

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4324 of 2020

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Ram Bhaju Prasad Yadav Son of Late Jageshwar Yadav, Resident of Village-Metupur, P.S.-Belaganj, District-Gaya, At present resident of Sheikhpura Bagicha, P.O.-B.V. College, P.S.-Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director, Indira Gandhi Institute of Medical Sciences, Patna.
4. The Administrative Officer, Indira Gandhi Institute of Medical Sciences, Patna.
5. Judagar Yadav, Son of Late Jageshwar Yadav, Resident of Village-Metupur, P.S.-Belaganj, District-Gaya.
6. Kamlesh Kumar, Son of Ram Bhaju Prasad Yadav, Resident of Village-Metupur, P.S.-Belaganj, District-Gaya, At present resident of Sheikhpura Bagicha, P.O.-B.V. College, P.S.-Shastri Nagar, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jogendra Kumar, Advocate
For the Respondent/s	:	
For IGIMS	:	Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-03-2024

Heard learned counsel for the petitioner, learned counsel for the IGIMS and learned counsel for the State.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for setting aside the order contained in letter No.3783 dated 13.10.2015 issued under the signature of the Administrative Officer, Indira Gandhi Institute of Medical Sciences, Patna by which the petitioner has been directed to produce Adoption Certificate issued by the



competent court.

3. Learned counsel for the petitioner submits that the petitioner has already provided the affidavit with regard to the adoption which has not been accepted by the authorities of IGIMS which is bad in law and demanding the certificate issued from the competent Court is also not in accordance with the law.

4. Learned counsel for the IGIMS submits that the affidavit made by the petitioner or any other relative is not a valid document and, therefore, the demand for a certificate of adoption issued by the competent court is correct.

5. After hearing the argument advanced by the parties and materials available on record, this Court is of the firm view that the law of adoption has been enacted by only two different statutes. First is the Hindu Adoptions and Maintenance Act, 1956, and second the Juvenile Justice (Care and Protection of Children) Act, 2015. Here in the present case, the Hindu shall be guided by the Hindu Adoptions and Maintenance Act, 1956 and with a view to cut short the matter Section 16 of the said Act is quoted as under :-

“16. Presumption as to registered documents relating to adoption.—Whenever any document registered under any law for the time being in force is produced before any court purporting to record an adoption made and is signed by the person giving and the person taking



the child in adoption, the court shall presume that the adoption has been made in compliance with the provisions of this Act unless and until it is disproved.”

6. In this view of the matter, the demand of the IGIMS for providing an Adoption certificate issued by the competent court is not required rather the production of a registered document relating to adoption is sufficient to accept the adoption. As such, the petitioner shall be at liberty to provide the registered document of adoption before the IGIMS and it is directed that the respondent IGIMS shall not demand any certificate of adoption issued from the Court rather a certificate of adoption through registered mode is also acceptable in accordance with the Hindu Adoptions and Maintenance Act, 1956. The proof of adoption through the Court shall be obtained in the matter of adoption under the Juvenile Justice (Care and Protection of Children) Act, 2015. Under the Hindu Adoptions and Maintenance Act, 1956 registration is sufficient.

7. As such, letter No.3783 dated 13.10.2015 issued under the signature of the Administrative Officer, Indira Gandhi Institute of Medical Sciences, Patna is hereby set aside. The IGIMS is directed to issue a fresh letter in which the demand to produce an adoption certificate through registered mode under the Hindu Adoptions and Maintenance Act, 1956 may be made,



and the petitioner is also directed to provide the said registered document of adoption to the authorities so that they may take action in accordance with the law.

8. With the aforesaid observation and direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	27/03/2024
Transmission Date	NA

