

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 5238 of 2015 (D)

PETITIONER(S):

**JAYAN.T.A,
S/O.APPUNNY.T.K, THEKKINKATTUVALAPIL HOUSE, MUTHUVARA
POZHAKKAL P.O, THRISSUR.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S):

- 1. UNION OF INDIA,
REP. BY SECRETARY TO MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI.110001.**
- 2. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, PANAMPILLY NAGAR P.O,
COCHIN-682 036.**

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 5238 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT;P1: TRUE COPY OF PASSPORT OF THE PETITIONER.

EXHIBIT P2: TRUE COPY OF THE APPLICATION DATED 4.2.2015

**EXHIBIT P3: TRUE COPY OF THE RELEVANT PAGES OF SECONDARY SCHOOL
LEAVING CERTIFICATE OF THE PETITIONER**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

=====

W.P.(C). No. 5238 of 2015

Dated this the 25th day of March, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No. G 4380663. The same is valid till 2.12.2017. The date of birth shown in the passport is '20.04.1960' which according to the petitioner is actually **20.04.1965**. The petitioner wants to effect correction of date of birth in the passport with reference to the entries in Ext.P3 and accordingly, the 2nd 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 their version with reference to the statement filed on behalf of the respondents. Paragraph 6 & 10 are relevant which read as follows:

"6. The contention of respondent is not against Ext.P3 submitted by the petitioner. On interview, the petitioner could not satisfactorily explain the circumstances in which the huge difference of date of birth occurred in his passport. 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. Passport is primarily a document of identity of a person. The date of birth entered in a passport is an important criteria that establishes the identity of a person. The Passport issuing authority has to exercise extreme caution while effecting changes in the details once entered in the passport. The petitioner is trying to force the issue by demanding that the corrections be done as a matter of routine.

10. The petitioner must be put to the strictest test to ascertain the circumstances in which he obtained a passport with incorrect details. The petitioner has been holding this passport for nearly 30 years. At no point in time did he point out the mistakes in his passport. It is incumbent upon every passport holder to verify the data entered in it before he makes use of the same."

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 explaining the queries raised by the respondents as above in their statement and the documents relied upon by the petitioner before the 2nd respondent forthwith; on which event, the same shall be accepted and considered by the second respondent, 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 2nd respondent for further steps. The writ petition is disposed of.

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

kp/-