



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23569 of 2018

M.Ashok Manikandan

:Petitioner

Vs.

1.The Registrar of Birth and Death
(Corporation Welfare Officer),
Thoothukudi Corporation,
Corporation Office,
Thoothukudi.

2.The Commissioner,
Thoothukudi Corporation,
Corporation Office,
Thoothukudi.

:Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in Na.Ka.No.H4/03712/18, dated 05.10.2018 and quash the same and further directing the first respondent to correct the petitioner's name in his birth certificate as Ashok Manikandan instead of Manikandan @ Ashok based on his application, preferred under Section 15 of the Registration of Births and Deaths Act, 1969, dated 08.09.2018.

For Petitioner : Mr.R.Balakrishnan
For R1 : Mrs.J.Padmavathy Devi
Special Government Pleader
For R2 : Mr.Saji Bino

ORDER

Mrs.J.Padmavathy Devi, learned Special Government Pleader takes notice for the first respondent and Mr.S.Saji Bino, learned Standing Counsel takes notice for the second respondent.

2.By consent of both parties, the Writ Petition is taken up for disposal at the admission stage itself.



3. This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent in Na.Ka.No.H4/03712/18, dated 05.10.2018 and to correct the petitioner's name in his Birth Certificate as Ashok Manikandan instead of Manikandan @ Ashok, based on his application preferred under Section 15 of the Registration of Births and Deaths Act, 1969, dated 08.09.2018.

4. According to the petitioner, his date of birth is 26.08.1990 and the same was registered as early as on 29.08.1990 itself. His name is Ashok Manikandan, but inadvertently, in his birth certificate, the same has been wrongly mentioned as 'Manikandan @ Ashok'. All his School and other Certificates reflect his name as 'Ashok Manikandan' and later point of time, he realised the mistake and in order to rectify the inadvertent mistake occurred, he requested the authorities and accordingly, Gazette Publication was also effected on 29.01.2014 stating that the petitioner will be known as 'Ashok Manikandan' instead of 'Manikandan @ Ashok'. The petitioner has completed B.E. Degree in Marine Engineering after obtaining educational loan. Thereafter, he was searching for appropriate job and he was appointed as HVAC Engineer in AP Oil International Limited Company at Singapore. Therefore, the petitioner proceeded to Singapore on 06.08.2018 and was working in the said Company for a period of one week. Thereafter, when the petitioner tried to get work permit, the State of Singapore refused to issue work permit to the petitioner for the sole reason that his name has been mentioned as 'Manikandan @ Ashok' instead of 'Ashok Manikandan' in his Birth Certificate. The petitioner submitted his Passport, which also contains the name 'Ashok Manikandan' and he approached the respondents in person to correct his name, but they refused to receive the application for the reason not known to the petitioner. Hence, the petitioner has sent a representation to the respondents through registered post on 08.09.2018 duly annexing all the necessary documents.

5. The petitioner has already filed W.P.(MD)No.20291 of 2018 before this Court seeking a direction to the first respondent to correct his name in his Birth Certificate as 'Ashok Manikandan' instead of 'Manikandan @ Ashok' based on his application preferred under Section 15 of the Registration of Births and Deaths Act, 1969, dated 08.09.2018. In the said Writ Petition, notice was ordered and the respondents have not filed any counter till date. The first respondent herein has passed an order on 05.10.2018 stating that the child name has not been corrected once it is registered. Challenging the same, the petitioner has filed the present Writ Petition.

6. I have heard the learned counsel appearing for the parties and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

7. At this juncture, it is relevant to extract below Section



15 of the Registration of Births and Deaths Act, 1969 and Sub-Rule 4 to Rule 11 of the Tamil Nadu Registration of Births and Deaths Rules, 2000.

"15. Correction or cancellation of entry in the register of births and deaths.- If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation."

Sub-Rule (4) to Rule 11 of the Tamil Nadu Registration of Births and Deaths Rules, 2000:-

"11. Correction or cancellation of entry in the register of births and deaths under Section 15.-

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under Section 15 upon production by that person a declaration setting forth the nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case."

8. In the light of the abovesaid provisions, it is clear that if any correction is to be carried out in the Birth Certificate of a person, the authority concerned is empowered to correct the error, wherever it occurs and accordingly, the claim of the petitioner seeking to correct his name as 'Ashok Manikandan' instead of 'Manikandan @ Ashok' on the ground that he was prevented from joining the Office at Singapore and put to hardship and he is not seeking any kind of jumbling of the name and therefore, his request can be considered by the authority concerned, is acceptable one. Therefore, this Court directs the respondents to consider the petitioner's claim for changing his name as 'Ashok Manikandan' as per the Passport and his 10th Standard and other mark statements. The copies of the same should be produced by the petitioner before the first respondent for correcting the name and the first respondent is directed to pass orders as per the provisions after giving reasonable opportunity to the petitioner, within a period of four weeks from today. This is only correction of name. However, this change will be effected in the petitioner's Birth Certificate and it is a one time measure, he cannot change it again.



9. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

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Sub Assistant Registrar (CS-IV)

To

1. The Registrar of Birth and Death
(Corporation Welfare Officer),
Thoothukudi Corporation,
Corporation Office,
Thoothukudi.

2. The Commissioner,
Thoothukudi Corporation,
Corporation Office,
Thoothukudi.

- 1 CC TO Mr. R. BALAKRISHNAN, ADVOCATE IN SR No. 97536.
- +1 CC TO Mr. S. SAJI BINO, ADVOCATE IN SR No. 97435.
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- SMN2
- DS SV SAR4 30 11 2018 4P 5C

W.P (MD) No. 23569 of 2018