

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.09.2016

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.24237 of 2016

N.D.Vishnu Priya

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Petitioner

Versus

1. The Director,
Directorate of School Education,
Chennai.

2.The Controller of Examination,
The Tamil Nadu Dr.M.G.R.University,
Chennai.

3. The Regional Passport Officer,
Passport Office,
Shastri Bhavan,
Haddows Road,
Chennai.

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Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to make necessary changes in the petitioner's records and issue a fresh certificates indicating petitioner's present name instead of earlier name on account of the subsequent event of sexreassignment surgery underwent by the petitioner.

For Petitioner : Mrs.Bhavani Subharayan
For Respondents : Mr.A.Kumar (R1)
Special Government Pleader
Mr.D.Ravichandren (R2)
Mr.J.Madanagopal Rao (R3)
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking for a direction to the respondents 1 to 3 to make necessary changes in the petitioner's records and issue a fresh certificates indicating petitioner's present name instead of earlier name on account of the subsequent event of sex reassignment surgery underwent by the petitioner.

2. When the matter was taken up for hearing on 14.07.2016, this Court on considering the submission of the the learned Special Government Pleader appearing for the first respondent directed the petitioner to approach the first respondent, who shall provide her with necessary application for recording her as transgender, subject to the receipt of necessary application fee and as and when the petitioner submits the application, the same was directed to be processed as expeditiously and final orders shall be passed within a period of two weeks from the date of submission of the said application and the matter was directed to be posted today for getting instructions of the third respondent.

3. Today, when the matter is taken up for hearing the counsel appearing for the third respondent has filed a counter affidavit wherein it is stated that if the petitioner applies for passport with the documents viz., (a) Prescribed Deed Poll/Sworn Affidavit (Annexure "E" of Appendix-1), (b) Original newspaper cutting announcing the change of name published in two leading newspaper (one popular newspaper in the area of the applicant's present address and another at his permanent address) along with other supporting documents at any designated Passport Seva Kendra, the application of the petitioner will be considered in accordance with the Passport Act, 1967.

4. Heard both sides. The learned Special Government Pleader appearing for the first respondent would submit that the application given by the petitioner, pursuant to the orders of this Court, dated 14.07.2016, will be processed as expeditiously as possible.

5. Considering the submission made by the learned counsel appearing on either side, this Court directs the first respondent to consider the application already given by the petitioner, in pursuant to the orders of this Court, dated 14.07.2016, within a period of two weeks and thereafter the petitioner was directed to file an application before the third respondent, along with the documents stated supra and the third respondent is directed

B.RAJENDRAN,J

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to consider the same, in accordance with the Passport Act, 1967, within a period of three weeks thereafter.

This Writ Petition is disposed of with the above directions. No costs.

06.09.2016

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To

1. The Director,
Directorate of School Education,
Chennai.
- 2.The Controller of Examination,
The Tamil Nadu Dr.M.G.R.University,
Chennai.
3. The Regional Passport Officer,
Passport Office,
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Writ Petition No.11868 of 2007

15.06.2016