

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2768 of 2026
Date of Decision: 05.10.2026

Anil Kumar

.....Petitioner

Versus

State of Himachal Pradesh and Others

.....Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting? Yes.

For the petitioner: Mr. Gunjan Sharma, Advocate.

For the respondents: Mr. Pushpinder Singh Jaswal, Additional
Advocate General.

Ajay Mohan Goel, J. *(Oral)*

By way of this petition, the petitioner has approached this
Court praying for the following reliefs:

- “1. Quash the Notification dated 18.02.2026 ANNEXURE P-1 issued by the respondents regarding the merger of Government Girls Senior Secondary School Bharmour with Government Senior Secondary School Bharmour (Co-Education).*
- 2. Direct the respondents to maintain Government Girls Senior Secondary School Bharmour as a separate institution.”*

2. The petitioner, who claims to be a resident of village Bharmour, District Chamba, has filed this writ petition assailing

Notification dated 18.02.2026 (Annexure P-1), in terms whereof Department of School Education, Himachal Pradesh, has ordered the merger of Government Girls Senior Secondary School with an existing co-educational school (Government Senior Secondary School), and thereby converting them into a single co-educational Government School, i.e. Government Senior Secondary School, Bharmour.

3. Learned counsel for the petitioner submitted that Government Girls Senior Secondary School, Bharmour, became functional in the year 1955 for the promotion and upliftment of girls' education in Bharmour tribal region. He submitted that since then, the school was continuously functioning as a girls' institution and has become a prestigious and important educational institution for the local community. He submitted that with an enrolment of more than 200 students in the said school, which had the complete paraphernalia available for the safe and supportive education of girl children, including playground, etc., the act of the respondents of merging this school with the other existing school and converting both of them into a single co-educational institution is bad in law.

4. Learned counsel argued that as a result of the merger of the said school with the main school, the safety of the girls would be compromised. He argued that the fact that there were more than 200

girls enrolled in the Government Girls Senior Secondary School demonstrated that girls were more comfortable in studying in an exclusively girls' school and this extremely important aspect of the matter was ignored by the Department while issuing the impugned Notification qua the schools at Bharmour.

5. Learned counsel further argued that the conversion of said schools into a single co-educational institution shall dissuade the girls from joining the school. He submitted that as there was no cogent rationale behind the issuance of the impugned Notification, the present petition be allowed as prayed for and the act of the respondents of merging the Government Girls Senior Secondary School with the other existing school at Bharmour be quashed and set aside.

6. On the other hand, learned Additional Advocate General drew the attention of the Court to the reply filed by the State and submitted that the Notification in issue was issued by the Department in light of a decision taken by the Government with the desire to create a more inclusive and balanced educational environment and with the aim to prevent gender discrimination at the school level.

7. Learned Additional Advocate General argued that the new educational structure was expected to foster equality, mutual respect, and communication skills among students of all genders, and shall

also prepare students for the diverse real-world environment beyond school premises, where collaboration among genders is a norm. He argued that the Notification itself was self-suggestive that the merger of schools was not confined to Bharmour only, but exercise was undertaken in other areas in the State as well, where schools were existing in close proximity.

8. Learned Additional Advocate General submitted that in the present case, the two schools were situated at a distance of merely 10 meters from each other and with the merger of the schools, the infrastructure of the girls' school shall form part of the co-educational institution.

9. Learned Additional Advocate General argued that the merger was a step towards ensuring that children grow up in an inclusive atmosphere, which will foster mutual understanding and empathy amongst different genders and promote teamwork. He argued that in the Government Senior Secondary School, Bharmour, which is a co-educational institution, 67 girls were already being imparted education. The factum of girl students having taken admission in the said school demonstrated that there already exists a safe environment in the said school. Learned Additional Advocate General also argued that now, with the merger of the schools, obviously there will be more

girl students in the co-educational institution, in addition to the 67 girls who were already studying there.

