



2026:AHC-LKO:22265-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2939 of 2026

Saurabh Tiwari

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Vikas Singh, Mahendra Bahadur Singh
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 appearing for the petitioner and Shri Varun Pandey, learned counsel appearing on behalf of respondent no.1 and 2 and the learned State Counsel.

2. This writ petition has been filed by the petitioner, inter alia praying therein for the following main relief (s) :-

"a) Issue a writ, order or direction in the nature of MANDAMUS commanding the opposite party especially opposite party number 2, Office of Regional Passport Office, Lucknow through its Regional Passport Officer, Lucknow, to renew/ reissue the passport of the petitioner bearing passport number LK3076020323525.

b) Issue a writ, order or direction in the nature of MANDAMUS commanding the opposite party number 3 to 4 to submit the complete report after verification in the office of O.P. No. 2 for issuance of renewal of the passport of the petitioner."

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 the petitioner is having criminal history of three cases being (i) Case Crime No. 416/2018, U/s 135 of the Electricity Act. In this regard, it has been submitted by that the amount which was determined by the electricity department has already been deposited by the petitioner.

(ii) Case Crime No. 137/2022, U/s 147,323,342,354,504 and 506 IPC. In this regard, Final report has been sent to the Court concerned.

(iii) Case Crime No. 269/2021, U/s 147, 323, 504 and 506 IPC. P.S.- Jankipuram, District-Lucknow, in which charge sheet has been filed and the petitioner was enlarged on bail.

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 **Rita Verma** (supra), the Division Bench of Allahabad High Court had reiterated the ratio of **Pawan Kumar Rajbhar** (supra). However, the Supreme Court, after examining the entire position with regard to the Memorandum No.VI/401/1/5/2019 dated 10.10.2019, 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 08.01.2025 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 observations/directions, the writ petition is disposed of.

March 30, 2026

Praveen

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