

(2003) 04 AP CK 0007
In the Andhra Pradesh High Court
Case No : Writ Petition No. 5378 of 2003

Ali Imran

APPELLANT

Vs

Regional Passport Officer

RESPONDENT

Date of Decision : 01-04-2003

Acts Referred:

Passports Act, 1967 — Section 10

Citation : (2003) 3 ALD 625 : (2003) 4 ALT 474

Hon'ble Judges : V.V.S. Rao, J

Bench : Single Bench

Advocate : T. Damodar, for the Appellant; K.G. Krishna Murthy, SC for Central Government, for the Respondent

Final Decision : Dismissed

Judgement

V.V.S. Rao, J.—The petitioner obtained a passport bearing No. A7376656 dated 10-3-1999. In the passport, his date of birth was recorded as 28-7-1972. The petitioner again approached the respondent, namely, Regional Passport Officer, Secunderabad requesting to correct the date of birth as 28-7-1975. He placed reliance on the birth certificate issued under Sections 12 and 17 of the Registration of Births and Deaths Act, 1969. Alleging that the respondents refused to receive the application for amendment/ correction of date of birth, the petitioner filed the instant writ petition seeking a direction to the respondent to receive the application and make corrections. Reliance is placed on the Circular dated 18-4-2001 issued by the Government of India in the Ministry of External Affairs.

2. The Circular dated 18-4-2001 relied on was issued pursuant to a judgment of the High Court of Judicature at Bombay in Civil Writ Petition No. 1072 of 2000. The clarifications/instructions issued are as under

(a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing

authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

"b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth.

3. Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/ correction. Nonetheless, as per Clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the Civil Court.

4. Having regard to the clarification issued by the Government of India, I directed the learned Standing Counsel for Central Government, Sri K.G. Krishna Murthy to produce a copy of the application made by the petitioner for passport in the year 1999. The application is produced before me today. A perusal of the application along with its enclosures reveal that the petitioner enclosed Secondary School Certificate bearing C019604 dated 10-6-1987 which shows his date of birth as 28-7-1972. Therefore, it cannot be said that an error has crept in the passport issued to the petitioner. As the petitioner is now placing reliance on the birth certificate issued by the Registrar of Births and Deaths, Municipal Corporation of Hyderabad, which shows his date of birth as 28-7-1975, his case does not fall within the guidelines/instructions issued by the Government of India. If the petitioner is so advised, he may have to approach the Civil Court or the authorities under the Education Act seeking necessary correction of date of birth in the Secondary School Certificate and then approach the passport issuing authority. The petitioner's application was rightly not accepted by the respondent.

5. The writ petition, for the above reasons, is dismissed at the admission stage.