



WEB COPY



W.P.No.16113 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.16113 of 2022

P.Sudha
President,
Indian Transgender Initiative
No.31/8, West Mada Veedhi
A.E.Koil Street
Chennai – 600 081.

.. Petitioner

Vs

- 1 The Secretary
Tamil Nadu State Government
Secretariat, Chennai 600 009.
- 2 The Principal Secretary to Government
Labour and Employment Department
Secretariat, Chennai – 600 009.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the representation dated 17.06.2019 and to direct the respondents to consider the reservation for government jobs and Government allotted jobs for the third gender.



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For the Petitioner : Mr.M.Madhu Prakash

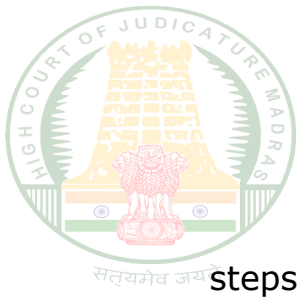
For the Respondents : Mr.R.Shunmugasundaram
1 & 2 Advocate General
Assisted by Mr.P.Muthukumar
State Government Pleader &
Mr.Alagu Gowtham,
Government Advocate &
Ms.Shakeena A.G.

ORDER

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

The writ petition has been filed to direct the respondents to consider the representation of the petitioner seeking reservation for the third gender in the Government jobs. The prayer has been made in reference to Transgender Persons (Protection of Rights) Act, 2019.

2. Mr.R.Shunmugasundaram, learned Advocate General submits that, pursuant to the judgment of the Hon'ble Supreme Court in "National Legal Services Authority (vs) Union of India and Others" reported in (2014) 5 SCC 438, where a direction was given in Para No.135.3 to the Central and State Governments to take



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steps to treat the transgenders as socially and educationally backward classes of citizens, the Government of Tamil Nadu has issued G.O.Ms.No.28 dated 06.04.2015, whereby the transgenders were brought under the category of Most Backward Class under Sl.No.36C of Schedule VI in G.O.Ms.No.85 dated 29.07.2008 for reservation of seats in educational institutions and appointments in the services of the State.

3. In view of the above, it became clear that the transgenders have already been brought under the category of Most Backward Classes and they are getting reservation. Ignoring the aforesaid factual position, the present writ petition has been filed by the petitioner.

4. Hence, considering the submission made by the learned Advocate General, we find the present writ petition to be unnecessary, as the necessary Government Order has already been issued to treat the transgenders under the category of Most Backward Class to enable them avail the benefit of reservation in



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Government employment. Therefore, no further direction is required to be given in this writ petition and the same is disposed of accordingly. However, there shall be no order as to costs.

(M.N.B., CJ.) (N.M., J.)
29.06.2022

Index : Yes/No
kst

To

- 1 The Secretary
Tamil Nadu State Government
Secretariat, Chennai 600 009.
- 2 The Principal Secretary to Government
Labour and Employment Department
Secretariat, Chennai – 600 009.



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THE HON'BLE CHIEF JUSTICE
AND
N.MALA,J.

(kst)

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