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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27972-2022

Date of Decision:29.08.2023

HARWINDER SINGH

..... Petitioner

Versus

UNION OF INDIA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Karan Kumar Jund, Central Government Counsel
for respondents No.1 and 2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondent No.2 to rectify the date of birth in passport No.G5213242 and re-issue him passport.

2. Learned counsel for the petitioner submits that petitioner was issued passport No.G5213242 on 02.11.2007. In the passport, date of birth of the petitioner is reported as 04.08.1986 whereas his correct date of birth is 06.05.1989. The petitioner was issued passport on the basis of matriculation certificate wherein incorrect date of birth is mentioned. In the birth certificate correct date of birth is mentioned and as per judgment of Division Bench of this Court in ***Resham Singh Vs. Union of India and another, 2008 (1) RCR (Civil) 131*** birth certificate must be given preference over matriculation certificate.

3. Learned counsel for the respondents No.1 and 2 submits that

application of the petitioner has already been closed and if petitioner files fresh application it would be decided in the light of judgment of Division Bench of this Court in ***Resham Singh*** (supra).

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 respondents No.1 and 2, the petition stands disposed of with liberty to petitioner to file fresh application seeking re-issuance of passport with correct date of birth.
7. If the petitioner files fresh application, it would be decided within 2 months thereafter in the light of judgment of this Court in **Resham Singh** (supra).

(JAGMOHAN BANSAL)
JUDGE

29.08.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No