

CWP No. 8701 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 8701 of 2015

Date of Decision: May 05, 2015

Kushaatula Puhanian & another

...Petitioners

Versus

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Dr. Rau P.S. Girwar, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioners have approached this Court praying for quashing of the note to para 3 in regards to Form 'F' under the Tatkal Scheme being violative of Article 14 and 15 of the Constitution of India being discriminatory.

It is the contention of the counsel for the petitioners that the petitioner had applied for the issuance of passports under the Tatkal Scheme and have submitted the requisite documents alongwith the said applications but the respondents are insisting upon for Form 'F' which is a Specimen Verification Certificate which has to be issued by the authorities as has been mentioned therein, certifying the fact that the provisions under the Passport Act are not attracted in the case of the person who is an applicant and recommendation has also to be issued that mandating such verification certificate prior to entertaining the application for issuance of a passport under the Tatkal Scheme discriminates as the persons, who have no contacts with the officials who can verify such certificate

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as Annexure 'F' as mentioned in the notice thereto, will not be able to get the passport under the Tatkal Scheme.

This contention of the counsel for the petitioners cannot be accepted as under Schedule III of the Passport Rules, 1980, Clause 'C' which deals with out of turn issue of passport under the Tatkal Scheme although sub-clause 'A' deals with verification certificate and under sub-clause 'B' an applicant also has an option under the Tatkal Scheme on submission of three documents from fourteen documents as mentioned below, provided one of the three documents is a photo identity document and at least one of the three is amongst the documents indicated at (a) to (i) and standard affidavit duly attested by a Notary as at Annexure 'I'. This makes it abundantly clear that this is an option available to the petitioners either to proceed under Clause 'C' sub-clause 'A' or under Clause 'C' sub-clause 'B' of Schedule III under Section IV of the Passport Rules, 1980. The challenge, thus, to Annexure 'F', cannot sustain and therefore, the said prayer is declined.

It is, however, clarified that as per the Scheme of the Rules, this is only an option given to the applicant and if any of the option either as per Clause 'C' sub-clause 'A' or Clause 'C' sub-clause 'B' is fulfilled, the requirement of Passport Rules, 1980 stands fulfilled.

In view of the above, the present writ petition stands dismissed.

May 05, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**