

\$~41

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

+ W.P.(C) 12222/2016

SANDEEP KHANNA

..... Petitioner

Through: Mr Muneesh Malhotra and Ms Sonali
Rastogi, Advocates.

Versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Rajesh Gogna, CGSC, for R-1 &
2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

09.08.2017

1. The petitioner has filed the present petition, *inter alia*, praying that the respondents be directed to record the petitioner's correct date of birth (being 27.11.1974) on his passport.
2. Apparently, the petitioner had applied for a passport in the year 1992 indicating his date of birth as 27.09.1974. The said passport was, thereafter, renewed on two occasions and the petitioner persisted in recording an incorrect date of birth (27.09.1974) on his passport. The petitioner has now at this belated stage sought rectification of the passport. The respondents have apparently not processed the same as there is no explanation as to the inordinate delay in approaching the concerned passport authority.
3. The learned counsel for the respondents has drawn the attention of this Court to an Office Memorandum dated 22.09.2016, which permits rectification of the date of birth on the passport subject to the applicant

complying with certain conditions, which includes giving a satisfactory explanation as to the delay in approaching the passport issuing authority.

4. In this case, the petitioner has obviously acted callously and there is little explanation that the petitioner can provide for such inordinate delay. However, without prejudice to any action that the respondents may take, it is apparent that passport reflecting the incorrect date of birth cannot be permitted to stand.

5. In the present case, the petitioner has produced a certificate issued by the Central Board of Secondary Education reflecting his date of birth to be 27.11.1974 which the petitioner claims is his correct date of birth. It is also pointed out that the said certificate was issued on 15.09.1990, which is prior to the issuance of the first passport. Further, the petitioner also asserts that the concerned Registrar maintaining the Register of Birth and Deaths also correctly records the petitioner's date of birth as 27.11.1974.

6. A co-ordinate Bench of this Court in the case of **Sunita Sawhney v. UOI & Ors.**(W.P.(C) No.10839/2015) had highlighted the evidentiary value of the records maintained by the Registrar of Birth and Deaths. In the aforesaid circumstances, the present petition is disposed of by directing the petitioner to submit all material including a certificate from the Registrar of Birth and Deaths evidencing the petitioner's correct date of birth. The respondents shall examine the same and take necessary steps to rectify the passport, if they are satisfied as to the petitioner's correct date of birth.

7. If all relevant documents are filed within a period of two weeks, the passport issuing authority shall do the needful within a period of eight weeks, thereafter.

8. The petition is disposed of with the aforesaid directions.
9. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 09, 2017
MK