

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3780 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5 No

HARSHADRAI CHHAGANLAL PAREKH

Versus

UNION OF INDIA

Appearance:

MR DHAVAL M BAROT for Petitioner
MR MR SHAH for MR AKSHAY H MEHTA for Resp. No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 29/05/2001

ORAL JUDGEMENT

1. RULE. Mr.M.R.Shah appearing for Mr.Akshay H. Mehta, learned counsel for the respondents, waives service of Rule.

2. This petition under Article 226 of the Constitution prays for a writ of mandamus directing the Regional Passport Officer, Ahmedabad to change the petitioner's date of birth as mentioned in the passport.

It is submitted that the date of birth of the petitioner entered in the passport on the basis of the affidavit of the elder brother of the petitioner is 27.6.1943. However, on receipt of the necessary documents including the school leaving certificate from abroad, the petitioner found that the date of birth recorded in his school leaving certificate is 27.2.1943. Therefore, the petitioner applied for another passport showing the correct date of birth according to the school leaving certificate. That application is declined by the letter dated 10.5.2001, a copy of which is placed and taken on record.

3. In the facts and circumstances, the petition is partly allowed and the respondent-Regional Passport Officer, Ahmedabad is directed to consider the petitioner's application for change of birth-date in the passport on the basis of the material which may be produced before him, particularly the school leaving certificate. This shall be done within one month from the date of receipt of the writ of this order or a certified copy thereof, whichever is earlier. In case the petitioner is required to apply for a fresh passport, the petitioner shall apply complying with the necessary formalities. Since the error, if any, is not attributable to the respondents, the petitioner shall pay, by way of costs, Rs.1,500/- to the respondents. Rule is made absolute in terms as above. Direct service is permitted.

Sd/-

29.5.2001 (D.H.Waghela, J.)
(KMG Thilake)