

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 2443 of 2015 (E)

PETITIONER(S):

**RAFEEK P.H., S/O.HANEEFA,
AGED 41 YEARS, PANIKKAVEETIL HOUSE,
THALIKULAM. P.O., THRISSUR.**

**BY ADVS.SRI.S.U.NAZAR,
SRI.MANSOOR.B.H.**

RESPONDENT(S):

**REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
PANAMPALLY NAGAR, KOCHI-682 016.**

R1 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 2443 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- A TRUE COPY OF THE PASSPORT BEARING NO.H 1696406
ISSUED BY THE RESPONDENT.**
- P2- A TRUE COPY OF THE EXTRACT OF ADMISSION REGISTER ISSUED
FROM G.V.H.S.S TALIKULAM.**
- P3- A TRUE COPY OF THE APPLICATION DATED 19.01.2015 SUBMITTED BY
THE PETITIONER BEFORE THE RESPONDENT.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 2443 of 2015

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Dated, this the 9th day of February, 2015

JUDGMENT

The petitioner has approached this Court seeking for a direction to the respondents to correct the entry in respect of his date of birth in the passport.

2. The case of the petitioner is that, the actual date of birth of the petitioner is 28.05.1973, as borne by Ext. P2 relevant extract of school admission register, whereas the same happened to be entered wrongly in the passport as 28.05.1968. It is stated that, though petitioner preferred a request for correction of date of birth, the same was not entertained by the respondent and hence is before this Court.

3. The learned counsel for the petitioner relies upon the judgment of this Court in **Swapna Siju Vs. Union of India (2012 (4) KHC 38)** in support of the position that, as far as the applicants born before 26.01.1989 are concerned, copy of extract of the SSLC book can be relied on for correction of date of birth without insisting for birth certificate. As per the law declared by this Court in

Nazar Vs. Union of India (2013 (4) KLT 34), production of SSLC book is not necessary in respect of the persons who have not completed SSLC and have left school before that.

4. The learned Central Government Counsel appearing for the respondents, with reference to the statement filed , submits that the applicant will have to file an on-line application along with an affidavit explaining how the mistake has occurred. As far as the petitioner is concerned, he was possessing the passport for the past many years and why the mistake had not been brought to the notice of the Authority till date is not discernible. It is stated that when the corrections sought for in the passports can be genuinely established as a mistake, either on the part of the applicant or the Passport Issuing Authority, or where the records are available to establish that there are no malafide intentions, the entries in the passport can be corrected.

5. In the said circumstances, the petitioner is relegated to file an on-line application for correction of date of birth along with an affidavit explaining the factual particulars and the documents relied upon by the petitioner, on which event, the same shall be

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accepted and considered by the respondent, passing appropriate orders within a period of three weeks.

The Writ Petition is disposed of.

Sd/-

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

kmd