

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION Nos: 21834 AND 23185 OF 2024

WRIT PETITION NO: 21834 OF 2024:

Between:

Sirrg Sangeetha @ Sirra Sangeetha @ Sirra Santhosh, S/o Sirra Narsaiah,  
Aged about 35 years, Occ: Un employed R/o 10-238, Bhagath Singh Nagar,  
Adilabad Urban, Adilabad, Telangana - 504001.

...PETITIONER

AND

1. The State of Telangana, Rep., by its Chief Secretary, Secretariat, Hyderabad, Telangana - 500022.
2. The State of Telangana, Department of Legal Affairs, Legislative Affairs and Justice, Rep., by its Principal Secretary, Secretariat, Hyderabad, Telangana - 500022.
3. The State of Telangana, Department of Women, Children, Persons with Disabilities, Senior Citizens & Transgender Persons, Rep., by its Principal Secretary, Secretariat, Hyderabad, Telangana - 500022.
4. The Department for Empowerment of Persons with Disabilities, Senior Citizens & Transgender Persons, Rep., by its Director, Nalgonda X Roads, Malakpet, Hyderabad - 500036.
5. The State of Telangana, Department of Social Welfare, Rep., by its Principal Secretary, Secretariat, Hyderabad, Telangana - 500022.
6. The State of Telangana, Department of Higher Education, Rep., by its Principal Secretary, Secretariat, Hyderabad, Telangana - 500022.
7. Telangana Council of Higher Education., Opposite Mahavir Hospital, Masab Tank. Hyderabad - 500028, Rep., by its Chairman.
8. The Convenor, TG LAW CET & PGLCET-2024. University College of Law, O.U. Campus, Tamaka, Hyderabad - 500007.
9. The Convenor, TG LAW CET & PGLCET-2024 Admissions, Online Counselling Center, PGRRCDE, Osmania University, Hyderabad - 500007.

10. Bar Council of India, 21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002 Rep., by its Chairman.

11. Osmania University, Rep., by its Registrar, Prof. J. Anantha Swamy Administrative Building, Osmania University, Hyderabad - 500007.

### ...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more so in the nature of Writ of Mandamus, A. Declaring Rule 7 - Rules of Reservation for admission of the Telangana Law Courses (Regulation of Admissions into 3 year and 5 year LLB/B.L. Courses through Common Entrance Test) Rules, 2006, and Detailed Notification for Web-Based Counselling dated 24.07.2024 released for TG LAW CET - 2024 Admissions by the Respondent Nos. 7 and 9, as illegal, null and void, unconstitutional, arbitrary, as violative of Article 14 and 16(1) of the Constitution of India, against the principles of natural justice, contrary to the judgment of the Hon'ble Supreme Court in NALSA v. Union of India and Ors., and orders of this Hon'ble Court in W.P. (PIL) No. 44 and 355 of 2018 and 74 of 2020, in failing to provide horizontal reservation for Transgender Persons. and placing them on par with other candidates in the same caste group, B. To issue consequential directions to the Respondents herein to provide horizontal reservation for Transgender Persons by reading into Rule 7 of the Telangana Law Courses (Regulation of Admissions into 3 year and 5 year LLB/B.L. Courses through Common Entrance Test) Rules, 2006, providing for horizontal reservation for Transgender Persons within the caste reservation categories, C To issue consequential directions to the Respondents to extend the benefit of horizontal reservation to the Transgender Persons by providing a separate category for Transgender Persons, other than Women and General, in the Telangana Law Courses (Regulation of Admissions into 3 year and 5 year LLB/B.L. Courses through Common Entrance Test) Rules, 2006 for admissions into 3 year/5 year LL.B. Courses in the State of Telangana.

#### IA NO: 1 OF 2024

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 Respondent Nos. 7 and 9 to extend the benefit of "Third Gender/Transgender status" to the Petitioner, in addition to the Petitioner's status as "Scheduled Caste" in the Detailed Notification for Web-Based Counselling dated 24.07.2024 released for TG LAW CET - 2024 Admissions by the Respondent Nos. 7 and 9.

#### IA NO: 2 OF 2024

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 Respondent Nos. 7 and 9 to reserve a seat for the Petitioner during the TG LAW CET - 2024 Web Counselling, taking into consideration his status as a Transgender Person belonging to Scheduled Caste.

