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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3028/2024

DIVYA MODI TONGYA

..... Petitioner

Through: Ms. Ruby Singh Ahuja, Mr. Vishal
Gehrana, Mr. Devang Kumar, Ms.
Uzma Sheikh and Ms. Hancy Maini,
Advocates

versus

UNION OF INDIA

..... Respondent

Through: Mr Sushil Raaja, SPC (Through VC)
with Mr Hardik Bedi, GP for UOI

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **29.02.2024**

1. Present writ petition has been filed challenging notification for “*change of maiden surname*” issued by Department of Publication, Ministry of Housing and Urban Affairs, which stipulates that for obtaining maiden surname, an applicant has to submit either a decree of divorce or ‘No Objection Certificate’ from her husband.

2. Learned counsel for the Petitioner submits that the impugned notification is violative of Articles 14, 19(1)(a) and 21 of the Constitution. She states that the impugned notification imposes additional and disproportionate requisites exclusively on women without any rational basis. She states that a person’s name is a vital aspect of his/her self-expression



and identity and therefore, the conditions imposed by the impugned notification are violative of Article 19 of the Constitution. She submits that the impugned notification is violative of Article 21 insofar as it compels a woman to disclose sensitive personal information, thereby violating her right to privacy. In support of her contentions and submissions, she relies upon the judgment of the Supreme Court in *Jigya Yadav v. CBSE, 2021 (7) SCC 535*.

3. Issue notice. Mr. Sushil Raaja, Advocate for Union of India accepts notice. He prays for and is permitted to file counter affidavit within four weeks.
4. Rejoinder affidavit, if any, be filed before the next date of hearing.
5. List on 28th May, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 29, 2024/rhc