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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29354 of 2025

S.Mani ... Petitioner

-Vs-

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General (DG) of Prisons for Tamil Nadu,
Director General of Police/
Director General of Prisons and Correctional Services,
Whannels Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Police,
Central Prison, Cuddalore,
SH 138, Arisipperiyankuppam,
Cuddalore – 607 401. ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider and decide the representation of the petitioner dated 20th June 2025 on merits and in accordance with law within a reasonable time as may be fixed by this Court.

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For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.V.Jeevagiritharan
Additional Government Pleader

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ORDER

The petitioner has come up with this writ petition seeking a direction upon the respondents to consider and decide the representation dated 20.06.2025, seeking to depute the petitioner to the Government Hospital, Cuddalore in the post of Female Nursing Assistant.

2. The petitioner was appointed as a Male Nursing Assistant at Central Prison, Cuddalore, on 24.02.2021, and the probation period was completed on 23.02.2023. Thereafter, on 29.03.2024, the petitioner underwent Sex Reassignment Surgery at Kannan Hospital, Cuddalore. Therefore, she was not able to perform duties as a male nursing assistant. The petitioner informed same to the 3rd respondent on 11.08.2024. Subsequently, the petitioner was directed to take leave, and accordingly, the petitioner went on leave. After the completion of leave period, the petitioner was not permitted to resume duty as a male nursing assistant at Central Prison, Cuddalore and since December, 2024, the petitioner has

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not received salary. Therefore, the petitioner made a representation dated 20.06.2025 to the respondents requesting them to pay the salary for the period from 1st December, 2024 to the present date, at an early date and also to depute the petitioner in the Government Hospital, Cuddalore, in the vacancy for the post of Female Nursing Assistant. Since the same was not considered by the respondents, the petitioner has filed the present writ petition before this Court for appropriate orders.

3. The 3rd respondent has filed a counter affidavit stating that though the petitioner was appointed as Male Nursing Assistant in the Central Prison, Cuddalore, now the petitioner has changed the gender and that there is no possibility for the petitioner to work anywhere.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, the petitioner was initially appointed as Male Nursing Assistant in Central Prison, Cuddalore. Subsequently, the petitioner underwent Sex Reassignment Surgery and became a

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transgender. Therefore, the petitioner was not able to perform the duty in the post of Male Nursing Assistant. That apart, it is brought to the notice of this Court that there is a vacancy in the Government Hospital, Cuddalore for the post of Female Nursing Assistant.

6. Therefore, the respondents are directed to depute the petitioner in the post of Female Nursing Assistant at Government Hospital, Cuddalore, and also release the salary arrears to the petitioner from 1st December, 2024, till the petitioner's date of discharge from duty, within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands allowed. No costs.

11.11.2025

Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J,

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