



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1717 OF 2025

Shradha D/o Ajit Patil Alias
Shradha W/o Sagar Madgi

...PETITIONER

VERSUS

1. The State Of Maharashtra
Through Public health Department,
Mantralaya, Mumbai.
2. Commissioner
Latur City Municipal Corporation
Municipal Corporation Latur.
3. Register (births and Deaths)
Latur city Municipal Corporation
Municipal Corporation Latur.
4. Government of India
Ministry of Home Affaires
Through
Registrar General And Census Commissioner,
India.

...RESPONDENTS

...

Mr. Gaurav Deshpande, Advocate for the Petitioner

Mr. M.A. Aher, AGP for State

Mr. Baliram Kanwate, Advocate h/f Mr. Suhas Urgunde, Advocate for
respondent No. 2 and 3

Mr. S.W. Munde, Advocate for respondent No. 4

.....

CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.

DATE : 18th APRIL, 2026

ORAL JUDGMENT : [Per Nitin B. Suryawanshi, J.]

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. This petition filed under Article 226 and 227 of the Constitution of India, challenges communication/letter dated 14.11.2024, by which petitioner's request for correction of her name by inserting her maiden name in the birth certificate of her daughter is rejected.

3. Facts, shorn of unnecessary details can be stated thus:

Petitioner was born on 04.04.1990 to Ajit Nagnathrao Patil and Meena Ajit Patil. Her maiden name is Shradha Ajit Patil. She got married to Sagar Shivraj Madgi on 10.11.2017. On 27.01.2018 her marriage was registered with Marriage Registrar in Bidar. On 28.10.2021 she gave birth to daughter Ishani at Viashnavi Hospital, Latur. In the birth certificate of Ishani issued by Municipal Corporation of Latur, mother's (petitioner's) name is mentioned as 'Shradha Sagar Madgi'.

4. Petitioner faced difficulties in securing passport and visa for her daughter, as in all her documents her maiden name Shradha Ajit Patil is mentioned. Petitioner, therefore, approached respondents No. 2 and 3 by application dated 14.11.2024 with a request to correct her name

in the birth certificate of her daughter by mentioning her maiden name and/or by adding her maiden name. By the impugned order, petitioner's application is rejected by respondent No. 3 on the ground that, birth certificate cannot be corrected as it was issued based on hospital record and in the said record after marriage name of the petitioner is mentioned. Hence, the petition.

5. Heard learned advocate for the petitioner, learned AGP for State, learned advocate for respondents No. 2 and 3 and learned advocate for respondent No. 4. Perused the replies filed by respondents.

6. Learned advocate for the petitioner urged that the husband of the petitioner is working in the U.S. based company and he has to frequently travel abroad in connection with his job. The petitioner along with her daughter also intends to go abroad. However, since in all the documents of the petitioner her maiden name is mentioned, she is facing difficulties in getting passport of the daughter as in her birth certificate after marriage name of the petitioner is mentioned. According to him, there is no prohibition in law to correct the entry in the birth certificate. However, respondent No. 3 has erroneously rejected the application made in that behalf by the petitioner.

7. Learned advocate for respondents No. 2 and 3 by relying on the affidavit in reply submitted that as per Section 15 of the Registration of Births And Deaths Act, 1969 ('the Act of 1969' for short) and Rule 11 of the Maharashtra Registration of Births and Deaths Rules 2000 ('the Rules of 2000' for short) if there is any clerical error or formal mistake in the birth or death record, the Registrar has right to correct the record or if a record is fundamentally wrong or if a record has been made fraudulently or improperly, necessary correction can be carried out. The District Registrar and District Health Officer also were of the opinion that the information received in Form No. 1 birth report as per Section 8 and Section 9 of the Act of 1969 is considered final for birth and death registration. Therefore, after taking legal opinion the application of the petitioner was rightly rejected. He, therefore, submitted that prayer of the petitioner is contrary to the settled legal position and therefore, writ petition may be dismissed.

8. Respondent No. 4, Registrar General and Census Commissioner, India has filed affidavit stating that as per Section 17(3) of the said Act, birth certificate is legal proof only of the date and place of birth of a person. For the other legal purposes, said provision does not make birth certificate conclusive in respect of name of the parents. He has further submitted that Section 15 of the Act of 1969 empowers the

Registrar to correct or cancel any entry in the register of birth if it is erroneous in form or substance or has been fraudulently or improperly made and to make suitable corrections after following the prescribed procedure. He has also annexed Rules of 2000 along with his reply.

9. Before considering the rival contentions of the parties, it is necessary to consider the relevant provisions.

Section 15 of the said Act of 1969-

"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."

