

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.37748 of 2015

B.Sivasankari

.. Petitioner

Vs.

The Regional Passport Officer/Passport Authority,
No.25, AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the representation dated 16.10.2015 made by the petitioner with regard to issuance of passport to the petitioner without insisting her to produce the birth certificate within a time frame that may be fixed by this Court.

For Petitioner : Mr.P.V.Selvarajan,
for Mr.R.Aranganathan

For Respondent : M/s.G.Hema
Central Govt. Standing Counsel

ORDER

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that she is working as an Assistant Professor in SNS College of Technology, Saravanampatty, Coimbatore and all her public and educational records/certificates carried her name as B.Sivasankari. However, he is used to be called with a pet name, namely B.Kavitha and the same was reflected in her wedding invitation card also. The petitioner would further state that her marriage between her and one G.Sakthi was held on 30.11.2008 at B.M.N. Marriage Hall at Mettupalayam Road, Goundar Mills and in the marriage invitation card also, the pet name of the petitioner was printed. Subsequent to the marriage, there was misunderstanding which resulted in divorce by mutual consent, vide order dated 11.07.2014 made in H.M.O.P.NO.62/2014 on the file of the Family Court, Coimbatore. The petitioner is also

pursuing her Doctorate and since she is having an opportunity of getting employed in abroad, she applied for passport through online and vide communication dated 22.04.2015, the said application was returned with an endorsement "Birth Certificate required". The petitioner also made enquiry in the office of the respondent and she came to know that since in the marriage invitation card as well as in the decree for divorce, her name has been shown as B.Kavitha @ B.Sivasankari, she is required to furnish necessary document to evidence the same and therefore, the petitioner has been constrained to approach this Court with this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that in the parental home of the petitioner, she is used to be called as B.Kavitha, however as per public and educational records/certificates, her name has been shown as B.Sivasankari and in the light of the authenticated documents, there cannot be any difficulty on the part of the respondent to consider her request for issuance of passport in accordance with relevant rules and norms and prays for appropriate orders.

4. Per contra, M/s.G.Hema, learned Central Government Standing Counsel accepts notice for the respondent and would submit that admittedly in the marriage invitation card of the petitioner, her name has been shown as B.Kavitha @ Sivashankari and therefore, the respondent has raised the query that since the petitioner was not in a position to give proper answer, her application was rightly returned.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. A perusal of the typed set of documents would disclose that in the S.S.L.C. Certificate, Provisional Certificate, Post Graduate (M.E) Degree Certificate, Diploma in Electronics and Communication Engineering Certificate issued by the Tamil Nadu Civil Supplies Corporation, Family Card, Wedding Invitation Card, Driving Licence, Aadhaar Card, Voter Identification Card, the name of the petitioner is shown only as B.Sivasankari. No doubt, in the marriage invitation card, the name of the petitioner has been shown as B.Kavitha @ Sivasankari and the reason for putting the said name has also been properly explained by the petitioner by stating that in her parental home, she is used to be called as B.Kavitha and therefore, this Court is of the view that in the light of the above facts and circumstances, the petitioner's application for issuance of passport is to be reconsidered.

7. In the result, this Writ Petition is disposed of, granting liberty to the petitioner to re-submit the returned application for issuance of passport within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider the said application in accordance with the rules and norms and prays for appropriate orders within a further period of four

weeks thereafter and communicate the decision taken, to the petitioner. No costs.

jvm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

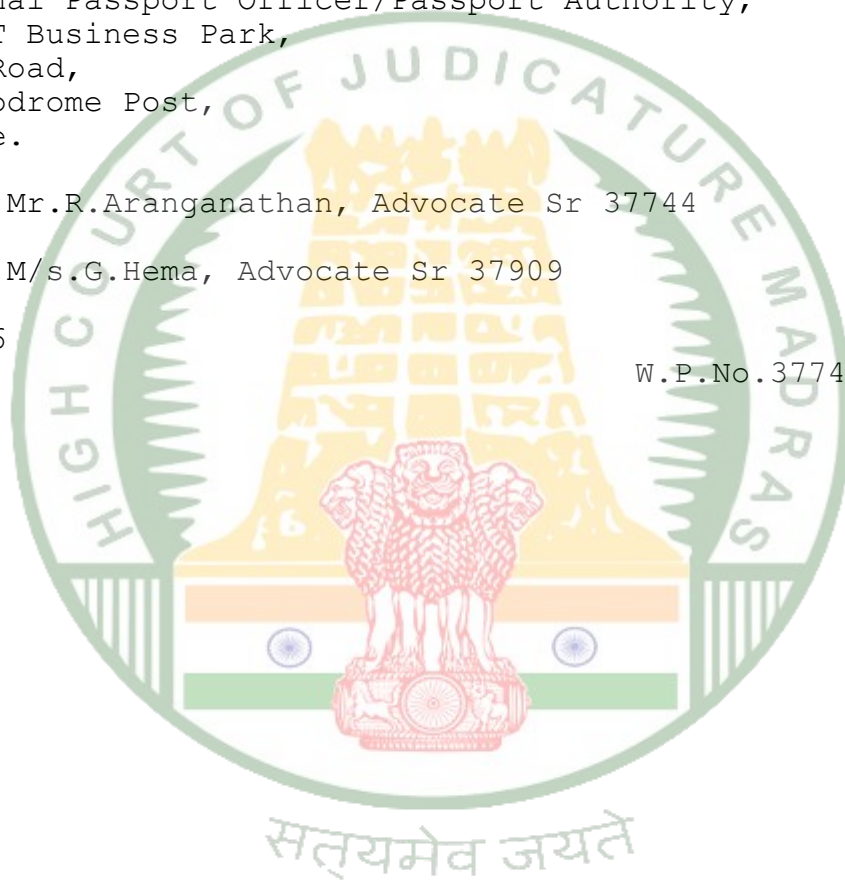
The Regional Passport Officer/Passport Authority,
No.25, AGT Business Park,
Avinashi Road,
Civil Aerodrome Post,
Coimbatore.

+ 1 cc to Mr.R.Aranganathan, Advocate Sr 37744

+ 1 cc to M/s.G.Hema, Advocate Sr 37909

KR/13/7/16

W.P.No.37748 of 2015



WEB COPY