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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 16050 of 2018

Dated 18.12.2019

Hari Pal Singh

.....Petitioner

Vs.

Union of India and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vivek Thakur, Advocate
for the Petitioner

Mr. P.S. Sidhu, Advocate
for respondents No. 1&2

SUVIR SEHGAL, J. (Oral)

The petitioner has filed the instant writ petition for issuance of a writ in the nature of mandamus for directing the respondents to correct his date of birth and his father's name in his Passport bearing No. L-1063502.

In brief, the petitioner has submitted that he has been issued a passport on 10.06.2013 which is valid upto 09.06.2023. In the passport, his date of birth as well as his father's name have been wrongly mentioned. Vide application dated 04.11.2017, he has applied

to the passport authorities for making the corrections in the passport. However, his application was returned by the authorities on 08.11.2017 with the remarks that “Change in DOB, no official mistake case may be seen and order please”. He approached the passport authorities with the requisite documents, but the passport authorities again returned the application on 02.05.2018 by mentioning that “Change in DOB B/C enclosed. Please give further direction”. Since the corrections have not been carried out in the passport he has approached this Court by filing the instant writ petition.

Upon notice, respondents have filed reply wherein it has been submitted that the date of birth had been entered in the passport after getting the same verified from the police authorities. It has been further submitted that the change being sought by the petitioner is an after thought and there is no mistake on the part of the officials.

Counsel for the parties have heard and record has been perused with their assistance.

During the course of argument learned counsel for the petitioner has referred to the birth certificate (Annexure P.2) issued under the Registration of Births and Deaths Act, 1969. He submitted

that the birth certificate depicts his date of birth as 15.01.1969. The birth certificate had been duly submitted to the passport authorities but they have refused to consider the same.

The issue regarding correction of date of birth in the passport on the basis of birth certificate issued by the Registrar of Births and Deaths stands settled by a Division Bench of this Court in Resham Singh Vs. Union of India and others 2008(1) RCR (Civil) 131 and by High Court of Delhi in W.P.(C) No. 10839 of 2015, Sunita Sawhney Vs. Union of India, decided on 03.12.2015 and it was held that passport authorities cannot refuse to correct the date of birth on a passport on the basis of date of birth recorded in the Birth Certificate.

In so far as the correction in the name of the petitioner's father is concerned, it is always open to the respondents to seek any document or clarification that they require.

In view of this position, the writ petition is disposed of with a direction to the respondents to consider afresh the application submitted by the petitioner in accordance with the provisions of the Passports Acts, 1967, keeping in mind the above stated legal position, within the period of four weeks from the date of receipt of certified copy of this order. It is made clear that the earlier return

of the application of the petitioner will not stand in the way of fresh consideration being carried out by the passport authorities.

Accordingly, the writ petition is disposed of.

(SUVIR SEHGAL)
JUDGE

December 18, 2019
pry

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No