

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.24154 of 2015

Sandra Maria Bernedette Gibson,  
W/o. David Allan Brenden Gibson,  
No.241, 10<sup>th</sup> cross street, Prakash Nagar,  
Ponnammanmedu, Kolathur,  
Chennai - 600 110. ... Petitioner

Vs.

The Regional Passport Officer,  
Regional Passport Office,  
IInd Floor, Shastri Bhavan,  
26, Haddows Road, Chennai - 6. ... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus directing the respondent to accept the date of birth of the petitioner's daughter Maryann Cassandra Gibson as 17.10.1996 as found in the order dated 02.12.1997 in O.P.No.848 of 1997 and issue a passport accordingly to Maryann Cassandra Gibson.

For Petitioner : Mr.C.P.Sivamohan  
For Respondent : Mr.D.Chandar, CGSC

O R D E R

The petitioner made an application seeking to accept the date of birth of her daughter Maryann Cassandra Gibson as 17.10.1996 as found in the order dated 02.12.1997, made in O.P.No.848 of 1997 and issue a passport.

2. Learned counsel for the respondent has made reliance upon the Office Memorandum dated 26.05.2015 of the Ministry of External Affairs, Government of India, wherein at paragraph it has been stated as follows:

"3. Such requests/representations have been considered in the Ministry in light of the specific dispensation on this subject provided to inter-country adopted orphan/abandoned children. Accordingly, it has been decided that the Passport

Issuing Authorities (PIAs) while processing the case of orphan/abandoned children born on or after 26.01.1989, may consider the following documents produced by such an applicant as proof of date of birth to process their passport application:-

- (i) Copy of Birth Certificate; or
- (ii) Date of Birth recorded in the Matriculation Certificate issued by duly recognized/affiliated educational institution along with the bonafide certificate duly sworn by the Head of the Orphanage/Childcare Home (in case of minor) or by applicant himself (in case of major) before the First Class Judicial Magistrate/Executive Magistrate categorically stating his/her date of birth/place of birth; or
- (iii) Declaratory Court order issued by the court of competent jurisdiction recording the date of birth/place of birth of such an applicant in the order."

3. It is seen from the Home Study Report of the Social Worker filed in support of the writ petition that the child was born on 17.10.1996 and surrendered by her unwed mother on 19.10.1996. This Court, by order dated 02.12.1997, made in O.P.No.848 of 1997, indicated the date of birth of the child as 17.10.1996, by taking note of the such report annexed in the typed set of papers. Thus, I am of the view that this is sufficient for compliance of paragraph No.3 of the Office Memorandum dated 26.05.2015. Accordingly, the respondent is directed to proceed further and do the needful. With this direction, the writ petition stands disposed of. No Costs.

-s/d-

Assistant Registrar(CO)

dt:16/09/2015

True Copy

Sub-Assistant Registrar

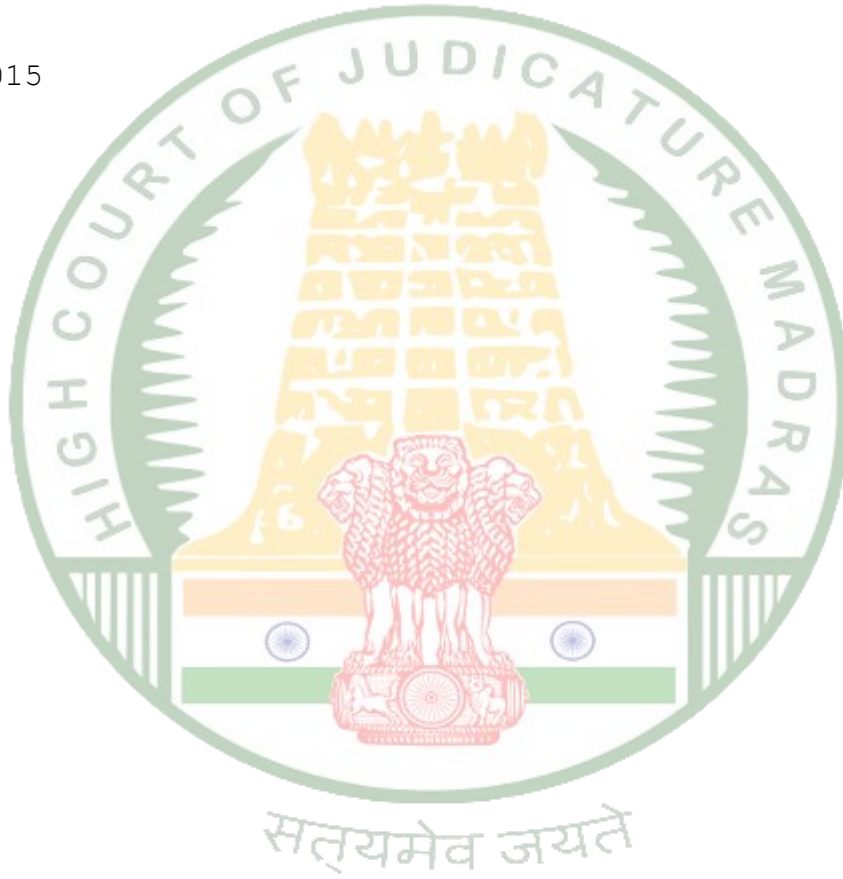
To

The Regional Passport Officer,  
Regional Passport Office,  
IInd Floor, Shastri Bhavan,  
26, Haddows Road, Chennai - 6.

+1 cc to Mr.C.P.Siva Mohan, Advocate sr.47868  
+1 cc to Mr.D.Chandar, advocate sr.48299

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ksj(co)  
aa18/09/2015



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