



2026:AHC-LKO:22237-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 1770 of 2026

Ishtiyak Ahmad

.....Petitioner(s)

Versus

Union Of India Thru. Secy. Ministry Of External Affairs
Govt. Of Indir And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashish Kumar Shukla
Counsel for Respondent(s)	:	A.S.G.I., C.S.C.

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Heard learned counsel for the petitioner and Shri Varun Pandey, learned counsel appearing on behalf of the respondents Nos.1 and 2.

2. This writ petition has been filed for the following main relief (s):

"1. Issue a writ, order or direction in the nature of Mandamus commanding and directing to the Respondent No.2 and 3 to take appropriate action upon the application filed by the petitioner for re-issue of his passport and issue a passport in favour of the petitioner, within stipulated time period."

3. Learned counsel for the petitioner submits that the matter may be disposed of in light of the judgment passed by Division Bench of this Court in **Pawan Kumar Rajbhar versus Union of India and 2 others**; Writ-C No.41540 of 2023 : **Neutral Citation No.- 2024:AHC:9963-DB**. He further submits that an F.I.R./Case Crime No. 115 of 2019, under Sections 323, 504, 506, 336, 452 and 427 Cr.P.C., Police Station Fatanpur Pratapgarh is pending against the petitioner.

4. The submission of learned counsel for the petitioner is controverted by Shri Varun Pandey, learned counsel appearing on behalf of the respondent(s). His submission is that the judgment of

Pawan Kumar Rajbhar (supra) has been modified by Hon'ble Supreme Court in **Rita Verma vs. Union of India and others;** Petition(s) Special Leave to Appeal (C) No.7481 of 2024 vide judgment and order dated 20.09.2024.

5. It may be noted that in **Smt. Rita Verma vs. Union of India and others;** Writ-C No.6450 of 2024; Neutral Citation No.2024:AHC:35201-DB, the Division Bench of this Court had reiterated the ratio of **Pawan Kumar Rajbhar (supra)**. However, after examining the entire position with regard to the Memorandum No.VI/401/1/5/2019 dated 10.10.2019, the Hon'ble Supreme Court in Rita Verma (supra) has directed as follows:-

"4. In spite of the clear wordings in the Memo, the High Court by the order impugned herein came to a conclusion that the office Memorandum is contrary to the statutory position and proceeded to dismiss the Writ Petition.

5. We have heard Mr. Malak Manish Bhatt, appearing for the appellant as also Mr. K.M. Natraj, learned Additional Solicitor General appearing for the Union of India. Mr. K.M. Natraj, learned Additional Solicitor General submits that the approach adopted by the High Court that the Office Memorandum is contrary to the statutory positions and is not supported by law and it is also not the stand of the Union of India. Learned Additional Solicitor General expressed no difficulty in processing the application of the appellant on the basis of the Office Memorandum.

6. In this view of the matter, it is sufficient for us to direct the authorities to consider the application for renewal of the passport on the basis of Office Memorandum dated 10.10.2019 or any other subsequent Office Memorandums that may govern the field notwithstanding the order passed by the High Court in Writ Petition(C) No.6450/2024 dated 28.02.2024, upon making of an appropriate application, the same shall be disposed of, as expeditiously as possible."

6. In light of the above finding(s) of Hon'ble Supreme Court, we are of the view that the authorities are required to consider the application of the petitioner for re-issuance of passport on the basis of Office Memorandum dated 10.10.2019 or any other subsequent office memorandum that may govern the field as the Hon'ble Supreme Court has finally dealt with this issue in **Rita Verma (supra)**. The law laid down by Hon'ble Supreme Court in **Rita Verma (supra)** shall

apply in the present case, therefore, we direct the authorities to act expeditiously in accordance with law in the subject matter.

7. With the aforesaid direction, the writ petition is disposed of.

March 30, 2026
Praveen

(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)