**IA NO: 3 OF 2024**

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 Respondent to keep a seat vacant for the petitioner in any Government Law College for the 5 year LL.B Course pending disposal of the above Writ Petition.

**Counsel for the Petitioner: Ms. ZAINAB KHAN**

**Counsel for the Respondent No.1: GP FOR GENERAL ADMINISTRATION /  
SRI MOHAMMED IMRAN KHAN,  
ADDL ADVOCATE GENERAL**

**Counsel for the Respondent No.2: GP FOR LAW & LEGISLATIVE AFFAIRS**

**Counsel for the Respondent No.3 & 4: GP FOR WOMEN, CHILDREN &  
TRANSGENDER**

**Counsel for the Respondent No.5: GP FOR SOCIAL WELFARE**

**Counsel for the Respondent No.6: GP FOR HIGHER EDUCATION**

**Counsel for the Respondent No.7: Ms. C. VANI REDDY,  
SC FOR HIGHER EDUCATION**

**Counsel for the Respondent No.8,9 & 11: SRI CH. JAGANNATHA RAO, SC FOR OU**

**Counsel for the Respondent No.10: SRI AADESH VARMA, SC FOR  
BAR COUNCIL OF INDIA**

**WRIT PETITION NO: 23185 OF 2024:**

**Between:**

Mallula Nagasri, D/o. M. Subrahmanyam, aged 35 years, Occ. priate employee, R/o.2-86/1/ A, Sundharnagar Colony, Suraram Colony, Qutubullapur, Medchal-Malkajgiri 500055.

**...PETITIONER**

**AND**

1. The State of Telangana, Rep., by its Chief Secretary, Secretariat, Hyderabad, Telangana 500022.
2. The State of Telangana, Department of Legal Affairs, Legislative Affairs and Justice, Rep., by its Principal Secretary, Secretariat, Hyderabad, Telangana - 500022.
3. The State of Telangana, Department of Women, Children, Persons with Disabilities, Senior Citizens & Transgender Persons, Rep., by its Principal Secretary, Secretariat, Hyderabad, Telangana - 500022.

4. The Department for Empowerment of Persons with Disabilities, Senior Citizens and Transgender Persons, Rep., by its Director, Nalgonda X Roads, Malakpet, Hyderabad - 500036.
5. The State of Telangana, Department of Social Welfare, Rep., by its Principal Secretary, Secretariat, Hyderabad, Telangana - 500022.
6. The State of Telangana, Department of Higher Education, Rep., by its Principal Secretary, Secretariat, Hyderabad, Telangana - 500022.
7. Telangana Council of Higher Education, Opposite Mahavir Hospital, Masab Tank, Hyderabad - 500028,
8. The Conveor, TG LAW CET and PGLCET-2024, University College of Law, O.U. Campus, Tarnaka, Hyderabad- 500007.
9. The Conveor, TG LAW CET and PGLCET-2024, Admissions, Online Counselling Center, PGRRCDE, Osmania University, Hyderabad- 500007.
10. Bar Council of India, 21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002 Rep., by its Chairman.
11. Osmania University, Rep., by its Registrar, Prof. J. Anantha Swamy Administrative Building, Osmania University, Hyderabad- 500007.

#### ...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Directions, more particularly one in the nature of Writ of Mandamus, A. Declaring Rule 7 - Rules of Reservation for admission of the Telangana Law Courses (Regulation of Admissions into 3 year and 5 year LLB/B.L. Courses through Common Entrance Test) Rules, 2006, and Detailed Notification for Web-Based Counselling dated 24.07.2024 released for TG LAW CET- 2024 Admissions by the Respondent Nos. 7 and 9, as illegal, null and void unconstitutional, arbitrary, as violative of Article 14 and 16(1) of the Constitution of India, against the principles of natural justice, contrary to the judgment of the Honorable Supreme Court in NALSA v. Union of India and Ors., and orders of this Honorable Court in W.P. (PIL) No. 44 and 355 of 2018 and 74 of 2020, in failing to provide horizontal reservation for Transgender Persons, and placing them on par with other candidates in the same caste group, B. To issue consequential directions to the Respondents herein to provide horizontal reservation for Transgender Persons by reading into Rule 7 of the Telangana Law Courses (Regulation of Admissions into 3 year and 5 year LLB/ B.L. Courses through Common Entrance Test) Rules, 2006, providing for horizontal reservation for the Petitioner/ Transgender Persons within the caste reservation categories, C. To issue consequential directions to the Respondents to extend the benefit of horizontal reservation to the Petitioner/ Transgender Persons by providing a separate category for Transgender Persons, other than Women and General, in the Telangana Law Courses (Regulation of Admissions into 3 year and 5 year LLB/ B.L. Courses through Common Entrance Test) Rules, 2006 for admissions into 3 year/5 year LL.B. Courses in the State of Telangana.

