

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) No. 1966/2025 CM No. 5209/2025

**SALEET BIN NISSAR THROUGH
HIS FATHER.**

...Petitioner(s)/Appellant(s).

Through: Mr. Mohammad Hussain, Advocate.

Vs.

Union of India and Ors.

...Respondent(s).

Through: Mr. T.M. Shamsi, DSGI with
Ms. Yasmeen Jan, Advocate for R1 and R3.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER

18.08.2025

1. Mr. T.M. Shamsi, Id. DSGI appears and accepts notice on behalf of Respondents 1 and 3.
2. Through the medium of the instant petition filed under Article 226 of the Constitution of India, the petitioner, who is a minor and has filed the instant petition through his father Nissar Ahmad Reshi as his next friend, has sought the issuance of a direction/writ in the nature of mandamus for commanding upon the respondents to re-issue passport in his favour with the mention of the correct Date of Birth in the same as 19.05.2009.
3. The case of the petitioner in nutshell is that he was holding a passport under No. K6925841 which got expired and whereafter he applied for re-issuance of the same. That on the date of appointment with the respondent No. 3, he came to know that his date of birth as mentioned in the original passport is incorrect for, having been mentioned as 19.05.2008 instead of

his actual date of birth i.e., 19.05.2009. That his application for re-issuance of passport was rejected because of variation of date of birth in the previously issued passport and the documents of proof of birth being enclosed with the fresh application.

4. I have heard the learned counsel for the petitioner as also the learned counsel for the respondents 1 and 3.

5. It is, inter alia, submitted by the learned counsel for the petitioner that the petitioner was minor when he applied for issuance of his passport through his next friend and at which time incorrect date of birth came to be mentioned in the same. The learned counsel submitted that he is still a minor and his date of birth, as mentioned in all his school leaving certificates and other birth date related documents, is 19.05.2009. The learned counsel prayed for the issuance of direction upon the respondents for re-issuance of passport in favour of the petitioner with the mention of the correct date of birth therein.

6. Learned counsel for the respondents 1 and 3 Mr. T. M. Shamsi, Id. DSGI, in rebuttal, however, argued that the mistake, if any, alleged has not come into being on the part of the respondents. The learned counsel submitted that there is no merit in the petition which deserves outright dismissal.

7. In the facts and circumstances of the case and especially having regard to the fact of the petitioner still being a minor, this Court is of the opinion that, it may meet the ends of justice in case the matter is taken up for disposal at this threshold stage for passing of such appropriate orders which are not likely to affect the rights of the respondents.

8. Accordingly, the instant application is disposed-of at this stage with the direction to the respondents to consider the re-issuance of the passport in favour of the petitioner in accordance with the law, with mention of his actual date of birth in the same as 19.05.2009.

9. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR:

18.08.2025

"Shahid Manzoor"

