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Take steps to include third gender in UPSC exam: HC to Centre

NEW DELHI: The Delhi High Court has directed the Centre to take necessary steps to "expeditiously" modify the rules regarding the prestigious civil services examinations to incorporate transgender or third gender in the exam application forms.

Referring to the landmark judgement passed by the Supreme Court on April 15, 2014 granting legal recognition to transgenders or eunuchs as third category of gender, a bench asked the Centre to take urgent steps in this regard.

The additional solicitor general (ASG) had told the bench that an application seeking clarification that the April 2014 judgment was related only to transgenders and did not include gay, lesbian or bisexual, was disposed of in June 2016 by apex court which had reiterated that lesbians, gays and bisexuals were not third gender.

The ASG also said since the application was pending before the apex court, no steps could have been taken in this regard and since the issue has been clarified now, appropriate steps would be taken to modify the rules in terms of the judgement.

"In view of what has been stated and keeping in view that the examination pursuant to the impugned notification dated May 23, 2015 is already over, we dispose of the writ petition with a direction to the respondents to take necessary steps expeditiously in terms of the judgment of the Supreme Court in National Legal Services Authority Vs Union of India and Ors," the bench said.

The court disposed of a PIL filed by advocate Jamshed Ansari who had challenged UPSC examination notice of May 23 last year on the ground of non-inclusion of transgender/third gender as a gender option in the application form for the 2015 civil services (preliminary) examination.

The PIL had also contended that lack of the third gender option has resulted in transgenders not being able to apply for the examination which was held on August 23 last year.

On June 30 this year, the apex court had refused to modify its 2014 order on transgenders while clarifying that lesbians, gays and bisexuals are not third gender.

Centre had sought clarification on the April 2014 verdict saying it was not clear from the earlier order whether lesbians, gays and bisexuals are transgenders or not.

Paving way to bring transgenders in national mainstream, the apex court had in April 2014 asked the government to take steps to remove problems faced by them, such as fear, shame, social pressure, depression and social stigma.