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**ABSTRACT**

Police Department - Recruitment - Recruitment for Uniformed Services through Tamil Nadu Uniformed Services Recruitment Board - W.A.No.330/2018 in W.P.No.1163/2018 filed before the High Court of Madras by Tamil Nadu Uniformed Services Recruitment Board - Disposed with direction - Age relaxation to Third Gender candidates in the recruitments for Tamil Nadu Police Sub-ordinate Services through Tamil Nadu Uniformed Services Recruitment Board - Orders - Issued.

**Home (Police III) Department**

**G.O.(Ms).No.245**

**Dated: 29.06.2020**

சார்வரி, ஆனி 15, திருவள்ளூர் ஆண்டு 2051

**Read:**

1. Orders dated 15.4.2014 of Hon'ble Supreme Court of India in W.P.(Civil) No.400 of 2012 with W.P.(Civil) No.604 of 2013.
2. Orders dated 3.11.2015 of Hon'ble High Court of Madras in W.P.No.15046 of 2015 filed by K.Prithika Yashini (Third Gender).
3. G.O.(Ms).No.567, Home (Police.VI) Department, dated 2.8.2016.
4. Interim Orders dated 25.1.2018 of the Hon'ble High Court of Madras in W.P.No.1163 of 2018 and WMP No.1452 of 2018 filed by K.Aradhana (Third Gender).
5. Orders dated 22.2.2018 of the Hon'ble High Court of Madras in W.A.No.330 of 2018 filed by the Tamil Nadu Uniformed Services Recruitment Board.
6. From the Director General of Police / Chairman, Tamil Nadu Uniformed Services Recruitment Board, Chennai-8, Letter C.No.R1/1250/2018, dated 14.3.2018.
7. From the Director General of Police / Head of Police Force, Chennai-4, Letter Rc.No.30042/Rect.II(2)/2016, dated 23.11.2019.

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**ORDER:**

Based on the directions of the Hon'ble Supreme Court of India and the Hon'ble High Court of India first and second read above, amendment have been issued to the Special Rules for Tamil Nadu Police Subordinate Services regarding recruitment procedure for Third Gender candidates in Tamil Police Sub-ordinate Services vide Government Order third read above.

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2. The Tamil Nadu Uniformed Services Recruitment Board introduced Online Application Registration System for the first time in the Common recruitment for the posts of Grade II Police Constables / Jail Warder and Firemen for the year 2017-2018. As per the Rules in force, the upper age limit fixed for BC, BC (M), MBC and DNC candidates was 26 as on 01.7.2017.

3. One Third Gender candidate, by name, K.Aradhana, who belongs to BC community and aged about 29 years attempted to apply for the recruitment through online. But her application was not accepted online due to overage, prescribed age being 26. Aggrieved, K.Aradhana filed W.P.No.1163 of 2018 before the High Court of Madras. The Hon'ble High Court of Madras, in its interim order fourth read above, directed the Board to keep one post vacant and to entertain the application of the petitioner regardless of the age of the petitioner subject to the result of the Writ Petition.

4. Against the interim order fourth read above, the Tamil Nadu Uniformed Services Recruitment Board filed Writ Appeal No.330/2018 before the High Court of Madras. The Hon'ble High Court of Madras, in its order fifth read above, among others, has held that ".....if the intent behind the orders of the Hon'ble Supreme Court of India (National Legal Services Authority Vs Union of India) [(2014) 5 SCC 438] is to be carried forward then we see absolutely no reason why reservation in age which is applicable to destitute widows and Ex-servicemen and the like should not be extended to transgenders". In consonance with the directions of the Hon'ble High Court, the manual application of K.Aradhana was received and the petitioner appeared for the written examination on 11.3.2018.

5. The Director General of Police/ Chairman, Tamil Nadu Uniformed Services Recruitment Board, in his letter sixth read above, has therefore requested the following:

- i. Suitable amendments or otherwise in the existing rule as enumerated in Tamil Nadu Police Subordinate Services (1953) and Tamil Nadu Special Police Subordinate Services (1978).
- ii. To issue suitable direction on this specific issue of Third Gender candidate K.Aradhana, in particular, who on the orders of Hon'ble High Court has been allowed to write exam, but whose result would be sealed and released only after clarification is received from the Government.

6. While the writ petition filed by K.Aradhana in W.P. No.1163 of 2018 is still pending before the Hon'ble High Court, three third gender candidates (Deepika, Thenmozhi and Saratha) have also filed Writ Petitions before the Hon'ble Court seeking age relaxation for attending the common Recruitment for the post of Grade II Police Constables / Jail Warders and Firemen for the year 2019. The High Court has directed the Tamil Nadu Uniformed Services Recruitment Board to accept the applications of the above mentioned three third gender candidates and to permit them to write the examination and accordingly the said order has been complied with.

/pto/

7. When consulted, the Director General of Police / Head of Police Force, in his letter seventh read above, has proposed to grant age relaxation to the third gender candidates similar to the age relaxation as provided to the Scheduled Caste and Scheduled Tribe candidates in the recruitment for the posts included in Tamil Nadu Police Sub-ordinate Services.

8. The Government have carefully examined the proposal of the Director General of Police/Head of Police Force seventh read above. It is observed that though certain privileges have been made for the welfare of third gender candidates, the observation made by the Hon'ble High Court of Madras in its order fifth read above for the upliftment of the third gender candidates has been considered and accordingly, in compliance with the observation of the Hon'ble High Court of Madras in W.A.No.330 of 2018 and CMP No. 2792 of 2018 dated 22.02.2018, the Government hereby direct that the third gender candidates shall be granted age relaxation similar to the age relaxation as provided to the Scheduled Caste and Scheduled Tribe candidates for the recruitments through Tamil Nadu Uniformed Services Recruitment Board for the posts included in Tamil Nadu Police Sub-ordinate Services.

9. Necessary amendments to the Special Rules for Tamil Nadu Police Sub-ordinate Services will be issued separately.

**(BY ORDER OF THE GOVERNOR)**

**S.K. PRABAKAR  
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.**

To

The Director General of Police/Head of Police Force,  
Tamil Nadu, Chennai-4.

✓ The Director General of Police / Chairman,  
Tamil Nadu Uniformed Services Recruitment Board,  
Egmore, Chennai-8.

The Tamil Nadu Transgender Welfare Board, Chennai.

All Commissioners of Police.

All Inspectors General of Police.

All Deputy Inspectors General of Police.

All Superintendents of Police.

Copy to:-

Office of the Hon'ble Chief Minister, Chennai-9.

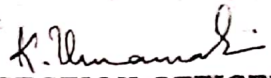
The Personnel and Administrative Reforms Department /  
Social Welfare and Nutritious Meal Programme Department/  
Backward Classes, Most Backward Classes and Minorities Welfare  
Department / Labor and Employment Department, Chennai-9.

The Home (Police.6) Department, Chennai-9.

All Sections in Home Department (Police Wing), Chennai-9.

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**//FORWARDED/BY ORDER//**

  
**SECTION OFFICER.**