

**27.11.19**  
Item No.22  
Court No.15  
Krishnendu

W.P. No. 21587 (W) of 2019

In re: An application under Article 226 of the Constitution of India filed 20.11.2019;  
And  
In re: Mx Alia Sk.  
- Versus -  
The State of West Bengal & Ors.

Mr. Indrajeet Dey  
For the Petitioner  
Mr. Swapan Kumar Datta  
Ms. Soumi Guha Thakurta  
For the State  
Mr. Nilotpal Chatterjee  
Mr. Raja Saha  
Mr. Sanjoy Mukherjee  
For the University

Affidavit of service filed by the petitioner be kept on record.

Mr. Dey, learned advocate appearing for the petitioner submits that the petitioner affirmed an affidavit before the learned 1<sup>st</sup> Class Judicial Magistrate at Alipore declaring identity as a 'Transgender'. In the notice issued by the authorities of University of Calcutta inviting applications for admission to two-year M.Phil in Clinical Psychology, there is no option to apply as a 'Third Gender'. In view thereof, the petitioner is being deprived of the opportunity to participate in the admission process

He further submits that the petitioner should be treated as belonging to the Socially and Educationally Backward Class and the authorities should extend all kinds of reservation facilities in cases of admission. In support of such contention, reliance has been placed upon a judgment delivered in the case *of National Legal Services Authority - Vs - Union of India & Ors.* , reported in (2014) 5 SCC 438.

Mr. Dey submits that the last date for submission of application is scheduled on 28<sup>th</sup> November, 2019 and appropriate direction needs to be issued towards acceptance of the petitioner's application for admission in the concerned course.

Mr. Chatterjee, learned advocate appearing for the University submits that the application form has been rectified and a "Third Gender" category has been included in the same.

In view thereof, the first grievance of the petitioner stands redressed. The petitioner would be at liberty to fill up the application form and submit the same and the University authorities shall accept the same.

To answer certain other queries of this Court, Mr. Chatterjee prays for an accommodation to avail necessary instruction.

The learned advocate appearing for the State respondents also prays for an accommodation to avail necessary instruction.

List this matter for further consideration under the same heading in the daily supplementary list of this Court on 29<sup>th</sup> November, 2019.

(Tapabrata Chakraborty, J.)