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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2008/2025, CM APPLs.9466/2025 & 9467/2025

SANCHITA BAWEJA & ANR.

.....Petitioners

Through: Mr. S. Nebhraj Baweja, Advocate.

versus

JOINT SECRETARY CHIEF PASSPORT OFFICER & ANR.

.....Respondents

Through: Mr. Vikrant N Goyal, Mr. Piyush Wadhwa, Mr. Yash Basoya & Mr. Kunal Dixit, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **13.01.2026**

1. The petition seeks quashing of the order dated 18.12.2024 passed by the Chief Passport Officer in an appeal under Section 11 of the Passports Act, 1967. The petitioner no.1 is a single mother. Her marriage with the petitioner no.2's biological father has been dissolved by the decree of mutual consent in the year 2023. The petitioner no.1 was granted exclusive custody of the minor child. The biological father abandoned all rights including custody, visitation and claims etc.

2. Learned counsel for the petitioners submits that the child has always been identified in all records, such as school, Aadhar etc. as Jaiveer Baweja son of Sanchita Baweja. There is no reference to the biological father in any of the documents. In the year 2019, the passport of the petitioner no.2 was successfully re-issued by the Passport Authority without mentioning the



father's name. In the year 2024, the application for renewal was made, despite the documents of divorce etc., the authority insisted for disclosure of the name of the biological father and had issued show cause notice on 23.09.2024.

3. By order dated 03.10.2024, the Senior Superintendent, RPO Chandigarh rejected the application of the petitioner no.2 being incomplete and has refused to issue the passport without father's name under the provisions of Section 5(2)(c) of the Passports Act, 1967. This order came to be challenged by the petitioners in an appeal before the Appellate Authority. By the impugned order dated 18.12.2024, the Appellate Authority has disposed of the appeal while issuing following directions:

“7. And now, therefore, having gone through all the records and in the light of the full facts and circumstances of the case, I, as the Appellate Authority, as per the provisions u/s 11 of the Passports Act, 1967, decide the appeal as under :

(i) Minor applicant i.e. Master Jaiveer Baweja was born on 30.11.2008 (age : 16 years) to Ms. Sanchita Baweja and Shri Sumer Ghuman being the applicant's mother and father respectively.

(ii) Applicant's parents got divorced in the year 2013 and applicant's mother got the sole custody of the minor applicant from the Court.

(iii) On the basis of Divorce Decree and Custody Order of the child, applicant's mother approached PO for issuance of passport to her minor son without inclusion of father'-s name in her son's passport.

(iv) In view of extant rules, it is mandated to furnish name of both the parents if the minor is born out of wedlock/marriage even in the cases where divorce has taken place with or without visitation rights to the estranged parent. Hence, action of PO in refusing applicant's passport application No. CH4079878146024 dated 16.07.2024 u/s 5(2)(c) of Passports Act, 1967 is in order.

(v) Appeal is not allowed.”

4. The petitioner while drawing the attention of this Court to the decision passed in the case of ***Smita Maan and Ors. v. Regional Passport***



Officer,¹ points out that under almost similar circumstances the Court had directed for issuance of the passport without the name of the father of the minor therein. He, therefore, points out that when the biological father of the minor has abandoned all his rights, there is no reason as to why the said minor should be compelled to carry the name of his father. Mr. Goyal, however, has rightly pointed out that the decision in the case of **Smita Maan and Ors. v. Regional Passport Officer** (supra) does not have any precedential value in view of the observations made in paragraph 25 of the said judgement. The Court, therefore, is examining the issue independently.

5. During the course of arguments, Mr. Vikrant N Goyal, learned counsel appearing for the Passport Authority also points out Clauses 4.1 and 4.3 of Clause 4 of the Compendium of Instructions. Those clauses are extracted as under:

“4.1. The power to issue passports was earlier being exercised by the Government by virtue of Article 73 read with List I, Item 19 of the Seventh

Schedule of the Constitution of India.

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4.3. The Passports Act was subsequently amended in 1978, 1993 and 2001.

Under the Passports Act, 1967, the Central Government has the powers to frame rules. The first such rules called the Passports Rules, 1967 were thus framed the same year. Some of these rules were amended, supplemented and repealed from time to time. The amendments were consolidated and the rules were last issued as the Passports Rules 1980 that have also been amended since then. The Passport application form and the information booklet attached therewith are also part of these rules.”

6. The cumulative reading of both the clauses would enable the Court to

¹ MANU/DE/2659/2023



draw the conclusion that in case of minor children of married parents, the name of the father/mother shall be necessarily submitted by the other single parent having the custody of the child irrespective of the status of their marriage, such as, divorced, divorce pending, separated or deserted, with or without visitation rights to estranged parent. It is thus seen that the appellate authority has rightly directed the petitioners to furnish the name of both the parents. If the minor is borne out of wedlock/marriage even in the cases where divorce has taken place with or without visitation rights to the estranged parents. The apprehension of the petitioner no.1 that the name of the father would be reflected in the passport is concerned, none of the authority has mandated the reflection of the name of the father of the petitioner no.2 – minor. The said apprehension, as of now, is wholly misplaced. What is mandated is the furnishing of the name. The authorities have not directed for publication or printing of the name of the father of the minor.

7. Accordingly, liberty stands reserved in favour of the petitioners to comply with the directions passed by the Appellate Authority and to furnish the name of the father. On doing so, the concerned authority shall take appropriate steps in accordance with law.

8. In view of the aforesaid circumstances, the petition stands disposed of in the above terms.

9. Pending applications shall also stand disposed of.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 13, 2026

tr/ap