2026:AHC-LKO:39663-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**
**LUCKNOW**

**WRIT - C No. - 5709 of 2026**

Jakir Ali

.....Petitioner(s)

Versus

Union Of India Thru. Secy. Ministry Of External Affairs New Delhi And 2 Others

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Rahul Dwivedi |
| Counsel for Respondent(s) | : | A.S.G.I. |

**Court No. - 3**

**HON'BLE SHEKHAR B. SARAF, J.**
**HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Heard Shri Rahul Dwivedi, learned counsel appearing for the petitioner, learned Standing Counsel appearing for the respondent no. 3 as well as Sri Varun Pandey, learned counsel appearing on behalf of the respondents No. 1 and 2.

2. This writ petition has been filed for the following main relief:

*"A. To issue a writ, order or direction in the nature of MANDAMUS commanding and directing to the opposite party No.2 to decide the application dated 20-09-2025 vide File No. LK0065854901425 by issuing a passport in the name of the petitioner within a stipulated time and period which is annexed as Annexure No. 1 as this Hon'ble Court may deem fit and proper for securing of justice."*

3. Learned counsel for the petitioner submits that a criminal case bearing FIR No.044/2019, Under Sections 434, 352, 506 and 147 IPC lodged at Police Station Kheri, District Kheri is pending against the petitioner, however, the matter may be disposed of in light of the judgment passed by Division Bench of this Court in ***Pawan Kumar Rajbhar versus Union of India and 2 others***; ***Writ-C No.41540 of 2023 : Neutral Citation No.- 2024:AHC:9963-DB.***

4. The submission of learned counsel for the petitioner is controverted by Shri Varun Pandey appearing on behalf of the respondents nos. 1 and 2. His submission is that the judgment of *Pawan Kumar Rajbhar* (supra) has been modified by Hon'ble Supreme Court in ***Rita Verma vs. Union of India and others***; ***Petition(s) Special Leave to Appeal (C) No.7481 of 2024*** vide judgment and order dated 20.09.2024.

5. It may be noted that in ***Smt. Rita Verma vs. Union of India and others***; Writ-C No.6450 of 2024; Neutral Citation No.2024:AHC:35201-DB, the Division Bench of this Court had reiterated the ratio of *Pawan Kumar Rajbhar* (supra). However, after examining the entire position with regard to the Memorandum No.VI/401/1/5/2019 dated 10.10.2019, the Hon'ble Supreme Court in *Rita Verma* (supra) has directed as follows:-

*"4. In spite of the clear wordings in the Memo, the High Court by the order impugned herein came to a conclusion that the office Memorandum is contrary to the statutory position and proceeded to dismiss the Writ Petition.*

*5. We have heard Mr. Malak Manish Bhatt, appearing for the appellant as also Mr. K.M. Natraj, learned Additional Solicitor General appearing for the Union of India. Mr. K.M. Natraj, learned Additional Solicitor General submits that the approach adopted by the High Court that the Office Memorandum is contrary to the statutory positions and is not supported by law and it is also not the stand of the Union of India. Learned Additional Solicitor General expressed no difficulty in processing the application of the appellant on the basis of the Office Memorandum.*

*6. In this view of the matter, it is sufficient for us to direct the authorities to consider the application for renewal of the passport on the basis of Office Memorandum dated 10.10.2019 or any other subsequent Office Memorandums that may govern the field notwithstanding the order passed by the High Court in Writ Petition(C) No.6450/2024 dated 28.02.2024, upon making of an appropriate application, the same shall be disposed of, as expeditiously as possible."*

6. In light of the above finding(s) of Hon'ble Supreme Court, we are of the view that the authorities are required to consider the application of the petitioner for issuance of passport on the basis of Office Memorandum dated 10.10.2019 or any other subsequent office memorandum that may govern the field as the Hon'ble Supreme Court has finally dealt with this issue in *Rita Verma* (supra). The law laid down by Hon'ble Supreme

Court in *Rita Verma* (supra) shall apply in the present case, therefore, we direct the authorities to act expeditiously in accordance with law in the subject matter.

7. With the aforesaid direction, the writ petition is ***disposed of***.

**(Abdhesh Kumar Chaudhary,J.)  (Shekhar B. Saraf,J.)**

**May 29, 2026**
MVS/-

Digitally signed by :-
MANOJ VIKRAM SINGH CHAUHAN
High Court of Judicature at Allahabad,
Lucknow Bench