



W.P(MD)No.3920 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3920 of 2015

Rajamanickam Nallathambi

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Race Course Road,
Bharathi Ula Veethi,
Madurai-625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 10.11.2014 and accept the petitioner's genuine explanation and issue passport to the petitioner.

For Petitioner : Mr.K.Muraleedharan

For Respondent : Mr.C.Nandagopal
Central Government Standing Counsel

ORDER

Heard the learned counsel on either side.



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2. The petitioner is the holder of Indian passport. He wants his date of birth to be altered. The petitioner's request was not accepted by the respondent. That led to filing of the present writ petition.

3. Counter affidavit has been filed and the learned standing counsel took me through its contents. The stand of the respondent is that having stated in his earlier application that his date of birth is 01.06.1988 and having enjoyed the passport for long period, it is not open to the petitioner to seek alteration at this point of time. Paragraph Nos.7 & 8 of the counter affidavit read as follows:-

“7. It is submitted that the petitioner had initially submitted birth affidavit mentioning his date of birth as 01.06.1988 vide file reference No.MDUZ424761/09 dated 23.09.2009. But the petitioner had completed Xth standard during the year 2007 and transfer certificate was issued by the school vide serial No.2581 issued on 14.06.2007 (Annexure-II). The petitioner had deliberately suppressed the information of educational qualification and his date of birth while obtained passport initially in 2009 which is an offence under Section 10(3)(b) of Passports Act, 1967.

8. It is further submitted that it is commonly known that many individuals intending to proceed to the Gulf countries for employment, obtain passports by ante-dating their date of births, so that, they would



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appear older than they actually are, as most of the Gulf countries do not issue visas to comparatively younger persons even when they are qualified for a particular job. Subsequently, such passport holders approach the passport issuing authorities to change their date of births in their passports to avoid early retirement, as according to their passports they appear older than they actually are. If that, is the case with the petitioner, then he has deliberately abused the passport issuing system to obtain a passport by deliberately suppressing material information relating to his date of birth with the intention of cheating/misleading his prospective employers.”

4. The stand of the respondent can very well be appreciated. But any record must conform to the real state of affairs. If the records produced by the petitioner indicate that his actual date of birth is 01.06.1992, then, the passport as an official record must conform to the correct state of affairs. It may be open to the respondent to take action against the petitioner for having given wrong information earlier. But then, the official record such as birth certificate cannot be ignored by the respondent. The petitioner is at liberty to submit a fresh application before the respondent and the respondent will make changes based on the actual records.



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5. The Writ Petition is disposed of accordingly. No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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