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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16271 OF 2025

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Vivan Anilkumar Bachwani

...Petitioner

Versus

SNDT Women's University & Ors.

...Respondents

Kranti L.C. i/b. Kaustubh Gidh, for the Petitioner.

Ms. Disha Vardhan & Ms. Prajakta Shinde for the Respondent Nos.1
and 2.

P.P. Kakade, Addl. G.P. with Priyanka Chavan, AGP for the State for
Respondent Nos.4 and 5.

CORAM : R.I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATE : 26TH FEBRUARY, 2026.

ORDER :

1. Rule. Rule made returnable forthwith. Heard by consent
of parties.

2. By this Writ Petition, the Petitioner is seeking quashing
and setting aside of the rejection letter dated 5th February, 2025 as
well as quashing and setting aside the Resolution dated 7th February,

2025 by which the the Respondent No.1 – SNDT Women’s University has rejected the application of the Petitioner for change of name and gender retrospectively in the records of the Respondent No.1 – University by assigning male identity. The ground of rejection being that the Respondent No.1 – University has been granted special status under Section 137 of the Maharashtra Public Universities Act, 2016, focusing exclusively on promoting women’s education and that the University does not have any right to admit a male student. By allowing a gender change in academic records it would dilute this mandate and set a precedent that may conflict the University’s foundational principles.

3. The relevant facts are as under:-

(i) The Petitioner by birth was assigned female gender and the name ‘Barkha Anilbhai Bachwani’.

(ii) The Petitioner passed matriculation and Higher Secondary from Government Majiraj Girls High School.

(iii) The Petitioner had completed Bachelor of Commerce

(B.Com.) in the year 2013 and Master of Commerce (M.Com.) in the year 2017 from the NC & BV Gandhi Mahila Arts and Commerce College affiliated with the Respondent No.1 – University.

(iv) The Petitioner thereafter between 2022- 2024 underwent gender affirming medical procedures, and upon completion of the same, followed it up with the necessary legal formalities for gender and name change.

(v) The Transgender Identity Certificate under Section 7 of the Transgender Persons (Protection of Rights) Act, 2019 (“**Act of 2019**”) was issued to the Petitioner. A certificate of identity (male) was issued on 15th July, 2024.

(vi) The Petitioner had his name and gender change notified vide Gazette Notification on 5th October, 2024.

(vii) The Petitioner applied for change in his certificates issued for his Matriculation and Higher Secondary Certificates and which Certificates dated 22nd October, 2024 were promptly issued to

him.

(viii) The Petitioner was also issued updated Aadhar Card, PAN Card etc.

(ix) The Petitioner in view of having changed his gender identity in the said official documents had submitted a formal application on 20th November, 2024 to the Respondent No.1 – University to update his educational records for his B.Com and M.Com. The Application had been accompanied with all the necessary legal documents.

4. The Petitioner had repeatedly followed up on the formal application and it was only on 5th February, 2025 that the Respondent No.1 – University formally rejected the request citing its status as women only university and stating that retrospective gender change ‘would violate its mandate’. The rejection letter dated 5th February, 2025 has been impugned in the present Petition.

5. On 7th February, 2025, the Respondent No.1 – University passed Resolution rejecting the claim of the Petitioner mentioning

Section 137 of the Maharashtra Public Universities Act, 2016 and it was only by response to RTI Application of the Petitioner that the Petitioner was able to obtain a copy of the Resolution. The said Resolution has also been impugned in the present Petition.

6. Mr. Kranti L.C., the learned Counsel appearing for the Petitioner has taken this Court through the compilation of the documents which have been tendered and taken on record and marked 'X' for identification. In the compilation of documents, there are Matriculation and Higher Secondary Certificates which reflect the prior gender identity of the Petitioner and thereafter the gender change. There is also the official passport of the Petitioner which shows the prior gender and the gender change. He has in support of his submission that the Respondent No.1 – University is bound to reflect the gender identity change of the Petitioner retrospectively, placed reliance upon the relevant provision of the Act of 2019. He has in particular relied upon Section 7(1) of the Act of 2019 which provides that after issuance of certificate by the District Magistrate under Section 6(1), 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 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. He has submitted that such application for revised certificate had been made by the Petitioner to the District Magistrate, having undergone surgery for gender change and which revised certificate has been issued to the Petitioner by the District Magistrate, (Exhibit 'C' to the Petition).

7. Mr. Kranti has also placed reliance upon Section 7(3) of the Act of 2019 which provides for the person who has been issued 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 documents relating to the identity of such person. He has submitted that in the said provision of the Act of 2019, it is clear that the Petitioner is entitled to change the first name in all official documents retrospectively.

