

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 6649 of 2015 (E)

PETITIONER(S):

**ANIL RAJ. A,
S/O.ACHUTHAN PILLAI, SAROJAM, PORUNTHAMAN
PULIMATH, KILIMANNOOR, THIRUVANANTHAPURAM.**

BY ADV. SRI.T.K.ANANDA KRISHNAN

RESPONDENT(S):

- 1. THE SECRETARY
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK
GOVERNMENT OF INDIA, NEW DELHI 110001.**
- 2. THE REGIONAL PASSPORT OFFICER,
TRIVANDRUM PASSPORT OFFICE
THIRUVANANTHAPURAM 695 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 6649 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING
 NO F 5661814 OF THE PETITIONER**

EXHIBIT P2 TRUE COPY OF THE S.S.L.C BOOK

**EXHIBIT P3 TRUE COPY OF THE CIRCULAR DATED 29-10-2007 ISSUED BY THE 1ST
 RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R.RAMACHANDRA MENON, J.

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Dated this the 18th day of March, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No.E 9704523. The date of birth shown in the passport as '20.1.1962' which according to the petitioner is actually '11.1.1967'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in the relevant documents and accordingly, the petitioner approached the second respondent 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

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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, that the petitioner can correct his name and date of birth in the passport by surrendering the same before the passport issuing authority, along with his original school certificate/birth certificate to prove the correct date of birth along with other relevant documents. The version of the respondents are discernible from paragraphs 3, 6, 7 and 8 of the statement which read as follows:

3. As per the records maintained in the office of 2nd respondent, Passport No.F5661814 dated 14.9.2006 issued at Dubai in continuation to Passport No.A0981328 dated 8.10.1996 issued by their office, which was issued in continuation to Passport No.X781945 dated 24.10.1985 issued at Cochin in respect of Sri. Atchuthan Pillai Anil Raj, S/o.Sri.Atchutan Pillai. The documents pertaining to issue of the passport No.A0981328 are destroyed due to efflux of time. In all the above mentioned passports the date of birth of the petitioner is written as 30.05.1963. Now the petitioner has approached this Hon'ble Court to obtain an order directing the 2nd respondent to correct his date of birth as 31.5.1968.

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4. As per Passport Manual 2010, where files have already been destroyed, Passport Issuing Authority could use their discretion in correction of date of birth without a court order, where such correction is only in months (not more than two years) and applicants provide satisfactory explanation that the same document(s) was provided at the time of initial passport application. In this case the difference in date of birth in the existing passport and Secondary School Leaving Certificate is of five years. Hence the respondents cannot use discretionary power to amend date of birth in the petitioner's passport.

The learned Central Government Pleader also submits that the 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 authority forthwith; on which event, the same shall be accepted and considered by the second respondent, passing

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appropriate orders in accordance with law, within a period of 'three weeks' thereafter.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the second respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R.RAMACHANDRA MENON,
JUDGE.

rkc.