

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 2230 of 2015 (C)

PETITIONER:

**SHAMEER SHAJI, AGED 39 YEARS,
S/.MOIDEENKUTTY, PUZHUTHINI HOUSE,
CHERIYAM, KOOTIL P.O.,
MALAPPURAM DISTRICT, PIN - 679 324.**

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S):

- 1. THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK,
GOVERNMENT OF INDIA, NEW DELHI-110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,
KOZHIKODE DISTRICT-673 001.**
- 3. THE REGIONAL PASSPORT OFFICER,
MALAPAPURAM-676 001.**

BY SRI.N.NAGARESH, A S G

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

EXT.P1: TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING NO.H6224858 OF THE PETITIONER.

EXT.P2: TRUE COPY OF SSLC, EQUIVALENCY CERTIFICATE ISSUED FROM THE BOARD OF PUBLIC EXAMINATIONS, KERALA.

EXT.P3: TRUE COPY OF CIRCULAR DATED 29/10/2007 ISSUED BY THE 1ST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No.2230 of 2015

Dated this the 6th day of February, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No. H6224858. The date of birth shown in the passport as '13.02.1972' which according to the petitioner is actually **31.05.1975**. The petitioner wants to effect correction the date of birth in the passport with reference to the entires in Ext.P2 and accordingly, the 3rd 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, with reference to the statement filed (yet to form part of the record) that, petitioner will have to file an on-line application along with an affidavit explaining how the delay has occurred, also surrendering the existing passport.

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, also surrendering the existing passport before the concerned respondent forthwith; on which event, the same shall be accepted and considered by the competent authority, 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 concerned respondent for further steps. The writ petition is disposed of.

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