



\$~83

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5143/2025, CM APPL. 23433/2025, CM APPL. 23434/2025,
CM APPL. 23435/2025 & CM APPL. 23436/2025

VIGNESH DHANANJAYAN & ORS.

.....Petitioners

Through: Mr. Rohin Bhatt, Mr. Harshit Anand
and Mr. R. Rajagopalan, Advs.

versus

ALL INDIA INSTITUTE OF MEDICAL
SCIENCE & ORS.

.....Respondents

Through: Mr. V.S.R. Krishna and Mr. V
Shashank Kumar, Advs. for R-1.
Mr. T. Singhdev, Ms. Anum Hussain
and Mr. Abhijit Chakravarty, Advs.
for R-2/NMC.
Mr. Jagdish Chandra, CGSC with Mr.
Tushar Arora and Mr. Shubham
Kumar Mishra, Advs. for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

23.04.2025

1. The present petition has been filed seeking following reliefs:

- a. *Issue an appropriate writ, order or direction, declaring the impugned admission notice dated 27.02.2025 as unconstitutional and in contravention of directions of the Hon'ble Supreme Court of India in Nalsa v Union of India (2014) 5 SCC 438;*
- b. *Issue an appropriate writ, order or direction in the nature of mandamus quashing the admission notice dated 27.02.2025 and directing the respondents to issue a fresh admission notice which provides compartmentalised*



horizontal reservation to the Petitioners/for transgender persons by reserving 1% of seats for transgender persons in each vertical category;

c. *For costs of this Petition.”*

2. Mr. Rohin Bhatt, the learned counsel appearing on behalf of the petitioners submits that the petitioners are transgender persons. He submits that the petitioner no.1 belongs to ‘Unreserved/General’ category, petitioner no.2 belongs to ‘Scheduled Caste’ category and petitioner no.3 belongs to ‘Other Backward Class’ category.

3. He invites attention of the court to a decision of the Hon’ble Supreme Court in **NALSA v. Union of India, (2014) 5 SCC 438** to contend that the Hon’ble Supreme Court had directed the Centre and the State Governments to take steps to treat the transgender persons as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.

4. He submits that despite the fact that such judgment was rendered as early as in the year 2014, however, the respondents have not provided for any reservation for the transgender persons while issuing impugned notice dated 27.02.2025.

5. He submits that the petitioners have sent representations to the respondent no.1, however, the same has not fetched any response. He contends that denial of reservation to the petitioners and other transgender persons for admissions in medical colleges/institutions violates Section 3 of the Transgender Persons (Protection of Rights) Act, 2019 which prohibits discrimination against a transgender person in education.

6. He submits that in the absence of horizontal reservation for



transgender persons in reservation policy for INI-CET, transgender persons, who are otherwise marginalized section of the society, would not get fair representation in the educational institutions.

7. In view of the above, issue notice.
8. Mr. V.S.R. Krishna, the learned counsel appearing on behalf of the respondent no.1/AIIMS accepts notice. Likewise, Mr. T. Singhdev, the learned counsel appearing on behalf of the respondent no.2/NMC and Mr. Jagdish Chandra, the learned CGSC appearing on behalf of the respondent nos.3 and 4 also accept notice.
9. Let counter-affidavit(s) be filed within a period of eight weeks from today.
10. Rejoinder thereto, if any, be filed within four weeks thereafter.
11. Re-notify on 12.09.2025.

VIKAS MAHAJAN, J

APRIL 23, 2025

aj