**IA NO: 1 OF 2024**

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 Respondent Nos. 7 and 9 to reserve a seat for the Petitioner during the TG LAW CET - 2024 Web Counselling, taking into consideration h e r status as a Transgender Person belonging to Backward Caste (BC-B)

**IA NO: 2 OF 2024**

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 Respondent Nos. 7 and 9 to extend the benefit of Third Gender/ Transgender status to the Petitioner, in addition to the Petitioners status as Backward Caste (BC-B) in the Detailed Notification for Web- Based Counselling dated 24.07.2024 released for TG LAW CET - 2024 Admissions by the Respondent Nos. 7 and 9.

**IA NO: 3 OF 2024**

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 keep a seat vacant for the Petitioner in any Government Law College for the LL.B Course, pending disposal of the Writ Petition.

**Counsel for the Petitioner: Ms. A. SATYA SIRI**

**Counsel for the Respondent No.1: GP FOR GENERAL ADMINISTRATION /  
SRI MOHAMMED IMRAN KHAN,  
ADDL ADVOCATE GENERAL**

**Counsel for the Respondent No.2: GP FOR LAW & LEGISLATIVE AFFAIRS**

**Counsel for the Respondent No.3 & 4: GP FOR WOMEN, CHILDREN &  
TRANSGENDER**

**Counsel for the Respondent No.5: GP FOR SOCIAL WELFARE**

**Counsel for the Respondent No.6: GP FOR HIGHER EDUCATION**

**Counsel for the Respondent No.7: Ms. C. VANI REDDY,  
SC FOR HIGHER EDUCATION**

**Counsel for the Respondent No.8,9 & 11: SRI CH. JAGANNATHA RAO, SC FOR OU**

**Counsel for the Respondent No.10: SRI AADESH VARMA, SC FOR  
BAR COUNCIL OF INDIA**

**The Court made the following: COMMON ORDER**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petitions No.21834 and 23185 of 2024

COMMON ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Ms. Zainab Khan, learned counsel for the petitioner in W.P.No.21834 of 2024.

Ms. A.Satya Siri, learned counsel for the petitioner in W.P.No.23185 of 2024.

Mr. Mohammed Imran Khan, learned Additional Advocate General for the State of Telangana appears for respondents No.1 to 6 in both the writ petitions

Ms. C.Vani Reddy, learned Standing Counsel for Telangana Council of Higher Education appears for respondents No.7, 8 and 9 in both the writ petitions.

Mr. Adesh Varma, learned Standing Counsel for Bar Council of India appears for respondent No.10 in both the writ petitions.

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2. With consent of learned counsel for the parties, the matter is heard finally.

3. In these writ petitions, the petitioners have assailed the validity of Rule 7 of the Rules of Reservations for Admission to Telangana Law Courses (Regulation of Admission into 3 year and 5 year LLB/B.L. Courses through Common Entrance Test) Rules, 2006 (for short 'the Rules'), *inter alia* on the ground that the same is violative of Articles 14 and 16 of the Constitution of India.

4. It is the case of the petitioners that the aforesaid Rules are in violation of the decision of the Supreme Court in **National Legal Services Authority v. Union of India**<sup>1</sup>. The petitioners, in addition, seek a direction to the respondents to extend the benefit of horizontal

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<sup>1</sup> (2014) 5 SCC 438

reservation for transgender persons within the caste reservation categories by reading into Rule 7 of the Rules.

