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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4703/2018

YOGESH BHATIA

..... Petitioner

Through

Ms. Gurmeet Bindra, Adv.

versus

UNION OF INDIA

..... Respondent

Through

Mr. Rakesh Kumar, CGSC with Mr.
Santosh Kumar Pandey, Govt.
Pleader

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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04.05.2018

C.M. Appl. No.18109/2018

1 Allowed, subject to all just exceptions.

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2 Mr. Rakesh Kumar, CGSC accepts notice on behalf of the respondent.

3 The substantive prayer made in the petition is as follow:-

“Issue a Writ of Mandamus, or any other appropriate Writ/Order or Direction to the Respondent to either allow the Petitioner to submit his application for issuance of the passport without parentage or accept his birth certificate as the document with respect to the parentage and the matriculation certificate purely for the purpose showing educational qualification for issuance of Passport under the Non-ECR category;”

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4 In view of the order, that I propose to pass, learned counsel for the respondent says that he does not wish to file a counter affidavit in the matter.

5 Record shows that it is the assertion of the petitioner that his biological parents are, one, Mr. Shiv Kumar Bhatia and Ms. Sunita Bhatia. It appears that due peculiar circumstances at home the names of petitioner's deceased uncle and aunt ,that is, late Mr. Amrish Kumar Bhatia and Ms. Ritu Kumar Bhatia were entered in his school record.

5.1 Consequently, in the class X certificate issued by CBSE, against parents' names, the names of 'Mr. A. K Bhatia' and 'Ms. Ritu Bhatia' were recorded.

6 Being aggrieved the petitioner has approached this Court for the following reliefs:

- (i) that his application for issuance of passport be accepted without insistence on the names of his parents being inserted.
- (ii) or, in the alternative, his application be accepted based on his birth certificate.

7. Mr. Rakesh Kumar, CGSC who appears for the respondent says that since no application for issuance of passport has been preferred, the petition, in a sense, is premature.

8. Clearly, the only reason that the petitioner has approached the Court is that he cannot knowingly fill up incorrect details with respect to parents name in the application for issuance of passport.

9. Given the peculiar circumstances that the petitioner is placed in, he is given liberty to file the application for issuance of passport disclosing the names of his biological parents. Along with the application, the petitioner will append a representation, wherein, the aforementioned facts with regard to his parentage would be mentioned. The representation filed by the petitioner will be accompanied by the relevant documents including his birth certificate.
10. In case such an application along with a representation, as indicated above, is filed by the petitioner the respondent will deliberate upon the same and pass a speaking order within six weeks of the same being lodged. A copy of the speaking order will be furnished to the petitioner. The petitioner will have liberty to assail the same, if aggrieved, albeit, in accordance with law.
11. Petition disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

MAY 04, 2018

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