

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 560 OF 2013

Dhanlaxmi Vijay Patel

..Petitioner

v/s.

The Regional Passport Officer,
Ministry of External Affairs & Ors.

..Respondents

Mr. Rahul Devdhar i/b.S.M.Kamble for the Petitioner.
Ms. S.I.Shah i/b. S.I.Shah & Co for the Respondent.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : JANUARY 16, 2015.**

P.C.

1. Heard.
2. Petitioner has filed this petition for issuance of new passport/re-issue of the old passport by correcting the date of birth from 4th March, 1967 to 4th March, 1957.
3. The petitioner, initially filed an application for said purpose on 8.12.2009. However, this application was rejected by the respondent

by order dated 15th February, 2012, with direction to the petitioner to furnish certified copy of the order from the court concerned, directing the passport authority to amend the petitioners date of birth from 4th March, 1967 to 4th March, 1957. Counsel for the petitioner relies upon the decision of the Division Bench of this Court in ***Jigar Harish Shah vs. Union of India , reported in AIR 2001 Bom.60*** to contend that the passport authority is competent to amend the date of birth.

4. We have heard learned counsel appearing for the respective parties. We have also gone through the order dated 15.2.2012 and the ratio of the decision of the Division Bench of this court in Jigar Harsh Shah (supra). A passport was granted to the petitioner in the year 1999 which expired in the year 2009. In this passport the date of birth of the petitioner was incorrectly recorded as 4th January, 1967. This fact was realized by the petitioner in the year 2009 and therefore petitioner made the said application dated 1.12.2009, which application was rejected as stated above, directing the petitioner to obtain the orders from the court recording date of birth.

The Division Bench of this court in Jigar Harsh Shah (supra) considered the provisions of Section 24 of the Passport Act, 1969 and Rules 3 of the Passport Rules, 1980 and held that the passport authorities are competent to make correction regarding the date of birth. In the above circumstances, petition is disposed of by passing following order:-

ORDER

- i) The petitioner is at liberty to apply for fresh passport by giving correct date of birth, along with the relevant documents in support of the same.
- ii) In the event the petitioner makes such an application within period of four weeks from today, the passport authorities are directed to hear the petitioner, hold an enquiry in regard to the petitioner's claim to his correct date of birth and in case the passport authority is satisfied regarding the claim put forth by the petitioner, the passport authority shall take appropriate decision as expeditiously as possible.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)