

Form No.J(2)

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

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 21054 of 2025

**Smt. Barnali Ghosh (Karmakar)
Versus
The State of West Bengal & Ors.**

For the petitioner : Mr. Harisankar Chattopadhyay
Mr. Asutosh Pandey
Mr. Banku Pal

For the State : Mr. Sovan Mukherjee
Mr. Palash Bapari

For the Municipality : Mr. Subhasis Bandopadhyay

Heard on : 22.07.2026 & 18.08.2026.

Judgment on : 18.08.2026

Raja Basu Chowdhury, J (Oral):

1. Affidavit of service filed in Court today is taken on record.
2. The present writ petition has been filed, inter alia, praying for a direction upon the municipal authorities, to issue a fresh birth certificate by altering the petitioner's son's surname and her son's biological father's name. The petitioner claims to have been married with one Subhankar Karmakar on 25th April, 2012 and out of their wedlock a male child was born.

3. Learned advocate for the petitioner would submit that in paragraphs 2 and 4 of the writ petition a wrong statement has been made that the petitioner was married on 5th May, 2016. He has drawn attention of this Court to the communication addressed to the Chairman, Purba Bardhaman Municipality dated 22nd July, 2025 and would submit that the date of marriage of the petitioner with her erstwhile husband, Subhankar Karmakar was on 25th April, 2012. The petitioner claims that the marriage between the petitioner and her erstwhile husband, Subhankar Karmakar was dissolved by a decree of divorce passed under Section 13B of the Hindu Marriage Act, 1955 by the Court of the learned District Judge, Hooghly, dated 8th October, 2021.
4. The petitioner claims that subsequently the petitioner has entered into a new matrimonial relationship with one Rajesh Ghosh on 6th March, 2022 and the factum of the aforesaid marriage has been registered by the office of the Registrar General of Marriages. Copy of the marriage certificate issued in favour of the petitioner and her present husband has been placed before this Court by way of a supplementary affidavit which is also taken on record. Since then the petitioner had affirmed an affidavit before the Executive Magistrate, Hooghly and had also applied before the Chairman, Purba Bardhaman Municipality on 22nd July, 2022, seeking for alteration of the petitioner's son's surname and father's name and insists that a fresh birth certificate should be issued by the

municipality noting therein the present surname of the petitioner and the name of the step father.

5. According to the petitioner, the child continues to reside with the petitioner in her present matrimonial home and is growing up as son of the petitioner's present husband. The petitioner through her advocate has stated that the petitioner and her present husband are jointly taking care of the minor child. The petitioner contends that since the biological father of the child, being the respondent no.6 had absolved himself of all his responsibility, in ordinary course the name of the biological father in the birth certificate is creating psychological impact on the child. Faced with such circumstances, the petitioner had approached the municipal authorities for issuance of a fresh birth certificate by removing the name of the biological father. Since, the municipal authorities did not accede to the prayer, the instant writ petition has been filed.
6. The matter was initially taken up by this Court on 26th September, 2025. Since the service on the respondent no.6 was incomplete the matter was adjourned. On 28th October, 2025 since it was represented by the learned advocate for the petitioner that service could not be effected on the respondent no.6, and steps would be taken to serve the respondent no.6 through publication, the matter was again adjourned. Subsequently, on 22nd July, 2026 an affidavit

of service had been filed to demonstrate substitute service on the respondent no.6 by way of paper publication.

7. By an order dated 22nd July, 2026 this Court while granting leave to the petitioner to disclose the marriage certificate of the petitioner with Rajesh Ghosh had also placed the matter in Chamber for interaction with the child. Pursuant to the aforesaid direction, the Court has interacted with the minor child and the parents in presence of the learned advocate for the parties in chamber today. The marriage certificate has also been disclosed by the supplementary affidavit as noted above.
8. Having heard the learned advocates appearing for the respective parties and taking into consideration the request made by the petitioner and noting that the society has moved forward and in today's world it is no longer necessary to retain the name of the biological father in the register or for that matter for a single parent to bring up a child and for the single mother to decide on the surname of the minor 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 Section 15 of the Registration of Births and Deaths Act, 1969, 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 petitioner is entitled to seek alteration in the birth

certificate of her minor son already issued by the municipal authorities. Such alternation of records, in my view, is necessary for best interest of the minor child. It, however, must also be borne in mind that the child is now minor and may have independent opinion when he grows up and attains majority.

9. In the light of the above, I direct the municipal authorities to issue an addendum to the birth certificate already issued by incorporating the name of the step father of the minor child being the petitioner no.7. Consequentially, appropriate alteration also be made in the surname of the child while issuing the addendum. However, the issuance of the aforesaid certificate shall be subject to exercise of option by the minor child when he attains the age of majority. The certificate to be issued must bear particulars of the previous certificate in the form of serial number of the previous certificate and the date of issuance thereof.
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)