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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.599 of 2023

M.Arasutheen ... Petitioner

Vs.

The Passport Officer,
Regional Passport Office,
Trichy District. ... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to correct the petitioner's date of birth as 19.05.1974 instead of 10.04.1970 in his passport vide passport No.N5654905 by considering the petitioner's representation dated on 29.12.2022.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mrs.S.Ragaventhre,
Central Government
Standing Counsel.

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O R D E R

Heard the learned counsel on either side.

2. The writ petitioner's date of birth is shown as 10.04.1970 in his passport. His actual date of birth is 19.05.1974. The petitioner wants correction. Since he submitted an application in this regard before the respondent, the respondent did not act on the same. That led to the filing of this writ petition.

3. The learned Standing counsel appearing for the respondent pointed out that Office Memorandum No.VI/401/2/5/2001 dated 26.11.2015 clearly states that the said request cannot be entertained. Clause 4(iii) of the said memorandum is as follows:-

> “The cases were the applicant comes to PIA for change / correction with regard to date of birth in the Passport after a period of five years from the date of issue of passport with alleged wrong date of birth, no such request shall be entertained / accepted by the PIA and

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be rejected out rightly.

However, an exemption in this regard may be given to an applicant who was minor at the time when passport with alleged wrong date of birth was issued to him. As and when such an applicant after attaining the age of majority applies for the passport with the request to change the date of birth in the passport issued to him when he was minor, the PIA irrespective of the duration of the issuance of passport may accept his case for consideration and if is satisfied with the claim and document(s) submitted by the applicant, may accept his request for change of date of birth in the passport without imposition of any penalty."

4. Even while endorsing the stand of the learned Standing counsel, considering the special facts and circumstances obtaining in this case, I direct the respondent to cause verification of the details regarding the petitioner's

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date of birth. If the respondent is satisfied that the petitioner's correct date of birth is 19.05.1974, then corresponding changes will be made in the petitioner's passport. This exercise will be concluded within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is given liberty to furnish the relevant materials such as School Leaving Certificate, Aadhaar Card, Pan Card etc. The absence of birth certificate will not be put against the petitioner.

5. This writ petition stands disposed of. No costs.

14.02.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

The Passport Officer,
Regional Passport Office,
Trichy District.

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G.R.SWAMINATHAN,J.

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