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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 954/2017

MOHD SHOEB

..... Petitioner

Through: Mr Javed Ahmad and Mr Anis
Ahmad, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms Shiva Lakshmi, CGSC with Mr
Ruchir Ranjan Rai, Advocate for R-1
& 2.
Ms Manorma Masih, Advocate for R-
3 with Mr Kailash Chand Yadav,
APHI, Health of Deptt. Central Zone,
SDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.08.2017**

1. The petitioner has filed the present petition, *inter alia*, praying that a direction be issued to respondent nos.1 & 2 to issue a passport to the petitioner after accepting his birth certificate issued by the Health Department, Meerut.
2. It is the petitioner's case that he was born on 05.08.1994 in Delhi and the Registrar of Births and Deaths has also recorded the petitioner's birth as 05.08.1994, on 12.09.1994. A certificate to this effect has been issued by the Municipal Corporation of Delhi under Section 17 of the Registration of Birth and Deaths Act, 1969.

3. It appears that the birth of the petitioner was also recorded in Meerut and his date of birth in the records of the authorities in Meerut is 05.09.1994. The birth certificate issued by the Meerut authorities indicates that the said registration was effected on 24.12.2015.
4. *Prima facie*, it appears that the date of birth recorded in Delhi is correct while the date of birth recorded subsequently is erroneous. There is no requirement for this Court to speculate as to the reasons that prompted the petitioner and his family members to records the incorrect date of birth; however, it is clear that at least one of the record is incorrect.
5. In view of the above, the direction that the respondents be directed to issue a passport indicating the date of birth as 05.09.1994 cannot be granted. The petitioner would have to rectify his date of birth in the relevant records before applying for the passport as a passport indicating an incorrect date of birth cannot be issued.
6. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

AUGUST 03, 2017
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