Arvind Gupta, AOR
Mr. Sameer Shrivastava, AOR
Ms. Charu Mathur, AOR

Hon'ble Mr. Justice Hemant Gupta pronounced His Lordship's reportable Judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Sudhanshu Dhulia.

The operative portion of the Judgment is reproduced hereunder :-

"198. In view of the discussions above, I dismiss all appeals and the writ petitions, though on different grounds than what prevailed before the High Court. No Costs."

Thereafter, Hon'ble Mr. Justice Sudhanshu Dhulia pronounced a separate and dissenting Judgment. The operative portion of the Judgment is reproduced hereunder :-

*"84. Consequently, I allow all the appeals as well as the Writ Petitions, but only to the extent as ordered below:
a. The order of the Karnataka High Court dated March 15, 2022, is hereby set aside;
b. The G.O. dated February 5, 2022 is hereby quashed and,
c. There shall be no restriction on the wearing of hijab anywhere in schools and colleges in Karnataka."*

In view of the divergent views expressed by the Bench, the matter be placed before Hon'ble The Chief Justice of India for constitution of an appropriate Bench.

(JAYANT KUMAR ARORA)
ASST. REGISTRAR-CUM-PS

(RENU BALA GAMBHIR)
COURT MASTER

(Two Reportable Judgments and one Signed order are placed on the file)