

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WP No.22142 of 2021  
and WMP No.23376 of 2021

Grace Banu Ganeshan

.. Petitioner

Vs.

1. The Chief Secretary,  
Government of Tamil Nadu,  
Secretariat, Chennai 600 009.
  2. The Registrar General,  
High Court of Madras,  
Chennai - 600 104.
  3. Commissionerate of Social Welfare,  
No.1, Panagal Maligai Building,  
2nd Floor (Near Kalaingar Arch),  
Jeenis Road, Saidapet, Chennai 600 015.
  4. State of Tamil Nadu,  
Through the Minister of Social Welfare,  
Tamil Nadu State Government,  
Secretariat, Fort St. George,  
Chennai 600 009.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for

issuance of a Writ of Mandamus directing the 2nd respondent to conduct a special recruitment drive for the transgenders with 1% reservation for transgender in the vacancies to be filled by the 2nd respondent based on the Madras High Court Notification No.36/2021.

For the Petitioner : Ms.Sindhuja.K.  
For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
for RR 1, 3 and 4  
: Mr.B.Vijay for R-2

\* \* \* \* \*

ORDER

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

The prayer in the petition is for directing the second respondent Registrar-General of this High Court to conduct a special recruitment drive for transgenders with one per cent reservation for transgenders in the vacancies for which applications were invited by court notification No.36 of 2021.

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2. While the laudable object of the petition is appreciated, it is evident from a report filed by the Registrar (Recruitment) of this High

Court that no transgender candidate had applied pursuant to the publication of the court notification No.36/2021 on March 14, 2021.

3. It is also evident from the report that in tune with the rule of reservation provided under the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, applications were invited from third gender candidates who did not possess any community certificate and it was indicated that they would be considered as most backward class as per G.O.(Ms.) No.28 issued by the relevant department of the State on April 6, 2015. Other directions were also issued as to how third gender candidates who identify themselves as females would be considered and third gender candidates who identify themselves as male and third gender, respectively, would also be considered.

4. However, at page 3 of the report it is stated as follows:

"In this connection, it is respectfully submitted that no third gender candidate has applied for any of the posts notified under Notification No.36 of 2021, dated 14.03.2021."

5. This public interest litigation has worked itself out since there is no third gender application pursuant to the said notification.

Accordingly, WP No.22142 of 2021 is disposed of without affecting the petitioner and the rights of members of the third gender to insist on reservation in future recruitment processes. WMP No.23376 of 2021 is closed. There will be no order as to costs.

(S.B., CJ.) (P.D.A., J.)  
09.11.2021

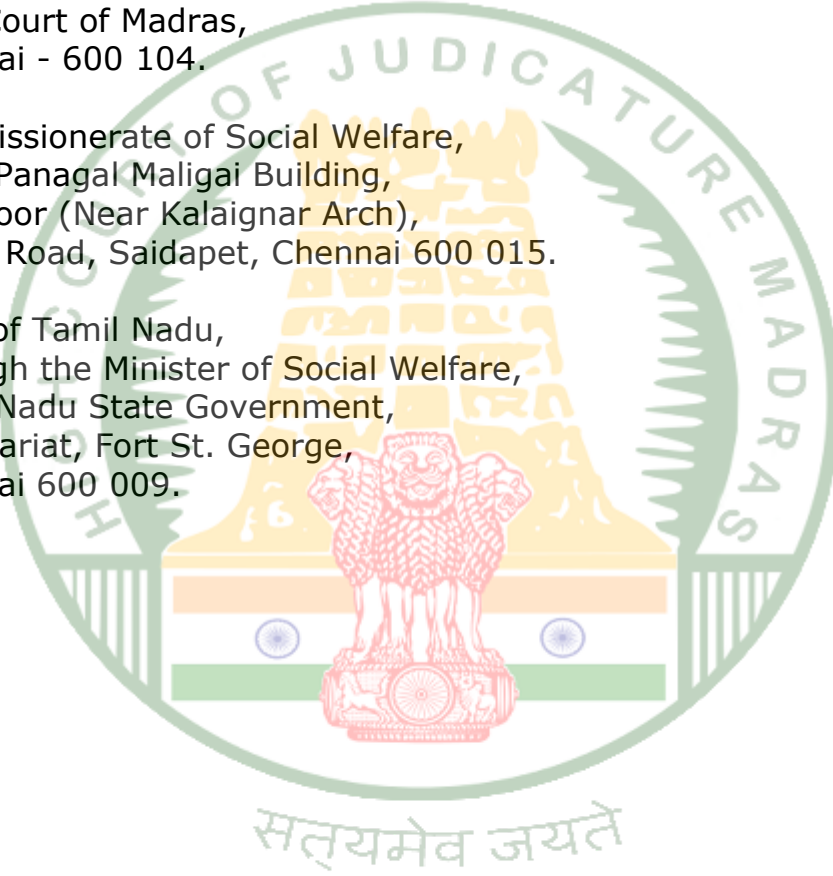
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To:

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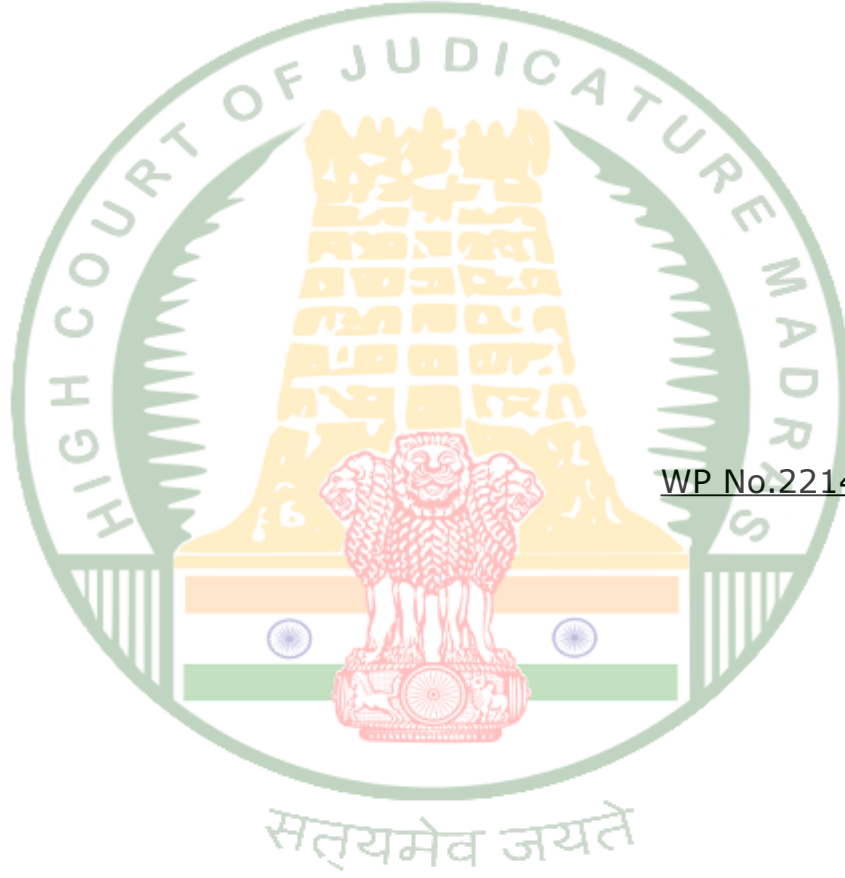


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THE HON'BLE CHIEF JUSTICE  
AND  
P.D.AUDIKEVALU, J.

(sra)



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