



W.P.(MD)No.302 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.302 of 2021

Nayeemudeen

... Petitioner

Vs.

The Passport Officer,
Regional Passport Office
Bharathi Ula Veethi,
Race Course Road,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to change the date of birth of the Petitioner in Passport No.P882005 as 05.05.1975 instead of 05.05.1971 within a time frame fixed by this Court for enabling the Petitioner to renew his Passport.

For Petitioner

: Mr.K.Naveenatharaja

For R-1& R-2

: Mr.S.Jeyasingh,
Senior Panel Counsel,
Government of India



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ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondent to alter / change the date of birth of the petitioner in the passport as 05.05.1975 instead of 05.05.1971.

2. The case of the petitioner is that his correct date of birth is 05.05.1975 and the same has been entered in his SSLC Certificate, HSC Certificate, Aadhar Card, Pan Card and also in his Driving License. According to the petitioner, his date of birth was wrongly mentioned in the passport as 05.05.1971 instead of 05.05.1975. Hence, the petitioner made a representation to the respondent to correct the date of birth. Since the same was not considered, the present Writ Petition has been filed before this Court.

3. Heard the learned counsel appearing on behalf of the petitioner and the learned Senior Panel Counsel appearing on behalf of the respondent.



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4. The respondent has filed a counter-affidavit. The relevant

portions in the counter affidavit are extracted hereunder:

“(4). It is submitted that the petitioner after a lapse of 28 years the petitioner had filed this Writ Petition before this Hon'ble Court seeking direction for re-issue of passport by changing the date of birth from 05.05.1971 to 05.05.1975. The petitioner had intentionally not brought to the notices of the Passport Issuing Authorities in writing or filing an application for correction in his date of birth immediately after obtaining the passport for change in his date of birth.

(5). It is submitted that Ministry of External Affairs, New Delhi in its instructions to sub-ordinate offices had pointed out that request in difference of date of birth for more than 2 years should not be encouraged, in order that sanctity of the Indian Passport issuance system is not undermined from global point of view, that would result in restrictions of movement of Indian citizens abroad.”



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5. In the considered view of this Court, this Court has consistently passed orders in cases of this nature, by considering the documents available before the Court and directing the Regional Passport Officer to alter the date of birth. Useful reference can be made to the Judgment of this Court in the case of ***R.Saravanan Vs. the Regional Passport Officer, Regional Passport Office, Madurai*** in W.P.(MD).No. 20475 of 2017 dated 07.11.2017 and in the case of ***S.Abdul Kader Vs. te Passport Officer, Regional Passport Officer, Madurai*** in ***W.P.(MD).No. 18499 of 2018*** dated 13.02.2019.

6. In the instant case, almost all the documents that have been placed before the Court shows that the date of birth of the petitioner is 05.05.1975. Due to some oversight, it has been mentioned in the passport as 05.05.1971. This mistake has to be rectified. By carrying out the correction, the petitioner is not in anyway going to be unduly benefited, except for the fact that the correct date of birth of the petitioner will be reflected in the passport. Therefore, the technical objections made by the respondent in this regard should not stand in the way of granting the relief sought for by the petitioner.



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7. In view of the above, there shall be a direction to the respondent to alter / change the date of birth of the petitioner in the passport from 05.05.1971 to 05.05.1975. This process shall be completed by the respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above directions.

No costs.

10.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

tsg

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