

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 05.07.2016**

**CORAM :**

**The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

**AND**

**The Hon'ble MR.JUSTICE R.MAHADEVAN**

**W.P. No.31091 of 2013**

- 1.Swapna
- 2.Grace Banu
- 3.M.Selvi Manoj Premkumar
- 4.Living Smile Vidya
- 5.Selvam

.. Petitioner

-vs-

- 1.The Chief Secretary,  
Government of Tamil Nadu,  
Secretariat, Fort St. George,  
Chennai 600 009.
- 2.The Secretary,  
Tamil Nadu Social Welfare Dept.,  
Fort St. George, Chennai 600 009.
- 3.The Chairman,  
Tamil Nadu Public Service Commission  
(TNPSC), TNPSC Office, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to permit the transgender woman to appear in all examination under the category of female and transman under the category of male and create a separate class or group for Transgender people in all education and employment opportunities and consequently direct the respondents to create 3% reservation in the field of education and

employment opportunities for the Transgender person.

For Petitioner : Mrs.V.Bhavani Subbarayan  
For Respondents : Mr.S.T.S.Murthi,  
Govt. Pleader, assisted by  
Mr.V.R.Kamalanathan, Addl.G.P.  
for RR 1 and 2.  
: Ms.C.N.G.Niraimathi for R-3

\* \* \* \* \*

### **ORDER**

(Order of the Court was made by The Hon'ble Chief Justice)

The issue raised is of beneficial consideration for employment of the members of Transgender community.

2.In respect of the aforesaid, learned counsel for the petitioner, while referring to G.O. (Ms.) No.28, Backward Classes, Most Backward Classes and Minorities Welfare (BCC) Department, dated 06.04.2015, post the judgment of the Hon'ble Supreme Court in **National Legal Services Authority vs. Union of India and Others, 2014 (5) SCC 438**, submits that there are only 3328 transgenders in Tamil Nadu who have been issued the identity cards. It is her submission that instead of giving reservation as part of MBC category, it may be useful by giving a percentage or a post-based reservation, i.e. say at

least one post be made available in different categories.

3.We are of the view that the aforesaid plea, thus, merit consideration and we direct the second respondent to look into the same in consultation with all the relevant departments and a decision be taken in this behalf within six (6) months from today.

4.Writ petition accordingly stands disposed of. No costs.

(S.K.K., CJ.) (R.M.D., J.)  
05.07.2016

Index : Yes/No  
Website : Yes/No

sra

To

- 1.The Chief Secretary,  
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- 2.The Secretary,  
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(TNPSC), TNPSC Office, Chennai.

The Hon'ble Chief Justice  
and  
R.Mahadevan, J.

(sra)

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