

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21060 of 2015

Banupriya

...Petitioner

vs

1. The Regional Passport Officer
Passport Sevakendra
No.25, A.G.T. Business Park
Avinasi Road, Coimbatore

2. The Secretary to Government
Ministry of External Affairs
Government of India
New Delhi

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to take the petitioner's date of birth as found in the petitioner's school records as correct while considering her application dated 16.5.2015, for grant of passport.

For Petitioner : Mr.A.Manimaran

For Respondent : Mrs.S.Meenakumari
CGSC

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that she applied for passport to the first respondent and was called for an interview and also to produce her birth certificate, and the Scrutinising Officer, on verification of the same, has rejected her application on the ground that her date of birth in the School Record, differs from the one found in the Birth Register extract issued by the local body, and therefore, she came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, has drawn the attention of this Court to the order of the High Court of Kerala dated 16.10.2014, made in W.P.(C) No.29694 of 2012 (J) and would submit that if the difference in the date of birth is 24 months, the Passport Issuing Authority is having ample power to correct the same and prays for appropriate orders.

4.Per contra, Mrs.S.Meenakumari, learned Central Government Standing Counsel, who accepted notice on behalf of the respondents, has drawn the attention of this Court to the counter affidavit of the first respondent, and would submit that as per the Passports Rules, 1980, "for applicants born on or after 26.1.1989, only birth certificate issued by the Municipal Authority or any Office authorised to issue Birth and Death Certificates by the Registrar of Births and Deaths, is acceptable and the birth certificate should ordinarily contain the name of the child, name of the father and mother, date of birth, place of birth, sex, registration number and date of registration.....".

5.It is the submission of the learned Central Government Standing Counsel appearing for the respondent, that as per the School Record, the date of birth of the petitioner is 1.5.1989, and as per the Birth Register extract, it is 5.5.1990, and as per the said Rules, the first respondent can take into consideration, the date of birth given in the Birth Register extract only and not in the School Certificate and the remedy open to the petitioner, if any, is to approach the competent civil forum and get a declaratory decree and hence, prays for appropriate orders.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.In the light of the above said Rules, this Court is of the considered view that the remedy open to the petitioner, if any, is to approach the competent civil forum and get a declaration declaring that her date of birth is 5.5.1990, and not 1.5.1989 as per the School Record.

8.In the light of the said position, this Court is not in a position to grant any relief to the petitioner. Therefore, the writ petition is dismissed. However, the petitioner is at liberty to work out her remedy in accordance with law, before a competent forum. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Regional Passport Officer
Passport Sevakendra
No.25, A.G.T. Business Park
Avinasi Road, Coimbatore

2. The Secretary to Government
Ministry of External Affairs
Government of India
New Delhi

1 CC to Mr.A.Manimaran, Advocate SR.No. 37913

1 CC to Mrs.S.Meenakumari, Advocate SR.No. 37868

W.P.No.21060 of 2015

AD (CO)
PSI (11.08.2015)



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