

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.13227 of 2017

Order:

Heard learned Counsel for the petitioner and learned Standing Counsel for the Central Government.

The case of the petitioner is that her father obtained a passport in her name stating her date of birth as 21.01.1990 instead of her real date of birth, 23.02.1991. The passport was obtained when the petitioner was aged about six (6) years. Later on, the petitioner completed her Secondary School Education in the year 2006 and in the said certificate her date of birth was mentioned as 23.02.1991. She completed her Intermediate Education in 2009 and Graduation in B.Com, in the year 2012. She also completed B.Ed in the year 2014. In all her educational certificates her date of birth was mentioned as 23.02.1991 only. The said date was reflected in her Marriage Certificate, Voter ID Card and other documents. She applied for fresh passport with correct date of birth and when an order was passed on 12.01.2017 asking her to furnish a revised birth certificate duly canceling the previous birth certificate for issuing a fresh passport with correct date of birth, the present Writ Petition is filed.

Learned counsel for the petitioner submitted that in view of entries made in all her educational documents from SSC onwards, the second respondent should have issued a fresh passport with correct date of birth. He relied on a decision of this Court reported in Maddi Raja Shekar Reddy v. Regional Passport Officer, Regional Passport Office, Secunderabad¹.

¹ 2007 (6) ALD 156

A reading of the above judgment shows that there was a Circular dated 18.04.2001, which was issued clarifying the position. However, in view of the subsequent judgment of the High Court of Kerala in W.P.No.9073 of 2015, another Circular was issued on 26.11.2015 for considering the claims/requests for change/correction of entries regarding date of birth in the passports. The relevant portion of the said circular dated 26.11.2015 reads as follows:

“4(iii) The cases where the applicant comes to PIA for change/correction with regard to date of birth in the Passport after a period of five years from the date of issue of passport with alleged wrong date of birth, no such request shall be entertained/accepted by the PIA and be rejected out rightly.

However, an exemption in this regard may be given to an applicant who was minor at the time when passport with alleged wrong date of birth was issued to him. As and when such an applicant after attaining the age of majority applies for the passport with the request to change the date of birth in the passport issued to him when he was minor, the PIA irrespective of the duration of the issuance of passport may accept his case for consideration and if is satisfied with the claim and his case for consideration and if is satisfied with the claim and document(s) submitted by the applicant, may accept his request for change of date of birth in the passport without imposition of any penalty.”

The case of the petitioner falls under Para 4 (iii) above, as it appears that the earlier passport was issued based on a birth certificate enclosed at that point of time. Since the date of birth is now sought to be changed, the second respondent is well within his authority asking the petitioner to furnish a revised birth certificate duly canceling the previous birth certificate. In those circumstances, this Court sees no ground to interfere with the order passed by the second respondent, but gives liberty to the petitioner to comply with the said order.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any pending in this Writ Petition, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 13.04.2017
Nsr

