

212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2169-2022

Date of Decision:13.07.2023

RINKU

..... Petitioner

Versus

UNION OF INDIA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. B.S. Jaswal, Advocate
for the petitioner.

Ms. Amrita Singh, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondents to correct particulars of the petitioner in his passport dated 15.02.2014.

2. Learned counsel for the petitioner *inter alia* contends that petitioner was issued passport on 15.02.2014 wherein date of birth of the petitioner has been mentioned as 18.09.1988 whereas as per matriculation certificate and birth certificate issued by the competent authority, the date of birth of the petitioner is 15.09.1991. There is some mistake in the alphabets used in the name of the petitioner and name of the father of the petitioner. On account of difference in particulars mentioned in passport vis-a-vis other documents, the petitioner is facing unnecessary harassment and he has moved various representations and filed application seeking correction of his particulars, however, respondent has

failed to carry out necessary correction in the passport of the petitioner.

3. Learned counsel for the respondents *inter alia* contends that petitioner vide communication dated 07.02.2022 has been asked to place on record documents in support of his contention. The petitioner, if appears before the Passport Authority, the competent authority would look into the matter and pass an appropriate order.

4. I have heard the arguments and perused the record.

5. This Court while adverting with identical issues has directed Passport Authority to correct date of birth of the petitioner therein on the basis of birth certificate. The Court has considered office memorandum dated 26.11.2015 issued by respondent. The relevant paragraph of the memorandum dated 26.11.2015 reads as:

“If an applicant applies for the change of date of birth in the passport within reasonable period of time i.e. within a span of five (5) years from the date of issue of passport having the alleged wrong date of birth, with the birth certificate issued by the Registrar of Births & Deaths stating that date of birth recorded in the passport was based on the entries mentioned documents other than the Birth Certificate, the request of such applicant irrespective of difference in the dates of birth, may be considered by the Passport Issuing Authority. However, before the issuance of passport with changed date of birth, the Passport Authority shall also levy appropriate penalty on the applicant for obtaining passport on previous occasions by providing wrong information regarding his/her date of birth.

5. In view of the above, all Passport Issuing Authorities are hereby requested to follow the above guidelines scrupulously to consider the requests of applicants for change/correction of dates of birth

entries in the passports. Provisions contained in Chapter 4 and 8 of the Passport Manual, 2010 stand revised to the extent as stipulated above.”

6. The petitioner has placed on record matriculation certificate which was issued much prior to issuance of passport. The petitioner has further placed on record birth certificate issued by Health and Family Welfare Department, State of Punjab.

7. In view of the judgment of this Court in *Atul Frady Vs. Union of India* and memorandum dated 26.11.2015, the respondent is supposed to carry out necessary amendments in the passport of the petitioner. Even otherwise no prejudice is going to cause to Passport Authority especially when petitioner has produced matriculation certificate and birth certificate which are best piece of evidence of date of birth.

8. In view of aforesaid facts and findings, the respondent authorities are directed to look into the representation of the petitioner and carry out necessary amendments in the passport, considering matriculation certificate and birth certificate furnished by the petitioner. Needful shall be done within a period of 6 weeks from today.

(JAGMOHAN BANSAL)
JUDGE

13.07.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No