

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.39606 of 2015
and MP.No.1 of 2015

Meenakshi Arul Anbarasu

.. Petitioner

Vs.

1.The Regional Passport Officer (Chennai)
Royala Towers
No.2 & 3, 4th Floor,
Old No.785, New No.158,
Anna Salai, Chennai-2.

2.The Secretary
Department of Government Examination
Chennai-6.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the first respondent to renew the pass port of the petitioner bearing Pass Port No.E3502946 based on application dated 16.05.2012.

For Petitioner : M/s.K.Elango

For respondents: M/s.J.Madhanagopal Roa for R1.

M/s.P.Rajalakshmi, GA for R2.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the first respondent to renew the pass port of the petitioner bearing Pass Port No.E3502946 based on application dated 16.05.2012.

3.The case of the petitioner is that she passed Higher Secondary Course at Bharat Matriculation Higher Secondary School, Attur during 1999 and got married to one Arul Anbarasu on 26.12.2001 and settled at Kummanachavadi, Poonamallee. In the year 2002, she applied for passport before the first respondent, at that time the petitioner could not locate her +2 mark certificate, which she kept in her mother's place and

advised to furnish not traceable certificate. On 31.10.2002, the petitioner had been issued with a pass port bearing Passport No.E3502946 by the first respondent and the validity of the passport is till 30.10.2012.

4.On 16.05.2012, she applied for renewal of passport furnishing her educational qualification along with Board of Higher Secondary Education. The first respondent refused to process the renewal request on the ground that the petitioner furnished copy of Higher Secondary course certificate in support of her education qualification which she did not furnish when she had applied for passport in the year 2002. Subsequently, on 17.05.2012 the first respondent requested the Secretary, Department of Government Examination/second respondent to verify the genuineness of the certificate.

5.The petitioner in his letter dated 04.11.2015 requested the first respondent to renew her passport at the earliest, wherein it is stated that her mother-in-law is suffering from Parkinson disease and she has to be taken to Singapore for treatment. Hence, the petitioner approached this Court by way of present writ petition.

6.The first respondent filed his counter stating that the petitioner submitted application for renewal of pass port along with +2 mark sheet issued by the second respondent. During verification, the petitioner showed the original mark sheet and submitted self attested copy of the same. After verification the petitioner had taken back her original mark sheet. Since, the genuineness of the mark sheet was doubtful, the same was referred to second respondent. The Joint Director, Directorate of Government Examinations, Chennai in his reply dated 01.11.2012 informed that there is a variation between the photostat copy of the mark sheet and the tabulated mark register maintained in their office and requested the first respondent to forward original mark sheet along with the petitioner's residential address. Accordingly, the petitioner was advised to furnish the original mark sheet in the office of the second respondent. The first respondent can take appropriate action only after receiving reply from the second respondent regarding the genuineness of the +2 mark sheet furnished by the petitioner and prayed to dismiss the writ petition.

7.Heard the submissions of learned counsel appearing for the petitioner and the learned standing counsel who accepts notice on behalf of the respondents.

8.When the matter was taken up for consideration, the first respondent filed his counter stating that appropriate action will be taken only after receiving reply from the second respondent regarding the genuineness of the +2 mark sheet

furnished by the petitioner. The learned Government Advocate appearing for the second respondent submitted a letter was already issued by the Joint Director, Directorate of Government examinations dated 01.11.2012 informing that there is a variation between the photostat copy of the mark sheet and the tabulated mark register maintained in their office and requested the first respondent to forward original mark sheet along with the petitioner's residential address.

9.In view of the above foregoing, this Court directs the first respondent to consider and pass appropriate orders on the application of the petitioner dated 16.05.2012, based on the report forwarded by the second respondent dated 01.11.2012.

10.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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-s/d-
Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

1.The Regional Passport Officer (Chennai)
Royala Towers
No.2 & 3, 4th Floor,
Old No.785, New No.158,
Anna Salai, Chennai-2.

2.The Secretary
Department of Government Examination
Chennai-6.

+ 1 cc to Mr.J.Madanagopal Rao, Advocate, SR 9980

+ 1 cc to Mr.K.Elango, Advocate, SR9854

+ 1 cc to Government Pleader, High Court, Madras SR 9733

ca(co)
prk4/3

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