



2026:DHC:2589



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

+ **W.P.(C) 3823/2026**

Date of Decision: **25.03.2026**

IN THE MATTER OF:

KABIRA SAWHNEY

.....Petitioner

Through: Ms. Simran Gill, Mr. Siddharth Chaudhary, Advocates.

versus

GOVT OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr Shashi Pratap Singh and Ms. Shagun Sabharwal, Advocates for R-1.
Mr. Rohan Jaitley, CGSC with Mr. Dev Pratap Shahi, GP and Mr. Akshay Sharma, Mr. Varun Pratap Singh and Mr. Yogya Bhatia, Advocates for R-2, 3 and 6.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

“a) A writ in the nature of mandamus directing Respondent No. 1 to issue certificate of under Section 7 of the Transgender Persons (Protection of Rights) Act, 2019 on the basis of the GRS certificate issued by the Respondent No. 4; or;

b) A writ in the nature of mandamus directing the Respondents 4,5, 6 to issue a certificate by CMO/ Medical Superintendent on the basis of the certificate issued by Respondent no. 4.



c) A writ in the nature of mandamus direction the Respondent no.5 not to take any coercive measure.

d) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. The facts of the case would indicate that the only reason provided by the concerned District Magistrate, through counsel, for not furnishing a certificate to the petitioner under Section 7 of the Transgender Persons (Protection of Rights) Act, 2019 (“Act”) is that the certificate tendered by the petitioner [*Annexure P-4*], is not in accordance with sub-section 1 of Section 7 of the Act and the Rules made thereunder. It is submitted that the certificate is to be issued by the Medical Superintendent or Chief Medical Officer of the medical institution. The certificate, which forms the basis for the petitioner’s recognition is issued by one Dr. Richie Gupta and one Dr. Rajat Gupta, Department of Plastic, Aesthetic, Reconstructive Surgery & Gender Affirmation Clinic at Fortis Hospital Shalimar Bagh, Delhi 110088.

3. According to the respondents, there is no certification issued by the Medical Superintendent or Chief Medical Officer of the said institution. Additionally, the compliance of Form-VI is not fulfilled as the affidavit is not sworn on a non-judicial stamp paper.

4. In the facts and circumstances of the case, the Court finds it appropriate to direct the petitioner to approach the concerned Hospital, who in turn, shall issue the certificate by the competent authority i.e., the Medical Superintendent or Chief Medical Officer of that Hospital.

5. Let the certificate be issued to the petitioner by the concerned authority, without any further delay, not beyond thirty (30) days from the date of receipt of a copy of the order passed today

6. On receipt thereof, the petitioner shall be at liberty to apply afresh to



2026:DHC:2589



the respondent-Department in the prescribed form along with the necessary affidavit on a non-judicial stamp.

7. If there is any difficulty in uploading the non-judicial stamp, the same shall be specifically pointed out to the concerned District Magistrate, who shall resolve the said difficulty and assist the petitioner.

8. With the aforesaid observations, the instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 25, 2026

Nc