

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.11996 of 2016

ORDER:

Heard the learned counsel for the petitioner, Smt. Anjali Agarwal, learned Standing Counsel for the respondents.

2. Petitioner's grievance is that he had applied for reissuance of passport and for rectification of a mistake with regard to date of birth therein, that this was received on 08-10-2015 by the officials of 2nd respondent, but the processing of the petitioner's application has been kept on hold by the respondents on the ground that the petitioner should obtain an order from this Court for processing of the same.

3. Learned counsel for the petitioner places reliance on the Circular No.VI/401/2/5/2001 dt.20-10-2007 issued by the Ministry of External Affairs for changing of date of birth in the passport. Learned counsel contends that as per the said Circular, a passport issuing authority can use its discretionary powers for correcting the date of birth without an order of the Court where such correction is only in months (not exceeding two years). Learned counsel for the petitioner further contends that the difference in the presence case between the original date of birth and the date of birth wrongly mentioned in the old

passport is only nine months and that 2nd respondent can therefore follow the said Circular and correct the mistake therein about the date of birth of the petitioner.

4. Smt.Anjali Agarwal, learned Standing Counsel for the respondents, on instructions, states that the petitioner should approach 2nd respondent office in person with the original documents and 2nd respondent will then consider the issuance of fresh passport in accordance with the Circular dt.20-10-2007 referred to above.

5. In view of the said submission, the Writ Petition is disposed of directing the respondents to process the application of the petitioner dt.08-10-2015 for issuance of fresh passport and consider effecting change in the date of birth mentioned therein pursuant to the Circular dt.20-10-2007 of the Ministry of the External Affairs on the petitioner approaching the respondents in this regard in person. This exercise shall be completed by 2nd respondent within one month from the date of receipt of a copy of this order. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-04-2016

Note:-

Issue C.C. in a week.

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