
(2013) 07 AP CK 0108
In the Andhra Pradesh High Court
Case No : Writ Petition No. 21807 of 2013

Rameja Syed

APPELLANT

Vs

The Regional Passport Officer

RESPONDENT

Date of Decision : 29-07-2013

Acts Referred:

Citation : (2013) 5 ALD 681 : (2013) 6 ALT 331

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : Ramesh Babu Viswanatham, for the Appellant; K. Prabhakara Rao, Additional Standing Counsel for Central Government, for the Respondent

Final Decision : Disposed Off

Judgement

C.V. Nagarjuna Reddy, J.—This Writ Petition is filed for a mandamus to declare the inaction of the respondent in issuing fresh Passport on the petitioner's application dated 19-2-2013. The petitioner pleaded that she was issued Passport bearing No. G9363041 wherein her date of birth was entered as 18-8-1959. She has allegedly sent an application on 19-2-2013 addressed to the respondent requesting for issue of fresh Passport with correct date of birth i.e., 18-8-1979. Feeling aggrieved by the alleged inaction of the respondent in correcting the entry in her Passport, the petitioner filed this Writ Petition.

2. As the instances of people approaching this Court on the allegation that the Passport office has not been receiving applications for correction of entries relating to date of birth etc., have been on the rise, this Court has issued notice to the respondent directing him to file his personal affidavit explaining the reason for non-disposal of the petitioner's application. Accordingly, Dr. K. Srikar Reddy, the Regional Passport Officer, Secunderabad, filed his counter-affidavit, wherein he has inter alia averred that the respondent has never refused to receive any Passport application from any of the applicants; and that as per the extant procedure, the respondent has five options to effect the change of date of birth as per Ministry of External Affairs Circular Ref. No. V.I/402/2/5/2001, dated

29-10-2007. The respondent is very candid in stating that most of the applicants are driven by middlemen to approach this Court without even submitting applications for change of entries in the Passports and that the application stated to have been sent by the petitioner has not been received in the respondent's office.

3. Besides filing his counter-affidavit, the respondent is personally present in the Court. He has brought to the notice of this Court that as recently as 28-6-2013, he has issued an office order instructing his office to issue Tokens to all kinds of applicants at pre-verification counters without rejecting any application. The office order laid down the procedure for processing the applications.

4. On the mere assertion in the affidavit to the effect that even though the petitioner tried to make an application seeking correction of date of birth entry in her Passport in the office of the respondent, the latter has not been receiving the same, no inference can be drawn against the respondent in the face of denial by him in the counter-affidavit that the petitioner has made any such application according to the prescribed procedure.

5. This kind of situations can be avoided if the office order dated 28-6-2013 issued by the respondent is scrupulously followed by his office. In cases where the applications filed in the prescribed format, either online or by presenting the same in the office of the respondent, are in order, the same will not create any problem. In cases of defective applications, the office of the respondent may return the same with reasons for such return within not more than two weeks" time from the date of receipt of the applications and communicate the same to the respective applicants. In cases where the applications are liable to be rejected on any other ground, the respondent shall pass an order to this effect with reasons for such rejection and communicate the same to the aggrieved parties within a reasonable time to enable them to workout their remedies in a Court of law.

6. Since a substantial number of applicants may be either semi-literates or illiterates, the respondent may cause wide publicity of the procedure prescribed for making applications for correction of entries in the Passports through the Print and Electronic media, so that awareness can be created in the general public, which would reduce the avoidable litigation in Courts.

7. In the light of the stand taken by the respondent in the counter-affidavit that the purported application of the petitioner is not received in his office and the further fact that the petitioner has not made her application according to the procedure prescribed in this regard, the petitioner is permitted to make a proper application to the respondent seeking correction of date of birth entry in her Passport. On such application being made by the petitioner, the respondent shall consider the same and take appropriate decision in accordance with law. Subject to the above directions, the Writ Petition is disposed of. As a sequel to the disposal of the Writ Petition, WPMP No. 26724/2013 is disposed of as infructuous.