

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

Friday, the 29th day of July 2022 / 7th Sravana, 1944

WP(C) NO. 24571 OF 2022 (V)

PETITIONER:

ANAMIKA, AGED 29 YEARS, D/O PREMRAJAN K, RESIDING AT 4/9 KARIMBIL,
KANHIRAMUZHI, NILESHWASARAM, OMASSERY KOZHIKODE - 673582

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY ROOM NO.301, 3RD FLOOR GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM - 695001
2. KERALA STATE SPORTS COUNCIL, REPRESENTED BY SECRETARY FWWX+CWV, YMCA RD, STATUE, PALAYAM, THIRUVANANTHAPURAM-695001
3. KERALA JUDO ASSOCIATION, REPRESENTED BY GENERAL SECRETARY ROOM NO.13, JANASEVANAKENDRAM BUILDING, CHEMBUKKAVU, THRISSUR -20
4. KOZHIKODE DISTRICT JUDO ASSOCIATION, REPRESENTED BY THE SECRETARY, PARACHALIL HOUSE, KARANDODE P.O, KUTTIADY, KOZHIKODE - 673508

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents 1 to 4 to permit the petitioner to participate in the District Judo Competition Senior Women Category until the disposal of this Writ Petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SMT.DHANUJA M.S, Advocate for the petitioner, GOVERNMENT PLEADER for R1 (By Order) and of SMT.LATHA ANAND, Advocate for R2, the court passed the following:

V.G.ARUN, J.

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

Dated this the 29th day of July, 2022

ORDER

Admit.

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 [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.

Sd/-

V. G. ARUN
JUDGE

Sc1/29.07.2022