



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 20429 OF 2023 (LB-BMP)

BETWEEN:

1. MASTER SHREYAS V.,
S/O VIJAY KUMAR V,
AGED ABOUT 15 YEARS,
R/AT NO.3,
VINAYAKA LABOUR,
NEAR SSK KALYANA MANTAPA,
KADUGODI,
BENGALURU-560067,
REP BY HIS MOTHER AND
NATURAL GUARDIAN
SMT. CHARU LATHA M.

...PETITIONER

(BY SRI. SURESH ISHWARAPPA MUGALAKKI., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY DIRECTOR,
DIRECTORATE OF ECONOMICS & STATISTICS,
VISHVESHWARAYYA MAIN TOWER,
DR. AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE COMMISSIONER
BRUHAT BENGALURU MAHANAGARA PALIKE,
N. R. SQUARE,
BENGALURU-560002.





3. JOINT DIRECTOR (STATISTICS)
O/O THE CHIEF REGISTRAR OF
BIRTH AND DEATH BRUHAT BENGALURU
MAHANAGARA PALIKE,
1ST FLOOR, BBMP COMPLEX,
BEHIND UPPARPET POLICE STATION,
SUBASH NAGAR,
BENGALURU-560009

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1;
SRI PAWAN KUMAR, ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS OF APPLICATION BEARING NO.28544 DTD 29.08.2023 FROM THE R3. QUASH THE IMPUGNED ENDORSEMENT DATED 01.09.2023 OF THE R3 ANNEXURE-E BEARING NO.JDS/PR/1701/T-7/2023-24.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Learned AGA is directed to accept notice for respondent No.1 and Sri.Pawan Kumar., learned counsel is directed to accept notice for respondents No.2 and 3.
2. The petitioner is before this Court seeking for the following reliefs;
 - i. *Call for the records of application bearing No.28544 dated 29.8.2023 from the respondent No.3;*



- ii. Quash the impugned endorsement dated 01.09.2023 of the Respondent No.3 (Annexure-E) bearing No.J.D.S/P.R/170/T-7/2023-24.*
 - iii. Issue writ or direction or writ of mandamus directing the 3rd Respondent to consider the application bearing No.28544 dated 29.8.2023 filed by the Petitioner's mother for inclusion of the also correct the name of the Petitioner's parents in its record as per their Aadhaar identity (Anneuxre-C1 & C2);*
 - iv. Grant such other relief as deem fit by this Hon'ble Court in facts and circumstances of the case in the interest of justice and equity.*
3. The first grievance of the petitioner is that the petitioner's request for his name to be included in the birth certificate has been rejected on the ground that the said application has been submitted beyond the period prescribed under Sub-section (1) of Section 10 of the Karnataka Registration of Births and Deaths Rules, 1999.
4. A similar *lis* has been decided by this Court in ***Fathima Richelle Mather vs. The Registrar of Births and Deaths and commissioner¹*** dated 1.9.2023 which would equally apply to the

¹ WP No.18413/2023



present matter and the name of the petitioner would have to be directed to be entered into in the birth certificate.

5. The other grievance of the petitioner is that the name of father and mother of the petitioner entered in the birth certificate are not in conformity with the Aadhaar Card and in that view of the matter the Karnataka Secondary Education Examination Board (KSEEB) is not going to accept the birth certificate showing the different names in that shown in the Aadhaar Card.
6. The petitioner's father's name is 'V.Vijaya Kumar', however in the Aadhaar Card his name is shown as 'Vijaya Kumar.V'. Essentially, I do not find any difference in the said names. However, learned AGA submits that the entry of the name in the format of the entry of the name is important since, the same was continued for all time in all record. The names essentially being one and the same, there was no



embargo on the part of respondent No.3 to make such changes as requested.

7. In so far as the name of the petitioner's mother is concerned, in the birth certificate her name is shown as 'V.Charulatha' whereas in the Aadhaar Card her name is shown as 'Charu Latha M'.
8. Learned counsel for the petitioner submits that at the time of giving the name of her mother for the birth certificate her married name was given. However, she goes by her maiden name namely 'Charu Latha M'.
9. There is no particular requirement for a woman after marriage to use the name of her husband, she is always entitled to use her maiden name showing the name of her father.
10. In that view of the matter, so long as necessary documents were furnished to the concerned authorities to indicate and establish the identity, the



authorities would have to consider the same and make such corrections have been required and/or requested.

11. In view thereof, I pass the following;

ORDER

- i. The writ petition is ***allowed***.
- ii. A certiorari is issued, the endorsement dated 1.9.2023 issued by respondent No.3 at Annexure-E is quashed.
- iii. In so far as the correction of the name of the father and mother in the birth certificate, respondent No.3 shall examine the documents furnish in support of the said request and upon the examination if the identity is established carry out such correction as request within a period of 30 days.
- iv. Respondent No.3 is directed to consider the application of the petitioner bearing No.28455 dated 29.8.2023 and insert the name of the



petitioner in the birth certificate of the
petitioner within a period of 30 days from the
date of receipt of the copy of this order.

**Sd/-
JUDGE**

SR
List No.: 1 Sl No.: 25