

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

125

Civil Writ Petition No.8777 of 2015

Date of Decision: May 06, 2015

Harbhajan Singh

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the petitioner is the holder of passport No.E5157734. In the said passport and even prior thereto when the passport was issued to him, the date of birth mentioned therein was 25.04.1959, whereas the actual date of birth of the petitioner is 15.04.1962. In support of this submission, he has placed reliance upon the certificates issued by the various authorities indicating his date of birth to be 15.04.1962 (Annexure P-2 colly.). On the basis of these documents, petitioner moved a representation/application for correction of date of birth in the passport dated 24.02.2015 (Annexure P-2) to the Regional Passport Officer, Jalandhar-respondent No.2 but the same has not been decided till date. Counsel contends that he has been orally informed that since the difference between the date of birth of the petitioner is more than two years, the same cannot be done by the said authority i.e. respondent No.2-Regional Passport Officer, Jalandhar. Counsel for the petitioner relied upon the judgment passed by this Court in *Resham Singh Versus Union of*

India and another, 2008(1) R.C.R. (Civil) 131, where it has been held that where there is conflict between the date of birth record recorded in the two documents, the passport authority has the powers under Section 5(2) of the Passport Act with reference to Section 21 of the General Clauses Act, 1897 to correct the date of birth on the basis of documentary evidence.

Counsel contends that the petitioner, at this stage, would be satisfied if a direction is issued to respondent No.2 to consider and decide the application of the petitioner dated 24.02.2015 (Annexure P-2) keeping in view the judgment passed by this Court in **Resham Singh's** case (supra), within some specified time.

Keeping in view of the judgment passed by this Court in **Resham Singh's** case (supra) and the statement made by counsel for the petitioner, without going into the merits of the case or commenting thereon, the present writ petition is disposed of with directions to the Regional Passport Officer, Passport Office, Jalandhar (Punjab)-respondent No.2, to consider and decide the application of the petitioner dated 24.02.2015 (Annexure P-2), within a period of six weeks from the date of receipt of certified copy of this order. Decision so taken be conveyed to the petitioner forthwith.

May 06, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE