2026:AHC-LKO:39624-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 5828 of 2026

Mohd. Salim

.....Petitioner(s)

Versus

U.O.I. Thru. Secy. Ministry Of External Affairs New Delhi And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Anand Kumar Srivastava, Pradeep Kumar Yadav, Tameem Hasan
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 learned counsel for the petitioner as well as Shri Varun Pandey, learned counsel appearing on behalf of the respondents and perused the record.

2. This writ petition has been filed by the petitioner for the following main relief(s):

"i) A writ, order or direction in the nature of Mandamus Commanding and directing the opposite parties mainly opposite party no.2 to consider the case of the petitioner in pursuance of the passport application reference no.26-0058567812 dated 23-4-2026 and issue the passport to the petitioner in the interest of justice."

3. Learned counsel for the petitioner submits that a criminal case bearing F.I.R. No.053/2020, under Sections 147, 323, 504 and 506 IPC lodged at Police Station Hanswar, District Ambedkar Nagar 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, learned counsel appearing on behalf of the respondents. 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.***

May 29, 2026
MVS/-

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

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