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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 Deora Sr. Adv. with
Mr. Priyesh Mohan Srivastava, Ms.
Anupama Dhurve, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Rajesh Kumar, SPC with Mr.
Rahul Sharma and Mr. Siddharth
Shekhar, Advs. for UOI
Ms. Manisha Singh along with Ms.
Seema Dolo, Advs. for CBSE

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

AARAV SINGH

.....Petitioner

Through: Ms. Amritananda Chakravorty, Mr.
Harsha Roy and Mr. Pradeep Kumar
Singh, Advs.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Mr. Vikrant Nilesh Goyal, Mr. Yash
Basoya, Mr. Inderpreet Singh, Mr.
Kunal Dixit, Advs.
Ms. Manisha Singh along with Ms.
Seema Dolo, Advs. for CBSE

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

RAGHAV P R

.....Petitioner

Through: Ms. Amritananda Chakravorty, Mr.
Harsha Roy and Mr. Pradeep Kumar
Singh, Advs.

versus



UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Vikrant Nilesh Goyal, Mr. Yash Basoya, Mr. Inderpreet Singh, Mr. Kunal Dixit, Advs.
Ms. Manisha Singh along with Ms. Seema Dolo, Advs. for CBSE

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

ORDER

% **09.04.2026**

1. This hearing has been done through hybrid mode.
2. The issues raised in these petitions, *inter alia*, relate to certain rights of transgender persons including the manner in which they are identified in certificates issued and records maintained by the University of Delhi and the Central Board of Secondary Education (hereinafter “CBSE”).
3. Ms. Manisha Singh, Id. Counsel for CBSE has placed before the Court the Transgender Persons (Protection of Rights) Amendment Act, 2026, (hereinafter “Amendment Act”) by which the definition of the term “transgender person” under Section 2(k) of the Transgender Persons (Protection of Rights) Act, 2019 (hereinafter “the Act”) has been substituted with the following:

“(k) “transgender person” means—

(i) *a person having such socio-cultural identities as kinner, hijra, aravani and jogta, or eunuch, or a person with intersex variations specified below or a person who, at birth, has a congenital variation in one or more of the following sex characteristics as compared to male or female*



development:—

(a) *primary sexual characteristics;*
(b) *external genitalia;*
(c) *chromosomal patterns;*
(d) *gonadal development;*
(e) *endogenous hormone production or response, or such other medical conditions; or*

(ii) *any person or child who has been, by force, allurement, inducement, deceit or undue influence, either with or without consent, compelled to assume, adopt, or outwardly present a transgender identity, by mutilation, emasculation, castration, amputation, or any surgical, chemical, or hormonal procedure or otherwise:*

Provided that it shall not include, nor shall ever have been so included, persons with different sexual orientations and self-perceived sexual identities.”

4. It is her submission that in terms of Section 2(k)(ii) and the proviso thereto, as it stands post amendment, persons with different sexual orientation and self perceived sexual identities would not be included within the definition of transgender person.

5. On the other hand, it is submitted by Mr. Yashraj Singh Deora, Id. Sr. Counsel and Ms. Amritananda Chakravorty, Id. Counsel, appearing for the Petitioners, that the Amendment Act is yet to be notified. It is submitted, nonetheless, that the respective Petitioners are covered even by the definition of transgender person as substituted by the Amendment Act.



6. Considering that in these petitions, *inter alia*, directions are being sought in respect of the manner in which names of transgender persons are to be published in educational records, the impact of the directions that may be passed in these petitions could also extend to other areas of official documentation such as issuance of birth certificates, death certificates, Passports, Aadhar Cards, Driving Licenses and other official documents.
7. In view of the same, this Court is of the opinion that it would be necessary to hear the position of the Union of India in these matters. Accordingly, the Secretary, Ministry of Social Justice and Empowerment, Union of India (hereinafter “*MoSJE*”) is impleaded as Respondent No. 4 in all the three petitions.
8. Let the amended memo of parties, duly correcting the description of Respondent No. 1 in *W.P.(C) 6595/2017*, and impleading Respondent No. 4 be filed by the Petitioners in all these matters within one week.
9. Ld. Counsels, who are appearing for the Union of India shall seek instructions from the MoSJE.
10. The MoSJE shall file its stand by way of an affidavit within a period of six weeks in all these matters. If required, the MoSJE shall also seek appropriate stands of any other Ministry, Union of India, which would be necessary for passing comprehensive directions, in these petitions.
11. The parties shall file their respective written submissions at least one week before the next date which shall also address the amendments brought in by the Amendment Act.
12. List on 15th July, 2026.
13. Copy of this order be communicated by the Registry to the Secretary,



Department of Social Justice & Empowerment, MoSJE by way of an email at secywel@nic.in as also through Mr. Rajesh Kumar, Id. SPC, for necessary information and compliance.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

APRIL 9, 2026/ys/msh