

16.06.2026
Court No.25
D/L No.8
S. Gayen

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 23491 of 2025

Sudip Durlav
Versus
The State of West Bengal & Ors.

Mr. S. P. Dalapati
Mr. Pritam Choudhury
Mr. Asumdipta Santra

...for the Petitioner

Ms. Sudipa Banerjee
Ms. Sneha Chatterjee

...for the State

1. Affidavit of service filed by the petitioner in Court today is taken on record.
2. The petitioner has filed the present writ application challenging the order dated September 1, 2025 passed by the respondent No.4 wherein the respondent No.4 has rejected the request of the petitioner for correction of the surname of the petitioner and the name of the father and mother of the petitioner in his birth certificate.
3. Learned counsel appearing for the petitioner submits that actually the name of the father of the petitioner was Rabi Mondal and accordingly, the same was recorded in the birth certificate of the petitioner issued on March 25, 1997. Subsequently, the father of the petitioner has got his name changed from Rabi Mondal to Robin Nath Durlov and accordingly, in his all documents, i.e., in Ration Card, Aadhaar Card and PAN Card, the name was recorded as Robin Nath

Durlov in place of Rabi Mondal. Unfortunately, the father of the petitioner died on May 28, 2022. In the death certificate also the name of the father of the petitioner is recorded as Robin Nath Durlov. After the change of the name of the father of the petitioner, the mother of the petitioner has also got her name changed from Gouri Mondal to Gouri Rani Durlov and accordingly, her new name was also recorded in her documents, i.e., Election Identity Card, Aadhaar Card and PAN Card. The petitioner has also got changed his surname, name of the father and mother in his Election Identity Card, Aadhaar Card and PAN Card. The petitioner has made an application to the Office of the Chief Medical Officer of Health for correction of the surname of the petitioner and the name of the mother and father in his birth certificate as Sudip Durlov, Robin Nath Durlov and Gouri Rani Durlov instead of Sudip Mondal, Rabi Mondal and Gouri Mondal. The respondent No.4 considering the application filed by the petitioner has rejected the request and passed the impugned order on September 1, 2025.

4. The learned counsel for the petitioner submits that the respondent No.4 has not considered Section 15 of the Registration of Births and Deaths Act, 1969 read with Rule 11(2) of the West Bengal Registration of Births & Deaths-State Rules, 2000.
5. The learned counsel for the petitioner has relied upon the judgment in the case of **Registrar of Birth and**

Death Office vs. State of Gujarat reported in **2019 SC OnLine Guj 583** and submits that the same issue was raised before the learned Single Judge of the Hon'ble Gujarat High Court and the Hon'ble Single Judge has allowed the application of the petitioner for correction of the name in the birth certificate which was challenged by the authorities in an appeal and the Appellate Court has affirmed the order passed by the learned Single Judge by allowing the correction of name in the birth certificate.

6. The learned counsel for the petitioner, in support of his submission, has further relied upon the judgment passed by the Coordinate Bench of this Court in the case of ***Atreyi Bhattacharya vs. Registrar of Births and Death, Chandernagore Municipal Corporation & Ors.*** reported in **2025 SCC OnLine Cal 5939** and submits that the Coordinate Bench of this Court by considering the judgment passed by the Hon'ble Gujarat High Court has allowed the writ application by directing the authorities for correction of the surname of the petitioner from Chatterjee to Bhattacharya. He submits that the case of the petitioner is squarely covered by the said judgment and prays for a direction upon the respondent authorities for correction of the surname of the petitioner, the name of the father and mother of the petitioner in his birth certificate.
7. Learned counsel for the State submits that on receipt of the application filed by the petitioner, the authorities

have considered the provisions of Section 15 read with the Rules and found that the petitioner intends to correct the surname of the petitioner as well as the name of the father and mother of the petitioner in his birth certificate which is not the error, only the petitioner wants to change the total name of the father and mother of the petitioner and thus the authorities have rightly rejected the application of the petitioner.

8. Heard the learned counsel for the respective parties and perused the materials on record.
9. Admittedly, the actual name of the petitioner is Sudip Mondal, name of the father is Rabi Mondal and the name of the mother is Gouri Maondal. Subsequently, the father of the petitioner has changed his name from Rabi Mondal to Robin Nath Durlov and accordingly, his name has been corrected in his all testimonials. Simultaneously, the mother of the petitioner has also got her name changed from Gouri Mondal to Gouri Rani Durlov. The petitioner has also got changed his surname as well as his father's and mother's name in his testimonials, namely, Election Identity Card, Aadhaar Card and PAN Card. After correction of his surname as well as the name of the father and mother, the petitioner has made an application to the concerned authorities for correction of his surname as well as the name of the father and mother in his birth certificate but the respondent No.4 has passed the impugned order by rejecting the same.

