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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-7595-2023

Date of Decision:31.08.2023

PAWAN KUMAR

..... Petitioner

*Versus*

UNION OF INDIA AND ANR

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Karanveer Singh, Advocate  
for the petitioner.

Ms. Shweta Nahata, Senior Panel Counsel  
for the respondents- UOI.

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to correct date of birth and other particulars of the petitioner in his passport.

2. Learned counsel for the petitioner *inter alia* contends that petitioner has served upon respondent a legal notice dated 21.11.2022 for carrying out necessary corrections in the passport No.N9912292. The petitioner is having matriculation certificate as well birth certificate and in the documents, there is difference in the date of birth as well as other particulars. The petitioner is seeking correction of date of birth and other particulars in the passport on the basis of matriculation certificate as well as other documents.

3. Learned counsel for the respondents submits that case of the petitioner would be decided in the light of Division Bench Judgment of

this Court in ***Resham Singh Vs. Union of India and another, 2008 (1) RCR (Civil) 131.***

4. A Division Bench of this Court has considered an identical issue and has held:

*“14. The respondents appear to have misunderstood the legal nature of a birth certificate, issued by the Registrar of Births and Deaths and have equated it with a matriculation certificate. While considering two conflicting certificates i.e. a birth certificate issued by the Registrar of Births and Deaths and a matriculation certificate, the date of birth indicated in the birth certificate issued by the Registrar must prevail. However, the Passport Officer would be well within his jurisdiction to satisfy himself as to the genuineness of a certificate and in case it appears to be suspicious, manipulated or procured, he would be justified in relegating the party to approach a civil Court to seek a declaration, as to his date of birth. A Passport Officer cannot, as a matter of routine, in situations as obtaining in the present case, direct the applicant to approach the civil Court. We are, therefore, of the considered opinion that Clause (c) of instructions, which accord an equal value to a birth certificate and a matriculation certificate, as regards the date of birth and therefore, direct a party to seek adjudication before a civil Court are incorrect and would have to be ignored.*

*15. Thus, taking into consideration the aforementioned judgments, the enunciation of law, as detailed herein above, we are of the considered opinion that the Passport Authority erred by relegating the petitioner to seek a declaration before a civil Court and refusing to entertain his plea for correction of his date of birth. We would like to once*

*again emphasise that as and when an application is filed before a Passport authority and there appears to be a conflict between entries in the birth certificate issued by the Registrar of Births and Deaths and the entry of birth in a school leaving certificate, the entry in the birth certificate issued by the Registrar of Births and Deaths would prevail and except where the certificate is unreliable, suspicious or appears to be procured or manipulated, parties should not be relegated to civil Courts in a mechanical manner.”*

5. The present case involves the same controversy as has been adjudicated by Division Bench of this Court in **Resham Singh** (supra).
6. In view of judgment of Division Bench of this Court and statement of learned counsel for the respondents, the petition stands disposed of with a direction to respondents to pass speaking order within 6 weeks from today.

( JAGMOHAN BANSAL )  
JUDGE

31.08.2023  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |