

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

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**2024:PHHC:011410
CWP No.8515 of 2023
Date of Decision:29.01.2024**

Dalbir Singh

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Karan Chaudhary, 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 Article 226 of the Constitution of India is seeking direction to respondents to re-issue passport with correct date of birth.

2. Counsel for the petitioner *inter alia* contends that in the passport, date of birth of the petitioner has been recorded as 03.05.1962 whereas his correct date of birth is 07.11.1964. The petitioner has applied for correction of date of birth in 2022 on the basis of Matriculation certificate, however, till date needful has not been done.

3. Learned counsel for Union of India submits that in the earlier two passports, date of birth of the petitioner was mentioned as 03.05.1962.

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. The 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 matriculation certificate is a reliance evidence, 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. 10,000/- as costs by way of Demand Draft in favour of Regional Passport Officer, Jalandhar with the State Bank of India, Main Branch at Jalandhar. 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