2026:MHC:3513

VERDICTUM.IN

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 32460 of 2026
and W.M.P.No.35688 of 2026

XXX

(Name redacted as per the order of this Court dated 18.08.2026)

..Petitioner(s)

Vs

1. The Tamil Nadu Nurses And Midwives Council,
   Rep by its Registrar,
   Old No.140, Jayaprakash Narayanan Maligai,
   New 56, Santhome High Rd,
   Pattinampakkam, Mylapore, Chennai-600 004.

2. The State of Tamil Nadu,
   Rep by its Secretary,
   Health and Family Welfare Department,
   Secretariat, Fort St.George,
   Chennai-600 009.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to rectify and update all records pertaining to the Petitioner, including name, gender and photograph, to reflect the Petitioner's gender as Male, and consequently issue a No Objection certificate (NOC) enabling transfer of the Petitioner's registration to the Karnataka State Nursing council within a time frame fixed by this Hon'ble court and to ensure that no reference is made to the Petitioner's previous identity or the term 'transgender' in official records or communications.

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For Petitioner(s): Ms.Chandini Pradeep Kumar
assisted by Ms.Mhanasha Devi K.R

For Respondent(s): Mrs.Indhu Karunakaran,
Special Government Pleader for R-2

ORDER

The prayer in the Writ Petition is for a Mandamus directing the respondents to rectify and update all records pertaining to the petitioner including the name, gender and photograph to reflect the petitioner's gender as male and consequently, to issue a 'No Objection Certificate' to enable the transfer of the petitioner's registration to Karnataka State Nursing Council within the time fixed by this Court.

2. The case of the petitioner is that the petitioner was originally a transgender person registered with the Tamil Nadu Transgender Welfare Board bearing TG Card No.7934. A certificate of Identity in Form 3 along with the Transgender Identity Card was also issued on 15.09.2025 under section 6 of the Transgender Persons (Protection of Rights) Act, 2019 (hereinafter 'the Act'). Thereafter, it can be seen that the petitioner underwent an affirmation surgery on 12.01.2024. The petitioner also legally changed his name by due advertisement in the Official Gazette on 27.03.2024.

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3.Pursuant to the above, all the official identity records of the petitioner including Adhaar, Pan, Voter ID, all reflect the gender of the petitioner as male. Thereafter, the petitioner applied for an identity certificate as per Section 7 of the Act and the same has also been issued by the learned District Magistrate, who is the appropriate authority. By the certificate dated 13.03.2026 in form 4 and thereafter, an identity card is also issued. In view thereof, there is no difficulty whatsoever in the petitioner being identified only as a male and not as a transgender person or a transgender male. In spite thereof, when the petitioner is a qualified nurse registered with the 1st respondent Council and was pursuing his profession, the prevalent environment and the circumstances were hostile and was not accepting the petitioner for his gender and behaviour. Therefore, the petitioner decided to shift to a completely new environment and for that purpose, he has decided to move to Karnataka State and in order to carry on his profession in Karnataka State, his registration with the first respondent had to be transferred to the Karnataka State. When the petitioner has duly applied for the same, even in the communication requiring the petitioner for verification, he is again now described as a transgender man. Therefore, the petitioner has approached this court with the above prayer.

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4. I also heard the learned Special Government Pleader appearing on behalf the respondent. She would submit that as per the available description of the petitioner an email is addressed.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. It is essential to extract Section 7 of the Transgender Persons (Protection of Rights) Act, 2019 and the same is reproduced as under:-

> "***7.Change in Gender.***
>
> *1) After the issue of certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issue 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.*
>
> *2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.*
>
> *3.The who has been issue a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official*

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documents relating to the identity of such person:

Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.

7. Thus, it can be seen that a person who is covered under the Act has a right to alter his gender identity and the District Magistrate is the appropriate authority to give the final certificate. Accordingly, in this case, when the petitioner has undergone the gender affirmation surgery and all his records being changed, and the District Magistrate, pursuant to his authority, had issued the certificate in form 4 on 13.03.2026. Thereafter, it is incumbent on every authority to carry out the gender change.

8. A close reading of the Judgment of the Hon'ble Supreme Court of India in ***Justice K.S.Puttaswamy (retired) and Another (aadhar) Vs. Union of India and another (2018 SCC Online SC 1642)*** *would make it* clear that the right to construct the person's own identity would come within the fundamental right to privacy of the person. Therefore, every authority is required to give effect to the right of privacy and the right of the petitioner under Section 7 of the Act. In view thereof, this Writ Petition is allowed on the following terms:-

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i) The 1st respondent shall first effect the correction wherever it is necessary by digital means and wherever it is necessary by physical means by scoring of the word transgender, transgender male etc., and to record it as male and see to that the scored off portion or the correction is not conveyed to any other authority.

ii) In all the communications, henceforth, the petitioner should be described only as a male. Even the records that is being transferred to the Karnataka as per the procedure on the relevant columns, the petitioner should be described as a male. No note thereunder that petitioner was earlier described as a transgender and thereafter was declared under the male etc., should be made. It should be pure and simple male.

iii) Accordingly it should be transferred to the Karnataka State Authority for the further process of the petitioner.

iv) The aforesaid exercise shall be carried on within a period of eight weeks from the date of receipt of the web copy of the order.

There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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(2/2)

Neutral Citation: Yes/No

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To

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D.BHARATHA CHAKRAVARTHY, J.

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