Rule 11 of the Rules of 2000-

11. Correction or cancellation of entry in the register of births and deaths under section 15.-

"(1) If it is reported to the Registrar that a clerical or formal error has been made in the register or if such error is otherwise noticed by him and if the register is in

his possession, the Registrar shall enquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or canceling the entry) as provided in section 15 and shall send an extract of the entry showing the error and how it has been corrected will be communicated to the Deputy Chief Registrar of Births and Deaths. Maharashtra State, Pune.

(2) In the case referred to in sub-rule (1), if the register is not in his possession, the Registrar shall make a report to Block Development Officer for rural area, Executive Health Officer/ Health Officer/ Chief Officer/ Executive Officer for concerned urban area, and call for the relevant register and after enquiring into the matter, if he is satisfied that any such error has been made, make the necessary correction.

(3) Any such correction as mentioned in sub-rule (2) shall be countersigned by Block Development Officer for rural area, when the register is received from the Registrar.

(4) If any person asserts that any entry in the register of births and deaths is erroneous in substance, the Registrar may correct the entry in the manner prescribed under section 15 upon production by that person of a declaration setting forth the nature of the error and true facts of the case made by two credible persons having knowledge of the facts of the case.

(5) Notwithstanding anything contained in sub-rule (1) and sub-rule (4), the Registrar shall make report of any correction of the kind referred to therein giving necessary details to the Deputy Chief Registrar of Births and Deaths, Maharashtra State, Pune.

(6) If it is proved to the satisfaction of the Registrar that any entry in the register of births and deaths has been fraudulently or improperly made, he shall make a report

giving necessary details to Block Development Officer for rural area, the Chief Registrar by general or special order in this behalf under section 25 and on hearing from him take necessary action in the matter.

(7) In every case in which an entry is corrected or cancelled under this rule, an intimation thereof shall be sent to the permanent address of the person who has given information under section 8 or section 9."

10. Language used in Section 15 of the Act of 1969 is clear and unambiguous. Section 15 empowers the Registrar to correct the entry of birth or death in the register kept by him. If he is satisfied that the said entry is erroneous in form or substance or has been fraudulently or improperly made, then he may subject to the Rules made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, has to correct the error or cancel the entry.

11. Rule 11 of the Rules of 2000 contemplates an inquiry by the Registrar. It stipulates that if it is reported to the Registrar that clerical or formal error has been made in the register, or if such error is otherwise noticed by him and if the register is in his possession, then the Registrar shall inquire into the matter and if he is satisfied that any such error has been made, he shall correct the error (by correcting or canceling the entry) as provided in Section 15. In view of use of word

'shall' in this Rule, it is the duty of Registrar to conduct an inquiry and carry out correction, if he is satisfied that it is necessary in the facts of each case.

12. Adverting to the facts of the present case, admittedly, in all the documents placed on record by the petitioner including her SSC, HSC, Engineering and MBA certificate, transfer certificate issued by Walchand Institute of Technology, marriage certificate, aadhar card and pan card, name of the petitioner is mentioned as Shradha Ajit Patil. Thus, the case of the petitioner is genuine.

13. It appears that while reporting birth of the daughter, the hospital mentioned the name of the petitioner as Shradha Sagar Madgi, which is mentioned in the birth certificate of petitioner's daughter Ishani. However, if the petitioner is facing difficulties in obtaining passport and visa for her daughter because her after marriage name is mentioned, the respondents ought to have considered the request of the petitioner in the proper perspective. There is voluminous evidence to show that petitioner's maternal name is mentioned in all her documents. Therefore, the respondents ought to have corrected the name of petitioner by mentioning her maiden name in the birth certificate of Ishani, if necessary, by adding the maiden name, in addition to the name mentioned in the birth certificate. Though, respondent No.3 is

empowered by Section 15 of the Act of 1969 and Rule 11 of the Rules of 2000 to carry out the correction sought by the petitioner, by ignoring the material placed on record by petitioner, he has erroneously rejected the application and thereby failed to exercise jurisdiction vested in him. Impugned order is, therefore, unsustainable in law and facts of the present case and hence, the writ petition deserves to be allowed.

14. In the result, writ petition is allowed.

15. Impugned communication/letter dated 14.11.2024 issued by respondent No. 3 is hereby quashed and set aside.

16. Respondent No. 3 is directed to issue corrected birth certificate by inserting petitioner's maiden name in the birth certificate of Ishani, within a period of four weeks from the date of receipt of copy of this order.

Rule is made absolute to the above extent. No order as to costs.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)