

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

W.P.(C).No.1330 of 2015 (M)

PETITIONER(S):-

MANILAL, S/O.GOPALAN,
"REVATHY", CHEMBAKATHIL, VENKULAM, EDAVA, VARKALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.TRIPTEN.

RESPONDENT(S):-

1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI-110 001.
2. REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, KAITHAMUKKU,
THIRUVANANTHAPURAM-695 001.
3. ASSISTANT PASSPORT OFFICER,
PASSPORT SEVA KENDRA, CARMEL TOWER,
OPPOSITE COTTON HILL HIGH SCHOOL, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695 014.
4. REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, PANAMPILLY NAGAR, ERNAKULAM-682036.

R1 to R4 BY ASSISTANT SOLICITOR GENERAL OF INDIA SRI.N.NAGARESH.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT P1 TRUE PHOTOCOPY OF THE RELEVANT PAGES OF PASSPORT
 BEARING NO.V489280 ISSUED FROM THE 4TH RESPONDENT'S
 OFFICE ON 14-04-1984.
- EXT P2 TRUE PHOTOCOPY OF THE RELEVANT PAGES OF PASSPORT
 BEARING NO.Q624358 ISSUED TO THE PETITIONER ON 02-03-1994.
- EXT P3 TRUE PHOTOCOPY OF THE RELEVANT PAGES OF PASSPORT
 BEARING NO.E9066174 ISSUED TO THE PETITIONER.
- EXT P4 TRUE PHOTOCOPY OF THE RELEVANT PAGE OF PASSPORT
 BEARING NO.L6612076 ISSUED TO THE PETITIONER
 ON 06-02-2014.
- EXT P5 TRUE PHOTOCOPY OF THE SSLC BOOK OF THE PETITIONER.
- EXT P6 TRUE PHOTOCOPY OF THE AADHAR CARD ISSUED TO
 THE PETITIONER.
- EXT P7 TRUE PHOTOCOPY OF THE APPLICATION DATED 15-12-2014
 SUBMITTED BY PETITIONER BEFORE THE RESPONDENTS 2 AND 3.
- EXT P8 TRUE PHOTOCOPY OF THE COMMON JUDGMENT
 DATED 16-10-2014 IN WPC.NO.19741/2014 OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/

[true copy]

K. Vinod Chandran, J

W.P.(C).No.1330 of 2015-M

Dated this the 30th day of June, 2015

JUDGMENT

The petitioner seeks correction of his date of birth and also the correction of the name of his father and even his own name in the passport already issued to the petitioner and kept with him from 1984 and constantly and frequently used from that year.

2. The petitioner admittedly had been issued a passport more than 30 years back. The petitioner's claim is that as per Ext.P5 SSLC certificate and P6 Aadhar Card, the petitioner's date of birth is 30.5.1966 and the petitioner's father's name is Gopalan and his name Manilal. He seeks that the same may be corrected in the passport.

3. In the statement filed on behalf of respondents 1 to 4, it is stated that no documents are available with the office of the 4th respondent pertaining to the passport issued to the petitioner, from Cochin; which was renewed thrice from Dubai. It is also specifically averred that the corrections sought for raises serious questions on the identity of the person.

4. This Court in W.P.(C) No. 9073/2015 and connected cases, by judgment dated 23.06.2015, held that the correction of date of birth in passport, after many number of years would not be possible, especially finding that the passport discloses the identity of the citizen in his travels, residence and employment abroad and the date of birth declared thereon cannot be easily corrected for the asking.

5. As to the reliance placed on Ext.P5, it was held that the date of birth shown in the SSLC certificate is also based on a declaration made by either the petitioner or his parents and there can be no reliance placed on that when the petitioner had declared a different date of birth before the Passport Issuing Authority and had obtained a passport with a date, which had been acted upon by many others. The change sought for to the name of the father and even the name of the petitioner raises serious doubt, as to the identity of the person. It is at all not discernible as to how the passport holder could be found to be the person referred to in Exhibit P5, SSLC Book. The name, father's name and date of birth in Exhibit P5 differs from that of the passport. The person who passed SSLC, as is evidenced at

Exhibit P5, has been certified by the Headmaster of his school to be *inter alia* an observant and responsible student. It is not clear as to how such a student could have gone wrong in applying for a passport, in not only his date of birth but also with the name of his father and his own name. Further the statement of the respondent indicates that the petitioner was issued with the passport on 14.02.1984 from Regional Passport Office, Cochin. Hence, a person who was born only on 30.05.1966, as is disclosed at Exhibit P5 would be a minor at the time of issuance of the passport. The passport itself, hence, would be *prima facie* one issued on an application made fraudulently.

For all the above reasons, the writ petition would stand dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

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