

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION NO.7561 OF 2015**

**DATED 16<sup>th</sup> JUNE, 2015**

Between:

Dr. Saniya Jahan

.. Petitioner

and

Regional Passport Officer,  
Ministry of External Affairs,  
Secunderabad and another

.. Respondents

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

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**WRIT PETITION NO.7561 OF 2015**

**ORDER**

This writ petition is filed assailing the inaction of the Regional Passport

Officer, Secunderabad, upon the application dated 23.09.2014 submitted by the petitioner for correction of her date of birth in her passport. According to the petitioner, her date of birth is 15.06.1990 but the same was erroneously recorded as 15.06.1991 in the passport issued to her on 30.04.1993.

At that point of time, the petitioner was an infant and no material is available before this Court to surmise as to how the said entry was made in the passport. Learned counsel appearing for the respondents also states that the record would no longer be available with the Passport Office at this late point of time.

It appears that the petitioner's passport was renewed thereafter in the year 2006 but the erroneous entry as to her date of birth was again incorporated therein. The petitioner submitted an application only on 23.09.2014 seeking correction of her date of birth in the passport. The Regional Passport Office however issued letter dated 08.01.2015 to the petitioner stating that she had obtained a passport in the year 2000 which was valid up to 2005 with a different date of birth and she was asked to clarify. The petitioner had even earlier clarified her position as regards this aspect in her letter dated 21.11.2014. According to her, she had not been issued any passport in the year 2000.

Learned counsel appearing for the respondents states that as per the Circular dated 29.10.2007 issued by the Ministry of External Affairs, Government of India, discretion is vested in the Passport Issuing Authority to correct the date of birth without a Court order in cases where files have already been destroyed and where such correction is not in excess of two years, provided the applicant gives a satisfactory explanation as to the documents produced.

In the present case, the petitioner's Secondary School Certificate reflects that her date of birth is 15.06.1990. This is an acceptable proof of the date of birth and can be safely acted upon. That being so, the Regional Passport Officer, Secunderabad, would be at liberty to exercise the discretion vested in her as aforesaid and take appropriate action as to the correction of the petitioner's date of birth in her passport in accordance with the due procedure. As regards the other aspect of the matter, it is for the Regional Passport Officer, Secunderabad, to consider the clarification given by the petitioner, give her an opportunity of hearing and take a decision as to whether there is any suppression by the petitioner and if so, the action that needs to be taken thereupon. The entire exercise shall be

completed within one week from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions shall stand closed. No order as to costs.

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**SANJAY KUMAR, J**

**16<sup>th</sup> JUNE, 2015**

**Note:**

Issue C.C. tomorrow.

B/o Svv