

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

Sr. No.101

Civil Writ Petition No.21683 of 2020

Date of Decision : May 20, 2022

Amrinder Singh

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Bhriagu Dutt Sharma, Advocate, for the petitioner.

Mr. Amit Sharma, Advocate for the respondents.

SUDHIR MITTAL, J. (ORAL)

The petitioner has applied for change in place and date of birth on the basis of the birth certificate as well as the matriculation certificate. In the earlier passport, date of birth was mentioned on the basis of middle class certificate which is stated to be erroneous.

Learned counsel for the petitioner submits that correction of date of birth is permissible in law provided it is based upon relevant documents. Birth certificate is a document which takes precedence over other record and thus, the respondents are not justified in refusing the correction. Reliance is placed upon *Atul Frady vs. Union of India and another, 2020(4) R.C.R. (Civil) 221*.

Learned counsel for the respondents submits that submission of record containing two different dates of birth raises a suspicion and thus, the passport authorities were justified in refusing to make the correction.

In *Atul Frady (supra)*, it has been held that the birth certificate takes precedence over other documents. In this case, correction was sought on the basis of the birth certificate as well as the matriculation certificate which are in accord with each other and thus, the refusal to make the necessary correction is not justified.

The writ petition is allowed and the respondents are directed to reconsider the case of the petitioner for correction of place and date of birth on the basis of record submitted along with the application and keeping in view the law laid down in *Atul Frady (supra)*.

May 20, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No