

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.22254 of 2019

Ms.Rakshika Raj

.. Petitioner

/versus/

1.State of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Health & Family Welfare,
Fort St.George, Chennai 600 009.

2.The Registrar,
Tamil nadu Nurses and Midwives
Council, Jayaprakash Narayan Maligai,
Old No.140, New No.56, Santhome High Road,
Mylapore, Chennai 600 004.

3.Directorate of Medical and Rural Health Service
359, Anna Salai, Chokkalingam Nagar,
Teynampet, Chennai 600 006.

4.Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I,
New Delhi 110 020.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to allow the petitioner to enroll herself as "Third Gender" in the enrollment form; and to grant seniority to the petitioner along with the 2018 batch.

For Petitioner :Mr.K.P.Sanjeev kumar for
M/s Ojas Law Firm

For Respondents :Mr.S.R.Rajagopal, AAG
Assisted by
Mr.V.Kathirvelu, Spl.G.P. for
R1 and R3 and Assisted by
Mr.P.M.Sozhendran for R2

Mr.B.Deepak Narayanan for R4

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the 2nd respondent to allow the petitioner to enroll herself as "Third Gender" in the enrollment form; and to grant seniority to the petitioner along with the 2018 batch.

2. The petitioner being a Trans-Gender wants to get her name to be enrolled as a Trans-Gender in the Tamil Nadu Nurses and Midwives Council and hence, she has given an application on 06.03.2019 to the respondents. However, the application has not been considered by the respondents. Hence, the present writ petition is filed for the aforesaid prayer.

3. After notice, the learned Additional Advocate General appearing for respondents 1 to 3 would submit that the proposal to carry out necessary amendment in the statute to register the Trans-Gender getting enrolled in the Council is under consideration by the Government. Pending statutory amendment, the request of the petitioner shall be considered and the council will make a temporary entry in the register as far as the petitioner concerned as Woman-Trans-Gender since the petitioner has given a declaration of her conversion from man to woman.

4. The learned counsel appearing for the petitioner submits that in such case, after statutory amendment the entry should be properly rectified and retrospective effect to be given.

5. The learned Additional Advocate General fairly concedes to the said request.

6. Recording the same, the Writ Petition is disposed of with a direction to the Council to accept the application of the petitioner herein and register the name of the petitioner as Woman-Trans-Gender for the present and once the legislation is given effect, the entry may be altered with effect from the date of application. No costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To:

1.The Principal Secretary,
State of Tamil Nadu,
Department of Health & Family Welfare,
Fort St.George, Chennai 600 009.

2.The Registrar,
Tamil nadu Nurses and Midwives
Council, Jayaprakash Narayan Maligai,
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+1 CC to M/s.B. Deepak Narayanan, Advocate sr 86953.
+2 Ccs to M/s. Ojas Law Firm, sr 86945.

W.P.No.22254 of 2019

SR(CO)
SP(24/10/2019)



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