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ITEM NO.26 COURT NO.5 SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).12480/2026

[Arising out of impugned final judgment and order dated 18-12-2025 in WPC No. 3401/2022 passed by the High Court of Delhi at New Delhi]

JANE KAUSHIK Petitioner(s)

VERSUS

LIEUTENANT GOVERNOR, NCT OF DELHI & ORS. Respondent(s)

FOR ADMISSION
IA No. 103177/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH
Diary No(s). 53380/2026 (XIV)

IA No. 294115/2026 - CONDONATION OF DELAY IN FILING
IA No. 294118/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 294119/2026 - EXEMPTION FROM FILING O.T.
IA No. 300532/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 19-11-2026 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Naman Jain, Adv.
Mr. Wajeeh Shafiq- 1957, AOR
Ms. Shagufta Ansari, Adv.
Mr. Rahul Yadav, Adv.
Mr. Manish Tiwari, Adv.

Ms. Amritananda Chakravorty, Adv.
Ms. Shreya Munoth- 3434, AOR
Ms. Asawari Sodhi, Adv.
Ms. Tavleen Kaur Saluja, Adv.

Signature Not Verified
Digitally signed by HARPREET KAUR
Date: 2026.11.19 18:22:11 IST
Reason:

For Respondent(s) :Mr. Tushar Mehta, Solicitor General
Ms. Swati Ghildiyal- 3169, AOR

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Mr. Nimesh Bhatt, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.

2. By our order dated 16.10.2026, we had requested the Government of NCT of Delhi to address itself on the following questions:-

"QUESTIONS TO BE ADDRESSED:-

I. Which Recruitment Rules govern the vacancy notifications, such as the one annexed as Annexure P-7 in the petition by Jane Kaushik, issued by the Delhi Subordinate Services Selection Board, Government of NCT of Delhi (for short, "DSSSB")?

a. Whether the said Recruitment Rules are traceable to any constitutional provision, or statutory enactment, or State Service Rules. In other words, where does the DSSSB derive powers to issue the notifications of vacancies in respect of teaching roles for specific subjects?

II. Whether the aforesaid Recruitment rules, or statutory enactment, or State Service Rules require that vacancies in respect of teaching roles be notified on the basis of gender?

III. If the answer to the above question is in negative, then, what forms the basis for bifurcation of vacancies between male and female candidates in a vacancy notification issued by the DSSSB? In other words, what is the objective behind notifying vacancies separately for males and females?

IV. If the answer to Q.2 is in affirmative, then, what forms the basis for using gender as a basis for notifying vacancies in public recruitment?

V. In both the petitions, do the respondents propose to include third gender in vacancy notifications issued by them through DSSSB? In other words, in what manner transgender persons would be accommodated in public employment?

VI. In the petition by Praveen Singh, insofar as the question of age relaxation is concerned, why the High Court did not deem it fit to exercise its power under Rule 12 of the Delhi High Court Establishment (Appointment and Conditions of Service) Rules,

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1972, to provide age relaxation to transgender persons considering the socio-economic discrimination that they face?"

3. In pursuance of the order passed by this Court, referred to above, the Directorate of Education, Government of NCT of Delhi has filed its reply. In para 15 of the reply, the Deponent has stated as under:-

> *"15. It is submitted that, henceforth, any advertisement for the vacancies notified by the Respondent Department shall not be gender specific. It is further submitted that where any vacancy notice does specify the requirement of gender as male or female, the persons in the category of transgender will be entitled to apply and will be entitled to be considered for being selected on merits."*

4. Having regard to the specific stance taken by the Government of NCT of Delhi, as reflected in para 15 of its affidavit referred to above, substantial issue involved in the matter of Ms. Jane Kaushik, has been taken care of.

5. In view of the aforesaid stance, we deem it fit to direct that the vacancy notices that have already been issued as on the date of this order and specify the requirement of gender as male or female, be recalled and re-advertised by the Government of NCT of Delhi such that the notification of vacancies is not gender specific. The aforesaid directions shall extend only to such existing vacancy notices in respect of which the deadline for submitting the application is not closed yet.

6. The learned counsel appearing for Ms. Jane Kaushik, the petitioner in SLP (C) No. 12480/2026 has something to say as regards some relaxation in age, etc. to be provided. In this

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regard, we shall hear the learned Solicitor General on the next date of hearing.

7. In the meantime, the Registrar of Delhi High Court shall submit its response by way of an affidavit within a period of 10 days from the date of this order in respect of Question Nos. V and VI respectively posed by us in the order dated 16.10.2026. The same shall be shared with the petitioner for them also to file their response before the next date of hearing. Insofar as the legal arguments are concerned, the parties are expected to be prepared on the next date.

8. List the matters on 10.12.2026.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)