

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

**CWP No.4673 of 2021
Date of Decision: 01.03.2021**

Balwinder Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Brijindra Singh Bajwa, Advocate
for the petitioner.

MEENAKSHI I. MEHTA J. (ORAL)

By way of the present petition, the petitioner has sought the indulgence of this Court for issuance of a writ in the nature of mandamus directing the respondents to change the place of his birth in his passport bearing No.T3523195 as issued on 11.02.2019 and also in File No. CH3073287003019.

2. Bereft of unnecessary details, the averments as canvassed by the petitioner in the instant petition, are that he had applied to the competent authority on 10.08.2018 for the re-issuance of the passport as his earlier passport had expired on 26.07.2002 wherein the place of his birth had, inadvertently, been mentioned as 'Calcutta' instead of the actual place of his birth, i.e 'Village Mehal Khurd, Tehsil and District Barnala,

Punjab'. He was given an appointment for 05-10-2018 for cross-checking of the credentials for the re-issuance of his passport. On that day, he submitted the requisite documents to the competent authority along-with his affidavit and Birth Certificate while seeking the said correction in the place of his birth. However, the competent authorities have issued the passport to him wherein the place of his birth has, again, been mentioned as 'Calcutta' instead of its rectification as per his above-mentioned request. He again sought an appointment with respondent No.4 for seeking the said correction in his passport and it was fixed for 25.01.2021 but the said respondent declined to accede to his said request and rather, advised him to seek directions from the Civil Court in this regard.

3. Ms. Amrita Singh, Advocate has appeared in this case on behalf of all the respondents, in pursuance of the copies of this petition having been sent to the respondent-Union of India in advance.

4. I have heard learned counsel for the petitioner as well as learned Standing Counsel for the respondents in the present petition, at the preliminary stage and have also perused the file thoroughly.

5. Learned counsel for the petitioner contends that the afore-said error on the part of the petitioner qua mentioning the place of his birth as Calcutta, while applying for the issuance of his old passport, was just an inadvertent one and as per the Office Memorandum dated 26.11.2015 (Annexure P-10), issued by the Ministry of External Affairs, the clerical/technical mistake in the entry relating to birth/place of birth in the passport can be rectified by the competent authority but however, despite

his (petitioner's) having made a specific request in this regard, the competent authority has declined to incorporate the said rectification in his passport.

6. Per contra, learned Standing Counsel for the respondents argues that the petitioner had been issued the passport earlier on 27.07.1992 wherein the place of his birth had been mentioned as Calcutta as disclosed by the petitioner himself and the validity period of the said passport had expired long back on 26.07.2002 and thereafter, the petitioner applied for the re-issuance of his passport on 10.08.2018 and he has not come forward with any candid justification for his not having sought the said rectification in his old passport during the period of its validity and has, rather, requested for the same for the first time while applying for the re-issuance of his passport.

7. Annexure P-1 is the old passport issued to the petitioner earlier on 27.07.1992 wherein the place of his birth has been mentioned as Calcutta and the said passport had expired on 26.07.2002. The petitioner has not placed any document on the file to show that he had ever requested the competent authorities for incorporating the said correction qua the place of his birth in his old passport throughout during the period of its validity. Thereafter, he seems to have woken up from his deep slumber and applied for the issuance of fresh passport on 10.08.2018 with the proposed rectification therein, as shown in Receipt Annexure P-5. As regards the copy of his birth-certificate Annexure P-4, the same would not be of much avail to the petitioner to substantiate his claim in view of the

fact that it had been issued on 08.08.2017, i.e much after the issuance as well as the expiry of the period of validity of his said old passport. So far as the afore-referred provisions as contained in the Office Memorandum (Annexure P-10) are concerned, its clause 4(i) provides for correction of some clerical/technical mistake in the entry relating to birth/place of birth in the passport whereas keeping in view the entire above-discussed facts and circumstances, the alleged error in the entry *qua* the place of birth of the petitioner in his passport can, by no stretch of imagination, be termed to be a clerical or technical one.

8. As a sequel to the fore-going discussion, it follows that the present writ petition is devoid of any merit and deserves dismissal. Resultantly, the same being sans any merit, stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

01.03.2021

rittu

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No