

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

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

: **PRESENT:**

**THE HON'BLE THE CHIEF JUSTICE SRI SATISH CHANDRA SHARMA
AND**

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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 persona 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, 20-08-2020 & 16.06.2021 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:

Learned counsel for the State Government prays for six weeks further time to file a detailed counter affidavit.

However, learned counsel for the petitioner has argued before this Court that vaccination is not being done in respect of Lesbian, Gay, Bisexual and Transgender (LGBT) community/Transgender community for want of Aadhaar Card.

Learned counsel appearing for the State, Sri Santhosh Kumar, is fair enough in stating before this Court that the State is vaccinating transgender people also irrespective of the fact whether they possess Aadhaar Card or not.

In the light of the aforesaid statement, the State Government is directed to provide a centre in each District of the State of Telangana in the District Hospital for vaccination of transgender community. It is needless to mention that the State/Officers responsible for the vaccination will not insist upon the proof of Aadhaar Card, as large number of members of transgender community does not possess the Aadhaar Card and also in the light of the undertaking given by the learned Government Advocate that the State does not have any objection in vaccinating the transgender community even without Aadhaar Card. The State is granted two weeks time to take appropriate steps in the matter. The State will also publicize the details of the centre by publishing a notice/advertisement in the local newspapers in respect of the various centres established in the State of Telangana in all the District Headquarters enabling the transgender community to get themselves vaccinated.

List the matter on 27.04.2022 for a detailed counter affidavit and compliance of the order passed by this Court.

SD/- K ONESIM
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 & AKS.J

DATED: 02.02.2022

**NOTE: LIST THE MATTER
ON 27.04.2022**

WP(PIL).NO.74 OF 2020

DIRECTION

