

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 8670 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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PATEL VIJAYKUMAR SANATKUMAR - Petitioner(s)

Versus

REGIONAL PASSPORT OFFICER - Respondent(s)

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Appearance :

MR MURALI N DEVNANI for Petitioner(s) : 1,

MR AJ DESAI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 30/03/2007

ORAL JUDGMENT

1. Rule. Mr. A.J. Desai learned Central Govt.
Standing Counsel waives service of rule on behalf of the
respondent. At the request of the learned advocates the

matter is taken up for final hearing today itself.

2. The only grievance that has been made in this petition is that because of the discrepancy in the birth certificate and the school leaving certificate with regard to the date and place of birth, the respondent authority is not issuing the passport.

3. I have heard Mr. Murali Devnani learned advocate for the petitioner and Mr. Desai learned Central Government Standing Counsel for the respondent. I have also perused the contents of the petition together with annexures. So far as the grievance of the petitioner is concerned, it can be taken care of by passing appropriate direction.

3.1. Time and again this Court has held that the birth certificate is the authenticated document, so far as the date and place of birth are concerned. It will prevail upon any other document that may come into existence subsequently.

3.2. The respondent is, therefore, directed to consider the application for issuance of passport of the petitioner on the basis of the birth certificate and if

all other documents are found to be in order, the same may be issued, if otherwise he is not found ineligible.

3.3. Since this exercise is required to be carried out because of the fault on the petitioner's side, the petitioner is directed to pay costs of Rs.2,500=00.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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