8. Mr. Kranti has submitted that the Respondent No.1 – University is bound by the aforesaid provisions of the Act of 2019 and cannot fall back on the Maharashtra Public Universities Act, 2016

and in particular Section 137 thereof to reject the application of the Petitioner for reflecting the change in first name on the ground that the Petitioner by gender change is no longer a female and the Respondent No.1 – University can only enroll female students. He has submitted that this is not a case of the Petitioner seeking enrollment in the Respondent No.1 – University but is a case where the Petitioner is seeking retrospective change in gender identity having graduated from the Respondent No.1 – University as a female and thereafter undergone gender change.

9. Mr. Kranti has also placed reliance upon Rule 7(5) of the Transgender Person (Protection of Rights) Rules 2020 (“**the Rules**”) which provides for the authority that issued the official document, on an application made by the Applicant under Sub-Rule 3, shall change the name or gender or photograph or any of this information of the applicant in the official document within fifteen days of making of such application. He has submitted that inspite of the said Rule, the Respondent No.1 – University has failed to act upon the formal application of the Petitioner made on 20th November, 2024 and rejected the same vide rejection letter on 5th February, 2025.

10. Ms. Disha Vardhan, the learned Counsel for the Respondent Nos.1 and 2 has supported the impugned rejection letter by placing reliance upon the Maharashtra Public Universities Act, 2016 and in particular Section 137 thereof in support of her submission that the said provision focuses exclusively on promoting Women's education. Further, the Respondent No.1 – University has no right to enroll a male student i.e. by allowing a gender change in academic records retrospectively which would dilute this mandate and set a precedent that may conflict with the Universities foundational principles. She has submitted that the request made by the Petitioner to alter the records of the University retrospectively to reflect male identity contradicts the eligibility criteria for admission to a women only institution. She has accordingly submitted that the impugned rejection letter dated 5th February, 2025 and Resolution dated 7th February, 2025 have been correctly issued / passed by Respondent No.1 – University.

11. We have considered the rival submissions of the parties. We have also considered the relevant provisions of the Act of 2019 and the Maharashtra Public Universities Act, 2016 and in particular Section 137 thereof. In the present case, the Petitioner is not seeking

enrollment in Respondent No.1 – University. The Petitioner has graduated from the Respondent No.1 – University in both B. Com and M. Com in the years 2013 and 2017 respectively. The Petitioner who was originally a female student when enrolled with the Respondent No.1 – University has after graduation from there undergone gender affirming medical procedures changing her gender identity to male. Thus, there is a misplaced reliance on Section 137 of the Maharashtra Public Universities Act, 2016 by Respondent Nos.1 and 2 in issuing the impugned rejection letter and passing the impugned Resolution.

12. The Act of 2019 has expressly provided in Section 7 (3) that the person who has been issued 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 documents relating to the identity of such person. Further, in Rule 7(5) of the Rules the authority that issued the official document, on an application made by the Applicant under Sub-Rule (3) shall change the name or gender or photograph or any of this information of the applicant in the official document within fifteen days of making of such application.

13. In the present case, the Petitioner has been able to change the name, gender and photograph in several official documents viz. the Matriculation and Higher Secondary Certificates, the Aadhar Card, PAN Card, Passport forming part of the compilation of documents marked 'X'. It is only the Respondent No.1 – University who has failed to act in conformity with the said provisions of the Act of 2019 by allowing the changes to reflect the Petitioner's gender identity in the educational records for B. Com. and M. Com. Retrospectively.

14. We accordingly find much merit in the present Writ Petition. The Supreme Court in *National Legal Services Authority v. Union of India & Ors.*¹ has upheld the Transgender Persons' right to decide their self-identified gender and directed the Centre and State Governments to grant legal recognition of their gender identity such as male, female or as third gender. Further, this Court in *X v. The Dean & Anr.*² has issued mandamus in paragraph 10 having held that, there is absolutely no reason why the online forms on the website of the 1st Respondent and indeed every other educational institution that is or are subject to our writ jurisdiction should not have a form

¹ (2014) 5 Supreme Court Cases 438.

² Writ Petition (L) No.9961 of 2023 dated 25th April, 2023.

for precisely such changes, i.e., noting a change in name and a change in gender. It is for the 1st Respondent to make this change on the 1st Respondent's website and for the 2nd Respondent State Government to issue the necessary instructions to all similar education institutions across Maharashtra. It appears that these directions till date have not been adhered to.

15. We accordingly allow the present Writ Petition and set aside the rejection letter dated 5th February, 2025 and Resolution dated 7th February, 2025 of the Respondent No.1 – University. We direct the Respondent No.1 – University to issue to the Petitioner his B.Com., M.Com. Certificates as well as the respective Marksheets with his updated name and gender within a period of two weeks from uploading of this Order.

16. Writ Petition is accordingly disposed of. There shall be no order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]