

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTY NINTH DAY OF DECEMBER TWO THOUSAND AND
TWENTY TWO

:PRESENT:
THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 46387 OF 2022

Between:

1. Devath Sreenu @ Devath Tanu Sri, D/o. Devath Kishan
2. Kotem Sravan Kumar @ Kotem Shravya Sri D/o.Kotem Swamy
3. Meghavath Nanda @ Meghavath Nandini,, D/o.Meghavath Gopa
4. Adabathula Rajasekhar @ Adabathula Lovely,, D/o.Adabathula Mallaiah.
5. Vadthya Sarita @ Vadthya Akhilesh Rajputh,, S/o.Vadthya Ramulu.

Petitioners

AND

1. The State of Telangana, Rep. by its Chief Secretary, Secretariat Buildings, Hyderabad, Telangana
2. The State of Telangana,, Rep. by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad, Telangana
3. Telangana State Level Police Recruitment Board,, Rep. by its Chairman, State of Telangana, Lakdikapul Road, Opp. Ravindra Bharathi, Red hills, Lakdikapool, Hyderabad, Telangana - 500 004
4. Director General of Police,, State of Telangana, Lakdikapul Road, Opp. Ravindra Bharathi, Red hills, Lakdikapool, Hyderabad, Telangana - 500 004

Respondents

WHEREAS the Petitioners above named through their Advocate M/s A SATYASIRI, presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents herein

- A. in not including a 'third gender' category in the impugned Notifications issued vide Rc.No.41/ Rect./ Admn.1/ 2022 dated 25-04-2022, Rc.No.42/ Rect./ Admn.1/2022 dated 25-04 2022, Rc.No.45/ Rect./ Admn.1/ 2022 dated 28-04-2022 , Rc.No.48/ Rect./ Admn.1/ 2022 dated 28-04-2022, as unconstitutional, illegal, contrary to the judgment of the Hon'ble Supreme Court in NALSA v. Union of India and Others.
- B. in failing to provide reservation for Transgenders, horizontally, and placing them on par with other candidates in the same caste group, as violative of Articles 14 and 16(1), contrary to the judgment of the Hon'ble Supreme Court in NALSA v. Union of India Others, which directed the Respondent State to provide reservation in public employment

- C. in depriving of relaxations and concessions offered to female candidates in physical endurance test and physical efficiency test to the Petitioners 1 to 4, who recognize themselves as third Gender as arbitrary, illegal, unreasonable, apart from infringing on their fundamental rights under Article 16(1) of the Constitution of India.
- D. Consequentially direct the Respondents to consider the Petitioners as a separate category of third gender and relax the conditions of physical endurance test for the Petitioners and declare them eligible to give the final test and further direct them to provide horizontal reservations to the Petitioners in compliance with the established principles and direction of Hon'ble Supreme Court to provide reservations in public employment;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s A SATYASIRI, Advocate for the Petitioners and GP for Home, who took notice on behalf of the Respondent Nos.2 to 4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Chief Secretary, Secretariat Buildings, State of Telangana, Hyderabad, Telangana
2. The Principal Secretary, Home Department, State of Telangana, Secretariat Buildings, Hyderabad, Telangana
3. The Chairman, Telangana State Level Police Recruitment Board, State of Telangana, Lakdikapul Road, Opp. Ravindra Bharathi, Red hills, Lakdikapool, Hyderabad, Telangana - 500 004
4. Director General of Police, State of Telangana, Lakdikapul Road, Opp. Ravindra Bharathi, Red hills, Lakdikapool, Hyderabad, Telangana - 500 004

are directed to show cause on or before 18-01-2023 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to permit the Petitioners to give the final exam in relation to their applications regarding the impugned notifications dated 25-04-2022 and 28-04-2022 pending disposal of WP No. 46387 of 2022, on the file of the High Court.

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to reserve 5 seats in the impugned notifications dated 25-04-2022 and 28-04-2022 without filling the same for the benefit of the Petitioners, pending the disposal of WP No. 46387 of 2022, on the file of the High Court.