

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

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**WRIT PETITION No.12943 OF 2015**

**ORDER :**

It is the case of the petitioner that he was issued passport bearing No.E7559904 on 04.02.2004 and same is renewed on 04.02.2013 vide passport bearing No.K7641393 on 04.02.2013. It is stated that his date of birth is wrongly mentioned as 17.05.1984 instead of 17.05.1991. The petitioner's SSC certificate was issued on 24.05.2012, wherein his date of birth is mentioned as 17.05.1991. On 21.08.2013, petitioner made application seeking re-issue of passport by enclosing the birth certificate issued by GHMC, Marks memo issued by the SSC Board, voter ID card, Ration Card, Pan Card and Aadhar Card. However, the respondent advised the petitioner to approach the Civil Court for correction of his date of birth. The petitioner also filed O.S.No.1788 of 2013 on the file of the XIX Junior Civil Judge, City Civil Court, Hyderabad, wherein the Court below passed judgment on 05.02.2014 for correction of his date of birth. Thereafter, the petitioner filed application on 26.02.2014 vide file No.HY1077524610914 for reissue of passport. The police enquiry also completed in the month of March, 2014. However, no orders are passed on the application of the petitioner by the respondent. Aggrieved by the same, present writ petition is filed.

Counter affidavit is filed by the respondent denying the averments in the affidavit filed in support of this petition stating that the petitioner obtained initial passport bearing No.E7559904 dated 04.02.2004 by showing his date of birth as 17.05.1984 on the basis of school bonafide certificate. It is also stated that the petitioner had obtained passport bearing No. K7641393 dated 04.02.2013 in continuation of the above mentioned passport by showing the same

date of birth i.e., 17.05.1984, by mentioning his educational qualification as below 5<sup>th</sup> class though he has passed SSC in the month of March, 2012. It is stated that the petitioner neither requested for correction of his date of birth nor furnished the birth certificate as alleged in the petition. It is stated though his birth details were registered on 20.05.1991, he had intentionally suppressed the same while obtaining initial passport and subsequent passport and further he is taking shelter of ignorance by blaming on unknown agent.

Heard learned counsel for the petitioner and learned Assistant Solicitor General of India.

Learned Counsel for the petitioner, in support of his contention, has relied on the judgment reported in **Mohammed Ahsan Khan v. Regional Passport Officer, Secunderabad**<sup>[1]</sup>.

Though the respondent, by filing counter, has opposed the grant of relief, it is for the respondent to pass appropriate orders on the application filed by the petitioner for issuance of the passport, basing on the material filed by the petitioner.

In view of above facts and circumstances, without expressing any opinion on merits of the case, the Regional Passport Officer, Secunderabad-respondent is directed to dispose of the application of the petitioner and pass appropriate orders, in accordance with law and communicate the same to the petitioner.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

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**A.RAJASHEKER REDDY, J**

21.07.2016

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