

2025 PHHC.175549



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

**CWP-10188-2025 (O&M)
Date of Decision: 12.12.2025**

Ajay Bhola

..... Petitioner

Versus

Union of India and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ankit Aggarwal, Advocate
for the petitioner.

Ms. Anurita Singh, Advocate
for the respondents.

HARSH BUNGER J.

Prayer in the instant writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Mandamus, directing respondent No.3 Regional Passport Officer, Chandigarh, to re-issue the passport of the petitioner by making correction in the Date of Birth from 01.01.1967 to 17.10.1967 on the basis of the Birth Certificate (Annexure P-8).

2. Briefly, the petitioner was initially issued passport bearing No.T694053 (valid from 20.01.1983 to 19.01.1993), wherein his Date of Birth was recorded as 01.01.1967. The said passport was thereafter renewed and a second passport bearing No.R776963 was issued (valid from 01.07.1994 to 30.06.2004), carrying the same Date of Birth. Subsequently, a

third passport bearing No.P0304360 was issued (valid from 03.09.2004 to 02.09.2014), again reflecting the Date of Birth as 01.01.1967. The petitioner claims to have lost this third passport on 14.04.2017, for which he lodged an FIR and furnished his statement to the authorities, following which a fresh passport bearing No.R6482932 was issued (valid from 27.10.2017 to 26.10.2027).

2.1 The petitioner states that in June 2023, when his son applied for permanent residency in Canada, during that process, petitioner discovered that his correct Date of Birth is 17.10.1967.

2.2 Consequently, on 12.06.2023, he submitted an application before the passport authorities seeking correction of his Date of Birth in passport bearing No.R6482932 and obtained an appointment, a copy whereof is annexed as Annexure P-6. Thereafter, the said passport (bearing No.R6482932) is stated to have been cancelled.

2.3 Subsequently, the petitioner was served with a Show Cause Notice dated 19.10.2023 (Annexure P-11), calling upon him to explain the nearly forty-year delay in seeking correction in the Date of Birth in the passport and the reason for travelling on a passport with an incorrect Date of Birth. The petitioner furnished a detailed reply (Annexure P-12) to the said notice.

2.4 However, vide letter dated 10.04.2024 (Annexure P-14), the passport authorities rejected the petitioner's request for issuance of a corrected passport.

2.5 Thereafter, the petitioner preferred an appeal before the Joint Secretary (PSP) & Chief Passport Officer, Patiala House, Tilak Marg, New Delhi, but the same was dismissed vide order dated 18.02.2025 (Annexure P-22).

3. In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s) as noticed hereinabove.

4. Learned counsel for the petitioner submits that the Birth Certificate issued by the Registrar of Births and Deaths is the primary and statutory proof of Date of Birth and prevails over all other documents. It is argued that in the petitioner's case, the Birth Certificate, Aadhaar Card, PAN Card uniformly reflect the correct Date of Birth, i.e. 17.10.1967, leaving no ambiguity. Learned counsel contends that the passport authorities have the requisite statutory power to correct factual errors at any stage. It is submitted that delay alone cannot be a ground to deny correction of factual details in passport, when the supporting documents are genuine. It is further argued that reliance on internal guidelines is misplaced, as executive instructions cannot override statutory powers or prevent correction of vital particulars.

5. Per Contra, learned counsel for the respondents submits that the petitioner has held different passports for over forty years, all consistently recording his Date of Birth as 01.01.1967, and he never raised any objection at any stage despite repeatedly renewing his passport and travelling abroad on the same. It is argued that the petitioner's request for correction after such an extraordinary delay, based on a Birth Certificate registered only in 2022, is neither credible nor acceptable. The authorities issued a Show Cause Notice but the petitioner failed to offer any satisfactory explanation for the long delay or for using the allegedly incorrect Date of Birth for decades. It is contended that the rejection of the petitioner's request under Section 5(2)(c) of the Passports Act, 1967, and dismissal of his appeal under Section 11 *ibid* are lawful and warrant no interference.

6. Heard.

7. Here, it would be apposite to refer to a judgment rendered by Hon'ble Delhi High Court in ***“Sunita Sawhney v. Union of India and Ors.”***, ***W.P.(C) 10839 of 2015***, wherein, after an exhaustive consideration of the judicial precedents governing determination of Date of Birth, it has reaffirmed the primacy of the Birth Certificate over all other documents. While doing so, the Court took note of several authoritative pronouncements, some of which are as under:-

“(A) A Division Bench of the High Court of Punjab & Haryana in Bansi Ram Naru Ram v. Jit Ram Gehru Ram held that as against the evidence as to age in birth registers, the entry in school records is considered to be of inferior quality; the entry in birth register was held to be much more contemporaneous than the entry in school register and therefore more reliable and inspiring greater confidence.

(C) Supreme Court in Harpal Singh v. State of Himachal Pradesh (1981) 1 SCC 560 held that since the entry in a birth and death register is made by concerned official in discharge of his official duties, it is admissible in evidence and it is not necessary to examine the author thereof.

(G) Supreme Court in Ravinder Singh Gorkhi v. State of U.P. (2006) 5 SCC 584 held that entries in births and deaths register made by a public servant in discharge of official duty are relevant and admissible in evidence.

(I) A Division Bench of the High Court of Punjab & Haryana in Resham Singh v. Union of India held that a date of birth in the Passport entered on the basis of Matriculation Certificate is liable to be corrected on the basis of the date of birth in the birth certificate as primacy has to be accorded to date of birth reflected in birth certificate. It was further observed that the PIAs had misunderstood legal nature of a birth certificate issued under the aforesaid Act and had erred in rejecting the application for correction of the date of birth on the Passport.

