

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 768 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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

VISHNUBHAI KESHAVLAL PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 768 of 2002
MR AD DESAI for Petitioner No. 1
MR DN PATEL for Respondent No. 1
Mr.K.P.Raval, learned AGP for Respondent No. 2

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 31/01/2002

ORAL JUDGEMENT

Rule. Mr.D.N.Patel waives service of rule on behalf of respondent No.1 and Mr.K.P.Raval, learned AGP waives service of rule on behalf of respondent No.2. By

consent rule is fixed forthwith.

Heard Mr.Desai for the petitioner and during hearing he took me through the petition and the documents attached thereto. The petitioner has prayed that the Passport issued by the respondent - authority on 22.3.2001 showing the birth date of the petitioner as 28.5.1941 be corrected as while submitting the application for Passport the petitioner has relied upon the School Leaving Certificate issued by Prathmik Kumar Shala, Navagam, Matar, District Kheda wherein at the time of admission of the petitioner, birth date was shown as 28.5.1941. The petitioner was admitted in the School on 11.7.1946. After the Passport was received by the petitioner, it was found that the birth date mentioned in the Passport is not correctly mentioned as per the Birth Register Certificate issued by the Mamlatdar, as per Annexure "A" to this petition. In the said Certificate, the birth date of the petitioner was shown without disclosing the name of the petitioner as 27.9.1941 and it is the case of the petitioner that at the time of Registration of the birth of the petitioner, naming ceremony was not over. As found from the said certificate issued by the Mamlatdar, the birth date of the petitioner was 27.9.1941 and the petitioner has not even produced that certificate at the time of making application for Passport. The respondent - authority has issued Passport on 22.3.2001 on the basis of the document, namely, School Leaving Certificate, which shows the date of birth as 28.5.1941 and the respondent - authority is not in a position to correct the date of birth without obtaining any direction from the competent authority. Accordingly this court is inclined to dispose of this petition by giving following directions:

If the petitioner applies for change of date of birth in his Passport, he shall furnish the necessary documents showing the correct date of birth, as the petitioner relies upon the document, namely, the birth certificate issued by the Mamlatdar. While making such request, he has to surrender his Passport earlier issued on 22.3.2001. The Passport authority shall consider such application and also consider the Certificate issued by the Mamlatdar in respect of the birth date of the petitioner and issue Passport relying upon the Certificate issued by the Mamlatdar. The respondent Passport authority is also entitled to charge fees for issuing such Passport and the petitioner shall pay the same. The respondent - authority is also directed that on receiving application of the petitioner, the same be dealt with as expeditiously as possible in accordance

with law. Petition is accordingly disposed of. Rule is made absolute. However, there will be no order as to costs. Direct service is permitted.

(D.K.Trivedi,J)

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