CWP-5782-2022

YASHIKA ALIAS ASHISH KUMAR
VS
PANJAB UNIVERSITY, CHANDIGARH AND ORS

Present:- Mr. Maninderjit Singh, Advocate
for the petitioner

Mr. Indresh Goel, Advocate
for respondents No. 1 to 5

Mr. Aman Bahri, Advocate with
Mr. Mayank Sharma, Advocate
for respondents No. 6 to 8

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Learned counsel for respondents No. 6 to 8 refers to the written statement to submit that a Transgender Welfare Board has been constituted in 2017 i.e. prior to the passing of the Transgender Persons (Protection of Rights) Act, 2019. The said Board has held a total of seven meetings till date and has taken major steps to sensitize people. Online training programmes have also been conducted for this purpose and for increasing awareness in the concerned Government departments. An anti-discrimination cell has been set up in the Panjab University apart from provision of toilets and other steps taken for their medical welfare.

A perusal of the provisions of the Act show that discrimination against transgender persons is prohibited. The appropriate Government has been obligated to take necessary steps for their welfare and inclusion in Society. Educational institutions have been obligated to provide inclusive education. The statute also envisages provision of social security and adequate health care facilities.

Facts of this case show that a transgender person had to approach this Court as proper hostel accommodation was not being provided in the Panjab University. Subsequently, the petitioner has been housed in the Working Women's Hostel which has temporarily taken care of the situation. However, the larger issue still remains to be addressed. Due to non-availability of hostel facilities the right

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of the petitioner against discrimination was violated as was the right to acquire education at par with others. Although the petitioner had submitted complaints in this regard to the Union Territory Administration also no relief was granted and, thus, it is essential to ensure that bodies such as the Transgener Welfare Board acquire teeth and do not remain cosmetic features. Meetings should be held more frequently so that issues likely to arise in the future can be anticipated.

Adjourned to 15.12.2022.

The Chairman of the Transgener Welfare Board is directed to be present in person in Court on the next date of hearing.

(SUDHIR MITTAL)
JUDGE

November 16, 2022
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