



2024:DHC:4686-DE



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 28.05.2024

+ **W.P.(C) 7645/2024**

USHA BARTHWAL

..... Petitioner

Through: Mr. Rajiv Bajaj and Ms. Shruti Khosla,
Advocates with petitioner in person.

versus

THE REGISTRAR GENERAL,
HIGH COURT OF DELHI

..... Respondent

Through: Ms. Raavi Birbal and Ms. Cauveri
Birbal, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL)

CM 31808/2024

1. Allowed, subject to just exceptions.

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2. Issue notice.

3. Ms. Raavi Birbal, Advocate accepts notice on behalf of the respondent.

4. With the consent of the counsel for the parties, the petition is taken up for hearing and final disposal at this stage itself.

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5. The petitioner, who is an employee of this Court, has filed the instant petition to assail the order dated 29.04.2024 passed by the Assistant Registrar of this Court, while disposing of the applications dated 09.01.2024 and 12.01.2024.

5.1 These applications were filed by the petitioner for seeking change of the surname of her deceased father from Mr. P.D. Sharma to Mr. P.D. Barthwal.

6. The petitioner, who is physically present in Court and presently holds the post of Assistant Registrar (Filing), says that the reason the instant writ petition has been moved is because she apprehends that at some later date, her retirement benefits will be impacted because of discrepancies in the record.

7. What is, however, not disputed by the petitioner is that when she entered service, *albeit* on *ad hoc* basis as a Junior Judicial Assistant on 22.11.1991, she had placed on record of this Court copies of her educational certificates, which reflected the name of her deceased father as Mr. P.D. Sharma.

8. The record also discloses that the petitioner, since then, has separated from her husband, one, Mr. Arvind Pandey. It appears that the petitioner had obtained a divorce by a mutual consent from Mr. Arvind Pandey.

9. Ms. Raavi Birbal, counsel who appears on behalf of the respondent, cannot but accept that respondent has also, at times, indicated the name of the petitioner's father as Mr. P.D. Barthwal. [See Annexures P-2 and P-4 (*colly*)].

9.1 What is also not disputed by Ms. Birbal is that the petitioner has informed the public at large, by having a notice published in the Gazette of India, dated

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August 21 – August 27, 2010, that she should be known as ‘Usha Barthwal, daughter of P.D. Barthwal’.

10. As a matter of fact, the petitioner has also drawn our attention to Annexure P-6, which is a ‘No Objection Certificate’, dated 23.10.2010, issued by the respondent for the purposes of issuance of a Passport to the petitioner, where the petitioner’s father’s name is mentioned as ‘P.D. Barthwal’.

11. There are several other documents, wherein the petitioner’s father’s name is shown as ‘P.D. Barthwal’.

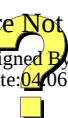
12. It is not disputed by Ms. Birbal that Mr. P.D. Barthwal and Mr. P.D. Sharma are one and the same person. It is also not disputed by Ms. Birbal that in certain documents, name of the petitioner’s father has been shown as Mr. P.D. Barthwal.

13. Thus, having heard the learned counsel for the parties and perused the record, including parts of the official record, hard copies of which were handed over in Court by Ms. Birbal, we are of the view that the apprehension entertained by the petitioner, which is that at some later date her retirement benefits could get impacted, is rather tenuous.

14. That said, to place the petitioner at ease and having regard to the material placed before us, the writ petition is disposed of with the direction that retirement benefits or any other benefits, relatable to her service, will not be impacted merely because of the fact that the educational and other documents submitted

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by the petitioner, at the time of entering service, shows her father's name as Mr. P. D. Sharma.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 28, 2024

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