



O.A.350/293/2019

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

ATRI KAR, son of Sri Parimal Kar,  
and presently self identified as a  
transgender, aged about 28  
years, residing at 2/A, Shibpur  
Main Road, Bansberia, Mogra,  
Hooghly-712503, West Bengal

.....Applicant.

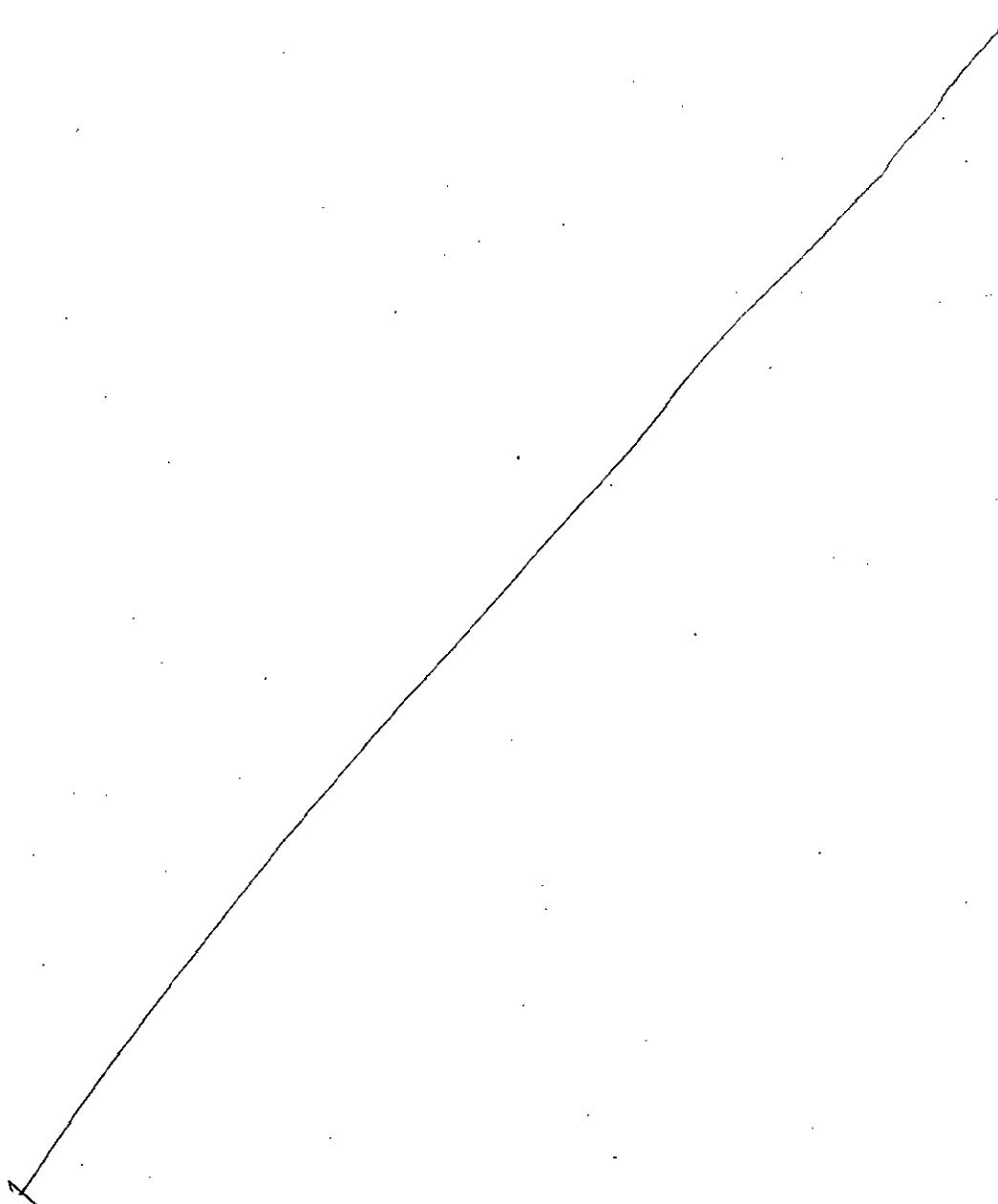
**-Versus-**

1. The Union of India, service  
through the Secretary, Ministry  
of Human Resources and  
Development, having its office at  
302-C, Shastri Bhawan, New  
Delhi-110001.

2. The Union Public Service  
Commission, represented by its  
Chairman, having its office at  
Dholpur House, Shahajahan  
Road, New Delhi-110069;

3. The Secretary, Union Public  
Service Commission, having its  
office at Dholpur House,  
Shahajahan Road, New Delhi-  
110069.

.....Respondents.



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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

O.A/350/293/2019

Date of Order: 03.09.2019

**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member**  
**Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

**ATRI KAR**  
VS.

**UNION OF INDIA & OTHERS**  
**(UPSC)**

For the applicant : None

For the respondents Mr. A. K. Chattopadhyay, counsel

**Bidisha Banerjee, Member (J):**

The applicant, a transgender, by way of this O.A. had sought for the following reliefs:

"(i) Direction upon the respondents and their men and agent to modify and/or rectify the Notification being Advertisement No. "EXAMINATION NOTICE NO.04/2019-CSP", published on 19.02.2019 and the online Application form and incorporates and/or includes the option of "Other" in the Gender category and to allow the petitioner candidate to fill up the Application Form in accordance with law;

(ii) Direction upon the respondents and their men and agent to allow the petitioner to fill up Offline form, if the respondents and their men and agent cannot modify/rectify the said Online Application within the prescribed time viz.18.03.2019;

(iii) Direction upon the respondents and their men and agent to treat the petitioner as a socially and/or economically backward class candidate and treat the petitioner as a reserved candidate and therefore waive off the requisite fees required for Registration;

(iv) Direction upon the respondents and their men and agent to not act on the impugned notice dated 19.02.2019 till the petitioner is allowed to fill up the form as per their self identified gender;

(v) Direction upon the respondents and their men and agent to pass any order as to costs, and

(vi) To pass any such other order or order as the Hon'ble Tribunal may deem fit and proper."

2. This Tribunal on 11.03.2019 had passed the following order:-

"8. However, before we part, we would hasten to add that we are concerned about the fate of such candidates alike the present one. Hence, we request the DOPT to oversee that in matters of public employment, the judgment of Hon'ble Apex Court (*supra*) is duly implemented, so that candidates alike the present applicants are not compelled to knock the doors of Tribunals & Courts for justice, every time a recruitment/notification is issued."

We permit the applicant to sit for the examination which shall be subject to the final outcome of the present OA.

*Liberty is given to communicate the gist of the order to both sides."*

On 13.08.2019 it was recorded as under :

"Mr. A.K. Chattpadhyay, *Id.* Counsel for respondents assures that even after the last date of filling up the forms for the mains examination, the applicant if found successful in the preliminary, would be allowed to sit for the mains.

Therefore, the respondents are given liberty to disclose the result of the applicant within 14 days."

3. By a communication dated 26.08.2019 the applicant has been communicated the results of Civil Services (Preliminary) Examination, 2019 wherein it is mentioned that "*I am directed to inform that on the basis of performance in CS(P) Exam, 2019, the candidate, Atri Kar bearing Roll No.0608656 has 'not qualified' for admission to CS(M) Exam, 2019, as per qualifying standard fixed by the Commission.*"

4. Hence the O.A. is disposed of as infructuous.

(Dr.Nandita Chatterjee)  
Administrative Member

**(Bidisha Banerjee)**  
**Judicial Member**