

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Thursday, the Fourteenth day of November Two Thousand Nineteen

PRESENT

THE HON'BLE MR JUSTICE M. DHANDAPANI

WMP.NO.31275, 31353 & 31349 OF 2019
IN W.P.NO.15911, 16549 & 15920 OF 2019

DEEPIKA ... PETITIONER in WMP No.31275 of 2019
D/O.IRULAPPAN NO.2 NEW STREET MM COLONY
AMINJIKARAI CHENNAI 600 029.

SARATHA ... PETITIONER in WMP No.31353 of 2019
D/O.MARIAPPAN RESIDING AT 19F/10 NORTH
PUDHU GRAMAM ILLUPPAIYURANI KOVILPATTI
THOOTHUKUDI DISTRICT PIN 628 502.

THENMOZHI ... PETITIONER in WMP No.31349 of 2019
D/O.SENDHUR PANDIAN NO.61/C5 MGR NAGAR
4TH STREET NORTH PUDHU GRAMAM KOVILPATTI
THOOTHUKUDI 628 502.

Vs

1 THE CHAIRMAN, [RESPONDENTS IN ALL THE PETITIONS]
TAMIL NADU UNIFORMED SERVICES RECRUITMENT
BOARD OLD COP OFFICE CAMPUS, PANTHEON ROAD,
EGMORE, CHENNAI 600 008.

2 STATE OF TAMIL NADU,
REP. BY ITS SECRETARY, DEPARTMENT OF SOCIAL
WELFARE SECRETARIAT, FORT ST.GEORGE,
CHENNAI 600 009.

3 STATE OF TAMIL NADU,
REP. BY ITS SECRETARY, DEPARTMENT OF LABOUR
AND EMPLOYMENT SECRETARIAT, FORT ST. GEORGE,
CHENNAI 600 009.

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to

CO0065311

(I) WMP No.31275 of 2019

It is prayed that pending the hearing and final disposal of the Writ Petition, to direct the Respondent No.1 and permit the Petitioner to participate in the Physical Measurement Test, Endurance Test and Physical Efficiency Test (PMT, ET and PET) for the post of Grade II Police Constable (AR) which is scheduled to be held from 06.11.2019

(II) WMP No.31353 of 2019

To direct the respondent No.1 to permit the petitioner to participate in the Physical Measurement Test, Endurance Test and Physical Efficiency Test (PMT, ET and PET) for the post of Grade II Police Constable (AR) which is scheduled to be held from 6.11.2019, pending disposal of the above writ petition

(III) WMP No.31349 of 2019

To direct the respondent No.1 to permit the petitioner to participate in the Physical Measurement Test, Endurance Test and Physical Efficiency Test (PMT, ET and PET) for the post of Grade II Police Constable (AR) which is scheduled to be held from 6.11.2019, pending disposal of the above writ petition

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MRS.DBEKSHTHA GANESAN, ADVOCATE FOR MR.C.PRABHU, Advocate for the petitioner and of MRS.NARMADHASAMPATH, ADDITIONAL ADVOCATE GENERAL ASSISTED BY MR.V.KADHIRVELU, SPECIAL GOVERNMENT PLEADER on behalf of the Respondents the court made the following order:-

These three petitioners are transgenders and they attempted to participate in the selection process for the post of Grade II Police Constable (AR) and they have participated in the written examination conducted by the respondent and have secured the following marks in the written examination.

Deepika - 35 marks
Saratha - 32 marks
Thenmozhi - 30 marks

2.Learned counsel for the petitioners would contend that, since all the petitioners have been qualified under MBC category, a specific relaxation in cut-off marks has been provided as follows to Ex-Servicemen and Destitute Widow applicants, when compared to General Category. However, no such relaxation has been provided to the transgender applicants, for whom the cut-off would be 38 marks.

Ex.Servicemen - 32
Destitute widow - 29
Sports person - 28

Hence, they are not able to participate in the next stage of selection process namely the physical test. However, if the petitioners were to get the relaxation in cut-off marks as Ex-Servicemen and Destitute Widow category, the petitioners would be eligible to be considered for the physical endurance test. Hence, the learned counsel prayed that this Court may permit the petitioners to participate in the physical test on par with the applicants under Destitute widow or sports category and later, this Court may decide the mater further, if the petitioners come out successfully in the physical test and thereafter, this Court may decide after hearing the submissions from the Government regarding their eligibility.

3. Learned Additional Advocate General, appearing for the respondents would vehemently oppose the participation of the petitioners in the physical test.

4. Considering the facts and circumstance of the case, I am inclined to allow the petitioners to participate in physical test and the result of the physical test of the petitioners may be kept in a sealed cover.

5. Post the matter on 03.12.2019.

-sd/-

14/11/2019

/ TRUE COPY /

Alam 15/11/19
Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMAN,
TAMIL NADU UNIFORMED SERVICES RECRUITMENT
BOARD OLD COP OFFICE CAMPUS, PANTHEON ROAD,
EGMORE, CHENNAI 600 008.

2 THE SECRETARY,
STATE OF TAMIL NADU,
DEPARTMENT OF SOCIAL
WELFARE SECRETARIAT, FORT ST. GEORGE,
CHENNAI 600 009.

3 THE SECRETARY,
STATE OF TAMIL NADU,
DEPARTMENT OF LABOUR
AND EMPLOYMENT SECRETARIAT, FORT ST. GEORGE,
CHENNAI 600 009.

CO0065313

+3 C.C. to C.PRABHU Advocate SR.NO.13541

The MR.V.KADHIRVELU SPECIAL GOVERNMENT PLEADER High Court,
Madras - 104. SR.NO.13574

Order

in

WMP.NO.31275, 31353 & 31349 OF 2019
IN W.P.NO.15911, 16549 & 15920 OF 2019

Date :14/11/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VC (15/11/2019)IT

