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

+ **W.P.(C) 8101/2024**

JYOTSNA MALIK

.....Petitioner

Through: **Mr. Prakriti Rastogi and Mr. Azad
Bansala, Advs.**

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: **Mr. Farman Ali, SPC with Ms.
Archana Surve, G.P and Ms. Usha
Jamnal, Adv. for R-1.
Mr. Chetanya Singh and Mr. Chetan
Sharma, Advs. for NDMC.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **14.08.2024**

1. The petitioner in the instant writ petition has prayed for the following relief:-

" direct the Respondent No.2 to correct the date of birth in the birth certificate of the Petitioner from 10.10.1997 to 10.09.1997, in view of the legally valid government documents and order of this Hon'ble Court in Writ Petition (C) 6442 of 2024 "

2. The petitioner is stated to be a national level chess player, presently working with a US based company involved in leadership development in the banking sector. Learned counsel appearing for the petitioner submits that the petitioner is seeking admission for pursuing MBA programme from abroad. However, due to certain discrepancies in her documents, she is unable to pursue the said endeavour. According to her, the petitioner was



born on 10.09.1997 at LHMC and SMT Sucheta Kriplani Hospital, New Delhi and at the time of enrolment in school, her correct date of birth i.e., 10.09.1997 was mentioned. Learned counsel submits that thereafter, the parents of the petitioner applied for birth certificate, however, on account of some inadvertence, the certificate which was issued to the petitioner reflected her date of birth as 10.10.1997. It is stated that subsequently, on the basis of the incorrect date of birth, the parents of the petitioner applied for a fresh passport which was issued with date of birth being 10.10.1997.

3. She, however, contends that the actual date of birth of the petitioner is 10.09.1997, which is recorded in her Class X school certificate as well as in her Aadhaar card and PAN card. She further submits that somehow the petitioner had misplaced her first passport which was duly reported to the police and a lost article report was lodged on 08.04.2022. According to her, when the petitioner applied for another passport on 28.04.2022, she duly submitted all the requisite documents alongwith a request to rectify the date of birth which was earlier mentioned in her lost passport. However, she was later informed that her renewal application for new passport cannot be processed on account of discrepancy in the date of birth mentioned in the birth certificate and other documents. Learned counsel submits that the petitioner, thereafter, ran from pillar to post to redress her grievance but to no avail.

4. The petitioner, therefore, submits that the cause for the entire anomaly surrounding the date of birth is due to the birth certificate issued by the respondent-Corporation containing the incorrect date of birth.

5. On notice being issued, the respondent-Corporation has filed its counter affidavit. The respondent-Corporation opposes the prayer made by



the petitioner and learned counsel for the respondent-Corporation submits that the plea of the petitioner is devoid of any merit as the correct birth certificate has already been issued by the respondent-Corporation on the basis of actual and correct birth details, as provided by the hospital where she was born. He further submits that it is the petitioner herself who is at fault and consequently, she is responsible for the said anomaly.

6. In addition to the above submissions, the respondent-Corporation brings to attention the fact that as per order dated 30.06.2015 passed by the office of Registrar General, Ministry of Home Affairs, the entries made in birth and death registers are admissible as evidence before the Court and therefore, correction of these credentials is not allowed. Further, the respondent submits that if such a request is accepted, the same will open a pandora's box, resulting in stacking up of similar claims before it.

7. I have considered the submissions made by learned counsels appearing for the parties and have given a thoughtful consideration to the averments made in the writ petition and the counter affidavit.

8. The solitary grievance of the petitioner rests on the premise that inadvertently, her birth certificate was issued with an incorrect date of birth and despite various other documents reflecting her correct date of birth, the new passport could not be issued to her which is depriving the petitioner from pursuing her academic endeavours.

9. Undeniably, the petitioner, by way of getting her date of birth corrected from 10.10.1997 in the birth certificate issued by the respondent-Corporation to 10.09.1997 would not be put in an advantageous position in any manner, whatsoever. The petitioner would rather lose a month in service, assumingly if she applies to any of the government services.



10. The facts and circumstances would show that the petitioner inadvertently mentioned the date of birth as 10.10.1997 and on the said basis, the birth certificate bearing the said date came to be issued by the respondent-Corporation. Undisputedly, Aadhar Card, Class X marksheet as well as PAN card issued by the respective authorities correctly mention the date of birth of the petitioner, as desired by her. The fresh passport is not being issued to her only because of different date of birth in the birth certificate.

11. Therefore, in the given facts, when the petitioner is at a very nascent stage of her adulthood, if the anomaly created in the birth certificate issued by the respondent-Corporation is not resolved, the petitioner is most likely to suffer irreparably throughout her career.

12. In view of the aforesaid peculiar set of conditions, the Court deems it necessary to direct the respondent-Corporation to modify the date of birth as 10.09.1997 in the birth certificate, which remains the petitioner's actual date of birth throughout her school certificate. Needless to state that the instant order shall not be treated as a precedent.

13. Ordered accordingly.

14. The petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 14, 2024/p