

\$~71

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

+ **W.P.(C) 7590/2018 and CM No. 29001/2018**

SANJAY

..... Petitioner

Through: Mr N.S. Bisht, Mr A. Dhingra, Mr
Nishant Singh and Mr Wizdan
Parwez, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Shiva Lakshmi, CGSC with Mr
Siddhanth Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **23.07.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

a. Issue appropriate writ of mandamus directing thereby to the Respondents to make the minor correction in the petitioner's birth month in his date of birth as 18.08.1973 instead of 18.04.1973 in the passport no. k-251190 issued by the respondents on the basis of documents issued by the competent authorities in favour of the petitioner i.e. birth certificate, aadhar card, driving license, school leaving certificate and pan card;

2. The petitioner states that a passport bearing No. k-251190 was issued on 26.11.1991 pursuant to the application made by the petitioner's father. It appears that the petitioner was minor at the time when the application was made.

3. The petitioner further states that he was not aware of the said passport

but found the same in an old trunk on 09.04.2017 (after his father had expired). He noticed that the date of birth mentioned on the passport was incorrect inasmuch as his passport recorded the same as 18.04.1973 instead of 18.08.1973. The petitioner, thereafter, applied for a new passport as the passport issued on 26.11.1991 had expired. The petitioner's grievance stems from the fact that the respondents are not re-issuing/issuing a passport on account of the discrepancy in the petitioner's date of birth.

4. It is the respondent's case that the correction in the date of birth can only be made within a period of five years as per the prevalent policy. This court is of the view that the said policy cannot come in the way of the petitioner since the petitioner was a minor at the time when an application for passport had been made by his father. Further, he was not aware of the existence of the passport till it was discovered on 09.04.2017.

5. The petitioner has produced a copy of his Aadhar Card, Birth Certificate, School Leaving Certificate, Pan Card and Driving License. All of the said documents reflect his date of birth as 18.08.1973. The learned counsel appearing for the petitioner points out that the birth certificate has been issued recently and, therefore, may not be sufficient for the petitioner to establish his date of birth.

6. In view of the aforesaid facts, this Court is of the view that the respondents should examine the question as to the petitioner's correct date of birth and process the petitioner's application for a passport. The petitioner is also required to produce all the necessary documents for establishing his correct date of birth. Since the respondents have expressed a doubt as to the birth certificate, the petitioner is required to produce the extract of entries in

the school register maintained at the time when he joined the school or other contemporaneous documents to establish his date of birth. The respondents are directed to examine the same and issue a passport after satisfying themselves as to the correct date of birth.

7. It is further directed that if the petitioner produce the relevant documents within a period of two weeks from today, the respondents shall process the petitioner's application for a passport within a period of eight weeks thereafter.

8. The petition and the application are disposed of in the above terms.

VIBHU BAKHRU, J

JULY 23, 2018
RK