

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.21638 of 2017

Vrishank Magesh Babu

... Petitioner

vs.

- 1.The Secretary to Government,
Ministry of External Affairs,
CPV Division, Patiala House Annexe,
New Delhi.
2. The Regional Passport Officer,
Royala Towers, No.2 and 3, IV Floor,
Old No.785, New No.128, Anna Salai,
Chennai - 600 002.
3. The Assistant Passport Officer,
Passport Seva Kendra
No.1, Near Buhari Hotel,
Banumathi Ramakrishnan Road,
Saligramam,
Chennai - 600 093.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the second and third respondents to process / reissue of Passport application Ref.No.17-1006389523 dated 22.06.2017 based on the guidelines issued by the first respondent in proceedings No.VI/401/2/5/2001 dated 26.11.2015 within the time frame and issue fresh passport in the name of the petitioner by incorporating the Date of Birth as 03.08.1998.

For Petitioner : Mr.V.Srinivasa Babu

For Respondents : Mr.B.Rabu Manohar,
SGCPC

O R D E R

The petitioner seeks for a mandamus directing the second and third respondents to process his renewal/reissuing of passport application Ref.No. 17-1006389523 dated 22.06.2017 based on the

guidelines issued by the first respondent dated 26.11.2015.

2. The petitioner is a student undergoing B.Tech. Course at Chennai. When he was a minor, his parents applied for passport for the petitioner and the same was issued by the second respondent on 14.06.2001 and the same was periodically renewed. In the said passport, the date of birth of the petitioner was given as 18.05.1998 whereas the actual date of birth is 03.08.1998. The said entry was made due to inadvertent mistake committed by the petitioner's parents unintentionally, while making the original application for issuance of the passport. Now, the petitioner wants to correct the date of birth in the passport, for which, he made the above application on 22.06.2017. 3. A counter affidavit is filed by the second respondent dated 03.10.2017 wherein it is stated that the second respondent has referred the matter to the Commissioner, Corporation of Chennai, seeking genuineness of the birth certificate furnished by the petitioner and on receipt of the reply from the Commissioner of Chennai, further action will be taken by the respondents' office.

3. Learned counsel for the petitioner, after inviting this Court's attention of the relevant guidelines issued in the Office Memorandum dated 26.11.2015 submitted that the respondents may consider the request of the petitioner in the light of the above said guidelines, more particularly, Clause 3 which reads as follows:

(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 document(s) submitted by the applicant, may accept his request for change of date of birth in the passport without imposition of any penalty.

4. Learned counsel appearing for the respondents submitted

that pursuant to the filing of the counter, a report was also received from the Corporation and therefore, the request of the petitioner will be considered in accordance with above said guidelines.

5. Considering the above stated facts and circumstances, this writ petition is disposed of by directing the respondents 2 and 3 to consider the request of the petitioner for correcting his date of birth in the Passport by following the guidelines issued by the Ministry of External Affairs in the Office Memorandum dated 26.11.2015, more particularly, Guideline No.3. The whole exercise shall be done by the respondents 2 and 3 and appropriate orders shall be passed within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

- 1.The Secretary to Government,
Ministry of External Affairs,
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New Delhi.
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Passport Seva Kendra
No.1, Near Buhari Hotel,
Banumathi Radhakrishnan Road,
Saligramam,
Chennai - 600 093.

+1cc to Mr.V.Srinivasa Babu, Advocate, S.R.No.9663

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.9815

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RRK(/02/2018)