

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

CWP-24978-2018 (O&M)
Date of decision : 29.04.2019

Didar Singh

...Petitioner(s)

Versus

Union of India and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sukhjit Singh, Advocate,
for the petitioner.

Mr. K.K. Chahal, Advocate,
for the respondents.

JITENDRA CHAUHAN, J.

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, *inter alia*, is for issuance of a writ in the nature of Mandamus, directing respondent No.2 to carry out necessary correction of date of birth of the petitioner in the Passport.

Learned counsel contends that the petitioner comes from a rural background and had passed Middle Standard examination in the year 1978. The petitioner earlier applied for issuance of Passport in the years 1979, 1990 and 2001, through agent, wherein, date of his birth was inadvertently, mentioned as 10.05.1957 instead of 08.08.1960. It is submitted that the petitioner is a person of clean antecedents and is not involved in any FIR or complaint case. The error has occurred due to lack of education and

awareness on the part of the petitioner and negligence of the agent whose services were availed by the petitioner.

On the other hand, learned counsel for the respondents submits that the petitioner himself declared date of his birth as 10.05.1957 when he applied for Passport in the years 1979, 1990 and 2001 and he has already travelled abroad on the said Passport. He has approached this Court after a long delay of 38 years, therefore, the petition is hit by delay and laches.

Heard.

On the last date of hearing, learned counsel for the petitioner was directed to place on record the Middle Standard certificate. In pursuance thereof, a self attested copy of the Middle Standard Examination has been furnished, which is taken on record as Mark 'A'. The Court has seen the original certificate (Duplicate copy) issued by the Punjab School Education Board, issued on 16.04.2019.

The petitioner has also appended with the petition copies of Birth Certificate (Annexure P-2), Aadhar Card (Annexure P-3), School leaving certificate (Annexure P-4) and PAN card (Annexure P-5). All the above documents are consistent with regard to the petitioner's date of birth i.e. 08.08.1960. The petitioner has not been benefitted by wrongly stating date of his birth.

In the circumstances, respondent No.2 is directed to get necessary record verified and in case, the same is found as per record, the application made by the petitioner reflecting date of his birth as 08.08.1960, be considered and Passport be issued to the petitioner. The necessary

exercise be completed within eight weeks from the date of receipt of a certified copy of this judgment.

Disposed of.

29.04.2019
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No