

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4119/2017.

Sushma Vijaykumar Ingle.

-VERSUS-

Union of India and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : DECEMBER 21, 2017.

Heard Shri S.D. Dharaskar, learned
Counsel for the petitioner, Shri C.J. Dhumane,
learned Counsel for respondent nos.1 and 2, and
Shri S.M. Ukey, learned Counsel for respondent
no.3.

2. Request of petitioner residing in
Naperville, IL through her mother is to direct
respondent no.1 Union of India to correct her date
of birth on passport issued on 05.10.2016.

3. Birth certificate issued by the

2

respondent Corporation in her favour on 03.08.2016, shows that entry of birth was taken by the Corporation forthwith. The entry has been taken in the office of the Corporation situated at some distance from the Hospital at Sitabuldi, where petitioner was born. Not only this, name of child also appears on it. Normally the child is named in this region after 10-13 days of the date of birth.

4. In this situation, we have called for the records of Nagpur Municipal Corporation and we have perused necessary records and relevant Rules. Though we are not satisfied with the mode and manner in which records are maintained, learned counsel appearing for the petitioner during argument submits that the correct date of birth of petitioner is 01.07.1977, and it has been so recorded every where, including the school records. On the basis of the school records, entry of date of birth has been taken in the passport.

5. He submits that as said date is

3

mentioned as 25.08.1977 in Corporation record or in certificate issued to her, need of correction has arisen.

6. Learned counsel appearing on behalf of respondent nos. 1 and 2, submits that the facts on record make out a case for directing respondent no.3 to correct the date of birth in its records. He submits that correct date of birth as reported by the parents of the petitioner in school and thereafter maintained by the petitioner, is also accordingly mentioned in the passport, cannot be altered to match it with incorrect date recorded by the office of respondent no.3.

7. Learned counsel appearing for respondent no.3 submits that records have been maintained by the Authorities as per the information, instructions then made available and entries have been taken accordingly.

8. This court has made some observations about the original entry of date of birth in paragraph no.6 of its earlier order dated

4

19.12.2017. We find that name of child has been added later on and though the entry appears to be initialed by some body, name or description of that officer and date of taking entry is not apparent.

9. Learned counsel appearing for respondent no.3 has produced before this Court a request made on behalf of the petitioner for recording name of child in August, 2016 and also pointed out government directives which permit entertaining such request and addition of name of child.

10. Again in present facts, we do not wish to go into the implications which may follow, out of such correction or procedure. Here the difference in date of birth is hardly of about one month and 24 days. Petitioner does not stand to gain anything by pointing out her correct date of birth as 01.07.1977. Ideally, she could have opted for 25.08.1977 as correct date of birth, because it makes her younger and may give her advantage in her carrier.

5

11. However, accepting statement of petitioner that her correct date of birth is 01.07.1977, and it has been consistently so recorded in all the records, directions need to be issued to respondent no.3 to correct the date of birth in their records.

12. Accordingly, we direct respondent no.3 Corporation to change the date of birth of petitioner from 25.08.1977 to 01.07.1977 in their records and to issue fresh birth certificate to the petitioner within a period of seven days.

13. Writ Petition is thus, partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.