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

+ W.P.(C) 6595/2017 & CM APPL. 27314/2017, CM APPL.5527/2023

RIYA SHARMA

.....Petitioner

Through: Mr. Yashraj Singh Oeora, Sr. Adv.
with Mr. Priyesh Mohan Srivastava,
Advts.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Rajesh Kumar, SPC with Ms.
Pragya Yadav, Adv. for R-1.
Ms. Manisha Singh, Additional
Standing Counsel with Ms. Seema
DoLo, Advts. for CBSE.
Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra, Mr.
Vibhu Sharma & Ms. Mayuri Lende,
Advts. for University of Delhi.

(3)

+ W.P.(C) 2425/2019 & CM APPL. 11308/2019, CM APPL.
28379/2020

AARAV SINGH

.....Petitioner

Through: Ms. Amritananda Chakravorty, Ms.
Aswathi Menon & Mr. Pradip Kumar
Singh, Advts.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Mr. Vikrant N. Goyal, Mr. Kunal
Dixit & Mr. Arun Kumar Yadav,



Advs. for UOI.

Ms. Manisha Singh, Additional
Standing Counsel with Ms. Seema
DoLo, Advs. for CBSE.

(4)

+ W.P.(C) 2432/2019 & CM APPL. 11318/2019

RAGHAV P R

.....Petitioner

Through: Ms. Amritananda Chakravorty, Ms.
Aswathi Menon & Mr. Pradip Kumar
Singh, Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Vikrant N. Goyal, Mr. Prince
Balyan, Mr. Kunal Dixit & Mr. Arun
K. Yadav, Advs. for UOI.
Ms. Manisha Singh, Additional
Standing Counsel with Ms. Seema
DoLo, Advs. for CBSE.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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17.09.2025

1. In all these three petitions, petitioners are seeking implementation of the rights under the **Provisions of the Transgender Persons (Protection of Rights) Act, 2019** (*'the Act'*).

2. Within the meaning of *sub-section (k) of Section 2* of the Act, petitioners are either transgender and have undergone a change of gender claiming entitlement to benefits under the Act, having undergone such



change prior to the Act coming into force.

3. It is the case of the petitioners that the Rules framed pursuant to the provisions of *Section 22* of the Act by the appropriate government confer certain statutory rights and specific reliance is placed on the definition of "*official documents*" as provided under *Rule 2(d)* of the *Transgender Persons (Protection of Rights) Rules, 2020* (**'the Rules'**).

4. It is the case of the petitioners that the respondents are not complying with the statutory mandate provided under *Rule 3, Rule 5 & Annexure I* of the Rules, thereby failing to effect the necessary changes in their official documents and, as such, are conducting themselves contrary to the various provisions of the statute.

5. Our attention is invited by learned counsel for petitioner to an important aspect laid down in provision of *sub-rule (6) of the Rule 7* of the Rules, which provides for change in the gender, name or photograph of transgender person in the official documents is revised based on certificate of identity under the provisions of *Rule 5(3)*, and the said official document shall bear the same serial or reference number as in the original official document of such transgender person, who seeks change in the name or gender or both in the official documents.

6. Reliance is placed on the guidelines issued by the *National Institute of Social Defence*, which falls within the supervision of *Ministry of Social Justice and Empowerment*.

7. It is claimed that the guidelines in categorical terms, contained in *Annexure II* to the letter dated 27th October 2023, provide for the reissuance of the certificate i.e. official document, by incorporating changes.

8. It is borne out from the statutory provisions under *sub-section (g) of*



Section 2 of the Act that a National Council under this Act is a National Council established under *Section 16* of the Act. The National Council established under *Section 16* is empowered to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender, as provided in *Section 17* of the Act.

9. The fact remains that the Central Government is required to have the advice from the National Council constituted under *Section 16* of the Act, and the National Council is required to discharge the functions in accordance with *Section 17* of the Act. *Rule 14* also contemplates the functions to be discharged by the National Council pursuant to the provisions of *Section 17* of the Act, and the National Institute of Social Defence, who has issued the guidelines on 27th October 2023, is required to provide secretarial assistance to the National Council in conduct of its meeting and facilities.

10. It is not clear as to whether the power to extend secretarial assistance conferred on National Institute of Social Defence, which issued the guidelines on 27th October 2023, were duly approved by the National Council and accepted by the Central Government.

11. Furthermore, *Rule 13* of the Rules provides for grievance redressal mechanism.

12. The least that was expected from the Central Government was to submit their response, as it appears that the Central Government till date has not taken steps to submit their response before this Court.

13. This would have prompted this Court to set a cost on the Secretary of the Central Government for not submitting its response in such sensitive matters.



14. However, we deem it appropriate in view of the request made by learned counsel appearing for the Union of India, *Mr. Vikrant N. Goyal*, to grant time of four weeks, by way of last chance, to submit their response in all the three writ petitions, irrespective of whether they are party to the petitions or not.

15. We make it clear that advance copy of the response be made available to the respective counsels appearing for the parties to the petitions, who shall also be permitted to place their counter to the same within a period of two weeks thereafter.

16. List on 20th November 2025.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

SEPTEMBER 17, 2025

ab/bp