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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 789/2019 & CM APPL. 55660/2019

UNION OF INDIA & ANRAppellants
Through: Dr. Monika Arora, CGSC with,
Mr. Subhrodeep Saha, Mr. Prabhat Kumar,
Ms. Anamika Thakur and Mr. Abhinav
Verma, Advs.

versus

TANVIKA CHANDRANRespondent
Through: Ms. Neha Tyagi, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% 16.02.2026

C. HARI SHANKAR, J.

1. This appeal, at the instance of the Union of India, is directed against an order dated 30 October 2019 passed by a learned Single Judge of this Court in WP (C) 10615/2019, whereby the writ petition, instituted by the respondent, stands allowed.

2. The facts are brief.

3. The respondent was apparently in possession of two certificates of date of birth issued by municipal authorities, one reflecting her date of birth as 5 August 1995 and the other reflecting her date of birth as 5 August 1996.



4. In 1998, the respondent's parents applied for obtaining a passport in her name. A passport was issued, reflecting her date of birth as 5 August 1995.

5. 18 years thereafter, the respondent applied for a fresh passport, with the date of birth as 5 August 1996. She stated that the earlier passport had been lost. In any case, by now, the earlier passport would have expired.

6. The passport office rejected the application of the respondent by order dated 23 July 2018. The reason for rejection is stated thus, in the said order:

“7, Having gone through all the records in light of full facts and circumstance of the case, it has been decided that:

i) According to the rule framed under Passport Manual, herein it is mentioned as follows:

“The PIA shall however reject cases where the old birth certificate or other DOB documents used to obtain the first passport were issued even before the new date of birth claimed by the applicant. (Obviously, the old certificates were in existence before the new DOB of the applicant).”

the current application of the applicant for the reissuance of passport may be processed with date of birth as mentioned in previous passport i.e. 05.08.1995 provided the applicant will give consent for the same.”

7. Aggrieved by the aforesaid order, the respondent approached this Court by means of WP (C) 10615/2019 which stands allowed by the learned Single Judge, as already noted by us hereinabove.



8. Against the said decision, the Union of India is in appeal.
9. We have heard Mr. Saha, learned Counsel for the appellants and Ms. Neha Tyagi, learned Counsel for the respondent, at some length.
10. To our mind, the issue is largely academic as the passport office has, in compliance of the order passed by the learned Single Judge, issued a passport to the respondent reflecting her date of birth as 5 August 1996.
11. However, Mr. Saha submits that the respondent would have to get her first date of birth certificate reflecting her date of birth as 5 August 1995 cancelled from the municipal corporation.
12. We find this request to be fair.
13. We, therefore, dispose of this appeal by allowing the respondent to retain the passport issued to her reflecting her date of birth as 5 August 1996 subject to the respondent applying to the concerned municipal authorities for cancellation of the date of birth certificate reflecting her date of birth as 5 August 1995.
14. Let the requisite application would be moved within two weeks from today.
15. We direct the concerned municipal authorities to dispose of the application within 12 weeks from the date it is submitted and, if it is



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found meritorious, to cancel the earlier date of birth certificate issued to the respondent.

16. Once the cancellation is obtained, the respondent would forthwith communicate the said fact to the passport office.

17. We have not examined any of the other merits of the matter and close the appeal with the aforesaid observations.

18. The appeal stands allowed and disposed of accordingly.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

FEBRUARY 16, 2026

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