

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**AND**

**THE HON'BLE SRI JUSTICE PULLA KARTHIK**

**Writ Petition No.3096 of 2023**

**ORDER :** *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking the following relief:

“...To issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents as illegal unjust insensitive and in violation of the fundamental rights guaranteed under Article 14,15 and 21 of the Constitution of India and in violation of the ratio laid down by the Apex Court in the case of *National Legal Services Authority v Union of India and Others* [(2014) 5 SCC 438] and to issue a consequential direction to provide a separate category for transgenders other than women and general...”

2. Heard Mrs. Sagarika Koneru, learned counsel for the petitioner, learned Deputy Solicitor General of India, for respondent Nos.1,2,3, 5 & 6, Mrs. Gorantla Sri Ranga Poojitha, learned counsel for respondent No.4 and the learned Special Government Pleader for the State of Telangana appearing for the respondent Nos. 7 to 9.

3. Learned counsel for the petitioner contended that the petitioner is a Medical Doctor and a member belongs to 'Schedule Caste community' as well as 'Transgender community'. The grievance of the petitioner is that the respondents have not taken any policy in providing reservations in respect of Transgender in terms of the law laid down by the Hon'ble Supreme Court in ***National Legal Services Authorities Vs. Union of India***<sup>1</sup>, wherein the Hon'ble Supreme Court has directed the Central Government and State Governments to take steps to treat Transgenders as socially and educationally backward classes of citizens and extend all kinds of reservations in case of admissions in educational institutions and for public employment. Learned counsel for the petitioner had further contended that the 5<sup>th</sup> respondent has issued a 'NEET-PG' 2023 notification on 09.01.2022 and in the said notification, reservations are dealt with in chapter 11 and as per

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<sup>1</sup> (2014) 5 SCC 438

said chapter, a separate hand book informing the details of counselling process and applicable reservation was released by the designated counselling authorities i.e., MCC (Medical Counselling Commission) for NEET-PG 2023 and also the National Medical Committee has issued a reservation policy, however not included the Transgender. The petitioner has submitted a detailed representation to the respondent Nos.7 to 9 on 21.01.2023 to extend reservations in respect of Transgender in terms of law laid down by the Hon'ble Supreme Court, so far the respondents have not passed any orders on the said representation. Therefore, appropriate orders be passed in the writ petition by directing the respondents to consider the representations submitted by the petitioner on 21.01.2023 and extend reservations in favour of Transgender in terms of the law laid down by the Supreme Court.

4. The learned Deputy Solicitor General of India and the learned Special Government Pleader appearing for the State have contended that since the petitioner's representation is pending with the respondents, the respondents would consider the same and pass appropriate orders by duly taking the judgment rendered by the Hon'ble Supreme Court and pass appropriate orders as expeditiously as possible.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the present writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioner and pass appropriate orders by duly taking the law laid down the Hon'ble Supreme Court in ***National Legal Services Authorities*** case (1 supra). It is needless to say that the petitioner is also at liberty to submit fresh representation to all the respondents within one (1) week from today and upon such representation being

received the respondents shall consider the same and pass appropriate orders as expeditiously as possible.

**6.** With these observations, the Writ Petition is disposed of. No costs.

**7.** As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

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**PULLA KARTHIK, J**

Date : 07.02.2023  
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