

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17855 of 2019

Mrityunjay Prasad Sinha, Son of Late Nand Lal Verma Resident of A-32, Krishna Apartment, Boring Road, P.S.- S.K. Puri, District and Town of Patna, Pin Code- 800013, at Present residing at 101, Ganpati Palace-2, Shukla Colony, Hinoo, Doranda, District and Town of Ranchi, Pin Code- 834002.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Urban Development Department
2. Patna Municipal Corporation.
3. The Registrar Birth And Death, Patna Municipal Corporation, Patna.
4. The Union of India through the Joint Secretary, Deptt. of External Affairs, (Ministry of External Affairs), New Delhi.
5. The Assistant, Passport Office, Ministry of External Affairs, Mauryalok Complex, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hari Shankar Roy, Advocate
For the State	:	Mr. Rakesh Ambastha, AC to AAG-7
For the UOI	:	Mr. Anshay Bahadur Mathur, Advocate
For the PMC	:	Mr. Prasoon Sinha, Advocate
		Mr. Jawed Gaffar Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 21-04-2022

The petitioner asserts that he is the father of twins, namely, Adarsh Raj (Male) and Pallavi Raj (Female) who were born on 06.01.1998. It is his case that in the birth certificates issued by the Registrar, Births and Deaths, Patna Municipal Corporation, their dates of birth have been erroneously



mentioned as '06.01.1999' in place of '06.01.1998'.

The petitioner had filed two separate applications before the Registrar on 10.10.2017 for correction of the dates of birth, copies of which has been brought on record by way of part of Annexure-1 series to the writ application. The said applications have been rejected by the Registrar by order dated 18.05.2018, which is under challenge in the present writ application.

The petitioner is relying on the certificates issued by the Central Board of Secondary Education, Delhi in which date of birth of said Adarsh Raj and Pallavi Raj has been recorded as 06.01.1998. Reliance is also being placed on the birth certificates issued by the Doctor in which the date of birth of said Adarsh Raj and Pallavi Raj has been recorded as 06.01.1998. Copies of their passports have also been brought on record, wherein their dates of birth has been mentioned as 06.01.1999.

We have heard Mr. Hari Shankar Roy and Mr. Prasoon Sinha assisted by Mr. Jawed Gaffar Khan, learned counsel representing Patna Municipal Corporation.

Our attention has been drawn by learned counsel representing the Corporation to the provision under Section 15 of the Registration of Births and Deaths Act, 1969 (hereinafter



referred to as ‘the Act’) and Bihar Registration of Births and Deaths Rules, 1999 (hereinafter referred to as ‘the Rules’) framed under the Act which deal with correction in the register of births and deaths.

In response to a query made by this Court as to why the application for correction of date of birth was filed by the petitioner in respect of the persons whose dates of birth were sought to be corrected, learned counsel for the petitioner has failed to put forth any reasonable justification other than the plea of convenience. Admittedly, said Adarsh Raj and Pallavi Raj had attained majority on the date of filing of the application.

Be that as it may, before considering the manner in which the application was filed by the petitioner for correction of date of birth and the way the same has been rejected by the Registrar, we need to take note of relevant statutory provisions under the Act and the Rules. Section 15 of the Act reads as under

“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 deals with correction or cancellation of entry in the register of births and deaths. Sub-rule (4) of Rule 11 is relevant for the present purpose, which reads as under :-

11(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 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.”

The aforesaid two provisions, in the Court's opinion, are applicable in a situation where a person seeks correction of date of birth. On bare perusal of Section 15 of the Act, it can be easily seen that the Registrar, Births and Deaths has been given power to correct any error or cancel the entry of date of birth by suitable entry in the margin, without any alteration in the original entry, if it is proved to his satisfaction that any entry of a birth or a death in any register kept by him under the Act is erroneous in form or substance or has been fraudulently or improperly made.



The said power is, however, subject to such Rules as made by the State Government with respect to conditions and the circumstances in which the entries may be corrected or cancelled. Evidently, in exercise of rule making power, *inter alia*, under Section 15 read with Section 30(2)(1) of the Act conditions and circumstances have been laid down under Rule 11 of the Rules, sub-rule (4) of which is relevant for the present purpose and has been quoted hereinabove.

Sub-rule (4) of Rule 11 clearly lays down that in case a 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, (i) Production by that person a declaration setting forth the entry of the error and (ii) True facts of the case made by two credible persons having knowledge of the facts of the case.

A perusal of the applications which were filed by the petitioner on 10.10.2017 leaves no scope of doubt that the said applications were not in conformity with the requirements under sub-rule (4) of Rule 11 of the Rules. We, at the same time, do not approve the manner in which the Registrar rejected the applications by scribing on the very same application, by simply saying that two certificates were issued by the Corporation and,



therefore, there was no requirement of any correction.

In the facts and circumstances noted above, however, we do not intend to interfere with the impugned refusal by the Registrar to make correction in the dates of birth of said Adarsh Raj and Pallavi Raj, the applications, made by their father being apparently defective.

We, however, dispose of the writ application with an observation that the said two individuals shall be at liberty to apply for correction of their own date of birth in accordance with the provision under Section 15 of the Act read with sub-rule (4) of Rule 11 of the Rules. If they approach the Registrar, Births and Deaths by making applications for correction of date of birth, it is expected that the Registrar shall take a decision strictly in accordance with the provision under sub-rule (4) of Rule 11 of the Rules.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2022
Transmission Date	NA

