

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9701 OF 2017**

Yash Ulhas Trimbake. ... Petitioner.

V/s.

The Union of India & ors. ... Respondents.

Mr. E.A. Sasi, advocate for petitioner.

Mr. Mihir Joshi, advocate for respondent No. 3.

Mr. K.S. Patil, advocate for respondent No. 7.

**CORAM : RANJIT MORE &
SMT. SADHANA S. JADHAV, JJ.**

DATE : MARCH 9, 2018.

P. C. :

1 Heard the learned Counsel for respective parties. The petition is filed for following reliefs :

“(a) This Hon'ble Court may be pleased to issue writ of Mandamus, certiorari or any such other writ, order or direction to the concerned Respondents including the Respondent No. 3 and 6 directing them to forthwith effect changes in all relevant records to show (i) the name of the Petitioner as “Yash Ulhas Trimbake”, (ii) the Petitioner's Surname as “Trimbake” and (iii) the name of the Petitioner's father as “Ulhas Mahadev Trimbake” and

continue to show the said particulars in future in all records/documents;

(b) This Hon'ble Court may be further pleased to issue appropriate writ, order or direction to all the concerned Respondents to enter and/or to rectify the Caste of the Petitioner in all the records including school records, CBSE Board records, and School Leaving Certificate showing his caste as "Hindu-Dhor" and Scheduled Caste as recognized under the Constitution (Scheduled Casts) Order, 1950 and as amended by the Scheduled Casts & Scheduled Tribes Orders (Amendment) Act, 1976 (Act, 108 of 1976);

(c) This Hon'ble Court may be further pleased to issue appropriate order and direction restraining the Respondent No. 7, either by herself or through her relatives, agents, servants or any person acting on her behalf from interfering with the personal affairs of the Petitioner in any manner whatsoever;"

2 In short, the Petitioner is seeking declaration that he is son of one Ulhas Trimbake and accordingly his name be shown in the school record as Yash Ulhas Trimbake. The Petitioner is also claiming benefit of caste of his alleged father Ulhas Trimbake. The birth certificate is annexed at Exh. B at page 37. In birth certificate,

name of mother is shown as Manisha Gadgil. In the column “Name of Father” it is stated “not stated”. Be that as it may, at page 38, there is a letter dated 30/12/2009 from Petitioner's mother Manisha Gadgil to the Principal/Administrative Officer, DAV Public School, Airoli, Navi Mumbai. In this letter, she has informed the school authorities that Shri Ulhas M. Trimbake will act as guardian of the petitioner. She has also stated that she is single, homeless working mother staying in Mumbai.

3 Be that as it may, the Petitioner's mother Manisha Gadgil has filed affidavit dated 14/7/2017. She has stated in the affidavit that she was working as nurse in Mumbai Municipal Corporation Hospital, where Shri Ulhas Mahadev Trimbake was serving as a doctor. The affidavit further shows that they were living in relation. There was relationship between Dr. Ulhas Trimbake and Manisha Gadgil and out of this relation, petitioner was born on 18/2/2001. Affidavit also discloses that Dr. Ulhas Trimbake is already married and his marriage is in subsistence.

4 In paragraph-3 of the said affidavit, following averments

are made :

3. In view of the fact that there was no formal marriage between us, when our child Yash was born on 18/2/2001, we did not mention the name of father Ulhas Trimbake in the particulars given to the Mumbai Municipal Corporation for issuance of birth certificate. As such the birth certificate came to be issued showing his name as well as my name without showing the name of father Dr. Ulhas M. Trimbake.

5 Thus, in short, the Petitioner is seeking declaration that Shri Ulhas Trimbake is his biological father, which cannot be granted in exercise of jurisdiction under article 226 of the Constitution of India. The Petition accordingly stands dismissed.

[SMT. SADHANA S. JADHAV, J.]

[RANJIT MORE, J.]