

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY

: **PRESENT:**

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

**THE HON'BLE SRI JUSTICE B VIJAYSEN REDDY
WP(PIL). No. 74 OF 2020**

Between:

Vyjayanti Vasanta Mogli Alias M.Vijay Kumar/Vijay Jagdish Mogli, D/o Mr. Mogli Jagdish Kumar, Occ. Social Activist, R/o 3-5-139/2/A, Shiva Nagar, Hyderguda, Attapur, Rajendra Nagar Mandal, Ranga Reddy District, Hyderabad - 500048 Mobile No.9885567958 Adhaar Card No. 868190852807 Pan Card No.AUNPM1646D Email Id. vyjayanti.vasanta.mogli@gmail.com

Petitioner

AND

1. The State of Telangana, Represented by its Principal Secretary, Room No.301 and 302, 3rd Floor, Telangana Secretariat, Hyderabad 500021.
2. The State of Telangana, Rep by its Principal Secretary, Department of Health Medical and Family Welfare, Telangana State Secretariat, Hyderabad.
3. The State of Telangana, Rep by its Principal Secretary, Department of Civil Supplies, Telangana Secretariat, Hyderabad.
4. The State of Telangana, Rep by its Principal Secretary, Department of Home, Telangana Secretariat, Hyderabad.
5. The State of Telangana, Rep by its Principal Secretary Department of Finance, Telangana Secretariat, Hyderabad.
6. The State of Telangana, Rep by its Principal Secretary, Department of Panchayat Raj and Rural Development, Telangana Secretariat, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the petition and affidavit filed in support thereof the High Court may be pleased to issue a Writ, Order of direction more particularly one in the nature of Writ of Mandamus A) Direct the Respondents herein to provide free of cost rations, food and nutrition and provisions including vegetables and fruit to members of the transgender community from ration shops and also from other outlets without insisting for the production of Ration card. B) Direct the Respondents herein to provide Free of cost medicines to transgender persons including HIV medications, hormone therapy medicines, diabetes and other medications to be made available to transgender persons from primary health centres and from government and public hospitals, C) Direct the Respondents herein to allow transgender persons to apply for and provide the payment of three months social security pension to transgender persons under the Aasara scheme, D) Direct the Respondents herein to provide free LPG cylinders and waive electricity bill for 6 months to transgender persons in the lines of the similar assurance for 3 months under the PM Garib Kalyan Yojana. E) Direct the Respondents herein to extend the Aarogyashri government medical insurance to transgender persons and Direct that the Aarogyashri include the health challenges of COVID-19, F) Direct the Respondents herein to take appropriate action against those who are targeting the Transgender Persons by falsely labelling them in public as the potential carriers of HIV positive and Corona-Virus and consequently direct the Respondents herein to protect the life by providing appropriate security to the Transgender persons in all public places. G) Direct the Respondents to place moratorium on the collection of rents till the end of June free of interest and late payment penalty fees and pass orders directing that landlords they should not evict transgender persons from existing rental premises for non-payment of rent during the present period;

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, this Hon'ble court may be pleased to direct the Respondents herein to immediately ensure the supply of all basic essential rations, food and nutrition and provisions including vegetables, fruits and medicines for free of cost to all Transgender persons and consequently direct the Respondents herein to provide proper health care for free of cost to

all Transgender persons diagnosed with HIV positive and those Transgender persons undergoing sex re-assignment, pending disposal of WP(PIL) 74 of 2020, on the file of the High Court.

IA NO:2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, this Hon'ble court may be pleased to direct the Respondents herein to immediately ensure the supply of all basic essential rations, food and nutrition and provisions including vegetables, fruits and medicines for free of cost to all Transgender persons and consequently direct the Respondents herein to provide proper health care for free of cost to all Transgender persons diagnosed with HIV positive and those Transgender persons undergoing sex re-assignment, pending disposal of WP(PIL) 74 of 2020; on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and orders of the High Court dated 27.04.2020, 29.06.2020, 07.07.2020 & 14.07.2020 made herein and upon hearing the arguments of Ms. Jayna Kothari learned Senior Counsel representing Sri R Sameer Ahmed Advocate for the Petitioner and of Sri B.S. Prasad, Advocate General, for the respondents, the Court made the following.

ORDER:

The present writ petition has been filed *inter alia* on the ground that during the Covid-19 pandemic, the members of the Transgender Community are facing two-fold difficulties, (i) non-access to the Fair Price Shops, where they would be entitled to receive 10 kgs. of rice, and (ii) despite the fact that the Transgender Community is also affected by Coronavirus, there are no separate medical facilities, which are available for their treatment.

Mr. B.S. Prasad, the learned Advocate General, has submitted a report, dated 05.07.2020. The same shall be taken on record. According to the said Report, on 02.07.2020, the Commissioner of Government of Telangana, Vaidya Vidhana Parishad had issued an order directing all the Superintendents of Hospitals treating Covid-19, not to neglect the Transgender patients, and in fact, to keep the Transgender patients in specially designated wards/beds.

The learned Advocate General has also submitted another report, dated 22.07.2020. The same shall be taken on record. According to the said Report, a circular instructions have been issued on 18.07.2020, which clearly states that the members of the Transgender Community would be given 10 kgs. of rice per month free of cost till November, 2020. In order to receive 10 kgs. of rice, the member of the Transgender Community would need to show their Aadhar Card, or any other identification document to the Fair Price Shop. Therefore, it seems that both the concerns, mentioned in the present petition, have been taken care of by the State.

But nonetheless, Ms. Jayna Kothari, the learned Senior Counsel, requests that the petition should be continued and kept pending in order to permit the petitioner to inform this Court whether the orders issued by the Government are, indeed, being implemented in its letter and spirit or

not? Since the concern of the petitioner is a genuine one, this Court directs the Registry to list this case on 24.09.2020.

Sd/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Room No.301 and 302, 3rd Floor, State of Telangana, Telangana Secretariat, Hyderabad 500021.
2. The Principal Secretary, Department of Health Medical and Family Welfare, State of Telangana, Telangana State Secretariat, Hyderabad.
3. The Principal Secretary, Department of Civil Supplies, State of Telangana, Telangana Secretariat, Hyderabad.
4. The Principal Secretary, Department of Home, State of Telangana, Telangana Secretariat, Hyderabad.
5. The Principal Secretary Department of Finance, State of Telangana, Telangana Secretariat, Hyderabad.
6. The Principal Secretary, Department of Panchayat Raj and Rural Development, State of Telangana, Telangana Secretariat, Hyderabad.
(Addressees 1 to 6 by RPAD)
7. One CC to Sri R Sameer Ahmed Advocate [OPUC]
8. Two CC to Advocate General, High Court, Hyderabad(OUT)
9. Two spare copies

HIGH COURT

HCJ
&
BVRJ

DATED: 20.08.2020

NOTE: LIST ON 24.09.2020

ORDER

WP(PIL).No.74 of 2020

DIRECTION

