

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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W.P. No. 23791 of 2016

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DATE: 29.07.2016

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Between:

Gurjala Shreya Reddy

.. Petitioner

And

The Union of India
and another

.. Respondents

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ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the 2nd respondent in correcting the petitioner’s date of birth in the Passport bearing No.G-4982823 as 02.08.1997 in the place of 02.08.1996 despite furnishing relevant certificates showing her correct Date of Birth, as illegal, arbitrary and unjust...”

It is averred in the writ affidavit that the petitioner obtained Passport bearing No.G-4982823 from the 2nd respondent on 05.09.2007 at Hyderabad and the same is valid up to 04.09.2012. The petitioner was minor as on the date of submission of the application for issuance of passport. Recently, she got an opportunity to go abroad for the purpose of further studies and since her passport expired on 04.09.2012, she made an application on 10.06.2016 before the

2nd respondent for issuance of new passport. However, the 2nd respondent, vide letter dated 23.06.2016, informed her to get an order from the Court for change of her date of birth. Immediately, she verified her passport and noticed that there is a mistake crept in with regard to the year of her date of birth, instead of 1997 it was wrongly mentioned as 1996.

The learned counsel for the petitioner has submitted

that at the time of filing the application for issuance of passport, the father of the petitioner submitted relevant documents such as Birth Certificate and Secondary School Certificate wherein the petitioner's actual date of birth is mentioned as 02.08.1997, in spite of that the 2nd respondent committed mistake in mentioning wrong year as 1996 instead of 1997. The learned counsel has drawn the attention of this Court to the acknowledgement letter issued by the 2nd respondent at page No.8 of the material placed on record wherein the 2nd respondent - Regional Passport Officer, Hyderabad has mentioned as "Please call for Court Order for DOB change".

It is very painful that the mistake committed by the 2nd respondent is to be rectified by the Court on moving the writ petition. The 2nd respondent itself would have verified the documents filed along with the application and accordingly taken the decision so that the petitioner would not move the Court by filing this petition. It shows the callousness on the part of the 2nd respondent – Regional Passport Office who are doing their business mechanically without application of mind.

In view of the above, this Court deems it appropriate to allow the writ petition with the following direction:

"The 2nd respondent is directed to renew the petitioner's Passport bearing No.G-4982823 duly correcting her date of birth as 02.08.1997 in the place of 02.08.1996 within a period of one week from today. It is further directed that the 2nd respondent shall pay Rs.10,000/- to the petitioner towards costs of this petition."

Subject to the above direction, this writ petition is allowed. No order as to costs.

As a sequel to the allowing of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

29.07.2016

Note:-

The Registry is directed to communicate copy of this order to the 2nd respondent for compliance.

b/o

bcj