



W.P.No.16250 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.07.2025

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.16250 of 2025

Manimaran Mahalingam
S/o Mahalingam

.. Petitioner

v.

1. Ministry of External Affairs
Patiala House Annexe
Tilak Marg, New Delhi 110 001
represented by Additional Secretary (PSP)
& Chief Passport Officer

2. The Regional Passport Officer
Bangalore

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the second respondent to pass appropriate orders on the petitioner's representation date 02.11.2020 and correct the petitioner's date of birth as 02.06.1968 instead of the wrong date of birth 10.08.1961 as found in his old passports bearing Nos.B730065, A2590183, G1686429 and the petitioner's present Passport No.P9489566 within a time limit fixed by this Hon'ble Court.

For Petitioner :: Mr.K.Balamurugan

For Respondents :: Mr.R.Sanjay (CGSC)



W.P.No.16250 of 2025

ORDER

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This writ petition has been filed for issuance of a mandamus directing the second respondent to act upon the representation submitted by the petitioner, wherein the petitioner has sought for correcting the date of birth in the passport as 02.06.1968, instead of 10.08.1961.

2. The respondents have filed a counter affidavit. In the counter affidavit, specific reliance has been placed upon the Office Memorandum dated 22.09.2016 and clause (iv) in the Office Memorandum is extracted hereunder:-

“iv. The cases where the applicant comes to PIA for change/correction with regard to DOB in the passport after a period of five years from the date of issue of passport with alleged wrong DOB shall not be entertained/accepted by the PIA. However, an exception in this regard may be given to an applicant who was a minor at the time when the passport with the alleged wrong DOB was issued to him/her, as and when such applicant after attaining the age of major, applies for the



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W.P.No.16250 of 2025

passport with the request of change of DOB in the passport issued to him/her when he or she was a minor, the PIA irrespective of the period of issuance of passport may accept his/her case for consideration, and if the PIA is satisfied with the claim and with the document (submitted by the applicant), the PIA may accept his/her request for change of DOB without imposition of any penalty.”

3. The respondents have taken a stand that if any correction in date of birth has to be carried out in the passport, it should be done within a period of five years from the date of issue of passport, and the only exception granted is in case where the applicant, who was given a passport, was a minor at the relevant point of time.

4. In the instant case, when the passport was issued to the petitioner, he was 19 years in the year 1987, even as per his admitted date of birth and therefore he was a major on the date of issuance of the passport. Thereafter, the passport has been renewed thrice and on every occasion, the date of birth was mentioned as 10.08.1961.



W.P.No.16250 of 2025

WEB COPY

5. The petitioner realized that there was a mistake in the date of birth only in the year 2020 and therefore, an e-mail communication was sent to the Passport Authority seeking for correction of date of birth in the passport. According to the respondents, such a procedure adopted by the petitioner is unsustainable and there is no provision available for altering the date of birth in the passport. Accordingly, they have sought for the dismissal of this writ petition.

6. This Court carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. As per the prevailing Office Memorandum dated 22.09.2016, the petitioner will not be entitled for correction of date of birth in the passport, since such an application has been made beyond five years from the date of issuance of the first passport. Therefore, the petitioner has to necessarily submit a fresh application to the respondents by surrendering the passport and the respondents shall process the same and if any penalty has to be imposed, the same shall be paid by the petitioner and thereafter a fresh



W.P.No.16250 of 2025

passport shall be given to the petitioner by incorporating the correct date of birth. The petitioner shall submit all the relevant documents in this regard.

8. This writ petition is disposed of in the above terms. No costs.

Index : yes/no
Neutral citation : yes/no

30.07.2025

SS

To

1. The Additional Secretary (PSP)
& Chief Passport Officer
Ministry of External Affairs
Patiala House Annexe
Tilak Marg
New Delhi 110 001
2. The Regional Passport Officer
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N.ANAND VENKATESH,J.

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