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Decoding “Womanhood” Under the Surrogacy Act: The Telangana High Court’s Progressive Stance on Chromosomal Anomalies

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The interplay between complex medical conditions and rigid statutory definitions frequently poses profound challenges to the adjudication of fundamental rights. In a landmark ruling delivered on March 3, 2026, the High Court of Telangana, presided over by Justice Nagesh Bheemapaka, addressed one such complex legal conundrum. The case, *Smt. Maryada Sravani and Sri Seethareddy Pradeep Reddy v. The Commissioner, H&FW, Chairperson, SAA, ART & Surrogacy and Ors.*, challenged an administrative order that denied a married couple access to gestational surrogacy based on the wife's genetic karyotype. The judgment is a vital precedent in understanding the scope of the Surrogacy (Regulation) Act, 2021, emphasizing a purposive and compassionate interpretation over a strict, biologically exclusionary reading.

The factual matrix of the case centres on a legally married couple, Smt. Maryada Sravani and Sri Seethareddy Pradeep Reddy, who solemnized their marriage according to Hindu rites in November 2021. The wife, Petitioner Number One, was diagnosed with a rare congenital chromosomal disorder known as Complete Androgen Insensitivity Syndrome. While she possesses the physical features of a woman and leads a normal conjugal life, her genetic makeup reveals a 46 XY karyotype. Consequently, she was born without a uterus and ovaries, rendering her biologically incapable of conceiving a child.

Seeking to build a family, the petitioners opted for gestational surrogacy in accordance with the regulatory framework established by the Surrogacy (Regulation) Act, 2021. They diligently adhered to the procedural mandates, beginning with an application to the statutory District Medical Board. Acknowledging her condition, the Board issued a Medical Indication Certificate, confirming the absolute necessity of gestational surrogacy using a donor oocyte. Following this, the couple secured an order of parentage and custody from the Magistrate Court in Kukatpally and procured the requisite insurance coverage for the prospective surrogate mother.

The legal friction emerged when the couple submitted their application to the Commissioner of Health and Family Welfare, acting as the Chairperson of the State Appropriate Authority for ART and Surrogacy, seeking the mandatory Certificate of Essentiality and Eligibility. On August 18, 2025, the Authority passed an impugned order rejecting their application. The administrative body grounded its refusal in a rigid interpretation of Section 2(1)(h) of the Surrogacy Act, which defines an intending "couple" as a legally married Indian man and woman.

Relying upon a cytogenetic report, the State Appropriate Authority concluded that since the petitioner wife possessed a 46 XY karyotype, she genetically presented as male. The Authority further fortified its stance by citing a communication from the Ministry of Health and Family Welfare, which stipulated that transgender persons fall outside the purview of the Surrogacy Act. By conflating her genetic anomaly with transgender identity, the Authority determined that the petitioners did not legally constitute a "couple" and subsequently denied the essentiality certificate.

The writ petition brought forth several critical constitutional and statutory issues for the Court's consideration. Foremost was the question of whether a woman diagnosed with Complete Androgen Insensitivity Syndrome, and possessing an XY karyotype, could be legally excluded from the definition of a "woman" and a "couple" under Section 2(1)(h) of the Act. Furthermore, the Court had to adjudicate whether the State Appropriate Authority exceeded its jurisdictional boundaries by disregarding a valid Medical Indication Certificate issued by the competent District Medical Board. The Court was tasked with determining whether the denial of surrogacy on the grounds of a chromosomal anomaly violated the fundamental right to life and personal liberty guaranteed to the petitioners under Article 21 of the Constitution of India.

In advancing their case, the petitioners vehemently contested the Authority's classification. They asserted that the wife identifies entirely as a woman, possesses typical female physical features, and is not a transgender individual. They argued that her medical condition, characterized by the absence of a uterus, places her squarely within the protective ambit of Rule 14(a) of the Surrogacy (Regulation) Rules, 2022. This specific rule explicitly permits surrogacy for women suffering from congenital conditions that make carrying a pregnancy to term impossible. The petitioners further contended that the State Appropriate Authority acted arbitrarily, overstepping its mandate by substituting the expert medical assessment of the District Medical Board with its own flawed genetic interpretation.

Conversely, the respondents defended the impugned order through a strict literal interpretation of the statute. They argued that Section 2(1)(h) mandates a legally married man and woman, positing that a woman is strictly defined by an XX genotype and a man by an XY genotype. The State argued that the presence of an XY karyotype in the petitioner technically classified her as male from a genetic standpoint, thereby disqualifying the pair from meeting the statutory definition of an intending couple. They heavily relied on the Central Government's clarification excluding transgender individuals to justify the rejection.

To untangle these rival contentions, the Court closely examined the prevailing legal framework alongside established judicial precedents. The analysis pivoted on Section 4(iii)(a)(I) of the Surrogacy Act and Rule 14(a) of the corresponding rules. The Court found immense guidance in the Supreme Court's landmark ruling in *Arun Muthivel vs. Union of India*. In that matter, the Apex Court dealt with Mayer-Rokitansky-Kuster-Hauser syndrome, a different congenital disorder where females are born without a uterus despite an XX karyotype. The Supreme Court in *Arun Muthivel* clearly enunciated that Rule 14(a) is fundamentally woman-centric, designed explicitly to aid women whose medical or congenital disabilities impede biological motherhood.

Building upon this jurisprudence, the High Court of Telangana conducted a nuanced analysis that harmonized medical science with compassionate legal interpretation. The Court examined the medical realities of Disorders of Sex Development, specifically Complete Androgen Insensitivity Syndrome. It observed that individuals with this syndrome experience a complete loss of androgen receptor function, leading to a female physical phenotype despite an XY chromosomal makeup. The Court unequivocally held that possessing a 46 XY karyotype does not strip the petitioner of her identity as a woman, nor does it extinguish her right to attain motherhood through surrogacy.

The bench categorically dismissed the Authority's attempt to classify the petitioner as a transgender person. The Court noted that relying on guidelines intended for transgender individuals in a case of a rare congenital medical disorder was legally unsound and factually incorrect. The administrative body was found to have acted without proper jurisdiction when it undermined the definitive findings of the statutory District Medical Board.

Further enriching its analysis, the Court situated the statute within the broader socio-cultural context of Hindu Dharma. The judgment highlighted the profound religious and cultural significance attached to procreation, family continuity, and lineage. Acknowledging the severe social stigma and trauma inflicted upon childless couples, the Court emphasized that the Surrogacy (Regulation) Act, 2021, must be interpreted as a piece of beneficial legislation. Its primary objective is to rescue infertile couples from societal ostracization, not to punish them for biological anomalies beyond their control.

The Court concluded that demanding chromosomal perfection as a prerequisite for surrogacy directly contradicts the spirit, intent, and objective of the Act. The petitioners had fulfilled all substantive criteria: they were legally married, fell within the prescribed age limits, and possessed no surviving children. Denying them the right to family formation based on a rigid, medically isolated genetic interpretation was deemed a violation of their fundamental rights under Article 21 of the Constitution.

In its final decision, the High Court of Telangana allowed the writ petition and set aside the impugned rejection order dated August 18, 2025. Recognizing the arbitrary nature of the State Appropriate Authority's decision, the Court issued a writ of mandamus directing the respondent authorities to promptly issue the Certificate of Essentiality and Eligibility to the petitioners. This progressive judgment rectifies an administrative overreach and establishes a crucial legal safeguard for women with congenital chromosomal variations, ensuring that the march of medical science and genetic testing is used to enable fundamental rights rather than deny them.

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