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WPO/152/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BHOLA PRASAD SONKAR
VS
UNION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date: 11th March, 2024.

Appearance:
Mr. Sujit Banerjee, Adv.
Mr. Nilay Sengupta, Adv.
Ms. Pooja Sonkar, Adv.
...for the petitioner

Mr. Ashok Kumar Chakraborty, Ld. ASGI
Mr. Kumar Jyoti Tewari, Adv.
Ms. Amrita Pandey, Adv.
...for the respondents.

The Court: Affidavit of service filed today be kept on record.

Learned counsel for the petitioner contends that the petitioner was exonerated in a criminal case in the year 2022. However, since 2012, the petitioner has applied for rectification of his Date of Birth and renewal of passport which has not been granted to the petitioner.

The relevant provisions of the Passports Act are also cited by learned counsel for the petitioner. However, learned ASG appearing for the respondent

authorities contends that the only issue is that the petitioner has not produced documentary evidence in support of his actual Date of Birth for the rectification to be carried out by the passport authorities.

Although the petitioner submits that Aadhar Card and other documents have been annexed to the writ petition, since the said documents are required to be a part of the form in which such application is to be made in terms of Form EA(P) – 1 under the Passport Rules, 1980, as pointed out by learned ASG, for the ends of justice, the petitioner ought to be given an opportunity to produce such appropriate original documents for the satisfaction of the passport authorities in order to carry out the rectification of the Date of Birth and consider renewal of passport.

Accordingly, WPO/152/2024 is disposed of by granting liberty to the petitioner to approach the passport authorities with relevant documents to substantiate the actual Date of Birth of the petitioner for the purpose of the said authorities to carry out the necessary rectification in his passport. If so approached, the passport authorities shall scrutinize such documents and carry out the rectification in the passport if the petitioner is otherwise eligible to do so, preferably within four weeks from such approach being made by the petitioner and thereafter to consider renewal of the petitioner's passport.

(SABYASACHI BHATTACHARYYA, J.)