

Supreme Court In Nalsa vs Union Of India [2014(2)Klt 378(Sc)] In on 6 March, 2018

Author: Anu Sivaraman

Bench: Anu Sivaraman

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 9TH DAY OF JULY 2018 / 18TH ASHADHA, 1940

WP(C).No. 20056 of 2018

PETITIONER(S)

1 QUEERALA
AN ORGANISATION FOR KERALA GBTIQ REG. NO.EKM/TC/306/2016,
44/2147, CHURCH ROAD, PALARIVATTOM,
ERNAKULAM, KERALA - 682 025, REPRESENTED BY ITS
FOUNDER MEMBER AND PRESIDENT JIJO KURIAKOSE,
S/O. KURIAKOSE K.K., AGED 34, KALAYIL HOUSE,
MALAM P.O., KOTTAYAM - 686 019.

2 ZARA SHEIKHA
D/O. MOOSAKUNJU, AGED 29, MVM HOUSE, MANKADU,
KUMMIL P.O., KADAKKAL, KOLLAM - 691 536, BOARD MEMBER
QUEERALA, AN ORGANISATION FOR KERALA LBGTIQ REG.
NO.EKM/TC/306/2016,44/2147, CHURCH ROAD, PALARIVATTOM,
ERNAKULAM, KERALA - 682 025.

BY ADVS.SMT.K.K.PREETHA
SMT.FERHA AZEEZ
SRI.R.K.PRASANTH

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
SOCIAL JUSTICE (B) DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE DIRECTOR
DIRECTORATE OF SOCIAL JUSTICE, VIKAS BHAVAN,
THIRUVANANTHAPURAM - 695 001.
3. THE SECRETARY TO GOVERNMENT OF KERALA
GENERAL EDUCATION (J) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

BY GOVERNMENT PLEADER SMT. B. VINITHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-07-2018,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
WP(C).No. 20056 of 2018 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE ORDER DATED 6.3.2018 ISSUED BY
THE 1ST RESPONDENT
- EXHIBIT P2. TRUE COPY OF THE STATE POLICY FOR TRANSGENDERERS
IN KERALA, 2015 APPROVED AS PER ORDER DATED
22.9.2015
- EXHIBIT P3. TRUE COPY OF THE IDENTITY CARD ISSUED BY THE 1ST
RESPONDENT TO PRAVEENNATH
- EXHIBIT P4. TRUE COPY OF THE IDENTITY CARD ISSUED BY THE 1ST
RESPONDENT TO SHARIN ANTONY
- EXHIBIT P5. TRUE COPY OF THE REPRESENTATION DATED 18.5.2018
SUBMITTED BEFORE THE 2ND RESPONDENT

RESPONDENTS EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

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ANU SIVARAMAN, J.

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W.P.(C) No.20056 of 2018

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Dated this the 9th day of July, 2018

JUDGMENT

This writ petition is filed with the following prayers:

- "i) To issue a writ of certiorari or other appropriate writ or order quashing Ext. P1 to the extent of granting special sanction to enter the third option of 'transgender' in the SSLC Book, if that person has undergone SRS;
- ii) To issue a writ of mandamus or other appropriate writ or order directing the respondents to implement Ext. P2 State Policy for Transgenders in Kerala 2015 and the dictum laid down by the Hon'ble Supreme Court in NALSA Vs. Union of India [2014(2)KLT 378(SC)] in its letter and spirit;
- iii) To issue a writ of mandamus or other appropriate writ or order directing the 1st respondent to re-issue Exts. P3 and P4 identity cards indicating the gender identity of the transgender person forthwith;
- iv) To issue a writ of mandamus or other appropriate writ or order directing the 1st respondent to issue transgender certificate and identity cards to the transgender persons in accordance with Ext. P2 State Policy for Transgenders in Kerala 2015 and the dictum laid down by the Hon'ble Supreme Court in NALSA Vs. Union of India [2014(2) KLT 378 (SC)];
- v) To issue a writ of mandamus or other appropriate writ or order directing the 2nd respondent to consider and dispose of Ext. P5 with notice and opportunity of hearing to the petitioners forthwith or within such time as this Hon'ble Court may deem just and proper in the interest of justice;b