



2026:AHC:29143-DB

## **HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - C No. - 5154 of 2026**

**Khush R Goel**

.....Petitioner(s)

**Versus**

**Union Of India And 3 Others**

.....Respondent(s)

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**Counsel for Petitioner(s)**

**: Kavindra Dwivedi**

**Counsel for Respondent(s)**

**: A.S.G.I., C.S.C., Vaibhav Tripathi**

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### **Court No. - 2**

**HON'BLE ATUL SREEDHARAN, J.**

**HON'BLE SIDDHARTH NANDAN, J.**

1. Heard Sri Kavindra Dwivedi, learned counsel for the petitioner and Sri Vaibhav Tripathi, learned counsel for the respondents.

2. The brief facts of this case are that the petitioner was born as a female and later his parents realised that the child is a transgender. The petitioner approached the appropriate authorities under The Transgender Persons (Protection of Rights) Act, 2019 (hereinafter referred to as the Act). The relevant provisions of the Act are Sections 5, 6 and 7. Section 5 provides for an application to be moved by a transgender person to the District Magistrate for the issuance of the certificate of identity as a transgender person. Section 6 provides that the District Magistrate shall issue such an applicant a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as a transgender. Both the provisions of these sections were satisfied and thereafter, on attaining majority, petitioner underwent gender change surgery and became a male. On page 50 and 51 of the petition, are the identity card and certificate issued by the District Magistrate under Rule 6 of the Transgender Persons (Protection of Rights) Rules, 2020 (hereinafter referred to as the Rules) read with Section 7 of the Transgender Persons (Protection of Rights) Act, 2019 under Form - 4. Clause 5 of the said certificate reads as hereinunder:

*"This certificate entitles the holder to change name and gender in all official documents of the holder."*

3. Learned counsel for the petitioner has submitted that despite all

formalities being fulfilled under the Special Act, the impugned order dated 23.06.2025 has been passed, whereby the passport authorities have directed the petitioner to undergo a fresh medical examination from a clinic of their panel. Learned counsel for the respondent has also submitted that the petitioner would have to change his name and gender in the birth certificate.

4. We find that the impugned order is in violation of the Special Act and the certification issued under the Special Act. In this regard, the statement of objects and reasons of the said Act reveal in clause (F) that no establishment shall discriminate against transgender persons in the matter relating to employment, recruitment, promotion and other related issues. Learned counsel for the petitioner has submitted that the impugned order is violative of the special Statute and deserves to be quashed.

5. Per contra, learned counsel for the respondent submits that the demand of the passport authorities is not unreasonable and that the petitioner would have to change his name and gender in the birth certificate so that the necessary amendment can be made in the passport.

6. Heard learned counsel for the parties and perused the record of the case and Statute.

7. This Court is of the opinion that the objections taken by the learned counsel for the respondent is without any firm legal foundation. The Special Act was legislated in order to give an element of protection to transgender persons, who on account of circumstances beyond their control were born into bodies not aligned with their identities. The social ostracism of such people had led the Parliament to enact special Statute. By the enforcement of the said Statute, even transgender persons are now entitled to dignity and equal rights. They no longer have to hide their identity, which are contrary to their innate personalities. In this regard, Section 5 and 6 provide for the manner in which they can legitimize the status as transgender.

8. Undisputedly, the said process has been followed and thereafter, a new certificate mentioned hereinabove, has been issued by the authorities in question. It is specifically stated that in Clause 5 of the certificate entitles a holder to change name and gender in all official documents. Official documents in this regard, would also include all such document, which had to be filed with the State or any entity of the State for the purpose of identity of the person under the statutory provision.

9. Under the circumstances, all the official documents, in this regard, would also include the issuance of the passport, which is sovereign act on the part of the State. Therefore, in the light of the sections mentioned hereinabove in the special Statute, and also reference to Section 7, which provides for the change of gender, that a person who is transgender, after the issuance of the certificate under Rule 6 read with Section 7 of the Act may make an application along with the certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.

10. The District Magistrate on receipt of such an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer and also after his individual satisfaction that the details given therein is correct, is required to issue a certificate indicating the change in gender in such form and manner and within such time, as may be prescribed. That change made in gender is at page no. 50 of the petition, which is the identity card issued by the District Magistrate, in which the gender of the petitioner is shown as 'male'.

11. These documents mentioned hereinabove and the relevant provisions of the Act and the Rules give a quietus to the controversy in this issue. There is no requirement for the petitioner to produce any further documents before the passport authorities and the passport authority is called to act or issue a passport in the light of the documents at page nos. 50 and 51 of the petition. No further document is required as far as proof of identity and gender of the petitioner is concerned. It is relevant to mention here that the passport is also included in annexure-1 to Schedule 2 of the Rules.

12. With the above, the petition stands **disposed of**.

**February 10, 2026**  
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**(Siddharth Nandan,J.) (Atul Sreedharan,J.)**