



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Writ Misc Application No. 168/2026

Ganga Kumari

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Jaipur.
2. Secretary, Department Of Social Justice And Empowerment, Government Of Rajasthan, Jaipur.
3. Secretary, Department Of Personnel, Government Of Rajasthan, Jaipur.
4. Secretary, Rajasthan Public Service Commission, Ajmer.
5. The Director General Of Police, Police Head Quarter, Rajasthan, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Vivek Mathur
For Respondent(s) : Mr. Deepak Chandak for
Mr. B.L. Bhati, AAG

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT**

Order

02/04/2026

1. Having heard learned counsel and perused the application, we are not persuaded to accept the submission that the epilogue dated 30.03.2026 should not be read as part of the judgment of the same date or be not treated as part thereof for precedential purposes. Accordingly, no such orders are warranted in that regard.

2. However, upon our re-reading of the epilogue, it appears that by mistake the following text was included therein, although it was neither intended nor necessary, viz:

“3. The subsequent amendment to the Transgender Persons (Protection of Rights) Act, 2019, however, marks a departure from that said constitutional baseline. It is now proposed that legal recognition of gender identity shall be conditioned upon certification, scrutiny, or other forms of administrative





endorsement. What was recognized by the Supreme Court as an inviolable aspect of personhood now risks being reduced to a contingent, State-mediated entitlement.

4. *In this backdrop, the epilogue, therefore, is more of a caveat that it remains open, and indeed, still incumbent upon the State of Rajasthan to ensure that any policy framework evolved pursuant to the directions, in the judgment above, preserves, to the fullest extent possible, the principle of self-identification, within the contours of the amended law, of course. The State must be mindful that statutory developments cannot be implemented in a manner that dilutes constitutional guarantees. The comparative models, including those adopted by other States, may yet be structured in a manner that advances inclusion without subjecting identity to impermissible constraints.*

5. *In the altered legal landscape, any policy framework devised by the State must be careful and it must strive to preserve, to the fullest extent possible, the constitutional guarantee by extending affirmative measures of reservation. Any framework, be it legislative or executive, the rule of law demands that such measures must withstand scrutiny not merely of legality, but of constitutional conscience. The State, as a constitutional actor, is expected to adopt an approach that harmonizes statutory compliance with constitutional congruity, ensuring that the rights of transgender persons are not rendered illusory by procedural constraints. The true measure lies in the tangible dismantling of systemic marginalization that transgender persons continue to endure.”*

3. We, therefore, order the deletion of aforesaid text.
4. Further, we are of the opinion that, after deleting the above text, the following text ought to be added in the epilogue:

“Be that as it may, the aforesaid directions in the main judgment have been passed as per the prevailing legal position on the date of judgment and are meant to be complied with accordingly.”

5. The corrected epilogue shall thus now be read as under:

“EPILOGUE

1. While the judgment, as above, was being finalized, but just before its release, Parliament passed the Transgender Persons (Protection of Rights) Amendment Bill, 2026, (on the date of judgment it was yet to become An Act as it was pending assent of Hon’ble the President of India and to be enforced/promulgated). It is proposed therein that sub section (2), i.e. right to self-perceived gender identity, in section 4 of the Principal Act shall be omitted. Thus,





the proposed Bill seeks to amend the 2019 Act by taking away the right to self-determination or self-proclamation of being a third gender.

2. At the time of authoring the judgment, *ibid*, this Court proceeded on the foundational premise articulated in NALSA judgment viz. that the right to self-identify one's gender is an intrinsic facet of dignity, autonomy, and personal liberty under Articles 14, 15, 16 and 21 of the Constitution, bottom-line being, selfhood is not a matter of concession, it is a matter of right.
3. Be that as it may, the directions in the main judgment have been passed as per the prevailing legal position on the date of the judgment and are meant to be complied with accordingly.
4. In this backdrop, the epilogue, therefore, is statement of facts in the process of changing legal landscape. The same is rather a caveat that it remains open, and indeed, still incumbent upon the State of Rajasthan to ensure that any policy framework evolved pursuant to the directions, in the judgment above, is within the contours of the existing law as on the date of the judgment i.e. 30.03.2026."
6. So far as the order/judgment dated 30.03.2026 is concerned, the same be off-loaded from the official website of the High Court and hard copy of the same be kept in 'D' part of the record and corrected order be uploaded.
7. The application is thus disposed of.

(YOGENDRA KUMAR PUROHIT),J

(ARUN MONGA),J

1-Devanshi/-