10. Section 15 of the Registration of Births and Deaths Act, 1969 reads as follows:-

“15. Correction or cancellation of entry in the register of births and deaths.—If it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.”

11. Rule 11(2) of the West Bengal Registration of Births & Deaths-State Rules, 2000 reads as follows:-

“(2) The parent or the guardian, as the case may be, shall also present to the Registrar / Sub Registrar the copy of the extract given to him/her under section 2 or a certified extract issued to him/her under section 17 and on such presentation, the Registrar/Sub-Registrar shall make the necessary endorsement relating to the name of the child or take action as laid down in clause (b) of the proviso to sub-rule (1).”

12. Subsequent to the same on July 29, 2025, the Government of West Bengal has issued the circular with regard to the correction of name in the birth and death certificate. In the circular, it is mentioned that

the followings are not permissible for correction in the birth certificate, i.e., 1) Change of date of birth without strong and valid justification; 2) Alteration in parentage or biological identity; 3) Substitution of names implying change in identity; and 4) Any correction intended to alter the legal status or personal identity of the individual.

13. The respondent No.4 has rejected the application of the petitioner for correction of his surname as well as the name of the father and mother on the ground that the desire changes is in the category of substitution of implying changes in identity.
14. The Hon'ble Division Bench of the Gujarat High Court in the case of ***Registrar of Birth and Death Office*** (supra) held that the circular could not have gone beyond statutory provisions, particularly, when Section 15 provides recording of any entry of a birth or death in any register kept by Registrar under the Act is erroneous in form or substance.
15. In the present case, the father has already changed his name from Rabi Mondal to Robin Nath Durlov and the mother has changed her name from Gouri Mondal to Gouri Rani Durlov. The petitioner, subsequently to the change of the name of his father and mother, has also corrected his surname from Mondal to Durlov in his all documents. The petitioner has also affirmed the affidavit before the Judicial Magistrate for correction of his surname as well as the name of the father and

mother in his birth certificate and the said affidavit was duly published in the daily newspaper. It is not the case of the State that there is any objection from any corner with regard to change of the surname of the petitioner as well as the name of the father and mother of the petitioner.

16. Section 15 of the Registration of Births and Deaths Act, 1969 provides that if it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction or cancellation.

17. The original name of the petitioner as well as the name of the father and mother of the petitioner is recorded in the birth certificate. The request of the petitioner is that subsequently the father and mother have changed their names and after changing the name of the father and mother of petitioner, the petitioner has also changed his surname from Mondal to Durlov and he has also got the surname changed in all documents

except the birth certificate. Thus, there is no circumstances to say that only by changing the surname of the petitioner and changing of the name of the father and mother of the petitioner who has voluntarily changed their names in all the documents can be said to be changed in the identity of the person.

18. In the case of **Atreyi Bhattacharya** (supra), the Coordinate Bench of this Court has held that the surname is an integral part of the personal development and autonomy. Courts have consistently held that when the change in name or surname does not adversely affect any legal or statutory right of a third party and is sought in furtherance of the child's best interest, such change ought to be allowed. In the present case, the petitioner is intending to change his surname due to the change of the name of his father and mother. Unfortunately, after passing away of his father, the petitioner intended to change his surname as well as the name of the father and mother in his birth certificate. There is no dispute with regard to the identity of the petitioner or his mother and father. The documents relied by the petitioner proves that during life time father has changed his name and mother has also changed her middle name and surname.

19. In view of the above, this Court finds that the respondent No.4 has not taken into consideration that there is no dispute of the identity of the petitioner and in all documents of the petitioner, the name of his

father and mother have already been corrected. Thus, the impugned order is set aside and the respondent No.4 is directed to consider the request of the petitioner and to pass a necessary order for correction of the surname of the petitioner as well as the name of the father and mother of the petitioner in his birth certificate within a period of four weeks from the date of receipt of this order.

20. Accordingly, **WPA 23491 of 2025** stands **disposed of**.
21. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
22. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all formalities.

(Krishna Rao, J.)