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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6226/2014

MOHD. FOZAIB

..... Petitioner

Through: Mr. R.S. Jakhar and Mr. B.S. Jakhar,
Advocates

versus

UNION OF INDIA & ANR.

.... Respondents

Through: Mr. Abhay Prakash Sahay, CGSC with
Mr. Deepak Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **19.02.2015**

1. Mr. Sahay says that a counter affidavit has already been filed in the matter. The counter affidavit is, however, not on record. The Registry will place the counter affidavit on record. A copy of the counter affidavit has been shown to me in court.

2. This writ petition raises a short issue. The issue raised in the writ petition is this: the petitioner claims that his date of birth is, 16.03.1989, and that, despite his endeavours, the respondents refuse to correct their record. In sum, the petitioner seeks incorporation of the correct date of birth in the passport, which the respondents are required to issue to him. To be noted, in the passport issued to the petitioner on previous occasions, his date of birth was reflected as: 11.10.1988.

2.1 The respondents have refused to do the needful basically on the

ground that when the passport was first issued, and thereafter, renewed, repeatedly, therein the petitioner's date of birth was shown as : 11.10.1988.

2.2 A perusal of the record reveals that the petitioner has placed on record, copies of the birth certificate issued by Registrar of Births and Deaths, Municipal Corporation of Delhi (Shahdara Zone), and the school leaving certificate issued by the Central Board of Secondary Education (CBSE), which is dated 27.05.2006.

2.3 The copies, placed on record of these documents, which are attested as true copies by the petitioner, reflect the petitioner's date of birth as: 16.03.1989. There can be no doubt that the primary document for date of birth is the certificate issued by the concerned Municipal Corporation. This proposition is not disputed by the learned counsel for the respondents.

3. Therefore, all that the respondents, in my view, have to do is, to verify the authenticity of these documents, which have been placed on record by the petitioners. If these documents are found to be authentic then, it is obvious, it is within the domain of the respondents to carry out the necessary correction in their record. This is apparent on a bare perusal of the circular issued by the Ministry of External Affairs dated 29.10.2007, as amended from time to time.

3.1 It is the respondent's case that at the point in time when the petitioner was first issued a passport, the date of birth was recorded therein, based on a declaration made by his mother; who even according to the respondents is illiterate. On the counsel for the

respondents being queried, the learned counsel informed me that no supportive document was furnished on behalf of the petitioner evidencing his date of birth at the time when the passport was first issued to him, save and except the affidavit of the mother. It is stated that no other document is available with the respondents.

3.2 Therefore, as indicated above, the respondents will ascertain the authenticity of the documents, referred to above i.e., certificate issued by the Municipal Corporation of Delhi and the CBSE. In case these documents are found to be authentic then, necessary changes will be made in the passport. Let the needful be done within four weeks from today.

4. At this stage, the learned counsel for the petitioner, says that the earlier passport has been cancelled. Needless to say, if what the petitioner states is found to be correct, a new passport will be issued to the petitioner with the correct date of birth, as found by the respondents.

5. With the aforesaid observations in place, the captioned petition is disposed of.

6. List for compliance on 16.04.2015.

7. Dasti.

RAJIV SHAKDHER, J

FEBRUARY 19, 2015

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