

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(103)

CWP-960-2017

Decided on: March 21, 2017.

Kulbir Kaur and another

.... Petitioners

Versus

Union of India through its Principal Secretary and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.P.S. Bajwa, Advocate, for the petitioners.

M.M.S. BEDI, J (ORAL)

Petitioners No.1 and 2 are wife and husband. They seek issuance of a writ in the nature of mandamus directing the respondents to change the date of birth of the petitioners in the new passport on the basis of rectified Aadhar Card. The year of birth mentioned in the Aadhar Card of petitioner No.1, is 1981 whereas year of birth of petitioner No.2 is of the year 1975. It is alleged that the application filed by the petitioners, has been dismissed requiring them to get Court order.

Though the controversy in the disputed question of facts, is not to be adjudicated in writ jurisdiction but in order to satisfy conscious of the Court, petitioners No.1 and 2 were required to furnish new date of birth.

Learned counsel for the petitioners submits that actual date of birth of petitioner No.1, is 10.05.1975 instead of 1981 whereas petitioner No.2 does not have any date of birth which is required to be mentioned in the passport of petitioner No.2, in place of 1975.

Counsel for the petitioners relies upon only the affidavit of petitioner No.2.

Since the passport is considered to be a document sufficient enough to indicate the correct residential address and date of birth of the holder; unless until the sufficient material is available before the Court, no such declaration pertaining to change of date of birth can be given especially when a person seeks the correction of date of birth from 1981 to 1975 and 1975 to 1972 as is being claimed on the basis of vague allegations.

There is no evidence produced even before this Court in the shape of voter list or matriculation certificate or the registration certificate showing the date of birth, sought to be incorporated in the passports.

I have considered the contention of learned counsel for the petitioners that both the petitioners are uneducated.

It cannot be presumed that uneducated person is not registered anywhere at the time of birth.

The petition is dismissed as not maintainable without prejudice to the right of the petitioners to seek declaration from appropriate Court in accordance with law as it will not be feasible for this Court to enter into the disputed question of facts and the petition having been filed on vague grounds.

(M.M.S. BEDI)
JUDGE

March 21, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No