

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP No. 20897 of 2015

Date of Decision: July 17, 2017.

Harbir Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. G.S.Gurna, Advocate,
for the petitioner.

Mr.Vikas Mohan Gupta, Addl.A.G., Punjab.

Mr.H.S.Jalal, Advocate, for respondent Nos. 3 & 4.

Rajan Gupta, J (Oral)

Present petition has been filed in the nature of certiorari for quashing of order Annexure P/6 passed by respondent No.4 praying that mother's name be included in the certificates issued by the Registrar, Births & Deaths way back in the years 1954 & 1956 in respect of children of the petitioner. It has been urged before the court that husband of the petitioner was Lieutenant Colonel in the Army. Petitioner got married to Balbir Singh Jaijee, an army officer on 1.4.1953. Out of the wedlock, a son was born on 30.6.1954 namely Gunbir Singh and another son Kushalbir Singh was born on 21.5.1956. That two certificates Annexures P/3 & P/4 were issued by the Registrar, Births & Deaths, Patiala. Only grievance of the petitioner is that name of the mother is not reflected in the

said certificates. Thus, necessary correction/modification be carried out in the certificates.

Prayer has been opposed by learned State counsel on the ground that at that time there was no column in the certificate wherein name of the mother was required to be mentioned. According to him, an amendment was carried out in the year 2004 in the Act making it mandatory for inclusion of name of mother in the certificate. He submits that in case such a plea is accepted all certificates prior to amendment in the Act may require necessary correction. Such an exercise would be virtually impossible for the authorities to undertake. Counsel appearing for respondent Nos. 3 & 4 has made submissions on similar lines.

I have heard learned counsel for the parties and have given careful thought of facts of the case. Husband of the petitioner attained the rank of Lieutenant Colonel in the army. He is stated to have died in the 1965 War. In the record maintained by the Army authorities all particulars pertaining to the family of petitioner are recorded. A perusal of Annexure P/2 shows that name of the petitioner is mentioned in column No.23 thereof. Apart from two male children, petitioner also has two daughters namely, Gursimrat Kaur and Amresh Kaur. Certificate in this regard has been issued by the Adjutant General, District Sainik Welfare Officer, Patiala. It is thus not clear why petitioner seeks inclusion of her name in the certificates issued by the Registrar, Births and Deaths that too in respect of the sons only. I find substance in the plea of the State counsel that in case plea of the petitioner is accepted, it would give liberty to all to seek similar correction in their birth certificates. Such a huge exercise would not be possible for the State to carry out. There can be no doubt

about the fact that rules promulgated in the year 2004 are prospective in nature. Prayer made in the petition is thus misconceived. Petition is hereby dismissed.

(Rajan Gupta)
Judge

July 17, 2017.

BB

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No