

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.24013 OF 2015

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Between:

Syed Haji Pasha

.. Petitioner

And

The Union of India, rep., by its
Principal Secretary, Department of
Ministry of External Affairs, Secretariat,
New Delhi and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 04.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.24013 OF 2015

ORDER:

I have heard learned counsel for the petitioner yesterday as well as today.

Learned Assistant Solicitor General appearing for the respondents has brought to the notice of this Court yesterday itself that the issue is covered by the order of this Court in W.P.No.21916 of 2013, dated 30.07.2013, and the petitioner will have to approach a competent civil Court and seek a decree of his correct date of birth in terms of the Circular No.VI/401/2/5/2001, dated 29.10.2007, issued by the Ministry of External Affairs (PV-I Section). He has also placed on record a copy of the said order.

Today, when the matter is taken up for hearing, learned counsel for the petitioner disputes the ratio of the said order by contending that the date of birth which is sought to be corrected in that case involved major corrections, whereas the request for alteration of date of birth in the present case is only minor and the same can be done by the 2nd respondent under Section 5 of the Passports Act.

In my view, there is hardly any distinction between the facts in W.P.No.21916 of 2013 and the present Writ Petition. As in that case, in the present case also the petitioner has obtained passport in 2001 and got renewed it in 2011 showing his date of birth as 12.01.1980.

For the first time, the petitioner by his application, dated 18.06.2015, sought correction of his date of birth as 12.01.1983 and has approached the 2nd respondent with a request to correct his date of birth in the passport and alleging inaction, the present Writ Petition is filed.

In terms of Circular, dated 29.10.2007, this Court has already held in W.P.No.21916 of 2013, dated 30.07.2013, as under:

“Unless the petitioner seeks and obtains a decree of declaration from the competent Court that his actual date of birth is 09.05.1976, no *mandamus* can be issued to the respondent to correct the entry of date of birth in his passport.

In this view of the matter, the Writ Petition dismissed with liberty to the petitioner to file a civil suit for declaration of his correct date of birth.”

Therefore, this Writ Petition is also disposed of following the aforesaid order and for the reasons recorded therein. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

04.08.2015

Note:- Furnish C.C. in three days.

(B/o)
KH