

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WA.No. 1585 of 2015 ()

(AGAINST THE JUDGMENT IN WP(C).NO. 8341/2015 DATED 24-06-2015)

APPELLANT/PETITIONER :

**G. PUSHPARAJAN,
S/O.GOPINATHAN, AGED 53 YEARS,
PUTHUVALVILA VEEDU, KOPPAM,
ADAYAMON, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.M.ZIYAD
SRI.T.A.PRAKASH**

RESPONDENT(S)/RESPONDENTS :

- 1. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, VAZHUTHACAUD,
THIRUVANANTHAPURAM- 695 001.**
- 2. PASSPORT SEWA KENDRA, VAZHUTHACAUD,
GROUND FLOOR, CARMEL TOWERS,
OPPOSITE GIRLS HIGH SCHOOL, VAZHUTHACAUD,
THIRUVANANTHAPURAM- 695 001.**

R1 & R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

**ASHOK BHUSHAN, CJ
& A.M.SHAFFIQUE, J.**

W.A.No.1585 of 2015

Dated this the 23rd day of July 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court seeking for correction of date of birth and also for correction of his mother's name in the passport. By judgment dated 24/06/2015 in W.P.C.No.8341/2015, the learned Single Judge directed the Passport Issuing Authority to consider the correction of the mother's name of the petitioner. However, as far as the request for correction of date of birth is concerned, it was indicated that the date of birth in the earlier passport has to be retained. It is, challenging the decision of the learned Single Judge, not directing the Passport Issuing Authority to correct the date of birth of the petitioner, that this appeal has been filed.

2. According to the petitioner, the date of birth is shown in the passport as 10/05/1952. The learned counsel for the appellant submits that it was only 10/05/1957. He relied upon the extract of school admission register in which his date of birth was

shown as 26/04/1962. We have already held in W.A.Nos.1975/2014 & 591/2015 that as per the guidelines issued by the Central Government, Passport Issuing Authority can correct the date of birth, if the original records are not available, when the difference proposed is not more than two years. As far as this case is concerned, it is stated that the original records are not available and therefore the Passport Issuing Authority has no jurisdiction to correct the same. The remedy therefore available to the petitioner is to approach the Civil Court and seek for a declaration to the said effect.

Under such circumstances, we are of the view that there is no error in the judgment of the learned Single Judge. However, we observe that it shall be open for the petitioner to approach the Civil Court and obtain appropriate orders and thereafter approach the Passport Issuing Authority to correct the date of birth.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

