

MANU/KE/2684/2022

IN THE HIGH COURT OF KERALA AT ERNAKULAM

W.P. (C) No. 24571 of 2022 (V)

Decided On: 29.07.2022

Anamika **Vs.** State of Kerala and Ors.

Hon'ble Judges/Coram:

V.G. Arun, J.

Counsel:

For Appellant/Petitioner/Plaintiff: Dhanuja M.S., Advocate

For Respondents/Defendant: Government Pleader and Latha Anand, Advocate

ORDER

V.G. Arun, J.

Admit.

1. Learned Government Pleader takes notice for R1. Latha Anand takes notice for R2. Issue notice to R3 and R4 through speed post.

The petitioner is a transsexual person, whose chosen self-perceived gender identity is woman. The petitioner underwent Sex Reassignment Surgery and claims that the transition is complete. The petitioner is an active sports person, who had participated in various sports items like athletics, judo, wrestling etc. Learned Counsel for the petitioner submitted that, even after undergoing Sex Reassignment Surgery, petitioner has actively participated in various sports events at the University level in the transgender category. The petitioner is desirous of participating in the District Level Judo competition being held by respondents 3 and 4 on 30th and 31st of July, 2022. The petitioner attempted to submit her application for participation through online mode, but was informed that transgender persons will not be allowed to participate in the competition.

2. Learned Counsel for the petitioner relied on the decision in National Legal Services Authority v. Union of India [MANU/SC/0309/2014 : AIR 2014 SC 1863], wherein the Honourable Supreme Court has recognised transgender 'as a Gender identity'. It is contended that the petitioner's self-perceived gender identity is woman and after having undergone the surgery, she has been on hormone therapy for almost 5 years. As such, the petitioner should be permitted to participate in the competition in the category for woman.

3. It is my considered opinion that a transgender person is having equal right to participate in competitions. Here, in the absence of any category for participating transgender persons, the petitioner is seeking to participate in her identity as woman. If the organisers have not made arrangements for participating transgenders, then the petitioner will have to be permitted to participate in her chosen category.

Therefore, respondents 3 and 4 are directed to accept the petitioner's application and do the needful, if the time stipulated for submitting applications is not over. If the

application reaches respondents 3 and 4 within time, the petitioner shall be allowed to participate in the Championship provisionally and subject to the final outcome of this writ petition.

Post immediately after service of notice.

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