10. Learned Additional Advocate General further submitted that this step will provide an opportunity to the State to reinforce its resources and it will give an opportunity to the Department to provide adequate number of teachers as required in a Senior Secondary School, as running two Senior Secondary Schools in close proximity was causing great financial and administrative hardship to the Department. Accordingly, he submitted that since the Notification was issued in larger public interest, which was evident from the contents of the reply, and further as the merger would promote values like cooperation, empathy, sharing, and teamwork, and will also give an opportunity to students to learn from each other, the present petition, being devoid of any merit, was liable to be dismissed.

11. We have heard learned counsel for the petitioner as well as learned Additional Advocate General, and have also carefully gone through the pleadings and documents appended therewith.

12. The challenge to the Notification dated 18.02.2026 qua Government Girls Senior Secondary School, Bharmour is primarily on the ground that the closure of said school and its merger with

Government Senior Secondary School, Bharmour would result in safety concerns for the girl students.

13. It is not in dispute that before the issuance of the impugned Notification, there were two Government Senior Secondary Schools functioning in Bharmour. One Government Senior Secondary School was a co-educational institution, in which both boys and 67 girl students were being imparted education, and the other Government Girls Senior Secondary School, Bharmour, was exclusively for girls, where around 200 girl students were being imparted education.

14. Now, as a result of the merger of the Girls Senior Secondary School with the existing Government Senior Secondary School, Bharmour, a single co-educational institution has been created at Bharmour, which has the infrastructure of both the schools and would also now be having the advantage of having full cadre strength of teaching and non-teaching faculty.

15. Not only this, with 200 girl students becoming part of the co-educational institution where earlier 67 girl students were already studying, this school shall have a strong contingent of girl students. We have been told that in the Government Senior Secondary School, where 67 girls were enrolled, the strength of boys was 170. This

definitely means that with the merger of these two schools, the strength of the girl students will be around 250.

16. Be that as it may, we are not advocating that in a co-educational institution, the number of girl students should be more than boy students to ensure their safety. We have no doubt that sons and daughters, who are being imparted education in co-educational institutions throughout the State, are sensitive towards one another and respect the opposite gender and the same shall be true about the single co-educational institution that has now come into existence at Bharmour also.

17. With regard to the issue of safety of the girl students as was raised by the learned counsel for the petitioner before us, with respect, we do not agree with the same. In our considered view, the safety of a girl child can be very well ensured even in a co-educational institution. Girl students shall be studying there along with their brothers, sisters and relatives etc. The need of the hour is to sensitize one and all towards the needs of a girl child. Otherwise also, it is not as if in a Government Girls Senior Secondary School, it is only female teachers who impart education and are engaged in non-teaching activities also. Similarly, it is not that in a Boys Senior Secondary School, only male teachers or male non-teaching staff is there. There is a mix of male and

female teachers and non-teaching staff in every institution, including Government Senior Secondary School Bharmour also. Therefore, said school now being merged into co-educational Government Senior Secondary School cannot be said to be a step which compromises the safety of the girl students.

18. We agree with the contention of the learned Additional Advocate General that the environment in a co-educational institution shall be a more inclusive and balanced educational environment and will also boost gender equality at the School level. We are also of the considered view that studying in a co-educational institution shall foster equality, as also mutual respect amongst different genders towards each other and each gender shall learn from the other gender. It shall also prepare the students for the diverse real-world environment, where collaborations amongst different genders is a norm.

19. A School with a strength of more than 250 girls students obviously shall be providing a very very safe and congenial environment for the girls students and we do not agree that the result of the co-educational institutions shall be that girl students shall be dissuaded from studying in the Schools. We emphasize that the co-educational institution is not catering to boys and girls, so as to say, it is catering

to the children from all walks of life, which includes siblings, cousins and children who otherwise are known to each other and those who may be strangers. This kind of an environment is otherwise necessary for the over all growth of the children and, by no stretch of imagination, co-educational institutions shall be a deterrent in the growth of a girl student *per se*, as was being argued on behalf of learned counsel for the petitioner.

20. At this stage, learned counsel for the petitioner submits that the girl students require separate toilets and other facilities, and at least a direction has to be issued in this regard to the Department.

