



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

WP(MD)No.25340 of 2018

Boominathan Nagalinam

... Petitioner

Vs.

The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the respondent in File No.MD1071103335918 dated 18.04.2018 and to pass further direction to the respondent to 'Reissue' the Passport of the petitioner bearing passport no.J5661817 by entering the modified date of birth as "07.02.1965" instead of "07.10.1957" within a time.

For Petitioner : Mr.S.Chandrasekaran

For Respondent : Mr.V.Kathirvelu ASG Assisted by
Mrs.S.Ragaventhre for CGSC

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was issued with a passport when he was aged about 16 years. In the passport, his date of birth was mentioned as 07.10.1957. The petitioner's correct date of birth appears to 07.02.1965. Therefore, he wants the said correction to be made in his passport. His request was denied by the respondent. Hence, this writ petition came to be filed.

3.When the matter was taken up for hearing, the learned standing counsel appearing for the respondent placing reliance on the Office Memorandum issued by the Ministry of External Affairs, Government of India dated 26th November, 2015 contended that since the request for alteration of date of birth has been made beyond a period of five years, it cannot be considered.

<https://hcservices.ecourts.gov.in/hcservices/>

4.No doubt the petitioner's case is beyond a period of five years. But then, the very same memorandum contains a para that may



come to the rescue of the petitioner. The relevant part reads as follows :

"4....

(iii) However, an exemption in this regard may be given to an applicant who was minor at the time when passport with alleged wrong date of birth was issued to him. As and when such an applicant after attaining the age of majority applies for the passport with the request to change the date of birth in the passport issued to him when he was minor, the PIA irrespective of the duration of the issuance of passport may accept his case for consideration and if is satisfied with the claim and document's submitted by the applicant, may accept his request for change of date of birth in the passport without imposition of any penalty."

5. Therefore, the writ petitioner is permitted to submit a fresh application to the respondent seeking correction of the passport. It is made clear that the writ petitioner's application will not be rejected on the ground that it has been filed beyond a period of five years. The matter is remitted to the file of the respondent. The respondent shall consider the case of the petitioner within a period of four weeks from the date of receipt of a copy of this order. If the respondent is satisfied with the materials placed by the writ petitioner in respect of the correct date of birth, then the change sought for by the petitioner will be made in his passport.

6. This writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS)

Skm

To
The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625 002.

+2 CC to M/s.S.CHANDRASEKARAN, Advocate
(SR-63229[F] dated 27/04/2019)

WP (MD) No. 25340 of 2018

26.04.2019