

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO. 11220 OF 2015

ORDER:

There is no representation on behalf of the petitioner.

2. Heard the learned Assistant Solicitor General for the respondents.

3. The prayer sought in the Writ petition is as under:

"...to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in rejecting Passport to the petitioner's eldest son master Aditya Sai Karthik despite the fact of petitioner's clarification as illegal, arbitrary, high handed and without application of mind and consequently direct the 2nd respondent to process the passport application of master Aditya Sai Karthik."

4. In the counter affidavit filed on behalf of the respondents, it is specifically mentioned as under:

"6. I further submit that as per *Ministry of External Affairs Circular No.VI/401/01/05/2008 dated 5.10.2009 serial No.4 (2)* "In the event of *remarriage after divorce, the name of step-father/step mother cannot be written in the passport of children from the previous marriage. The relationship of the child to his biological parents subsists, even after divorce by parents. It is also not possible to leave the column of father or mother blank in the passport in such cases. Therefore, such applicants must write the names of their biological parents in the application form. However, if the step father or step mother is appointed by a Court as legal guardian, the name of such step-parent can be written as legal guardian.*"

5. In the light of the above, the petitioner is not entitled for the passport of her son with the name of her second husband.

6. Accordingly, the Writ Petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

P. KESHA VA RAO,J

Date: 3.12.2018

KPM

