

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Thursday, the 12th day of November 2020/21st Karthika, 1942

WP(C) No.23404/2020(A)

PETITIONER

HINA HANEEFA @MUHAMMED ASHIF ALI N.,
D/O. HANEEFA NANATH, NANATH HOUSE, AGED 22 YEARS, IRUMBAZHI P.O.
VALAPARAMBA, MALAPPURAM 676 509.

RESPONDENTS

1. STATE OF KERALA
REPRESENTED BY IT SECRETARY, HIGHER EDUCATION DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
2. UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR, SENATE HOUSE CAMPUS, PALAYAM
THIRUVANANTHAPURAM 695034.
3. UNIVERSITY COLLEGE,
REPRESENTED BY ITS PRINCIPAL, MG ROAD, PALAYAM,
THIRUVANANTHAPURAM 695 034.
4. NATIONAL CADET CORPS.
REPRESENTED BY ITS COMMANDING OFFICER, 2 (K) BN NCC, ARMY WING,
THIRUMALA, THIRUVANANTHAPURAM 695 006.
5. ASSOCIATE NCC OFFICER,
ARMY WING 2 (K) BN, UNIVERSITY COLLEGE, THIRUVANANTHAPURAM 695 034.
6. COMMANDING OFFICER,
2 (K) BN NCC, ARMY WING, THIRUMALA, THIRUVANANTHAPURAM 695 006.
7. UNION OF INDIA,
REPRESENTED BY ITS DEFENCE SECRETARY, ROOM NO. 101 A SOUTH BLOCK,
MINISTRY OF DEFENCE, NEW DELHI 110 011.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue a direction to the 4th respondent as well as the 5th and 6th Respondents, to allow the petitioner to take part in the enrolment process for joining the NCC Unit of University College, Thiruvananthapuram, pending disposal of the Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 06-11-2020 and upon hearing the arguments of M/S.RAGHUL SUDHEESH, SANISH SASI RAJ, J.LAKSHMI & K.J.GLAXON, Advocates for the petitioner, SRI.THOMAS ABRAHAM, STANDING COUNSEL for R2, and of SRI.N.S.DAYASINDHU SREEHARI, CENTRAL GOVERNMENT COUNSEL for R7, the court passed the following:

P.T.O

DEVAN RAMACHANDRAN, J.

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W.P.(C) No. 23404 of 2020

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Dated this the 12th day of November 2020

ORDER

Sri. Dayasindhu Shreehari, the learned Central Government Counsel seeks further time to file a statement on record. He, however, submits that the petitioner cannot be included in the enrollment process for NCC unit of the University College, Thiruvananthapuram because she is a trans-gender, though assigning herself the identity of the women.

Prima facie, I cannot accede to the afore submission of the learned Central Government Counsel without further enquiry into the matter since, going by the trans-gender policy, as also the applicable Statutes, a person cannot be denied legitimate rights merely because he/she is a trans-gender, particularly when such person has assigned to himself/herself a particular gender.

In the afore circumstances, adjourn this matter to be called on 30.11.2020; until which time, one seat in the NCC unit of the University College, Thiruvananthapuram shall be kept vacant.


12/11

Sd/-

**DEVAN RAMACHANDRAN
JUDGE**

 Hand Over

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