

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2024:PHHC:011343
CWP No.400 of 2024
Date of Decision:29.01.2024

Hardeep Singh

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON’BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rahul Arora, Advocate
for the petitioner

Ms. Shweta Nahata, Senior Panel Counsel
for the Union of India

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 re-issue him passport.
2. Counsel for the petitioner inter alia contends that petitioner was issued passport on 08.05.2015 which is valid upto 07.05.2025. The correct date of birth of the petitioner is 08.02.1992 whereas in the passport it has been jotted down as 08.02.1988. All the testimonials of the petitioner are disclosing his date of birth as 08.02.1992.
3. Ms. Shweta Nahata, Senior panel Counsel for Union of India submits that mistake, if any, was on the part of petitioner. The documents on which petitioner is placing reliance were in the custody of the petitioner and he did not point out mistake at that point of time.

4. As stated by counsel for the petitioner, the petitioner has never used passport in question and change of date of birth in the passport is not going to create any right in favour of the petitioner. The petitioner is seeking correction of date of birth in the passport just to synchronize said document with the other documents. He submits that the birth certificate takes primacy over all other documents evidencing the date of birth of a person and, thus, the passport authorities were not justified in refusing to correct the date of birth. He relies upon Division Bench judgment of this Court in **Resham Singh vs. Union of India and another, 2008(1) RCR(Civil) 131**.

5. A perusal of **Resham Singh (supra)** shows that instructions dated 18.04.2001 issued by the Ministry of External Affairs directing a Passport Officer to refuse correction of date of birth when there are contradictory documents evidencing the same has been held to be illegal. It has been held that a Passport Officer has jurisdiction to issue a passport and accordingly in view of Section 21 of General Clauses Act, 1897 he would also have authority to correct the same. Statutory powers available to an official can not be whittled down by instructions. It has also been held that a birth certificate takes primacy over any other document so far as evidence of date of birth is concerned.

6. In view of the law laid down in **Resham Singh (supra)**, counsel for Union of India submits that petitioner may be directed to appear before the passport authority alongwith requisite documents. Thereafter, the passport authority would pass an appropriate order within six weeks.

7. Learned counsel for the petitioner agrees to the aforesaid arrangement.

8. In the wake of statement of both sides, the petition stands disposed of subject to deposit of Rs. 5000/- as costs by way of Demand Draft in favour of Regional Passport Officer, Amritsar with the State Bank of India Branch at Amritsar Cantt. The petitioner is directed to appear before the passport authority on 19.02.2024 alongwith requisite documents and proof of deposit of costs. On doing so, the passport authority would pass an appropriate order within six weeks from 19.02.2024.

(JAGMOHAN BANSAL)
JUDGE

29.01.2024

paramjit

Whether speaking/reasoned: Yes

Whether reportable: No