



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM

THE HON'BLE MR.JUSTICE **S.VAIDYANATHAN**

W.P. (MD)No.19561 of 2018

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M.Kumar

... Petitioner

Vs.

1.The Regional Passport Officer,
Race Course Road,
Madurai - 625 002.

2.The Passport Seva Kendra,
Tirunelveli,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to change wrong entry of birth in the Passport (Passport No.R7244713) issued by the respondents without passing orders on the enquiry conducted on 25.01.2018 in file No.MD2070737282117 enquiry and further to direct respondents to pass orders on the enquiry and incorporate the petitioner's date of birth in the passport as is 07.05.1976.

For Petitioner	: Mr.T.S.Mohamed Mohidheen
For Respondents	: Mr.K.Prabhu
	Central Government Standing Counsel

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to change wrong entry of date of birth in the Passport (Passport No.R7244713) issued by the respondents without passing orders on the enquiry conducted on 25.01.2018 in file No.MD2070737282117 and further to direct the respondents to pass orders on the enquiry and incorporate the petitioner's date of birth in the passport as is 07.05.1976.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.Prabhu, learned Central Government Standing Counsel appearing for the respondents.

3.According to the petitioner, as there is a wrong entry and without conducting an enquiry, on 25.01.2018, passport has been issued and that the date of birth is recorded as 11.04.1968, he has



made an application to correct the date of birth as 07.05.1976 on renewing the passport along with the following documents viz., Transfer Certificate dated 05.01.1993, PAN Card issued by Income Tax Department, Driving License dated 22.06.2006 and Aadhaar Card. The second respondent has called the petitioner for clarification on 21.07.2017 and also for personal enquiry on 23.01.2018 and 25.01.2018. Though the petitioner has given clarification and also appeared personally before the second respondent, the passport was issued without correcting the date of birth. Hence, the petitioner has come forward with the present Writ Petition.

4.The respondents have filed a detailed counter wherein it has been stated that the petitioner has taken up employment in abroad and has been frequently travelling abroad and that more than three decades have gone by and the petitioner is above 50 years old, re-issuance of passport with alteration in date of birth at this juncture could not be justified. It is also stated that the petitioner's request for alteration of date of birth as 11.04.1968 clearly shows the wilful intention and ulterior motivation of the petitioner to mislead the Indian and Foreign Governments by changing his identity in date of birth and the difference in date of birth appears to be more than two years and that a Division Bench of this Court in its decision dated 20.02.2017 in **W.A.No.40 of 2017 [A.Somasundaram v. The Secretary to Government]** held that it is not feasible to alter the date of birth after a long period of time.

5.I find much force in the contention of the respondents and it appears that with ulterior motive and for getting better benefits, the petitioner wanted to alter his date of birth in his passport. That apart, the petitioner has been using the passport with the existing date of birth for all these years, this Court is not inclined to grant the relief sought for by the petitioner, more so, in the light of the judgment relied upon by the respondents. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.The Regional Passport Officer,
Race Course Road,
Madurai - 625 002.

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



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