

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MARCH, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE
AND

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.8511/2020 (GM-RES-PIL)

BETWEEN

1 . SANGAMA
REPRESENTED BY
DIRECTOR RAJESH SRINIVAS
NO.1/1, 1ST FLOOR
KUMARACOT LAYOUT
BENGALURU-560 001

2 . NISHA GULLAR
D/O G S KRISHNAMURTHY
AGED ABOUT 43 YEARS
R/O 5, 4TH CROSS
TEACHERS' COLONY
RMV 2ND STAGE
NAGASHETTYHALLI
BANGALORE – 560 094

...PETITIONERS

(BY SRI BUBBERJUNG TRISULI VENKATESH, ADVOCATE)

AND

1 . STATE OF KARNATAKA
BY CHIEF SECRETARY
VIDHAN SOUDHA
AMBEDKAR VEEDHI
BANGALORE – 560 001

- 2 . DIRECTOR GENERAL OF POLICE
POLICE HEADQUARTERS
NRUPATHUNGA ROAD
BANGALORE – 560 009
- 3 . DIRECTOR
KARNATAKA STATE POLICE
CARLTON HOUSE, PALACE ROAD
BANGALORE – 560 001
4. UNION OF INDIA
BY ITS SECRETARY
DEPARTMENT OF SOCIAL JUSTICE
AND EMPOWERMENT, SHASTRI BHAVAN
NEW DELHI -- 110 001
5. NATIONAL COMMISSION FOR
BACKWARD CLASSES
BY ITS SECRETARY, TRIKOOT -1
BHIKAJI CAMA PALACE
NEW DELHI – 110 066

**(R-4 & 5 ARE IMPLEADED
V/O DT. 04.01.2021)**

...RESPONDENTS

(BY SRI VIJAYAKUMAR A. PATIL, AGA FOR R-1 TO R-3;
SRI S SHIVAKUMAR, CGC FOR R-4 & R-5;
SMT. JAYNA KOTHARI, SENIOR ADVOCATE FOR
SRI ROHAN KOTHARI, ADVOCATE FOR INTERVENOR)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS TO THE RESPONDENTS TO INCLUDE A SEPARATE CATEGORY FOR TRANSGENDER PERSONS FOR THE POST OF SPECIAL RESERVE CONSTABLE FORCE AS WELL AS BANDSMEN IN THE NOTIFICATION NO.15/NEMAKATHI-4/2019-2020 AND CONSIDER ALL THE APPLICATIONS BY THE TRANSGENDER AT PAR WITH OTHER TWO GENDER CATEGORIES AND ETC.

THIS WRIT PETITION COMING ON FOR HEARING THIS DAY,
CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

This public interest litigation has been filed seeking the following reliefs:

"a. Issue a Writ in the nature of mandamus to the Respondents to include a separate category for transgender persons for the post of Special Reserve Constable Force as well as Bandsmen, in the Notification No.15/Nemakhathi – 4/2019-2020 and consider all the applications by the transgender at par with other two gender categories.

b. Issue a Writ in the nature of mandamus directing Respondents to frame a scheme for reservation for the transgender community in the recruitment to post of Special Reserve Constable Force as well as Bandsmen as called for in the Notification No.15/Nemakhathi-4/ 2019-2020.

c. Issue any order or directions as this Hon'ble Court deems fit in the facts and circumstances of the case in the ends of justice and equity."

2. Learned AGA appearing for respondent Nos.1 to 3

submits that the State Government has already issued a notification dated 06.07.2021 amending Rule 9 of the Karnataka Civil Services (General Recruitment) Rules, 1977 by providing one percent reservation to transgender persons

under the Karnataka Civil Services (General Recruitment) (Amendment) Rules, 2021.

3. Smt. Jayna Kothari, learned Senior Advocate appearing for the intervenor submits that the benefit of reservation provided by the State Government is required to be extended to corporations, boards, municipalities, autonomous bodies, universities and all institutions receiving grant-in-aid from the Government as per the Circular dated 21.09.2021.

4. Learned AGA submits that the State Government has requested the respective categories to adopt the amended Rules made by the State Government and it is for these bodies to take appropriate decision.

5. Learned Senior Advocate appearing for the intervenor also submits that in view of the Apex Court's direction in the case of **NATIONAL LEGAL SERVICES AUTHORITY vs UNION OF INDIA AND OTHERS¹**, the State Government has to take steps to treat these people as socially and educationally backward classes of citizens and extend all

¹ (2014) 5 SCC 438

kinds of reservation in cases of admission in educational institutions and for public appointments.

6. We are of the considered view that the instant writ petition was confined to the benefit claimed for the transgender persons in the appointment for the post of Special Reserve Constable Force and the cause for which the writ petition was filed has been redressed by the decision of the State Government by providing reservation to this category of people vide circular dated 21.09.2021. In case the intervenor wants to espouse the cause of these people for any other purpose, then the intervenor shall be at liberty to file a fresh petition.

7. The writ petition, with these observations, is disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**