

(2013) 09 DEL CK 0397
In the Delhi High Court
Case No : Writ Petition (C) 5185 of 2013

Ankit Aggarwal

APPELLANT

Vs

Regional Passport Officer and Another

RESPONDENT

Date of Decision : 02-09-2013

Acts Referred:

Citation : (2013) 09 DEL CK 0397

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : A.K. Mishra, for the Appellant; Kimmi Brara Marwaha, for R-1 and 2 and Mr. Ghanshyam Kansra (Assistant Passport Officer), for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.—The petitioner, who at that time was a minor, applied for issuance of a passport. Along with the application, he submitted the attested true copy of a birth certificate showing his date of birth to be 1.7.1994. Based upon the said information, a passport was issued to the petitioner. On expiry of the said passport on 26.11.2011, the petitioner applied for renewal of the passport. He also applied for correction of the date of birth on the ground that correct date of birth was 1.7.1993 and not 1.7.1994. Along with the application, he submitted another birth certificate disclosing his date of birth to be 1.7.1993. However, no fresh passport with date of birth recorded as 1.7.1993 was issued to the petitioner. Being aggrieved, the petitioner is before this Court by way of this writ petition, seeking a direction to the respondent no. 1-Regional Passport Officer to issue fresh new passport to him. The learned counsel for the respondents, who appeared on advance notice, has placed on record the attested true copy of the documents submitted by the petitioner at the time passport was initially issued to him. A perusal of the application would show that the date of birth, in that application, was recorded as 1.7.1994 and it was accompanied by various documents including the photocopy of the election identity card of his father and a declaration signed by both the parents affirming that the particulars given in

respect of the petitioner were correct. The application was also supported by an affidavit of Shri Rakesh Aggarwal, father of the petitioner. A perusal of certain documents annexed to the application would show that the birth evidenced by the said certificate was recorded vide registration number 4874 dated 7.7.1994. The copy of the birth certificate, filed with the writ petition also shows that the birth evidenced by the said certificate was also registered vide the same registration number on 7.7.1993. The place of birth is shown as West Medicare Centre in both the certificates. The name of the father is shown as Rakesh Kumar Aggarwal in the certificate submitted at the time of issuing the initial passport as well as in the certificate filed along with the writ petition. The name of the mother is shown as Smt. Saroj Aggarwal in both the certificates. It would thus be seen that two certificates, one bearing the date of birth as 1.7.1994 and the other bearing the date of birth as 1.7.1993 have been submitted by the petitioner, one at the time of issuing the initial passport and the other one at the time of seeking renewal of the passport with correction in the date of birth.

2. There is absolutely no explanation from the petitioner as to why the date of birth was shown as 1.7.1994 in the certificate submitted at the time he applied for issue of the passport. This is not the case of the petitioner that the date of birth was wrongly recorded as 1.7.1994 in the said certificate. Had that been the position, the parents of the petitioner would have got the correct certificate issued from the Registrar of Birth and Death, instead of submitting a certificate with incorrect date of birth. Moreover, as noted earlier, the application initially submitted for issuance of the passport was supported by a declaration from the parents of the petitioner. The father of the petitioner seems to be a literate person he having signed the said declaration in English. Had the date of birth recorded in the certificate submitted in the year 2006 been incorrect, he would not have signed the declaration certifying that the particulars given in the application were not correct. In these circumstances when there is no explanation from the petitioner as to how his date of birth was recorded as 1.7.1994 in the certificate submitted in the year 2006, no direction can be issued to the respondents to issue a duplicate passport with 1.7.1993 as the date of his birth. In fact, considering that in both the certificates, the number and date of registration, as well as all other particulars are identical, in the absence of any explanation for two different dates of birth being shown in the 2 certificates, one of them would be a forged document, and the court would certainly refuse to extend a helping hand to a person who indulges in a serious crime such as filing a forged document before the RPO. The writ petition is devoid of any merit and is hereby dismissed. There shall be no order as to cost.