

D/L. 21.
June 8, 2023.
MNS.

WPA No. 12501 of 2023

Sultan Ali Ansari Alias Md. Sultan Ali
Vs.
Union of India and another

Mr. Abdul Hamid Molla,
Md. Abdul Halim

... for the petitioner.

Mr. Arka Bhattacharya

...for the Union of India.

Affidavit-of-service filed in Court today be
kept on record.

Learned counsel for the petitioner
contends that the petitioner is aged about 62
years and intends to go for '*Haj*', the cut-off limit
for which is 65 years of age. It is contended that
although the petitioner gave a representation to
the concerned respondent authorities to the effect
that his date of birth as depicted in the passport
was erroneously written as 01.01.1956, the
correct date of birth, as evidenced from several
documents annexed by the petitioner in the
present writ petition, is 06.08.1961.

It is further contended that let the same be
considered and the necessary corrections be

made by the respondent authorities on the basis of the documents annexed by the petitioner to the present writ petition, the originals of which are lying with the petitioner.

Learned counsel appearing for the respondent authorities hands over a copy of a hand-written communication purportedly written by the petitioner on May 20, 2022, wherein the petitioner wrote the exact opposite to his present representation.

In the 2022 communication, it was written that the date of birth was wrongfully written to be August 6, 1961, whereas his actual date of birth is January 1, 1956. As such, due to the contradictory stand of the petitioner, it is argued that the necessary corrections cannot be permitted.

Upon hearing learned counsel for the parties and going through the documents annexed to the present writ petition, it is clear that most of the documents substantially establish the claim of the petitioner regarding his date of birth being not January 1, 1956 but August 6, 1961.

Mere *bona fide* error on the part of the petitioner on a previous occasion, in his earlier representation dated May 20, 2022, does not

vitate the said documents, which are available with the petitioner and speak otherwise.

Since the contentions of the petitioner in the present writ petition and the current representation are sufficiently corroborated by concrete materials, there cannot be any valid reason why the respondent authorities are not reconsidering the petitioner's prayer for correction.

Accordingly, WPA No. 12501 of 2023 is disposed of by directing the respondent no. 2 to consider the representation of the petitioner, as annexed at page 29 of the present writ petition, in the light of the originals of the documents annexed to the present writ petition, which will be produced at the time of hearing by the petitioner.

In the event there is any discrepancy in any of the said documents as to the petitioner's particulars or identity, it will be open to the petitioner to furnish due declaration/affidavit in support of the contention that the petitioner is identical with the person depicted in the document.

The respondent no. 2 shall fix the date of hearing the petitioner on such representation of

the petitioner. Such date shall be fixed positively within four weeks from date.

On the appointed time, date and venue, the petitioner shall present himself and produce all the documents in original as annexed to the present writ petition. The respondent no. 2 shall, upon consideration of such documents and by following due process of law, carry out the necessary corrections in the petitioner's passport as expeditiously as possible, positively within two months from the date of such hearing. Immediately thereafter, the respondent no. 2 shall intimate the petitioner to collect the corrected passport from the respondent no. 2.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)