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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14880/2025, CM APPL. 61190/2025 & CM APPL. 61191/2025
PRAVEEN SINGHPetitioner

Through: Mr. Naman Jain, Advocate alongwith
petitioner

versus

HIGH COURT OF DELHI AND ANRRespondents

Through: Ms. Radhika Bishwajit Dubey, Standing
Counsel with Ms. Gurleen Kaur Waraich,
Mr. Kritarth Upadhyay, Ms. Arajita
Verma and Mr. Vivek Sharma, Advocates
for R-1.

Ms. Avnish Ahlawat, Standing Counsel
(Services) with Mr. Nitesh Kumar Singh,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advocates for R-2.

Mr. Ashish Dixit, CGSC with Mr. Umar
Hashmi, Mr. Mayank Upadhyay and Ms.
Iqra Sheikh, Advocates for UOI and
National Council for Transgender.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **06.10.2025**

1. Having regard to the nature of issues raised in this petition which primarily concern with the welfare of Transgender persons, we treat this petition as a Public Interest Litigation Petition.
2. The office is directed, accordingly, to register the petition as a PIL.
3. Since the issues which may require adjudication in this Public Interest Litigation Petition are of wider import, we direct that following be added as party



respondents:-

- (i) Union of India through Secretary, Ministry of Social Justice and Empowerment; and
- (ii) Government of Delhi through Principal, Department of Social Welfare.

4. Issue notice.

5. Ms. Avnish Ahlawat puts in appearance and accepts notice on behalf of GNCTD and Delhi Subordinate Services Selection Board (DSSSB).

6. Though, the instant petition is in relation to Advertisement No. 03/2025 issued by the respondent no.2 for recruitment to the various posts in the Establishment of Delhi High Court, however a concern has been expressed that pursuant to the Judgment of the Hon'ble Supreme Court in ***National Legal Services Authority vs. UOI & Ors.: 2014 (5) SCC 438***, the requisite steps have not been taken by the respective Governments inasmuch as the Hon'ble Supreme Court in the said judgment had issued a direction to the Central and the State Governments to take steps to treat transgender persons as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of not only in admissions to educational institutions but also for public appointments as well. However, no such policy decision appears to be in sight till date as far as at least reservation in public employment is concerned.

7. Our attention has been drawn to a notification dated 08.02.2021 issued by the Department of Social Welfare, GNCTD which provides for relaxation of 5 years in age and also relaxation of qualifying marks to the extent of 5% to the transgender persons in public employment. It has been stated on behalf of the petitioner that while issuing the impugned notification for recruitment it is not only that no reservation is provided as directed by Hon'ble Supreme Court to transgender persons but also that even the age relaxation and relaxation in qualifying marks in terms of the notification dated 08.02.2021 issued by the Department of Social Welfare, GNCTD has also not been provided.



8. The judgment of Hon'ble Supreme Court in *NALSA* (supra) was rendered in the year 2014 and till date, it appears that adequate steps which ought to have been taken for ensuring welfare of transgender persons, including making a provision for providing reservation in public employment, have not been taken. The Parliament, though has enacted the Transgender Persons (Protection of Rights) Act, 2019 (hereinafter referred to as "the Act") and has also framed Rules thereunder, however, it appears that the welfare measures, which may be made pursuant to the statutory obligations cast on the Governments under the said Act, have also not been made.

9. The Act, *inter alia*, makes it incumbent upon the appropriate Government to take steps to secure full and effective participation of transgender persons and their inclusion in the society. The Act also casts various other obligations on establishments and other persons, including those related to education, social security and health of transgender persons.

10. Section 8 of the said Act in no uncertain terms mandates that, "the appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in the society", and "it shall take such welfare measures as may be prescribed to protect rights and interests of transgender persons and also facilitate their access to welfare schemes".

11. From a perusal of various provisions under the Act, we are of the *prima facie* opinion that for inclusion of the transgender persons in the society and also to secure their full and effective participation, the Governments ought to have, by now, taken some policy decision for providing reservation to these persons in public employment as already mandated by Hon'ble Supreme Court in *NALSA* (supra).

12. Section 16 of the Act contains a provision where the Central Government is to constitute a National Council for Transgender Persons to exercise the powers conferred on such Council and perform such functions as may be assigned to it



under the said Act. Functions of the Council as mandated in Section 17, *inter alia*, is to advise the Central Government on formulation of policies, programmes, legislation and projects and also to monitor and evaluate impact of such policies and programmes. The Council is also to act as a Grievance Redressal Forum for transgender persons.

13. We have been informed that on 21.08.2020 this Council has been constituted. Accordingly, we direct that National Council for Transgender Persons may also be impleaded as party respondent through its Member Secretary. The amended memo of parties shall be filed by the petitioner within a week.

14. It has been informed that the last date for making application pursuant to the impugned advertisement was 24.09.2025, however there may be many transgender persons who could not apply on account of the fact that as admissible to them, *vide* notification of GNCTD dated 08.02.2021, age relaxation and relaxation in qualifying marks were not made available to them.

15. Accordingly, we also direct that within ten days from today, appropriate decision in consultation with Delhi High Court shall be taken for providing the benefit to transgender persons in terms of the notification dated 08.02.2021 and, thereafter, if such relaxations are made available, the last date for submitting the application form shall be extended by a month. Such information shall also be widely publicized by the DSSSB.

16. Let notice be issued to the National Council for Transgender persons. Mr. Ashish Dixit has put in appearance and accepts notice for Union of India and for Council as well.

17. Let affidavits in reply be filed by all the respondents within four weeks. Two weeks' time thereafter shall be available to the petitioner to file rejoinder affidavit, if any.



18. List on 19.11.2025. Matter to be placed 'High on Board'.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

OCTOBER 6, 2025

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