

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936**

**WP(C).No. 4188 of 2015 (W)**  
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**PETITIONER :**  
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**FAISALBABU K.,  
S/O.ALI KUTTY KOORIKKATTIL, KOORIKKATTIL HOUSE  
THRIKKADEERI P.O., THRIKKADEERI, PALAKKAD - 679 502  
KERALA.**

**BY ADV. SMT.LATHA PRABHAKARAN**

**RESPONDENT :**  
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**THE PASSPORT OFFICER,  
PASSPORT OFFICE, PANAMPILLY NAGAR P.O.  
ERNAKULAM - 682 036.**

**BY ADV. SRI.N.NAGARESH, ASGI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 04-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**Mn**

**...2/-**

**WP(C).No. 4188 of 2015 (W)**  
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**APPENDIX**

**PETITIONERS' EXHIBITS :**  
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- EXT. P1-        TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT.**
- EXT. P2-        TRUE COPY OF THE RELEVANT PAGE OF S.S.L.C BOOK OF THE  
PETITIONER.**
- EXT. P3-        TRUE COPY OF THE RELEVANT PAGE OF RATION CARD OF THE  
PETITIONER.**
- EXT. P4-        TRUE COPY OF HTE ELECITON IDENTITY CARD OF THE PETITIONER.**
- EXT. P5-        TRUE COPY OF THE AADHAAR CARD OF PETITIONER.**
- EXT. P6-        TRUE COPY OF THE RELEVANT PAGE OF THE KERALA GAZETTE  
NOTIFICATION DATED 12.9.14.**
- EXT. P7-        TRUE COPY OF HTE RECEIPT OF ONLINE APPLICATION OF THE  
PETITIONER.**

**RESPONDENT(S)' EXHIBITS :        NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

**P.R. RAMACHANDRA MENON, J.**

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**W.P(C). No. 4188 of 2015**  
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**Dated this the 4<sup>th</sup> day of March, 2015**

**J U D G M E N T**

The petitioner is before this Court, being aggrieved of the course and proceedings pursued by the respondent, whereby the application for effecting the correction in the 'Name' and 'Date of Birth' as it now appears in the Passport, has been rejected. The case of the petitioner is that, the actual name of the petitioner is 'FAISALBABU K' and the Date of Birth is 20.05.1977. Quite unfortunately, it came to be entered as 'FAIZAL KOORIKKATTIL' and 15.06.1973 in the Ext.P1 Passport. By virtue of the change in laws in the country where the petitioner is working, the name has to be reflected in the Passport in the exact manner as it appears in all the relevant documents. It is in the said circumstances, that the petitioner has moved the respondent by filing necessary application, which came to be turned down as per Ext.P7. This in turn is under challenge in this writ petition.

2. A statement has been filed by the respondent. Paragraphs 5 and 6 of the said statement read as follows.

5. The petitioner seeks to correct his name in the passport so as to conform with the certificates held by him. For this purpose, he has produced a Gazette notification. However, this is insufficient as per the criteria laid down in the Passport Manual 2010. Chapter 8 para 3 of the Passport Manual 2010 lays down the following rules for making corrections in the name of a passport holder-

### ***“3. CHANGE OF NAME***

3.1 Change of name affects the most important factor in identifying a person and hence the need for great caution in rendering his service on a passport. On receipt of the application, the usual checks such as index, PAC and PISON should be done in both the existing name and the new/changed name in the application. Following documents need to be submitted with the application for change of name, depending on the circumstances, as given below:

#### ***1. Complete Name Change***

3.2 For complete/substantial name change an applicant should furnish:

- (a) Prescribed Deed Poll/Sworn affidavit  
(Annexure “E” of Appendix - 1)
- (b) Original newspaper cuttings  
announcing the change of name  
published in two leading daily  
newspapers (one popular daily  
newspaper in the area of the

*applicant's present address and another at his permanent address)".*

6. *As regards his date of birth, there is a variation of 4 years between the date of birth entered in the passport and that borne by the SSLC book. In all likelihood that the petitioner has obtained his first passport in 1993 based on fake/forged documents. However, since it was issued by Passport Office, Kozhikode, the Respondents are unable to establish the nature of documents submitted for obtaining this passport. On interview, the petitioner could not satisfactorily explain the circumstances in which the errors occurred in his passport and as such the Respondents had no option but to direct the petitioner to obtain a declaratory Court Order with regard to his correct date of birth."*

Paragraph 5 deals with the name change, while paragraph 6 deals with the date of birth correction.

3. During the course of hearing, it is brought to the notice of this Court that the petitioner has produced Ext.P2 'S.S.L.C', P4 'Election Identity Card' and Ext.P5 'Aadhaar Card' in support of the contention that the actual date of Birth is '20.05.1977' and not '15.06.1973' as appears in Ext.P1 passport. Similarly, in the case of the name change, the actual change sought to be made by the petitioner is with reference to the spelling; particularly the 5<sup>th</sup> letter whereby the name as given in Ext.P1 passport as 'Faizal Koorikkattil' is sought to be changed as 'Faisalbabu K".

Obviously, the letter 'K' stands for the house name of the petitioner, which is Koorikattil. On going through the materials produced before this Court, it is seen that corrections sought to be made are with reference to the relevant supporting materials. This cannot be considered as a substantial change as pointed out from the part of the respondent in paragraph 5, but for a minor change/correction to make in all the proceedings, in conformity with the legal requirements of the particular country where the petitioner is working. In the case of Date of Birth ie. 15.5.1977 it has already been made clear by this Court as per the decision reported in **Swapna Siju V. Union of India & another [2012 (4) KLT 419]**, that the persons were borne before 26.1.1989, the entry in the S.S.L.C. Book could be taken as a valid piece of evidence so as to effect the necessary corrections.

4. In the said circumstances, this Court finds that, the petitioner is entitled succeed. There will be a direction to the respondent to consider the matter afresh in the light of the above observations and also the materials produced, effect the necessary corrections and issue the passport accordingly, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of the judgment.

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

Sd/-

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

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