

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.15736 OF 2015

ORDER:

Heard the learned counsel for the petitioner as well as the learned Additional Standing Counsel appearing for the respondent.

The prayer sought for in the writ petition is as under:

“to issue a Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent in not correcting the petitioner's date of birth as 02031986 instead of 01071982 in his passport bearing No E 6133501 as illegal null and void and contrary to the Circular issued by the Ministry of External Affairs Dated 1842001 and consequently direct the Respondent to Correct the Petitioner date of birth as 02031986 instead of 01071982 in his passport bearing No E6133501.”

During the course of hearing, it is brought to the notice of this Court that the passport of the petitioner stood expired on 04.08.2013. If that be so, the question of correction of date of birth of the petitioner in the passport does not arise and the writ petition, as filed, is not maintainable and liable to be dismissed.

However, the learned Additional Standing Counsel appearing for the respondents placed on record the office memorandum in proceedings No.VI/401/2/5/2001, dated 26.11.2015 as well as the corrigendum dated 13.06.2016. The same are made part of the record. A perusal of the said proceedings would indicate that para 4(ii) of the Ministry's Circular dated 26.11.2015 has been amended, which is as under:

“4(ii) If an applicant applies for the change of date of birth in the passport within a reasonable period of time i.e. within a span of five (5) years from

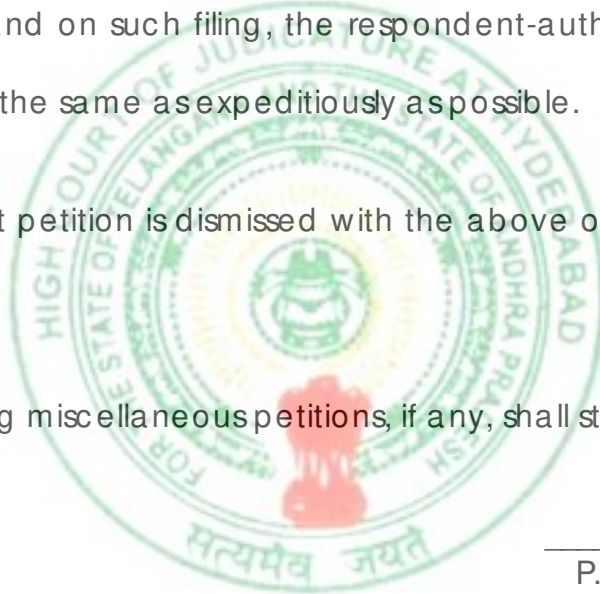
the date of issue of passport having the alleged wrong date of birth, with a fresh/revised birth certificate issued by the Registrar of Births & Death, the request of such an applicant irrespective of the difference in the dates of birth, may be considered by the Passport Issuing Authority. However, before the issuance of passport with changed date of birth, the Passport Authority shall also levy appropriate penalty on the applicant for obtaining passport on previous occasion by providing wrong information regarding his/her date of birth.”

In the light of the same, the learned standing counsel submits that if the petitioner submits an application, the same will be considered in accordance with the amended para.

In view of the above, the petitioner is permitted to file an application and on such filing, the respondent-authority is directed to dispose of the same as expeditiously as possible.

The writ petition is dismissed with the above observation. No costs.

Pending miscellaneous petitions, if any, shall stand closed.



P.KESHAVA RAO,J

05th DECEMBER 2018.
Tsr