

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 17697 of 2025

**Shrotriya Ghosh
Versus
The Registrar of Births and Death,
Kolkata Municipal Corporation & Ors.**

For the petitioner	:	Mr. Supriyo Das
For the Kolkata Municipal Corporation.	:	Ms. Tanushree Dasgupta Ms. Gulnaz Quraishi
For the State	:	Mr. Suman Dey
Heard on	:	24.12.2025.
Judgment on	:	24.12.2025

Raja Basu Chowdhury, J (Oral):

1. Affidavit of service filed in Court is taken on record.
2. Considering the fact that the petitioner is being represented by the mother of the minor female child and since the mother is interested to become party to the instant cause, to espouse the cause of the minor child, leave is granted to the petitioner's advocate-on-record to add the mother of the petitioner as an added petitioner to the present writ petition.

3. The instant writ petition has been filed, inter alia, challenging the communication dated 9th April, 2025 issued by the municipal authorities whereby the municipal authorities have refused to alter the recording made in the birth certificate of the minor child by correcting the spelling of the first name of the child and altering the surname of the child.
4. The facts leading to institution of the instant case are briefly narrated hereinbelow:-
5. The added petitioner and the respondent no.6 had entered into a matrimonial relationship on 29th of November, 2008 and the said marriage was registered under the provisions of the Special Marriage Act, 1954. Since solemnizing of marriage, the added petitioner and the respondent no.6 had been living as husband and wife and out of the wedlock, the added petitioner had given birth to a female child, who is also a petitioner in the instant case. Due to matrimonial discord, the added petitioner had, however, come out of the matrimonial home and had been residing at her parental home where she had given birth to the female child. It is by reasons of the aforesaid matrimonial discord, a Matrimonial Suit, being Suit No. 131 of 2012 was instituted by the added petitioner before the Court of the learned Additional Principal Judge, Family Court, Calcutta. Ultimately, on contest by a judgment and decree dated 13th November, 2017, the marriage between the added petitioner

and the respondent no.6 was dissolved. It is the added petitioner's case that the minor female child is pursuing her academic career in Loreto Day School, Sealdah. It is submitted on behalf of the petitioners that at the time of entry in the school, the surname of the minor was declared as Ghosh, which is incidentally the added petitioner's maiden surname. According to the added petitioner, the Unique Identification Authority of India has also issued Aadhaar Card of the minor child with the added petitioner's maiden surname. According to her, by reasons of the incongruity in the name of the minor child in different records, she is facing difficulty in filling up the registration form for the ensuing board examination which is scheduled in the March of 2027, and the time for the completion of registration is likely to be over shortly.

6. Both the learned advocate for the petitioner and the municipal authorities including the State are represented. Incidentally, when the matter was for the first time taken up for consideration on 29th October, 2025, since, at that stage the respondent no. 6 was not represented, the Court had granted an opportunity to the petitioner's advocate to cause service on the respondent no.6. Pursuant to the aforesaid direction, an affidavit of service has been filed.
7. Learned advocate representing the petitioners by placing the affidavit of service would contend that since the respondent no.6

was not available at his address, the petitioners had caused a paper publication. I find that though there was no order for paper publication, however, despite service, the respondent no.6, the biological father of the minor child remains unrepresented. This Court had interacted with the child in presence of the learned advocates representing the parties in chamber this day.

8. Taking into consideration the request made by the petitioners and noting that the society has moved forward and in today's world it is no longer necessary to retain the name or surname of the biological father in the register or for that matter for a single parent to bring up a child as has been recognized in the judgment delivered by the Hon'ble Supreme Court in the case of ***Akella Lalitha vs. Konda Hanumantha Rao*** report in **2022 SCC Online SC 928** and also noting that Section 15 of the Registration of Births and Deaths Act, 1969 and Sections 454 and 455 of the Kolkata Municipal Corporation Act, 1980, do provide for correction of entry in the register of births and deaths, I am of the view that in the peculiar facts of the case, the petitioners are entitled to seek a fresh birth certificate by incorporating the surname of the minor child as "Ghosh" which is the maiden surname of the added petitioner inasmuch as the added petitioner is single handedly looking after the child. Such alternation of records in my view is necessary in the best interest of the minor child. This apart, ordinarily, there cannot be any impediment in correcting the spelling of the first name of the

minor child, when an affidavit has already been affirmed before the Court of the Learned Judicial Magistrate and a paper publication in that regard has already been effected, as would appear from Annexures P-3 and P-4 to the present writ petition. It, however, must also be borne in mind that the child is now minor and may have independent opinion when she grows up and attains majority.

9. In the light of the above, I direct the municipal authorities to issue a fresh birth certificate by carrying out appropriate correction both in the first name as also in the surname of the child. However, the issuance of fresh birth certificate shall be subject to exercise of option by the minor child when she attains the age of majority.
10. With the above observations and directions, the writ petition is disposed of.
11. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)

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A.R. (Court)