



2025:KER:86180

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 13TH DAY OF NOVEMBER 2025 / 22ND KARTHIKA, 1947

WP(C) NO. 33642 OF 2024

PETITIONER:

JANVIN CLEETUS,
AGED 22 YEARS
S/O CLEETUS
RESIDING AT PC 71/497
VALIYATHURA,VALLAKKADAVOO P.O,
THIRUVANANTHAPURAM, PIN - 695008

BY ADV. SMT.DHANUJA M.S.

RESPONDENTS:

- 1 UNION OF INDIA
MINISTRY OF DEFENSE
REPRESENTED BY ITS DEFENSE SECRETARY
ROOM NO.101 A, SOUTH BLOCK,
NEW DELHI, PIN - 110001
- 2 NATIONAL CADET CORPS
REPRESENTED BY ITS DIRECTOR GENERAL
DIRECTORATE KERALA AND LAKSHADWEEP NCC ROAD,
VAZHUTHACUAD, THIRUVANANTHAPURAM, PIN - 695010
- 3 30(K)BN NATIONAL CADET CORPS (NCC) ,
CALICUT GROUP HEADQUARTERS
REPRESENTED BY ITS COMMANDING OFFICER
WESTHILL, KOZHIKODE, PIN - 673005
- 4 RSM SNDP YOGAM COLLEGE
KOYILANDY, REPRESENTED BY ITS PRINCIPAL



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- VIYYUR, KOYILANDY P.O, PIN - 673305
- 5 NATIONAL CADET CORPS UNIT
RSM SNDP YOGAM COLLEGE, nKOYILANDY
REPRESENTED BY ITS ASSOCIATE NCC OFFICER
VIYYUR, KOYILANDY P.O, PIN - 673305
- 6 STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

BY ADVS.
SRI.DAYASINDHU SHREEHARI N.S., SENIOR PANEL
COUNSEL
SRI.DHEERAJ A.S., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 13.10.2025, THE COURT ON 13.11.2025 DELIVERED
THE FOLLOWING:



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CR

N. NAGARESH, J.

.....
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Dated this the 13th day of November, 2025

J U D G M E N T

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The petitioner is a Transgender. The petitioner submitted application for enrollment in 30(K)Bn. National Cadet Corps Calicut Group. A selection process was conducted. The petitioner satisfied all eligibility conditions. However, during the interview process, the petitioner was informed that he being a Transgender, cannot be enrolled in NCC.



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2. The rejection of the petitioner's candidature is due to his status as a Transgender. Rejection of the petitioner's application based on gender identity is violative of the petitioner's fundamental rights guaranteed under Articles 14, 15, 19 and 21 of the Constitution of India, contends the petitioner.

3. Respondents 1, 2, 3 and 5 filed a counter affidavit. The respondents submitted that the petitioner submitted an application to participate in the enrollment process for the 30(K)Bn NCC on 16.08.2024. The petitioner participated in the selection process. During the interview, the petitioner's gender identity as "Transgender" was revealed.

4. The respondents stated that as per Section 6 of the National Cadet Corps Act, 1948, any student of male sex or any student of female sex of any University or School may offer himself/herself for enrollment as a cadet in the



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NCC. As per the existing policy, there is a provision to enroll boys and girls cadets only. The divisions created in the NCC are only for male and female genders. The stand taken by the respondents is therefore legally justified. The petitioner is not eligible for enrollment, contended the respondents.

5. I have heard the learned counsel for the petitioner and the learned Senior Panel Counsel representing the Central Government. I have also heard the learned Government Pleader appearing for the 6th respondent.

6. The grievance of the petitioner is regarding refusal to enroll the petitioner in the NCC. The NCC came into force by enactment of the National Cadet Corps Act, 1948. The NCC aims at developing character, comradeship, discipline, the spirit of adventure and ideals of selfless service among young citizens. The NCC is intended to create a pool of organised, trained and motivated youth with leadership qualities in all walks of life, who will serve the nation



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regardless of career they choose.

7. The NCC also provides an environment conducive to motivating young Indians to join the Armed Forces. NCC also aims at creating a human resource of organised, trained and motivated youth to provide leadership which will be always available for the service of the nation.

8. The NCC follows a curriculum and training methodology closely mirroring Armed Forces. The NCC training involves close contact, physical exercises / games, long and short camps where cadets staying in field conditions in tentage, confined accommodation, etc. where gender of the Cadet is an important aspect. This is so due to their overall well being and safety. Therefore, NCC follows a gender specific enrollment.

9. Section 6(1) of the National Cadet Corps Act, 1948 provides that any student of the male sex or any University or School may offer himself for enrollment as a



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Cadet in the senior or junior Division, subject to prescribed age and conditions. Section 6(2) provides that any student of the female sex of any University or School may offer herself for enrollment as a Cadette in the Girls Division. There is no comparable provision for Transgenders in the National Cadet Corps Act, 1948. Therefore, under the Act, 1948 a Transgender student cannot be enrolled in NCC Divisions.

10. It is true that candidates belonging to Transgender section stand to lose in the matter of enrollment in NCC and ideally the Transgender students should also get opportunity to enroll in NCC. But, the question is, taking into consideration the statutory provisions and the purpose for which gender specific divisions are maintained for students belonging to different gender, the existing provisions can be said to be violative of Article 14. The Scheme of NCC training contemplates Cadets to stay in field conditions in tentage and confined accommodations. The training includes



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close contact physical exercises / games and long and short camps. By the very nature of the syllabi of training, the authorities are bound to take measures for the well being of the Cadets belonging to different genders.

11. In the circumstances of the case, it has to be held that there is intelligible differentia in the matter of providing differential treatment in NCC for persons belonging to different genders. The National Cadet Corps Act, 1948 as it stands now, does not contemplate an NCC Division for Transgenders. Ideally, students belonging to Transgender should also get equal opportunity to get NCC training. But formation of NCC Transgender Division would require minimum / sufficient number of Transgender students to form separate Division. Those are matters of policy which require sufficient studies, which is the function of the Executive. Implementation of Transgender Divisions in NCC would require legislative intervention also.



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The writ petition is hence dismissed. The Registry is, however, directed to forward a copy of this judgment to the Secretaries of Ministry of Defence and Ministry of Law and Justice, Government of India, for consideration of the issue and action, as is found necessary.

Sd/-
N. NAGARESH, JUDGE

aks/12.11.2025



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APPENDIX OF WP(C) 33642/2024

PETITIONER'S EXHIBITS

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|------------|---|
| Exhibit-P1 | A TRUE COPY OF THE TRANSGENDER
IDENTITY CARD ISSUED BY THE DISTRICT
COLLECTOR, THIRUVANANTHAPURAM DATED
14/2/2024. |
| Exhibit-P2 | A TRUE COPY OF THE SECONDARY SCHOOL
LEAVING CERTIFICATE DATED NI |
| Exhibit-P3 | A TRUE COPY OF THE 30(K)BN NATIONAL
CADET CORPS CALICUT GROUP APPLICATION
FORM DATED NI |
| Exhibit-P4 | A TRUE COPY OF THE PROVISIONAL LIST
ISSUED BY THE NCC OFFICER, RSM SNDP
YOGAM COLLEGE DATED NIL |