

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

**PRESENT:**

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

**FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936**

**WP(C).No. 6665 of 2015 (G)**  
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**PETITIONER(S):**  
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**SAIFUDEEN M.,  
S/O. MUHAMMED ISMAYIL, SHAJI MANZIL, THRUTHI  
THOLIKODE, KOLLAM.**

**BY ADV. SRI.T.K.ANANDA KRISHNAN**

**RESPONDENT(S):**  
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- 1. THE SECRETARY, MINISTRY OF EXTERNAL AFFAIRS,  
SOUTH BLOCK, GOVERNMENT OF INDIA, NEW DELHI - 110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,  
TRIVANDRUM PASSPORT OFFICE,  
THIRUVANANTHAPURAM-695001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**WP(C).No. 6665 of 2015 (G)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT-P1- TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING  
NO. E 8357459 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 IST  
RESPONDENT.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

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

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**W.P.(C).No.6665 of 2015**  
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**Dated this the 13<sup>th</sup> day of March, 2015**

**JUDGMENT**

The petitioner is the holder of the passport bearing No.E.8357459. The date of birth shown in the passport as '20.2.1970' which according to the petitioner is actually '20.2.1976'. The petitioner wants to effect correction of date of birth in the passport with reference to the entires in Ext.P2 2<sup>nd</sup> and accordingly, the petitioner approached the 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 2<sup>nd</sup> 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

W.P.(C).No.6665 of 2015

respondents 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. A statement has been filed on behalf of the respondents, paragraphs 3 and 4 of which read as follows:

*3. As per the records maintained in the office of the 2<sup>nd</sup> respondent Passport No.E8357459 dated 4.8.04 issued at Riyadh in continuation to Passport No.B0299406 dated 10.8.1999 issued by their office which was issued in continuation to passport No.S081258 dated 29.7.1994 issued by their office in respect of Sri.Mohammed Ismail Saifudeen, S/o.Mohammed Ismail. The documents pertaining to issue of the passport No.S081258 are destroyed due to efflux of time, in all the above mentioned passports the date of birth of the petitioner is written as 20.2.1970. Now the petitioner has approached this Hon'ble Court to obtain a direction to the 2<sup>nd</sup> respondent to correct his date of birth as 20.2.1976.*

*4. As per Passport Manual 2010, where files have already been destroyed, Passport Issuing Authorities could use their discretion in correction of date of birth without a court order, where such corrections 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*

W.P.(C).No.6665 of 2015

*the existing passport and Secondary School Leaving Certificate is of six years. Hence the respondents cannot use discretionary power to amend date of birth in the petitioner's 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 concerned respondent, passing 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 concerned respondent, for further steps.

The writ petition is disposed of.

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

rkc.