

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(PIL) No.2716 of 2023**

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Jharkhand Trans Collective ... .. Petitioner  
Versus  
The Chief Secretary, State of Jharkhand & Another  
... .. Respondents  
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**CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD  
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

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For the Petitioner : Mr. Ritik Raj, Advocate  
For the Respondents : Mr. Gaurav Raj, AC to AAG-II  
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**Order No. 08/Dated 25<sup>th</sup> April, 2024**

**1.** A counter affidavit has been filed wherein so many beneficial actions have been said to be taken by the State of Jharkhand in the interest of the Transgenders.

**2.** However, the prayer so far as it relates to constituting the Transgender Welfare Board as per the requirement of law and the decision of the Hon'ble Apex Court in the case of ***National Legal Services Authority v Union of India and Others*** reported in **2014 (5) SCC 438**, no positive response has been given. However, it has been stated that it is under consideration.

**4.** The question herein is that when the legislation has been made to take care of Transgenders by promulgating the Rules as Transgender Persons (Protection of Rights) Rules, 2019 which is five years back, but still the stand of the State of Jharkhand is that the issue of constitution of Welfare Board for the Transgenders as mandated under Rule, 2019 based upon the judgment passed by the Hon'ble

Apex Court in the case of ***National Legal Services Authority v Union of India and Others*** (*Supra*), is still under consideration.

**4.** This Court considers it unfortunate on the part of the State of Jharkhand that even though the Transgenders are the third gender in the society but still the stand of the State of Jharkhand is that the issue of constitution of Transgender Welfare Board is under consideration.

**5.** How can such stand be allowed to be taken by the State of Jharkhand when the interest of third gender, i.e., Transgenders, is involved.

**6.** The various beneficial schemes for the purpose of extending the same in favour of the Transgenders have been stated in the counter affidavit.

**7.** This Court, in order to have a report regarding the factual aspect on surface, is of the view that the JHALSA through the Member Secretary is required to be impleaded as party to the proceeding.

**8.** Let JHALSA through the Member Secretary be impleaded as Respondent No.3 in this proceeding.

**9.** Let notice be issued upon Member Secretary, JHALSA.

**10.** Let an affidavit be filed by the Member Secretary, JHALSA calling upon report from the respective Secretaries of the DALSA for the purpose of corroborating the fact that

as to whether the beneficial schemes which have been launched by the State Government as referred in the counter affidavit filed on behalf of respondent State of Jharkhand are actually available in the respective districts of the State of Jharkhand or not.

**11.** So far as the constitution of Transgender Welfare Board is concerned, this Court is of the view that the same is to be constituted within a period of two weeks from today.

**12.** Such direction is being passed taking into consideration the very object and intent of the Rule, 2019 as also the command of the Hon'ble Apex Court as per the judgment passed in ***National Legal Services Authority v Union of India and Others*** (*Supra*) which is binding upon the High Court in view of Article 141 of the Constitution of India.

**13.** Let this matter be posted on 14.05.2024.

**14.** Let this order be communicated to the Chief Secretary, State of Jharkhand, for needful.

**(Sujit Narayan Prasad, J.)**

**(Arun Kumar Rai, J.)**