IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:18.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29881 of 2019
and
W.M.P.Nos.29787 and 29788 of 2019

S.Mithra .. Petitioner

/versus/

1.The Secretary to Government,
Health and Family Welfare Department,
St.George Fort,
Chennai 600 009.

2.The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai 600 010.

3.The Directorate of Medical Education,
Selection Committee,
No.162, EVR Periyar Highroad,
Kilpauk, Chennai 10. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 3rd respondent in prospectus issued for Diploma in Nursing Course for Women for the academic year 2019-20 and quash the same as illegal as far as not categorizing transgenders under special category and further direct the 3rd respondent to admit the petitioner in Diploma in Nursing Course for Women for the academic year 2019-20 under special category as transgender.

For Petitioner :Mr.K.V.Sanjeevkumar

For Respondents :Mr.N.Inbanathan, AGP for R1
Mr.V.Karthirvelu, Spl.G.P.For R2
Mr.Abdul Saleem,
Standing Counsel for R3

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

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2. The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 3rd respondent in prospectus issued for Diploma in Nursing Course for Women for the academic year 2019-20 and quash the same as illegal as far as not categorizing transgender under special category and further direct the 3rd respondent to admit the petitioner in Diploma in Nursing Course for Women for the academic year 2019-20 under special category as transgender.

3. Heard Mr.K.V.Sanjeevkumar, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice for the 1st respondent; Mr.V.Kathirvelu, learned Special Government Pleader, who takes notice for the 2nd respondent and Mr.Abdul Saleem, learned standing counsel, who takes notice for the 3rd respondent.

4. The grievance of the petitioner is that being a transgender, her application for admission into the Diploma in Nursing Course for Women was not considered and her name was not included in the Counselling.

5. The learned standing counsel appearing for the 3rd respondent would submit that the petitioner has not submitted the requested documents after making application through online. Hence, her name was not included in the list of the eligible candidates. If the petitioner submits all the relevant documents before the Selection Committee, her candidature will be considered.

6. From the records and pleadings, this Court finds that the petitioner herein though made the application through online, she has failed to produce the documents within the time stipulated which has led to non-inclusion of her name in the list of the eligible candidates for Counselling. However, the learned standing counsel appearing for the 3rd respondent states that if the petitioner submits all the necessary documents before the Selection Committee and if it is in order, the petitioner candidature will be considered for Counselling. Since the Counselling is slated today (i.e)18.10.2019 and tomorrow (i.e) 19.10.2019, the petitioner herein is directed to approach the Selection Committee with all the necessary documents and if the documents are in order, her candidature will be considered by the third respondent/Selection Committee.

7. The learned standing counsel appearing for the 3rd respondent is instructed to inform the 3rd respondent about the order of this Court.

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8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

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To:

1.The Secretary to Government,
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St.George Fort,
Chennai 600 009.

2.The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai 600 010.

3.The Directorate of Medical Education,
Selection Committee,
No.162, EVR Periyar Highroad,
Kilpauk, Chennai 10.

+1cc to Mr.Abdul Saleem,Advocate SR.No. 87639 (02/01/2020)
+1cc to Mr.K.V.Sanjeevkumar,Advocate SR.No. 87508 (02/01/20)
+1 cc to Government Pleader Sr.No. 87764 (02/01/2020)

W.P.No.29881 of 2019

A.SK(18/10/2019)

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