

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 494 of 2015 (J)

PETITIONER:

**RIJU KUMAR S.N, AGED 39 YEARS,
S/O.NARAYANA PILLAI, REENA NIVAS, THOTTUMUKKU,
MATHIRA, KOLLAM.**

BY ADV. SRI.T.KANANDA KRISHNAN

RESPONDENTS:

- 1. THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK, GOVERNMENT OF INDIA,
NEW DELHI-110 001**
- 2. THE REGIONAL PASSPORT OFFICER,
TRIVANDRUM PASSPORT OFFICE,
THIRUVANANTHAPURAM. PIN-695 001**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 494 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:- TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING
NO. B 1897941 OF THE PETITIONER.**

P2:- TRUE COPY OF THE S S L C BOOK.

**P3:- TRUE COPY OF THE CIRCULAR DTD 29/10/2007 ISSUED BY THE IST
RESPONDENT**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No.494 of 2015

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No. B 1897941. The date of birth shown in the passport as '19.05.1970' which according to the petitioner is actually **19.05.1975**. The petitioner wants to effect correction the date of birth in the passport with reference to the entires in Ext.P2 SSLC and accordingly, the 2nd respondent was approached by filing necessary application. The petitioner has been given to understand that, unless the petitioner obtains some favourable orders from a competent Court of law, the request made by the petitioner will not be acceded to, and hence the writ petition.

2. The learned counsel for the petitioner submits that, in view of the law declared by this Court in **Nizar v. Union of India** (2014 (4) KLT 609 and that of in **Swapna Siju Vs. Union of India** (2012 (4) KLT 419), the stand taken by the respondent is liable to be intercepted and the petitioner is entitled to have the relief sought for.

3. The learned Central Government Counsel appearing for the respondents submits that petitioner will have to file an on-line application along with an affidavit explaining how the delay has occurred.

4. In the said circumstances, the petitioner is relegated to file an 'on-line' application for correction of date of birth, along with an affidavit as above and the documents relied upon by the petitioner before the 2nd respondent forthwith; on which event, the same shall be accepted and considered by the second respondent, passing appropriate orders in accordance with law, within a period of three weeks thereafter.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps. The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE.**