

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 1029 of 2015 (C)

PETITIONER:

NAGARAJ AGED 24 YEARS
S/O. N.RAJAGOPALAN, VALIYACHALA, #92
GOVINDAPURAM P.O., PIN-678 507.

BY ADVS.SRI.V.RAJENDRAN (PERUMBAAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM
SRI.N.RAJESH

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE REGISTRAR OF BIRTHS AND DEATHS
THIRUVANANTHAPURAM-695 001.
2. THE REGISTRAR OF BIRTHS AND DEATHS
MUTHALAMADA GRAMA PANCHAYAT
PALAKKAD DISTRICT-678 503.

R2 BY ADV. SRI.MURALI PURUSHOTHAMAN
R2 BY ADV. SRI.DEEPU LAL MOHAN
R1 BY GOVERNMENT PLEADER SMT.SANJEETHA N.A.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- P1 : COPY OF TRANSFER CERTIFICATE NO.8/99-2000 OF THE GOVERNMENT LOWER PRIMARY SCHOOL, CHALLA SHOWING THE CORRECT DATE OF BIRTH OF THE PETITIONER.
- P2 : COPY OF TRANSFER CERTIFICATE BEARING NO.TC NO.1585/10 DTD.25.4.2010.
- P3 : COPY OF PERMANENT ACCOUNT NUMBER CARD SHOWING THE DATE OF BIRTH OF THE PETITIONER.
- P4 : COPY OF AADHAR CARD SHOWING THE DATE OF BIRTH OF THE PETITIONER.
- P5 : COPY OF THE ELECTORAL ID CARD SHOWING THE DATE OF BIRTH OF THE PETITIONER.
- P6 : COPY OF IDENTITY CARD ISSUED FROM THE EMPLOYMENT EXCHANGE, CHITTUR DTD.2.8.2010 SHOWING THE DATE OF BIORTH OF THE PETITIONER.
- P7 : COPY OF SCHOOL CERTIFICATE OF THE PETITIONER SHOWING HIS DATE OF BIRTH.
- P8 : COPY OF SCHOOL CERTIFICATE SHOWING THE DATE OF BIRTH OF THE ONLY SISTER OF THE PETITIONER.
- P9 : COPY OF THE BIRTH CERTIFICATE DTD.10.9.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P10 : COPY OF THE CERTIFICATE DTD.22.11.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P11 : COPY OF THE APPLICATION DTD.28.11.2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P12 : COPY OF ORDER NO.A6.9747/2014 DTD.10.12.2014 OF THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

/TRUE COPY/

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

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W.P.(C) No.1029 of 2015

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Dated this the 4th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, said to have been born on 06.01.1990, had his date of birth correctly reflected in school admission register and other documents. But when he applied for passport, the authorities insisted on his producing date of birth as per the birth register maintained by the 2nd respondent. Having found on verification that it was wrongly shown as 21.02.1992 in the register, the petitioner submitted Ext.P11 application before the 2nd respondent seeking correction of the date of birth in the register maintained by the said authority. The 2nd respondent however, rejected the request of the petitioner through Ext.P12, holding that there is no provision under the Act to correct the date of birth in the register. Though

Ext.P12 is in vernacular, in the absence of any translation, the learned counsel for the 2nd respondent has also agreed to the submission of the learned counsel for the petitioner as to the contents of Ext.P12.

3. As could be seen from the records, Ext.P11 application clearly reflects that the request was made under Section 15 of Registration of Births and Deaths Act, 1969. On a perusal of the said Act, it leaves no manner of doubt that Section 15 does contain the necessary provision regarding the correction of date of birth in the Register of Births and Deaths. Rule 11 of the Kerala Birth and Deaths Rules 1999 read with Section 15 of the Act empowers the 2nd respondent to consider Ext.P11. It does not, however, mean that the authority has to accede to the request, but at least has to consider Ext.P7, in accordance with law, in terms of Section 15 of the Act read with Rule 11 of the Rules.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, Ext.P12 is set aside with a consequential direction

to the 2nd respondent to consider Ext.P11, in accordance with law, after affording an opportunity of hearing to the petitioner, if desired, and pass appropriate orders therein, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of the judgment.

With the above observation, the writ petition is disposed of.

DAMA SESHADRI NAIDU, JUDGE

sj