21. This Court agrees with the said suggestion of the learned counsel for the petitioner. Therefore, while holding that there is no arbitrariness or illegality with the impugned Notification that has been issued by the School Education, we direct that in light of the fact that there are now more than 250 girls studying in the co-educational institution, the Education Department shall ensure that there shall be minimum 20 separate toilets exclusively for girl students, and minimum 20 separate toilets for boy students. Both shall be at a decent distance from each other and not close by. We hasten to add that in addition, there should be 5 or more exclusive toilets which should be built to cater to female teachers as well as other female non-teaching

staff working in the school, and 5 or more exclusive toilets for male teachers and male non-teaching staff. The directions passed by the Hon'ble Supreme Court of India in ***Dr. Jaya Thakur Vs. Government of India and Others, 2026 SCC OnLine SC 133***, shall also be adhered to in letter and spirit by the Authorities, relevant portion whereof is quoted hereinbelow:

“173. Having exhaustively discussed the constitutional and the statutory framework as regards the issue at hand we find it appropriate to direct the following:

*I. As regards the “**toilet and washing facilities**”, we direct that:-*

i. All States and Union Territories shall ensure that every school, whether Government-run or privately managed, in both urban and rural areas, is provided with the functional, gender-segregated toilets with usable water connectivity.

ii. All the existing and newly constructed toilets in schools shall be designed, constructed, and maintained so as to ensure privacy and accessibility, including by catering to the needs of children with disabilities.

iii. All school toilets shall be equipped with functional handwashing facilities, with soap and water available at all times.

*II. As regards the “**availability of menstrual absorbents**”, we direct that:-*

i. All States and Union Territories shall ensure that every school, whether Government-run or privately managed, in both urban and rural areas, provides oxobiodegradable sanitary napkins manufactured in compliance with the ASTM D-6954 standards free of cost. Such sanitary

napkins shall be made readily accessible to girl students, preferably within the toilet premises through sanitary napkin vending machines, or, where such installation is not immediately feasible, at a designated place or with a designated authority within the school.

ii. All States and Union Territories shall ensure that every school, whether Government-run or privately managed, in both urban and rural areas, establish Menstrual Hygiene Management (MHM) corners. Such MHM corners shall be equipped with, including but not limited to, spare innerwear, spare uniforms, disposable bags, and other necessary materials to address menstruation-related exigencies.

*III. As regards the “**disposal of sanitary waste**”, we direct that:-*

i. All States and Union Territories shall ensure that every school, whether Government-run or privately managed, in both urban and rural areas, is equipped with a safe, hygienic, and environmentally compliant mechanism for the disposal of sanitary napkins, in accordance with the latest Solid Waste Management Rules.

ii. Each toilet unit shall be equipped with a covered waste bin for the collection of sanitary material, and cleanliness and regular maintenance of such bins shall be ensured at all times.

*IV. As regards the “**awareness and training about menstrual health and puberty**”, we direct that:-*

i. The National Council of Educational Research and Training (NCERT) and the State Council of Educational Research and Training (SCERT) shall incorporate gender-responsive curricula, more particularly, on menstruation, puberty, and other related health concerns

(PCOS, PCOD, etc.), with a view to break stigma and taboo associated with menstrual health and hygiene.

ii. All teachers, whether male or female, shall be adequately trained and sensitized on menstrual hygiene, including appropriate ways of supporting and assisting menstruating students.

iii. Information regarding the availability of Jan Aushadhi Suvidha Oxo-Biodegradable Sanitary Napkin shall be widely disseminated through advertisement in social media, print media, radio advertisement, TV advertisement, cinema advertisement, and outdoor publicity like bus queue shelter branding, bus branding, auto wrapping, wall paintings.

iv. The child helpline set up by the National Commission for Protection of Child Rights in furtherance of Rule 26 of the RTE Rules be disseminated forthwith through social media, print media, radio advertisement, TV advertisement, cinema advertisement, etc.”

With these observations and directions, the writ petition stands disposed of without interfering with the impugned Notification. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(Ajay Mohan Goel),
Judge**

**(Yogesh Jaswal),
Judge**

October 05, 2026
Rajeev Raturi