

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 4086 of 2019**

Arkapravo Kar S/o Shri Debatosh Kar, Aged About 22 Years, R/o D-29, Krishna Vihar, NTPC, Jamnipali, Korba, District Korba, Chhattisgarh

**---- Petitioner****Versus**

1. Union Of India Through Secretary, Ministry Of External Affairs, North Block, New Delhi
2. Chief Passport Officer CPV (Consular, Passport And Visa) Division, Ministry Of External Affairs Room No. 8, Patiala House, Tilak Marg, New Delhi
3. Regional Passport Officer, Regional Passport Office, 1st Floor, Commercial Complex, Sector-4, Pandit Deen Dayal Upadhyay Nagar, Raipur, Chhattisgarh
4. In Charge Of Passport Sewa Kendra, Raipur, Passport Seva Kendra, Shyam Plaza, Unit S-5, Second Floor, Opp. New Bus Stand, Pandari, Raipur, Chhattisgarh

**---- Respondents**


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| For Petitioner      | : | Mr. Vivek Kumar Agrawal, Advocate                                  |
| For Respondent no.1 | : | Ms. Parwati Suryawanshi on behalf of Mr. Bhupendra Singh, Advocate |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****25.11.2019**

1. The relief sought by the petitioner in the present writ petition is for issuance of an appropriate direction to the respondents for issuance of a fresh passport with correct date of birth of the petitioner. He also

seeks for quashment of Annexure P-1 dated 01.07.2019.

2. At the outset, this Court feels that there is no requirement of quashment of Annexure P-1 for the simple reason that by Annexure P-1 the respondents have asked the petitioner to produce revised birth certificate from the place where the first birth certificate was issued.
3. The contention of the counsel for the petitioner is that when the first passport was issued, the petitioner was a minor and that the petitioner had obtained the passport through an agent who was entrusted for getting the passport prepared. Inadvertently, the details of some other person had been given as proof of the date of birth of the petitioner and in fact the date of birth of the petitioner is 10.01.1997 which inadvertently in the old passport has been entered as 10.01.1996. Counsel for the petitioner submits that the petitioner has a duly issued birth certificate from the concerned Municipal Corporation where he was born on 10.01.1997 and that all his school certificates including higher Secondary School Certificate also reflect his date of birth to be 10.01.1997. Meanwhile, the old passport has since expired, he has therefore moved an application for issuance of a fresh passport.
4. The petitioner on an earlier occasion had filed a writ petition i.e. WPC No. 1623/2019 which got disposed of on 24.05.2019 directing the respondents to consider his application and take a decision at the earliest. The respondents have now issued the impugned order Annexure P-1.

5. It is relevant at this juncture to take note of the fact that admittedly the date of birth of the petitioner entered in the passport issued in the year 2008 is 10.01.1996. The proof of date of birth provided at that relevant point of time seems to be one that of Anamitra. According to the petitioner, the said birth certificate is that of his deceased brother which was inadvertently provided at the time of issuance of passport and that the actual date of birth of the petitioner is 10.01.1997 as is evident from all the school records and the birth certificate which the petitioner has in his possession.
6. Given the fact that the petitioner has a birth certificate issued from the Municipal Corporation where he was born and also the school records particularly the certificate issued by the Central Board of Secondary Education of Class-10<sup>th</sup> & Class-12<sup>th</sup> which for all practical purposes have to be considered to be the authentic documents to ascertain the date of birth. Merely, because the petitioner on an earlier occasion had been issued with a passport with a different date of birth does not mean that the erroneous date of birth entered earlier cannot be corrected subject to the petitioner producing authentic documents and records in support of his contention. A certificate issued from the Central Board of Secondary Education which is relied upon by all the authorities for determining the age of a person and other valid documents like Adhar Card, Driving Licence etc. have to be considered as genuine documents for determining the actual date of birth of the petitioner.
7. Given the said facts and circumstances of the case and also taking note of the judgments passed by the Rajasthan High Court in the

case of Ms. Shilpi Vs. Union of India & Ors in Civil Writ Petition No. 6598/2014 decided on 10.08.2016 and also in the case of Shilpa Mangalya Vs. Union of India & Anr. In Civil Writ (CW) No. 8918/2015 decided on 21.10.2016, the present writ petition also stands disposed of directing the respondents to consider the application of the petitioner for issuance of a fresh passport wherein the date of birth of the petitioner is to be determined on the basis of valid relevant and cogent documents in proof of his date of birth. Let this exercise be concluded by the respondents at the earliest.

8. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-  
P. Sam Koshy  
Judge**