

ITEM NO.19

COURT NO.7

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.12480/2026

[Arising out of impugned final judgment and order dated 18-12-2025 in WPC No. 3401/2022 passed by the High Court of Delhi at New Delhi]

JANE KAUSHIK

Petitioner(s)

VERSUS

LIEUTENANT GOVERNOR, NCT OF DELHI & ORS.

Respondent(s)

FOR ADMISSION

IA No. 103177/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 10-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Ms. Amritananda Chakravorty, Adv.
Ms. Shreya Munoth, AOR
Ms. Asawari Sodhi, Adv.
Ms. Tavleen Kaur Saluja, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner went before the High Court by way of a writ petition and prayed for the following reliefs:-

“(i) notifications for separate vacancies for

transgender persons in teaching positions in schools,

(ii) necessary relaxations in minimum qualifications and age for transgender persons in teaching positions in schools,

(iii) framing of a policy for recruitment of transgender persons in all appointments for the Government of NCT of Delhi,

(iv) implementation of the provisions of the Transgender Persons (Protection of Rights) Act, 2019 ("TPPR Act") and the Transgender Persons (Protection of Rights) Rules, 2020 ("TPPR Rules") in the Government of NCT of Delhi,

(v) permitting the petitioner to amend her registrations details to reflect her legal gender and name on the Online Application Registration System of the Delhi Subordinate Services Selection Board,

(vi) directing the Government of NCT of Delhi to consider the application of the petitioner for any vacancy to a teaching position notified or to be notified by the Government, irrespective of gender,

(vii) directing the Government of NCT of Delhi to extend reservation to transgender persons in all public appointments by the Government."

2. We must note at the outset that in 2023, the petitioner had also approached this Court under Article 32 of the

Constitution during the pendency of the aforesaid writ petition before the High Court. The petitioner prayed for reliefs pertaining to the framing of an equal opportunity policy, the implementation of various provisions of the TPPR Act and TPPR Rules including various other reliefs in the specific facts of her case. While dealing with the said petition, this Court delivered the judgment titled *Jane Kaushik v. Union of India*, reported in 2026 (1) SCC 336, wherein several binding directions relating to the implementation of the TPPR Act and TPPR Rules, respectively were issued.

3. In addition to the binding directions, referred to above, this Court also formed an Advisory Committee chaired by Justice (Retd.) Ms. Asha Menon to conduct an in-depth study of and provide recommendations on the following points:

- (a) Formulation of an Equal Opportunity Policy;
- (b) Study of the TPPR Act and TPPR Rules to suggest measures to address lacuna therein;
- (c) Reasonable Accommodation for transgender persons in public spaces;
- (d) Grievance Redressal Mechanism;
- (e) Gender and Name Change;
- (f) Inclusive Medical Care for Transgender and Gender Diverse Persons;
- (g) Protections for Gender Non-Conforming and Gender Diverse Persons.

4. The Advisory Committee is currently in the process of

working on the aspects broadly delineated in their remit including the formulation of a model equal opportunity policy in employment and education.

5. Several issues raised by the petitioner before the High Court have already been addressed by this Court exhaustively in *Jane Kaushik (supra)* Therefore, *prima facie*, we are of the view that the only issue which remains to be looked into pertains to the lack of notifications for separate vacancies for transgender persons in public appointments and relaxation in minimum requirements of employment by the Government of NCT of Delhi, which according to the petitioner, are coming in her way while applying for vacancies being notified for teaching positions in Delhi.

6. The operative portion of the impugned judgment reads thus:

"6. Particularly, the Hon'ble Supreme Co para 207 of the judgement in. Jane Kaushik (supra) has permitted the Advisory Committee constituted by it to consider even such issues and suggestions which may be beyond the issues referred by the Hon'ble Supreme Court. It is significant to note that the Hon'ble Supreme Court has also permitted all stakeholders which, in our humble view, would also include transgender persons, to represent their grievances before the Committee, which would take a holistic view and give its well considered recommendations to the government.

7. In that view of the matter and having regard to the fact that the Hon'ble Supreme

Court is in seisin of the case, it would be apposite and more appropriate to grant liberty to the petitioners to approach the said Advisory Committee as and when constituted, for redressal of their grievances. This opinion aligns itself with the principle of avoidance of plurality of litigations.

8. Accordingly, the present writ petitions are disposed of with aforesaid observations, along with pending applications."

7. *Prima facie*, we are of the opinion that the High Court committed an error in disposing of the writ petition by directing the petitioner to approach the Advisory Committee as the Committee possesses no adjudicatory powers.

8. We accordingly issue notice returnable on 14.05.2026.

9. We are informed that the petitioner has registered with the OARS Portal of the respondent no.4.

10. Even during the pendency of the writ petition before the Delhi High Court, the petitioner was permitted to apply under the category of transgender for the vacancies ignoring the gender mentioned qua the said vacancy. We pass the very same order and grant the very same relief.

11. In the aforesaid context, we must refer to the order dated 20.01.2023 passed by a learned Single Judge of the High Court in the main writ petition, more particularly, Para 14, which reads thus:-

"14. Insofar as the Petitioner is concerned, Mrs. Ahlawat, ld.Counsel for the Respondent No.1, 2 & 4 submits that OARS portal facility is also available for transgender persons to apply. Accordingly, the Petitioner is free to apply under the category of transgender for the vacancies which the Petitioner deems appropriate ignoring the gender mentioned qua the said vacancy."

12. Dasti service, in addition, is permitted.

13. Liberty is granted to the petitioner to serve notice through the Standing Counsel for the State/respondent.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)