

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17084 of 2022

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Azizul Islam S/o Mohammad Fakhrul Islam Resident of Mohalla- Rajtoli-
Bhigo, Ward No. 30, P.O.- Lalbagh, P.S.- Laherisarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Directorate of Statistics and Evaluation,
Department of Planning and Development, Government of Bihar, Patna.
3. The Director, Directorate of Statistics and Evaluation, Department of
Planning and Development, Government of Bihar, Patna.
4. The Darbhanga Municipal Corporation, Darbhanga, through the Registrar.
5. The City Commissioner, Municipal Corporation, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate
For the State	:	Mr. Akash Chaturvedi, AC to SC-11
For the D.M.C.	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-02-2023 Heard Mr. Shailesh Kumar, learned counsel appearing

on behalf of the petitioner, Mr. Akash Chaturvedi, learned AC

to learned SC-11 for the State and Mr. Bindhyachal Rai, learned

counsel for Darbhanga Municipal Corporation.

2. In the present writ petition the petitioner has prayed

for the following reliefs:-

***“For issuance of a writ in the nature of
mandamus commanding direction to the
Respondent Authorities particularly Respondent
No. 4 to revoke/cancel and declare the Birth
Certificate No. 910910 bearing Registration No.
1781(D) issued on dated 11.06.2011 as redundant
and non-est.*”**



(II) For issuance of any other relief/reliefs which may deem fit an proper and for which the petitioner may entitle.”

3. The petitioner seeks for the rectification of the birth certificate issued by the Directorate of Statistics and Evaluation Department of Planning and Development, Government of Bihar to be corrected as contained in Annexure-1.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner possess two birth certificate one issued under the provision of the Registration of Birth and Death Act, 1969 and rule framed therein being birth certificate bearing Registration No. 1781(D) and the same authority again issued birth certificate bearing Registration No. 1568(D). Both the certificates mention different dates of birth of the petitioner as 15.12.2002 and 15.08.2002 respectively. Petitioner appeared in the Secondary School Examination in the year 2017 on the basis of birth certificate No. 1568(D) in which the date of birth has been mentioned as 15.08.2002 and accordingly he was declared successful in the examination. The certificate issued by Central Board of Secondary Education bearing no. 1475959, records the date of birth of the petitioner as 15.08.2002.

5. Learned counsel further submitted that the birth



certificate as contained in Annexure 1 has recorded incorrect date of birth needs to be cancelled by the municipal authority to avoid confusion relating to date of birth of the petitioner. He further submitted that the certificate issued by the Central Board of Secondary Education is now accepted for the purpose of date of birth.

6. On perusal of Annexure-1 and 1/1, it appears that two birth certificates have been issued by Department of Planning and Development, Government of Bihar. The certificate No. 910910 dated 11.06.2011 records the date of birth of the petitioner as 15.12.2022, whereas, the certificate No. 118461 dated 25.01.2017 again issued by the Department of Planning and Development, Government of Bihar records the date of birth of the petitioner as 15.08.2002 issued by the same authority i.e. the Registrar, Birth and Death, Darbhanga. The writ petition is devoid of any pleading as to how the petitioner has been able to obtain the certificate No. 118461 dated 25.01.2017 (Annexure-1/1) even without having applied for correction of his birth certificate bearing no. 910910 (Annexure-1). The certificate issued to the petitioner by the Central Board of Secondary Education also records the date of birth of the petitioner as 15.08.2002. Such disputed questions of facts



cannot be entertained under writ jurisdiction.

7. At this stage, learned counsel appearing on behalf of the petitioner seeks to withdraw the present writ petition with a liberty to file a declaratory suit before the civil court having jurisdiction for declaring the date of birth as 15.08.2002 as recorded by the Central Board of Secondary Education to be correct date of birth and to cancel the certificate no. 910910 dated 11.06.2011 recording incorrect date of birth 15.12.2002 from the records maintained by the Municipality. He further informs this Court that he will also apply before the Regional Passport Officer to consider his case in accordance with the latest circular of the Ministry of External Affairs, Government of India.

8. The petitioner is at liberty to seek appropriate remedy before the Regional Passport Officer or in alternative before the civil court by filing suit to cancel certificate no. 910910 dated 11.06.2011 from the Municipal Corporation records and for declaring certificate no. 118461 dated 25.01.2017 to have recorded correct date of birth.

9. The Regional Passport Officer is directed to consider the representation/ application for passport (Annexure-5) on the basis of current guidelines and extant Rules in



accordance with law after affording opportunity of hearing to the petitioner.

10. If the petitioner files any alternative declaratory suit, the learned Court of competent jurisdiction may expeditiously pass order considering the fact that petitioner has a long career.

11. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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