



W.P.(MD)No.3742 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3742 of 2017

and

W.M.P.(MD)No.2991 of 2017

A.Mosses

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India,
Bharathi Ula Road,
Regional Passport Office,
Madurai.

2.The Assistant Passport Officer,
Government of India,
Bharathi Ula Road,
Race Course,
Regional Passport Office,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order passed by the second respondent on 28.11.2016 on the petitioner's passport application made through ref.No. 161010045165, dated 25.11.2016 and quash the same and consequently,



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direct the respondents to issue passport to the petitioner after correcting the date of birth as 16.04.1963 instead of 16.04.1954.

For Petitioner : Mr.R.Anand

For Respondents : Mr.D.Saravanan
Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner and the learned senior standing counsel appearing for the respondents.

2. The petitioner is the holder of an Indian passport. His date of birth has been shown therein as 16.04.1954. He wants it to be corrected as 16.04.1963. Since his request was rejected, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and allow the writ petition as prayed for.



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4. Per contra, the learned senior standing counsel submitted that the petitioner had taken his passport way back in the year 1978 and that it has been renewed every 10 years. The petitioner appears to be working abroad. Since he is reaching the age of superannuation, in order to obtain extension of service, the petitioner has come out with a novel idea of correcting his date of birth. He drew my attention to the order dated 08.11.2018 passed by the Hon'ble Division Bench in W.A(MD)No.1510 of 2018. He called for dismissal of the writ petition sustaining the order impugned in the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. I endorse the stand taken by the learned senior standing counsel that the aforesaid order of the Hon'ble Division Bench clearly applies to the facts of this case. Even according to the petitioner, the date of birth mentioned in the passport was based on the particulars furnished by him. If his date of birth was erroneously entered, nothing stopped him from seeking correction at an earlier point of time. More than anything else, no credible material has been placed before me so as to inspire my



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confidence that his actual date of birth is 16.04.1963.

7. As rightly pointed out by the learned senior standing counsel, if the case of the petitioner is taken as true, he had gone to Bahrain as a worker even when he was aged about 15 years. What has been enclosed in the typed set of papers is a mere extract of the school record of S.A.Middle School, Nambiaradaippu, Tirukurungudi.

8. Since there are no credible materials, I am not in a position to interfere in favour of the petitioner. This Writ Petition is dismissed. It is of-course open to the petitioner to move the jurisdictional civil Court and obtain declaration regarding his date of birth. If any such declaration is given by the civil court, thereafter, he can move the respondent authority for correction. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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