5. This Court, by interim orders dated 12.08.2024 and 23.08.2024, passed in these writ petitions, *inter alia* held that the Rules do not provide for horizontal reservation for transgender persons and place them on par with candidates of the same caste group. Therefore, the Division Bench, by placing reliance on the decision of the Supreme Court in **National Legal Services Authority** (supra), had directed respondents No.7 to 9 to treat the petitioners as transgender candidates and to accord the benefit of admission to LLB/BL course.

6. In pursuance of the aforesaid interim orders, two seats for admission to LLB/BL course were reserved for the petitioners in these two writ petitions.



7. Learned Additional Advocate General, while inviting the attention of this Court to the affidavit filed on behalf of respondents No.8 and 9, submitted that the petitioners shall be admitted to LLB/BL course as per their merit in the second round of counseling.
  8. The aforesaid submission is placed on record.
  9. Respondents No.8 and 9 are directed to accord the benefit of horizontal reservation to the petitioners and to admit them in the LLB/BL course as per their merit in the second round of counseling.
  10. In view of aforesaid, the grievance of the petitioners does not survive for consideration and no further orders are therefore required to be passed in these writ petitions at this point of time.
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11. The issue involved in these writ petitions is kept open to be agitated in an appropriate proceeding

12. Accordingly, the Writ Petitions are disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD-/N.RAJ GOPAL  
ASS STANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Secretary, The State of Telangana, Secretariat, Hyderabad, Telangana - 500022.
2. The Principal Secretary, The State of Telangana, Department of Legal Affairs, Legislative Affairs and Justice, Secretariat, Hyderabad, Telangana - 500022.
3. The Principal Secretary, The State of Telangana, Department of Women, Children, Persons with Disabilities, Senior Citizens and Transgender Persons, Secretariat, Hyderabad, Telangana - 500022.
4. The Director, The Department for Empowerment of Persons with Disabilities, Senior Citizens and Transgender Persons, Nalgonda X Roads, Malakpet, Hyderabad - 500036.
5. The Principal Secretary, The State of Telangana, Department of Social Welfare, Secretariat, Hyderabad, Telangana - 500022.
6. The Principal Secretary, The State of Telangana, Department of Higher Education, Secretariat, Hyderabad, Telangana - 500022.
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10. The Chairman, Bar Council of India, 21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002.
11. The Registrar, Osmania University, Prof. J. Anantha Swamy Administrative Building, Osmania University, Hyderabad - 500007.
12. One CC to Ms. ZAINAB KHAN, Advocate [OPUC]
13. One CC to Ms. A. SATYA SIRI, Advocate [OPUC]

14. One CC to Ms. C. VANI REDDY, SC FOR HIGHER EDUCATION [OPUC]
15. One CC to SRI CH. JAGANNATHA RAO, SC FOR OU [OPUC]
16. One CC to SRI AADESH VARMA, SC FOR BAR COUNCIL OF INDIA [OPUC]
17. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court for the State of Telangana. [OUT]
18. Two CCs to GP FOR LAW & LEGISLATIVE AFFAIRS, High Court for the State of Telangana. [OUT]
19. Two CCs to GP FOR WOMEN, CHILDREN & TRANSGENDER, High Court for the State of Telangana. [OUT]
20. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana. [OUT]
21. Two CCs to GP FOR HIGHER EDUCATION, High Court for the State of Telangana. [OUT]
22. Two CCs to THE ADVOCATE GENERAL, High Court for the State of Telangana. [OUT]
23. Two CD Copies

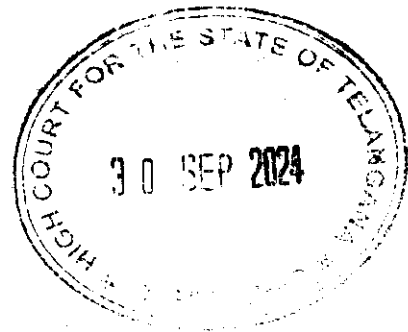
BN



CC TODAY

HIGH COURT

DATED:30/09/2024



COMMON ORDER

WP.Nos.21834 & 23185 of 2024

DISPOSING OF BOTH THE WRIT PETITIONS  
WITHOUT COSTS

31  
30/09/24  
AVS