



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE FOURTEENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE M.VENKATA RAMANA

IA No. 2 OF 2020
IN
WP NO: 18644 OF 2020

Between:

Matam Gangabhavani, D/o Rudraiah, Aged about 25 years, R/o HNo 4-23A,
Rayalacheruvu, Rayalacheruvu, Ananthapur.

...Petitioner(s)
(Petitioner in WP 18644 OF 2020
on the file of High Court)

AND

1. State of Andhra Pradesh, Rep. by Prl. Secretary to Government, Health, Medical and Family Welfare Department, Secretariat, Velgapudi, Guntur Dist.
2. District Medical and Health Officer, opp. Government General Hospital, Gulzarpet, Anantapur.

...Respondent(s)
(Respondents in-do-)

Counsel for the Petitioner: SRI.SOLOMON RAJU MANCHALA

Counsel for the Respondent :GP FOR SERVICES-III

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the merit, qualifications and social background of the petitioner in Notification No. 2/2020 dated 27.06.2020 issued by 2nd respondent and finalize the selection process without any discrimination to Transgenders, Pending disposal of WP No. 18644 of 2020, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following:

ORDER:

Sri Solomon Raju Manchala, learned counsel for the petitioner contends that the petitioner is qualified for being appointed for the post of Staff Nurse to work on contract basis under the control of the 2nd respondent. Learned counsel also pointed out that the petitioner is placed in Final General Merit List for the above post, in the process of selection referring Serial No.2784.

Now the contention of the learned counsel for the petitioner is that the claim of the petitioner for appointment is denied only on the sole ground that she is a transgender.

Learned Government Pleader for Services-III contends that there is no such reservation in respect of transgender in public employment and possibly, it was

the reason that prevailed on the 2nd respondent from considering the candidature of the petitioner.

When the petitioner is qualified in every respect, whose name has also appeared in the Final General Merit List for the post of Staff Nurse, the nature of sex claimed by the petitioner cannot be the reason to deny her appointment. Having regard to the nature of service a Staff Nurse is expected to go on, while working for the 2nd respondent, it cannot be an impediment as such. Therefore, the claim of the petitioner as sought by means of an interim measure pending disposal of the writ petition is quite appropriate.

Therefore, the 2nd respondent is directed to consider the petitioner as a suitable candidate subject to meeting of required criteria and qualifications and shall not take into consideration her status claimed by her as transgender in this process. The 2nd respondent is further directed to finalise this aspect of selection of the petitioner, within two weeks from the date of receipt of a copy of this order.

//TRUE COPY//

SD/-K.JAGAN MOHAN
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary to Government, Health, Medical and Family Welfare Department, State of Andhra Pradesh, Secretariat, Velgapudi, Guntur Dist.
2. The District Medical and Health Officer, opp.Government General Hospital, Gulzarpet, Anantapur.(1 & 2 By RPAD)
3. One CC to Sri.Solomon Raju Manchala Advocate [OPUC]
4. Two CCs to GP for Services-III, High Court Of Andhra Pradesh. [OUT]
5. One spare copy

SRL

HIGH COURT

MVRJ

DATED:14/10/2020

ORDER

I.A.NO.2 OF 2020

IN

WP.No.18644 of 2020

DIRECTION

