

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5627 of 2020

Veera Yadav,

... .. Petitioner/s

Versus

The Chief Secretary, Government of Bihar,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akash Keshav, Advocate
Mr. Deepak Kumar, (Amicus Curiae)

For the Respondent/s : Mr. Lalit Kishore, Advocate General
Mr. Ajay, G.A. 5
Mr. Pratik Kr. Sinha, AC to GA 5

For the CSBC : Mr. Sanjay Pandey, Advocate
Mr. Binod Kr. Mishra, Advocate
Mr. Vivek Anand Amrithesh, Advocate

For Govt. of India : Mr. K.N. Singh, Sr. Advocate, ASG.

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

18 03-02-2021

I.A. No. 03 of 2021

This is in continuation of our orders dated 14th of December, 2020 and 22nd of December, 2020.

Affidavit dated 25.01.2021, filed by Shri Amir Subhani, Additional Chief Secretary, Government of Bihar has been placed on record. Relevant portion thereof reads as follows:-

“2. That in continuation of counter and supplementary counter affidavits filed earlier, it is humbly submitted that the Government is sincere to



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give respectful representation of person belonging to transgenders communities The object of giving respectful representation in public employment is the inclusion of the transgenders into mainstream of the society as well as to boost their morale and thereby motivating them to deliver best ie. good society. It would also help to change the perception of the society towards transgenders. With the aforesaid object Home Department vide Resolution No 386 dated 14.01.2021, provides reservation for transgender in public service. Since the population of the transgender in Bihar is 0.039% of the total population of the State. Therefore, it is considered not feasible to create a separate battalion for transgenders.

3. It is further submitted that as stated above, the total population of transgender community in the State is very low i.e. 0.039% of total population of the State. Possibility of eligible candidate of transgender community for appointment of constable and sub inspector of Police would also very low. In above situation, it is considered practical to create a separate unit of Transgender Police Personnel named as Special Unit (Transgender) at the District Level under the District S.P. Initially, the structure of this unit will be 1-4(One officer-4 Constable/Havildar). As and when during the course of time the recruited number of transgender personnel increases, the number of units will be increased and converted



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into a squad strength comprising of 2-8, and
subsequently into a platoon strength of 6-24.”

(Emphasis supplied)

We appreciate the effort taken by Mr. Ajay, learned G.A.-5 in pursuing the matter with the government. Equally, we appreciate the stand taken by the government in creating a separate unit for Transgender Community, termed as Special Unit, (Transgender) at the District Level under the District Superintendent of Police. Even though, the unit is small, but it is a big step in acknowledging the identity of the persons belonging to such community having a total population of about forty thousand persons which is 0.039% of total population of Bihar.

As such, we permit Central Selection Board of Constables to continue with the process of selection and appointment of the candidates in terms of the advertisement.

Shri, Ajay, learned G.A.-5 states that at the earliest and not later than three months, the requisition for selection and appointment of the members of the Transgender Community shall be sent to the Central Selection Board of Constables. Ordered accordingly.

Needless to add, all consequential steps for such



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decision to be taken by the government, including amending Rule, on expeditious basis.

Learned counsel for the petitioner raised issue of fee to be charged from the candidates belonging to the Transgender Community, desiring to appear in the Selection Process. We are hopeful that the government will adopt the same mechanism of charging the lowest amount of fee as is fixed for the candidates belonging to the reserved category.

List on 23.2.2021.

(Sanjay Karol, CJ)

(S. Kumar, J)

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