

15.05.2024.
Court No.28
Item No. 130
ap

W.P.A. No. 28743 of 2023

**Deborima Banerjee
Versus
The Union of India & Ors.**

Mr. Kamalesh Bhattacharya,
Mr. Kalyan Kumar Panda,
Mr. Uttam Kumar Roy.

....For the petitioner.

Mr. Kumar Jyoti Tewari.

..For the UOI.

Mr. K. Jaweed Yusuf, Id. AGP,
Mr. Kazi Sajjad Alam.

....For the State.

1. Affidavit-of-service filed in Court today be taken on record.

2. This is the third round of litigation.

3. The petitioner is a Trainee in the Indigo Airlines. A criminal case being Arambagh P.S Case No. 135/2021 dated 08.04.2021 u/s 306 of IPC (G.R case No. 475/2021, ST 75/2022, SC 79/2022) is pending against the Petitioner.

4. Due to her service exigencies, the Petitioner applied for passport on 28.10.2021. Due to the pendency of the criminal case, the passport authorities asked the Petitioner to submit a copy of the order indicating no objection from the court where the criminal case is pending.

5. The Petitioner moved an application before the criminal Court for grant of no objection. The Court of Learned Additional District & Sessions Judge, 2nd

Court, Arambagh, Hooghly, vide order dated 14.09.2022, rejected the said application of the Petitioner by observing that the Petitioner applied for general passport for the purpose of her service and as such the said court is not the appropriate authority to either object or not object to the issue of passport by the appropriate authority.

6. Eventhough, the Petitioner approached the passport authorities with the copy of the order dated 14.09.2022, the passport authorities insisted for the no objection from the criminal court.

7. Hence the Petitioner approached this Court in WPA 14132/2023 titled as Deborima Banerjee Vs UOI. A Co-ordinate Bench of this Court, vide order dated 11.08.2023, directed the learned Additional District & Sessions Judge, 2nd Court, Arambagh, Hooghly to grant a “no objection” to the petitioner for the purpose of issuance of the Passport.

8. In compliance of the order of this Court dated 11.08.2023, learned Additional District & Sessions Judge, 2nd Court, Arambagh, Hooghly vide order dated 19th August, 2023 had given a no objection certificate to the petitioner without specifying the period for which the Passport shall be issued.

9. Hence the passport authorities, in terms of GSR 570(E) dated 25.08.1993, granted a Passport to the Petitioner for a period of one year from 25.082023 till 24.08.2024.

10. After obtaining the Passport, the Petitioner approached the court of learned Additional District & Sessions Judge, 2nd Court, Arambagh, Hooghly for modification of the order dated 19.08.2023 so that she could get a passport with validity of 10 years. However, vide impugned order dated 06.09.2023, the Learned Additional District & Sessions Judge rejected the said application.

11. The Petitioner filed WPA 22978/2023 challenging the order of the passport authorities whereby they issued passport to the Petitioner with one year validity. However, the Petitioner failed to challenge the order dated 06.09.2023 passed by the learned Additional District & Sessions Judge. Hence this Court vide order dated 10.10.2023 permitted the petitioner to withdraw the said writ petition with liberty to challenge the order dated 06.09/2023.

12. In view thereof, the Petitioner filed the present writ Petition challenging the order dated 06.09.2023 passed by learned Additional District & Sessions Judge and also the action of the passport authorities.

13. This court heard the arguments advanced by both the parties and examined the relevant records.

14. The learned Trial Court has failed to appreciate that GSR 570(E) dated 25.08.1993 specifically required the Court to provide a specific period of no objection for which the Passport can be issued. If the Court fails to abide by the above Notification, then in

that scenario the Passport Authority will issue the Passport only for a limited period of one year. The relevant portion of the said GSR is quoted below:

“(a) the passport to be issued to every such citizen shall be issued

(i) For the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) If no period either for the issuance of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;

(b) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified”.

15. Since this Court in its order dated 11th August, 2023 had already passed a directions and has given its reasoning as to why no objection certificate shall be issued to the petitioner, this Court shall not reiterate the reasoning for grant of a no objection certificate in favour of the petitioner.

16. Since the period of one year is going to expire, the Passport Authority will not extend the Passport of the petitioner without the order of the Court. The learned Court also needs to indicate the time period for which the Passport needs to be extended.

17. In view thereof the order dated 06.09.2023 passed by the learned Additional District & Sessions Judge, 2nd Court, Arambagh, Hooghly is set aside and he is directed to pass a fresh order granting no

objection and also specifying the period for which the renewal can be effected.

18. It is also made clear that once the learned Additional District & Sessions Judge, 2nd Court, Arambagh, Hooghly passed an order of granting no objection certificate, the Passport Authority shall decide the application of the petitioner expeditiously as possible.

19. With these observations, the present writ petition is disposed of.

20. There will be no order as to costs.

21. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Gaurang Kanth, J.)