
(2013) 05 GUJ CK 0030

In the Gujarat High Court

Case No : Special Civil Application No. 3998 of 2013

Patel Sejalben

APPELLANT

Vs

Regional Passport Officer

RESPONDENT

Date of Decision : 09-05-2013

Acts Referred:

Constitution of India, 1950 — Article 14, 19, 21, 226

Citation : (2013) 05 GUJ CK 0030

Hon'ble Judges : Rajesh H Shukla, J

Bench : Single Bench

Advocate : Murali N. Devnani, for the Petitioners No. 1, for the Appellant; P.S. Champaneri and Ms. Mita S. Panchal, Advocate for the Respondent(s) No. 1, for the Respondent

Final Decision : Allowed

Judgement

Rajesh H. Shukla, J.—Rule. The present petition has been filed by the petitioner under Articles 14, 19, 21 and 226 of the Constitution of India as well as under the Passport Act for the prayer inter alia that the Respondent may be directed to consider the case of the petitioner for renewal of passport after correcting the date of birth.

2. Heard learned Advocate Shri Murali N. Devnani for the petitioner. It is stated in the petition that the date of birth of the petitioner is 4.10.1976 and the entry has been made in the register as per the Registration of Births and Deaths Act. However, in the passport, the date of birth is recorded as 4.6.1976 though in the birth certificate as well as in school leaving certificate, it is reflected as 4.10.1976. He has therefore submitted that the necessary direction may be issued and the passport may be renewed after making necessary correction in the date of birth. He has referred to and relied upon the judgment of the Hon'ble Division Bench of the High Court reported in Regional Passport Officer Vs. Kokilaben Panchal and Others, .

3. Learned Advocate Ms. Mita S. Panchal for the Respondent has stated that the petitioner may make necessary application before the Respondent No. 2, which may be considered within a period of 4 weeks after the receipt of the application and the order.

4. In view of the provisions of the Act as well as the observations made by the Hon''ble Division Bench of the High Court in case of Regional Passport Officer v. Kokilaben, w/o Jaswantlal Panchal & Ors. (supra), the Respondent authority is under an obligation to consider such a request made for correction of the date of birth supported by other documentary evidence. Therefore, the application would be made by the petitioner within 2 weeks and the same may be considered thereafter within 4 weeks in accordance with law and particularly the observations made by the Hon''ble Division Bench in a judgment in case of Regional Passport Officer v. Kokilaben, w/o Jaswantlal Panchal & Ors. (supra). With the aforesaid observations, the present petition deserves to be allowed and accordingly stands allowed. The prayer in terms of paragraph 15(B) is granted. The Respondent is directed to renew the passport after correcting the date of birth on proper verification as stated above.

Rule is made absolute. Direct service permitted.