

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No. 2010 of 2016

M. Mathi Vathani Manivasagan .. Petitioner
Vs.

The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers,
2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai 600 002. ... Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent herein to reissue the passport to the petitioner by correcting the date of birth from 20.12.1991 (as borne out in passport No.H3197768) to 13.6.1992 pursuant to the application given by the petitioner in File No.MA1079039810516 within the time frame to be fixed by this Court.

For Petitioner : M/s.Dakshayanai Reddy

For Respondent : Mr. P. Saravanan
Addl. Central Government Standing Counsel

ORDER

The Petitioner has come forward with this Writ Petition seeking to direct the respondent to issue the petitioner a fresh passport by correcting the date of birth in the existing passport as 13.6.1992 instead of 20.12.1991.

2. Heard Mrs. D. Dakshayani Reddy, learned counsel appearing for petitioner and Mr.P. Saravanan, learned Additional Central Government Standing Counsel appearing for the respondent.

3. According to the petitioner, the petitioner was born on 13.06.1992. As a matter of fact, all her certificates issued by Anna University including her College records, where the petitioner underwent her B.E. Decree course carry the date of birth as 13.06.1992. When the petitioner was a minor, her

mother applied for a passport , showing the date of birth of petitioner as 20.12.1991 and based upon the information, petitioner was issued with a passport bearing passport No.H3197768 with date of birth of the petitioner as 20.12.1991.

4. As per Passport Rules, any person born after 1989, the birth certificate alone shall be taken as proof of date of birth and since the petitioner's mother submitted birth certificates containing wrong date of birth, the petitioner was issued with a passport containing wrong date of birth. All the school certificates as well as the college certificates only bear 13.6.1992 as the correct date of birth. The petitioner is now desirous or pursuing her studies abroad.

5. In case of any discrepancy in the school certificate and the birth certificate, the candidate has to be directed to get an order directing the correction of the date of birth by a Magistrate of competent jurisdiction. So far as the case of the petitioner is concerned, the petitioner has also satisfied the same by getting the correct birth certificate by incorporating the date of birth as 13.6.1992 which is inconsonance with all the certificates which have been issued to the petitioner so far. The petitioner made application for change of date of birth by her representation dated 6.1.2016 before the respondent, but the same is still kept pending without passing any orders. Since there is urgency in the issue as the petitioner is desirous of pursuing her education abroad, the petitioner seeks appropriate direction.

6. Inadvertently, the date of birth of the petitioner was wrongly mentioned in the passport. The petitioner made an application on 06.1.2016 before the respondent enclosing all the required documents and sought for re issuance of the passport. Since the same was not taken into consideration, the petitioner is before this Court.

7. Learned counsel for petitioner submitted that the petitioner is desirous of applying abroad for pursuing her higher education and if the correct date of birth is not incorporated and fresh passport is not issued to the petitioner, the petitioner will be put to irreparable loss and hardship.

8. Learned Standing counsel appearing for the respondent would fairly submitted that the application for re issuance of passport would be considered on the basis of the documents produced by the petitioner.

9. In view of the submissions of the learned Standing Counsel appearing for the respondent, the respondent is directed to consider the application of the petitioner dated 06.01.2016 for re-issuance of passport on the basis of the documents

produced by the petitioner on merits and in accordance with law. Such exercise shall be completed within a period of two weeks from today. The petitioner is directed to circulate the copy of this order along with a representation of the petitioner so as to enable the respondent to proceed further.

10. With the above direction, this writ Petition is disposed of. No costs.
msr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers,
2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai 600 002.

+ 1 CC TO M/s.Dakshayanai Reddy, ADVOCATE SR 3630

+ 1 CC TO P. Saravanan, Addl. Central Government Standing Counsel
SR 3744

KR/25/1/16

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