

2nd February,
2021
(AK)
26

W.P.A 9187 of 2020

Mx Sumana Pramanik @ Suman Pramanik
Vs.
The Union of India & Ors.

Mr. Sabyasachi Chatterjee
Mr. Indrajeet Dey
Mr. Ankani Biswas @ Ankan Biswas
Mr. Kushal Das
...For the Petitioner.

Ms. Aparna Banerjee
...For the U.O.I.

Mr. Anil Kumar Gupta
...For UGC.

When the matter is taken up for hearing, learned counsel for the University Grants Commission seeks two weeks' time for filing affidavit-in-opposition. However, in view of the fair stand taken by the UGC, such affidavit-in-opposition need not be invited.

Learned counsel for the UGC submits that the respondent no.5 is in control and supervision of holding the Joint CSIR-UGC NET Examination.

The UGC has already granted necessary approval for the reservation and affording ancillary benefits to transgenders in the CSIR-UGC NET Examination as well. As such, the UGC has no further role to play in that regard.

Despite service, none appears for the respondent no.5 on the second consecutive day that the matter is taken up for hearing.

It is palpably clear that there is no rhyme or reason for there being no reservation, age relaxation and fee concession for the transgender community in the Joint CSIR-UGC NET Examination, despite the approval in that regard having been granted by the UGC, particularly since such reservation and benefits have been accorded in the CSIR-UGC NET Examinations, which stands on more or less equal footing.

The transgender community, it has been categorically held by the Supreme Court, in particular in *National Legal Services Authority Vs. Union of India & Ors.* in W.P. (C) Nos. 400 of 2012 and 604 of 2013 where, the Supreme Court, vide an order dated April 15, 2014 categorically upholding transgender persons' right to decide their self/identified gender and the Central and State Governments were directed to grant legal recognition of their gender identity, such as male, female or as third gender.

That apart, it is well-known that the transgender communities are required to be accorded equal status as the other prevalent genders of society.

Contravention of such fundamental right of the transgenders not only hits at Article 14 of the

Constitution of India but the right to life as enshrined in the Constitution itself.

The right to life, it has been held time and again by various judgments of the Supreme Court and High Courts, includes the right to live with dignity. As such, non-grant of such reservation, age relaxation and fee concession to transgender persons in the Joint CSIR-UGC NET Examinations is unacceptable and patently violative of Articles 14 and 21 of the Constitution of India.

Accordingly, W.P.A. 9187 of 2020 is allowed, directing respondent no.5 to immediately provide for reservation, age relaxation and fee concession for the category of transgenders, along with the other reserved categories, for the Joint CSIR-UGC NET Examinations at all levels.

Such reservation shall be accorded immediately upon communication of this order to the respondent no.5. The petitioner is directed to communicate this order to the respondent no.5 as expeditiously as possible.

Respondent no.5 shall act upon advocate's communication and/or server copy of this order for the implementation of the same, without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)