

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.28159 of 2016

Sibi Mathiyas

.. Petitioner

Versus

- 1.The Secretary,
Ministry of External Affairs,
Jawaharlal Nehru Bavan,
Opposite National Meseum,
Rajpath, New Delhi 100 001.
- 2.The Regional Passport Officer,
The Regional Passport Office
Royala Towers No.2 and 3,4th floor,
Old No.785,
Chennai 600 002.
- 3.The Regional Passport Officer,
The Regional Passport Office,
Water Tank Complex,
West Buliward Complex,
Trichy 620 008
4. The Regional Passport Officer,
Regional Passport Officer,
Trivandrum, SNSM Building,
Karalkada Junction, Pettah, P.O.
Trivandrum, Kerala 695 024.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to conduct proper enquiry within a stipulated time fixed by this court along with the petitioner and to issue or renew the passport with correct date of birth mentioned in the school certificate to the petitioner and consider the petitioner's representation to the respondents on 13.07.2016.

For petitioner	:	Mr. S. Ashok Kumar
For Respondents	:	Mr.Su.Srinivasan, Assistant Solicitor General for R1
https://hcservices.ecourts.gov.in/hcservices/	:	Mrs. Sumitha Kumari Central Govt. Standing Counsel for R R2 to 4

ORDER

The petitioner seeks for issuance of a Mandamus directing the first respondent to conduct appropriate enquiry within a specific period for either issuing or renewing his passport with correct date of birth as mentioned in the school certificate to him by considering his representation dated 13.07.2016.

2. The petitioner would contend that he studied upto VI Standard in St. Mary's School in Kanyakumari and due to poverty he could not continue his studies further. It is the further case of the petitioner that after discontinuing his studies, he did seasonal daily wage work in his native Village. At that time, he came into contact with a broker who assured him to get employment opportunity in abroad. For this purpose, the petitioner submitted certain document details to the agent and got his passport issued by the Regional Passport Officer, Trichy bearing file No.A18332609 on 02.06.1996 in which his date of birth was indicated as 04.06.1975. The passport issued to the petitioner was having validity till 01.09.2016. According to the petitioner, subsequently, he shifted his residence to another place which comes within the jurisdiction of Kerala Government. The petitioner therefore applied for renewal of his passport with the Regional Passport Officer, Trivandrum. The Regional Passport Officer, Trivandrum, by a communication dated 19.04.2016 called upon the petitioner to appear him for an enquiry to clarify the place of residence of the petitioner. The petitioner also appeared for an enquiry during which it was stated that there is a mis-match of the date of birth in the passport as well as the transfer certificate issued to him by the school authorities and therefore he rejected his application for renewal of passport.

3. The learned counsel for the petitioner would contend that the petitioner is illiterate, having studied only upto VI Standard. The petitioner obtained passport through an agent and also obtained the passport. Now, by reason of the rejection of his application for renewal of passport, he could not continue his employment abroad. According to the learned counsel for the petitioner, the application for renewal has been returned only due to mis-match of date of birth. The date of birth is clearly indicated in the transfer certificate issued to the petitioner as 07.08.1977, however, in the passport issued to him earlier, the date of birth was erroneously indicated as 04.06.1975. At any rate, without conducting proper enquiry, the fourth respondent has returned the application of the petitioner and therefore he only seeks for issuing appropriate direction to the fourth respondent to conduct appropriate enquiry and to re-issue passport in favour of the petitioner.

4. The learned counsel appearing for the respondents 2 to 4 would only contend that the fourth respondent, on noticing the mis-match in the date of birth of the petitioner in the

passport issued by the Regional Passport Officer, Trichy as well as the transfer certificate issued to the petitioner by the school authorities, has rightly refused to re-issue or renew the passport in favour of the petitioner.

5. I heard the counsel on either side. It is seen from the records that the petitioner studied only upto VI Standard and the school certificate issued to the petitioner indicates his date of birth as 07.08.1977. It is also seen from the records that by a communication dated 19.04.2016, the petitioner was called upon for an enquiry, however, it is not known whether an order of rejection was passed or not. Having regard to the above facts and circumstances of the case, the petitioner is directed to produce all the necessary documents for consideration of the fourth respondent for re-issuing the passport and on receipt of the same, the fourth respondent is directed to conduct an enquiry, afford an opportunity of hearing to the petitioner and thereafter pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

kkd/rsh

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TO

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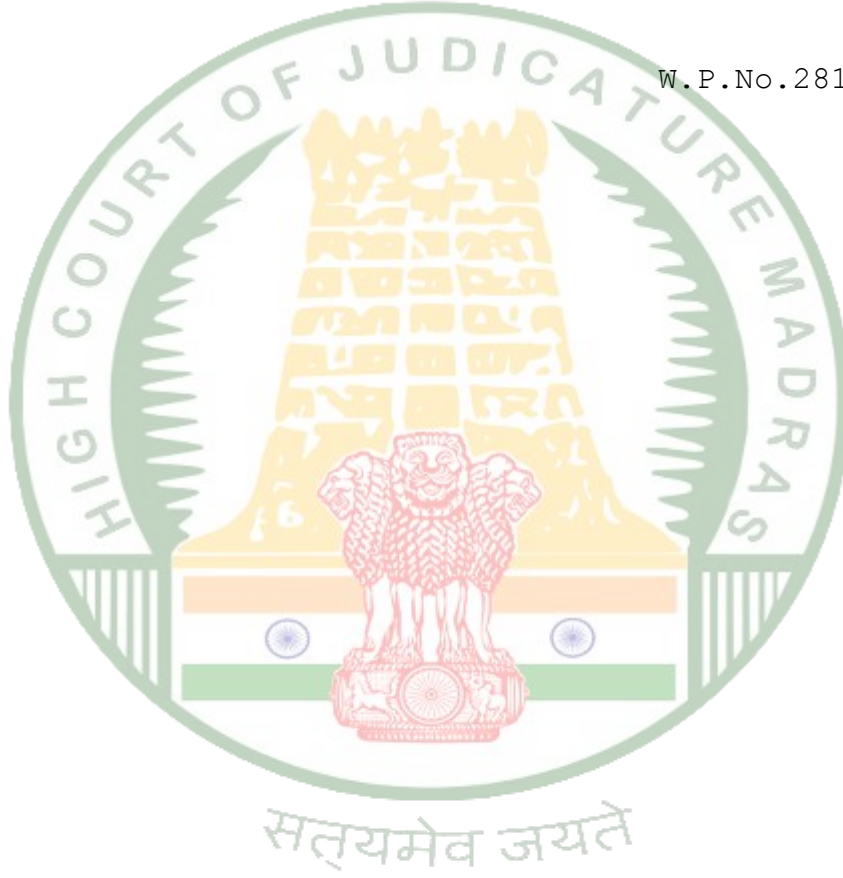
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Trivandrum, Kerala 695 024.

+ 2 ccs to Mr. S. Ashok Kumar, Advocate Sr 59116

+ 1 cc to Mrs. Sumitha Kumari, Advocate Sr 59111

KR/20/12

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