

210

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-22993-2021

Date of Decision: 16.08.2023

SUKHDARSHAN SINGH

..... Petitioner

Versus

UNION OF INDIA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. N.K. Vashist, Senior Panel Counsel
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 issue/renew passport with correct date of birth and name of father.

2. Learned counsel for the petitioner *inter alia* contends that petitioner was issued passport bearing No. G4751193 on 24.08.2007 which was valid upto 23.08.2017. The petitioner never travelled aboard, thus, passport was never used. The date of birth in the passport was reported 20.03.1988 whereas correct date of birth of the petitioner is 15.05.1990 and his father's name was also wrongly mentioned. The petitioner at the time of filing application was minor. The case of the petitioner is covered by Office Memorandum dated 26.11.2015 (Annexure P-8) whereby it has been provided that no limitation period for correcting date of birth shall be applicable in case of minor.

3. Learned counsel for the respondents submits that petitioner

at this stage has submitted matriculation certificate (Annexure P-4) whereas in the earlier application he had declared himself illiterate. The earlier declaration was incorrect in view of present declaration.

4. The respondent has right to initiate proceedings in terms of Section 12 of Passport Act, 1967 in case of suppression of facts or mis-declaration of facts, however, as per Officer Memorandum dated 26.11.2015 (Annexure P-8), an applicant has right to get corrected his date of birth at any point of time if he was minor at the time of original application. The petitioner has submitted matriculation certificate which cannot be disbelieved unless and until there are contrary evidence on record.

The respondent is bound to consider case of the petitioner and pass appropriate order in accordance with law.

Accordingly, the respondent is directed to pass an appropriate order within 6 weeks from today, after considering Office Memorandum dated 26.11.2015 (Annexure P-8). The respondent is at liberty to verify authenticity of matriculation certificate as well as take an appropriate action in terms of Section 12 of Passport Act, 1967 qua earlier application.

5. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.08.2023
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>