

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

Dated this the 19th day of April, 2018

Before

THE HON'BLE DR JUSTICE VINEET KOTHARI

Writ Petition No.54037 of 2017 (EDN-RES)

Between

Poojitha B.P.
D/o Puttaiah B.S.
Aged 39 years
Residing at No.16
Ashwathappa Building
Sidhalingeswara Layout
Thindlu, Vidayaranyapur Post
Bangalore-560 097.

... Petitioner

(By Ms. Jayna Kothari, Advocate)

And

1. Karnataka Secondary Education Examination Board
6th Cross, Malleshwaram
Bengaluru-560003, Karnataka
Represented by its Secretary.
2. Government of Karnataka
Department of Pre-University Education
Sampige Road, 18th Cross
Malleshwaram, Bengaluru-560012
Represented by the Director.
3. Mangalore University
Office of the Registrar (Evaluation)
Mangalagangotri-574199
Represented by the Registrar.

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4. Rajendra Prasad Institute of
Communication & Management
Unit No.2, Bhavans Campus
Andheri West, Mumbai-400058
Maharashtra
Represented by the Registrar.
5. Directorate of Distance Education
Kuvempu University
Jnanasahyadri, Shankaraghatta-577451
Shivamogga, Karnataka
Represented by the Registrar.

... Respondents

**(By Ms. Pramodhini Kishan, Advocate for R1 & R2
R3, R4 and R5 are served & unrepresented)**

This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ in the nature of mandamus directing Respondents No.1 to 5 to issue to the petitioner new educational certificates reflecting her current name as Poojitha B.P. and gender identity as Female & etc.

This Writ Petition coming on for Preliminary Hearing in 'B' Group, this day, the Court made the following:

ORDER

Ms. Jayna Kothari, Advocate for Petitioner
Ms. Pramodhini Kishan, AGA for R1 & R2.

1. The only prayer made in the present writ petition is to direct the Respondents to consider the

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representation of the petitioner for change of her current name as '**Poojitha B.P.**' and gender identity as '**Female**'.

2. The petitioner is a transgender who claims such change on the basis of the evidence produced by her with her representations to the Respondents herein. These representations are filed with the Respondents way back in the month of August 2017, on **20/08/2017** to them by Registered Post Acknowledgement Due. The petitioner did not receive any response or endorsement from the Respondents, therefore, the present writ petition has been filed in this Court on **28/11/2017**.

3. The learned counsel for the petitioner, Ms. Jayna Kothari has brought to the notice of this Court that under similar circumstances, a co-ordinate bench of this Court has already allowed such a writ petition in **W.P.No.32978/2013 (Shri Vinod H.N. Vs. State of**

Karnataka and others) on 08/10/2013 with the following directions:-

“5. Therefore, in the instant case, the prayer as sought by the petitioner to direct the respondents to the extent of considering the representations of the petitioner will have to be accepted. Accordingly, the respondent Nos.1 to 5 herein are directed to consider the representations made by the petitioner along with the necessary documents and on enquiry the necessary changes in the appropriate registers and the other documents maintained by the respondents shall be carried out on satisfaction of the case put forth by the petitioner. Considering that such decision would have to be taken by the respondents within a time frame, the petitioner shall now file one more set of the representations and the supporting documents along with a copy of this order with the respective respondents from whom the petitioner seeks relief. The said respondents shall look into the same and come to a conclusion in the manner as

indicated as expeditiously as possible but not later than three months from the date on which the representations are submitted.”

4. The learned AGA appearing for the Respondent – State, Ms. Pramodhini Kishan does not seriously dispute this position and submits that the Representations of the petitioner would be considered and decided by the concerned Authorities in accordance with law, subject to the petitioner filing the requisite documents and evidence in support of the Representations filed by her.

5. The learned counsel for the petitioner does not have any objection for furnishing the requisite documents if called upon to do so. In view of this, the present writ petition is disposed of in the same terms as directed by the co-ordinate bench of this Court in the aforesaid writ petition.

6. The petitioner will furnish the requisite evidence in support of her representations within a

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period of 15 days from today to the Respondents and the Respondents are directed to decide such representations of the petitioner within a period of three months from today.

7. With these observations, the present writ petition stands disposed of. No order as to costs.

**Sd/-
JUDGE**

BMV*