

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

CWP No.28103 of 2017(O&M)

Date of decision:-22.01.2019

Jagwinder Singh

.....Petitioner

versus

Union of India and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. P.L. Verma, Advocate for the petitioner.

Mr. Satish Singla, Central Govt. Standing Counsel,
for respondent No.1-UOI.

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant writ petition is directed against the order dated 01.11.2017 (Annexure P-5) issued by the Regional Passport Officer, Chandigarh and whereby request of the petitioner for issuance of a passport incorporating a change in his date of birth and for the same to read as 08.05.1966 instead of 05.08.1964, has been declined.

Counsel for the parties have been heard.

Brief facts which are not in dispute may be noticed. Petitioner was issued passport No.B-5270735 dated 04.04.2001 reflecting his date of birth as 05.08.1964. Such date of birth was entered on the basis of a school certificate of 6th Class that had been submitted by the petitioner. Thereafter petitioner applied for renewal of passport mentioning the same date of birth and accordingly passport No.J-3056789 dated 22.09.2010 was issued and which is valid upto 21.09.2021.

Apparently petitioner approached the respondent authorities seeking change in his date of birth to 08.05.1966 by placing reliance upon a birth certificate issued vide memo dated 15.07.2017 issued by the Chief Registrar, Births & Deaths, Bathinda (Annexure P-2). Since the application preferred by the petitioner was not being responded to, petitioner got a legal notice dated 15.10.2017 served upon the Regional Passport Officer, Chandigarh. It is in response to the legal notice that the impugned order dated 01.11.2017 (Annexure P-5) has been issued declining the request.

A perusal of the impugned order dated 01.11.2017 mentions that the change of date of birth being sought is after a period of 16 years and which is not admissible as per **“Revised Guidelines”**.

During the course of hearing today, counsel representing the respondent-Union of India was called upon to advert to such revised guidelines. Counsel has been unable to do so. Rather response is that he has instructions that the request of the petitioner may be considered but upon carrying out an exercise of verification with regard to the birth certificate dated 15.07.2017 (Annexure P-2). Counsel further submits that for purposes of such verification to be carried out, the petitioner would be obligated to deposit the requisite charges.

In the considered view of this Court, in the absence of any guidelines having been placed on record or having been adverted to during the course of arguments and whereunder the request of the petitioner for change of date of birth in the passport is barred, the petitioner is entitled to a fair consideration and examination of his request.

For the reasons recorded above, the impugned order dated

01.11.2017 (Annexure P-5) is set aside.

The matter is remanded back to the Regional Passport Officer, Regional Passport Office, Chandigarh, to examine the request of the petitioner for issuance of passport with date of birth incorporated as 08.05.1966. For such purpose it would be open for the respondent authorities to verify the authenticity of the birth certificate issued vide memo dated 15.07.2017 (Annexure P-2). Statement of counsel for the petitioner is recorded to that effect that a demand draft of Rs.10,000/- in the name of the Regional Passport Officer, Chandigarh, would be deposited in the Regional Passport Office, Chandigarh within a period of 10 days from today. Thereafter respondent No.2 would proceed further in accordance with law and take a final decision on the claim/request of the petitioner expeditiously and in any case within a period of two months from the date of passing of this order.

Writ petition is disposed of in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

22.01.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No