



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 12535 of 2026 and WMP.No.14087 of 2026

Sathish Kumar

Petitioner(s)

Vs

1. The Regional Passport Officer,
Chennai Royala Towers, No.2 and 3, IV
- Floor, Old No.785, New No.158 Anna
Salai, Chennai - 600 002.

2.The Joint Commissioner of Police,
Chennai City, South Zone,
St.Thomas Mount, Chennai - 600 016.

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, calling for the entire records of the adverse police verification report issued by the 2nd respondent pursuant to the passport application bearing application reference No.26-1052665919 submitted before the 1st respondent and the consequential communication dated 06.03.2026 issued by the 1st respondent, quash the same and consequently direct the 1st respondent to process the petitioners passport application bearing application reference No.26-1052665919.

For Petitioner(s): Mr.D.Sai Kumaran

For Respondent: Mr.G.Subramanian for R1
Central Government Standing Counsel
Mr.V.Meghanathan for R2
Government Advocate (Crl.Side)

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. Challenging the letter of the first respondent dated 06.03.2026 directing



the petitioner to obtain NOC from the employer Police Department, quash the same and consequently, direct the first respondent to process the petitioners passport application bearing application reference No.26-1052665919, the present writ petition has been filed.

3. It is the case of the petitioner that the petitioner joined the Tamil Nadu Police Department as a Grade-II Police Constable in the year 2017. The petitioner proceeded on medical leave due to his ill-health and his family. However, on 18.07.2025, the petitioner was declared as 'Deserter' by the Employer/Police Department for not joining duty and departmental enquiry was initiated against the petitioner and the same is pending the same being proceeded with. It is the grievance of the petitioner that when the petitioner applied for passport, the first respondent vide the impugned order dated 06.03.2026 sent a communication stating that an adverse report was received indicating that the petitioner was still in service and had applied passport without permission. Challenging the letter of the first respondent, the instant writ petition has been filed.

4. The learned counsel for the petitioner submitted that though the petitioner was declared as Deserter by an order dated 18.07.2025 by the Police Department, despite the petitioner's approach to complete the departmental proceedings, no effective steps are being taken and further, there is no



likelihood of the same being concluded in the near future. Due to the prolonged unemployment, the petitioner's family is pushed into severe financial hardship, therefore, the petitioner left with no other option but to explore possible avenue to eke out his livelihood including look abroad for opportunities and has applied for passport, whereas vide the impugned letter, the first respondent directed the petitioner to get permission from the Government since he is still in service. It is the contention of the petitioner that mere departmental action and non obtaining of permission cannot form the basis to reject the issuance of passport and his right to travel abroad cannot be abrogated. Hence, seeks indulgence of this Court.

5. The learned Central Government Standing Counsel submitted that as per the requirement of the Passports Act, 1967, the petitioner being a Government employee is mandatorily required to obtain no objection from his employer to travel abroad, failing which his application for grant of passport cannot be considered or processed by the first respondent. Therefore, the letter of the first respondent cannot be interfered with.

6. The learned Government Advocate (Crl.Side) submitted that as per the prevailing Rules, the petitioner ought to have obtained No Objection Certificate from the Head of Department prior to applying of passport, however, the petitioner without obtaining such certificate had made an application for



issuance of passport. Hence, seeks for appropriate orders.

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7. Heard both sides and perused the materials placed on record.

8. At the outset, it would be apposite to point out that there is nothing in the Passport Act which even stipulates that the pendency of disciplinary proceeding would stand as an absolute bar for grant of passport. However, clause-4.23 to clause-4.25 of the Passport Manual, 2020 places certain conditions for an applicant, if the applicant is a government employee. The relevant clauses are extracted hereunder:

"4.23. Government/PSU employees, etc., are required to submit Identity Certificate, No Objection Certificate (NOC) or Prior Intimation Certificate as per the prescribed proforma at Annexure 'A', 'G' & 'H' of Appendix-1 for both fresh issue and re-issue of passports at the PIA which has jurisdiction of their residential address. While the first two documents have to be issued by the Controlling Authority, the last option requires prior intimation of the Controlling Authority by the employee about his/her applying for a passport. The application shall contain stamped receipt of the Personnel Department of the employer Spouse and children (up to 18 years of age) have the option to apply with IC for issue of a passport on "no-PV" basis or in the normal course on "post-PV" basis/"pre-PV basis".

4.24. The above requirement for IC/NOC/Prior Intimation Letter shall not be waived in respect of Government/PSU employees. Revised instructions on the subject were issued to all Ministries and State Governments on 5th October 2009 [Ref. Ministry's Circular No. VI/401/1/5/2008 dated 05/10/2009 and 23/03/2010]. In re-issue cases where Prior Intimation Letter is furnished, passport is issued on "pre-PV" basis in order to ensure that he/she is not facing any department enquiry/vigilance cases.

4.25. Government servants, who are not able to obtain the Identity Certificate (Annexure 'A')/ "No Objection" Certificate



(Annexure-'G') from their concerned employer and intend to get the passport can now get the passport by submitting a self-declaration in Annexure-'H' that he/she has given prior Intimation Letter to his/her employer informing that he/she was applying for an ordinary passport to a Passport issuing Authority.”

9. As already stated, the Passport Act does not place an absolute bar for travel abroad on the ground of pendency of disciplinary proceedings (or criminal proceedings). However, as rightly pointed out by the learned Central Government Standing Counsel, without NOC, the petitioner cannot apply for passport.

10. It is evident from the materials on record that though departmental action is pending against the petitioner, however, the said departmental enquiry is not related to charges of grafting or corruption or moral turpitude in which cases, the authority has to look at the gravity of the charges levelled against an employee before issuing NOC. However, in the present case, the allegation against the petitioner relates to absenteeism and it does not relate to grafting, corruption or moral turpitude. Further, even if a criminal offence is committed for which a FIR is registered against a person, the passport application of the individual cannot be rejected solely on the ground that a FIR is pending and it has been laid down so by the Division Bench in *The Regional Passport Officer vs. Samsudeen Mohamed Salih and another* made in *W.A.No.902 of 2023 dated 02.06.2023*, wherein it has been held as under :-

“5.A Division Bench of the Bombay High Court, in the case



of Abbas Hatimbhai Kagalwala v. State of Maharashtra and another, 2022 SCC OnLine Bom 1992, to which one of us (S.V.Gangapurwala, CJ.) was a party, has followed the judgment of the Apex Court in the case of Vangala Kasturi Rangacharyulu, supra and directed the respondent therein to process the application of the petitioner for renewal of the passport. “

11. In such view of the matter, there being no criminal case against the petitioner and it is only a departmental proceeding, which is not related to corruption charges, or graft or moral turpitude, necessarily the petitioner is entitled for grant of NOC for applying for passport. Accordingly, the petitioner is directed to submit a request for grant of NOC to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the 2nd respondent is directed to issue NOC with a period of two weeks thereafter. Upon receipt of NOC, the same shall be submitted by the petitioner before the 1st respondent, who shall thereafter process the application of the petitioner within a period of six weeks upon submission of the NOC.

12. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed. However, it is also open to the 2nd respondent to complete the disciplinary proceedings initiated against the petitioner as expeditiously as possible and the petitioner is directed to cooperate in the enquiry and complete the same with the aforesaid period.



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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Anna Salai, Chennai - 600 002.

2. The Joint Commissioner of Police,
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