

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15672 of 2025

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Sunil Kumar son of Sidheshwar Prasad, resident at Ram Bilash Chowk, Indra Nagar, Postal Park, District-Patna-800001.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The Registrar General of India, Ministry of Home Affairs, Government of India, New Delhi.
3. The State of Bihar through the Principal Secretary, Planning and Development Department, Bihar, Patna
4. The Additional Secretary, Planning and Development Department, Bihar, Patna
5. The Chief Registrar, (Births and Deaths), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Uday Bhanu Roy, Advocate
For the UOI	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Rabindra Kumar Priyadarshi, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 04-11-2025 Following are the reliefs sought for in the present writ application:-

(i) For that the impugned notification where under Panchayat Secretary has been appointed as Registrar (Births and Deaths) for the given area/Panchayat is against the letter and spirit of Section 13(2)(3) of the Act, 1968 and Section 11(2)(3) of the Amendment Act, 2023 as well as Rule 9(2) (3) of Model Registration of Births and Deaths Rules, 1999.

(ii) For that under Section 13 of Amendment Act, 2023 Sub Section (3) has been added to Section 17 of the Principal Act(Act 1969)



which is to the effect that Birth Certificate issued under this Act shall be used to prove the date and place of the birth of a person for the purpose, inter alia of preparation of Voter list, appointment to a post in the Central or State Government or local body or public sector undertaking etc, issuance of Passport, issuance of Aadhar Number etc. and then to become a citizen of India.

(iii) For that earlier also the Panchayat Secretary were notified as Registrar(Births and Deaths) for a given local area but they utterly failed to maintain the Register of Births and Deaths in terms of Section 16 read with Section 13 of the Act 1969 which provide for collecting prescribed fee for delayed information to the Registrar.

(iv) For that by a notification dated 24.2.2023 the State Government notified Block Statistical Officer as Registrar for the Nagar Panchayat and Rural areas of the Block which shows that Panchayat Secretary were not found suitable for the responsibility of a Registrar(Births and Deaths).

(v) For that illegal Bangla Desi and Rohingya infiltrators are a serious concern for the State and the country and it has been invariably found that most of them possess Aadhar Card, Election I. Card, Ration Card etc. and it becomes so difficult to identify their actual status and in face of such ground reality it becomes imperative that birth certificates in terms of Section 13(2) (3) are issued with great care, caution and vigil by Senior Officials of the government.

(vi) For that the hue and cry against the revision of Voter List in Bihar conducted by the Election Commission of India raised by a Section of the people and some social class also suggest that everything is not well with the voter list prepared earlier which also marks the importance of birth certificate.

(vii) For that despite having been found



unsatisfactory performance by the Panchayat Secretary in the responsibility as Registrar (Births and Deaths), the government of Bihar has again notified the as Registrar (Births and Panchayat Secretary Deaths) for a given area by the impugned notification dated 19.05.2025.

2. By way of a Public Interest Litigation, the Annexure- P/6 has been challenged, whereby the State Government issued notification dated 19.05.2025, stipulating that death and birth certificate shall be issued by the Panchayat Secretary of the respective Panchayats.

3. Learned counsel for the petitioner submits that such notification could not have been issued as it suffers from lack of legislative competency on the part of the State Government.

4. For the said purpose, it would be relevant to refer to the Registration of Births and Deaths Act, 1969. The provisions of Section 7 (1) including the proviso are quoted herein below:-

*“7. **Registrars-(1)** The State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of a municipality, Panchayat or other local authority or any other area or a combination of any two or more of them :*

Provided that the State Government may appoint in the case of a municipality, Panchayat or other local authority, any officer or other employee thereof, as a Registrar.”



5. Upon perusal of the provisions of Section 7 (1) of the Registration of Births and Deaths Act, 1969, along with its proviso, it is evident that the State government is empowered under the said provision to issue such notification. Hence, the notification under challenge has been issued in exercise of lawful authority.

6. In view of the aforesaid, we find no merit in the present writ application, and the same stands dismissed.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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