(L) Supreme Court in CIDCO v. Vasudha Gorakhnath

Mandevlekar (2009) 7 SCC 283 held that entry in a birth register prevails over an entry in school register. It was further held that entries in a birth and death register raise a presumption of correctness.

(N) The High Court of Punjab & Haryana in Surender v. State of Haryana held that the certified copy of birth certificate is admissible in evidence without any further proof.

(P) The High Court of Punjab & Haryana again in Ms. Seerat Khara v. Central Board of Secondary Education held that birth certificate being a public document is presumed to be genuine in terms of Sections 79 & 80 of the Evidence Act.

(Q) Supreme Court recently in Iswarlal Mohanlal Thakkar v. Paschim Gujarat Vij Co. Ltd. (2014) 6 SCC 434 held that the High Court had committed a grave miscarriage of justice by not accepting the birth certificate as conclusive proof of age, the same being an entry in the public record.”

7.1 After considering the above referred judgments, the Hon’ble Delhi High Court in **Sunita Sawhney’s case** (*supra*) has observed as under:-

“16. To me it appears:

(I) That the respondents, at the time of issuance of Passport and for recording date of birth therein, should insist upon the applicant producing the Birth Certificate and only if the applicant states that his/her birth was not registered under the law aforesaid should other proof of date of birth be accepted. Ordinarily, the applicant should be asked to resort to delayed registration procedure under Section 13 supra.

(II) That in the event of the applicant, at the time of issuance of Passport states that his/her birth was not registered and subsequently, while seeking correction of date of birth, producing (a) a Birth Certificate showing registration at time of birth or soon thereafter, the respondents, if satisfied of reasons given for being earlier ignorant of registration; or (b) a Birth Certificate obtained under the delayed registration procedure, the respondents should correct the date of birth on the Passport to bring it in consonance with the date of birth on

the Birth Certificate.

(III) No application for change of date of birth on Passport, inconsistent with date of birth on Birth Certificate can be entertained. The applicant in such case should be directed to resort to procedure under Section 15 of Registration of Births & Deaths Act for correction thereof.

(IV) In no case can the respondents refuse to correct date of birth, after howsoever time the same may have been sought.

17. I say so because (a) Passport is an important document on which and on entries wherein a large number of other authorities/persons dealing with the holder of Passport rely; (b) once birth is compulsorily required to be registered under the law aforesaid, there is no reason why PIAs should not insist on production of Birth Certificate for making entry of date of birth on the Passport specially when the law also makes a provision for delayed registration; (c) however where, in the past, Passport has been issued with date of birth on basis other than Birth Certificate, correction of date of birth should be allowed only on production of Birth Certificate by following the delayed registration procedure, again in consonance with the law aforesaid; (d) the same will also fulfil the aim of the law aforesaid of accurate country wide data and not having a citizen whose birth is not registered in accordance with law of the country; (e) when the law aforesaid provides for enquiry by Magistrate as to the date of birth of a person whose birth was not contemporaneously registered, there appears to be no need for PIA to make own enquiry in this regard or to insist on obtaining declaration of Civil Court in that regard; (f) once a Birth Certificate is produced and the PIA is satisfied of genuineness thereof, correction of date of birth to bring it in consonance with Birth Certificate cannot be refused, whatsoever may be in delay in applying therefor; (g) inconsistent dates of birth can cause grave prejudice to the citizen and for which there is no sanction in law; (h) there can be diverse reasons for delay-for instance need for change in date of birth in Passport to bring it in consonance with Birth

Certificate may be felt at fag end of life when the holder of Passport intends to migrate to be with children abroad and when such inconsistency is found to be an impediment; (i) the judgments aforesaid having given primacy, in the matter of date of birth, to the Birth Certificate, there is no reason to refuse to correct the date of birth on Passport on production of Birth Certificate.”

8. Tested on the anvil of the aforesaid settled legal position, the facts of the present case clearly demonstrate that the petitioner has produced a Birth Certificate issued by the Registrar of Births and Deaths, along with Aadhaar Card, PAN Card and other contemporaneous records, all of which uniformly record the petitioner’s Date of Birth as 17.10.1967. The only document reflecting a different Date of Birth is the passport, wherein the incorrect date appears to have been carried forward from the time of initial issuance and repeated in subsequent renewals.

8.1 Once the petitioner has placed on record sufficient evidence as regards his correct Date of Birth; in my considered view, there exists no valid or sustainable reason to deny consideration of his request for correction of Date of Birth in his passport. Although, there is apparent delay in approaching the authorities by the petitioner, however, such delay alone, by itself, cannot be elevated to a determinative factor so as to non-suit the petitioner, particularly when the documents produced are capable of verification. What is required of the passport authority is to verify the authenticity of the petitioner’s documents and thereafter to take an informed decision. The refusal on the ground of delay, without examining the genuineness of the documents, cannot be sustained.

9. Keeping in view the above discussion, the present writ petition is disposed of with a direction to the respondent-Passport Authority to reconsider the petitioner’s application for correction of Date of Birth afresh.

The Passport Authorities shall verify the genuineness and authenticity of the Birth Certificate and other supporting documents produced by the petitioner, and pass an appropriate order as the circumstances may warrant.

9.1 The entire exercise shall be completed within a period of six weeks from the date of receipt of the certified copy of this order.

10. The present writ petition is disposed of, accordingly.

11. All pending application(s), if any, shall also stand closed.

12.12.2025
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No