

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 6798 of 2015 (Y)

PETITIONER(S):

**VYSAKH R.NAIR, AGED 22 YEARS,
S/O.RAVEENDRAN NAIR, CHATHANATTU HOUSE,
CHINGAVANAM P.O, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.P.A.MOHAMMED SHAH,
SRI.SOORAJ T.ELENJICKAL,
SRI.B.PRASANTH.**

RESPONDENT(S):

- 1. THE REGIONAL PASSPORT OFFICER,
OFFICE OF THE REGIONAL PASSPORT OFFICE,
PANAMPILLY NAGAR, ERNAKULAM- 682 016.**
- 2. THE AUTHORISED OFFICER,
PASSPORT SEVA KENDRA, FOUR SQUARE PLAZA,
M.C. ROAD, OPPOSITE MAHADEVA TEMPLE,
KOTTAYAM -686 001.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1. COPY OF THE BIRTH CERTIFICATE ISSUED BY THE THIRUVALLA MUNICIPALITY DATED 01.11.1994.
- EXHIBIT P2. COPY OF THE ADHAR CARD ISSUED BY UNIQUE IDENTIFICATION AUTHORITY OF INDIA DATED 17.02.2013.
- EXHIBIT P3. COPY OF THE VOTERS IDENTITY CARD ISSUED BY ELECTORAL REGISTRATION OFFICER, KOTTAYAM DATED 11.01.2011.
- EXHIBIT P4. COPY OF THE PASS CERTIFICATE ISSUED BY THE CHAIRMAN COUNCIL FOR INDIAN STANDARD CERTIFICATES EXAMINATION DATED NIL.
- EXHIBIT P5. COPY OF THE NOTARIZED AFFIDAVIT FILED BY THE PETITIONER'S MOTHER DATED 13.10.2014.
- EXHIBIT P6. COPY OF THE DETAILS OF PASSPORT APPLICATION DATED 17.10.2014.
- EXHIBIT P7. COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE ISSUED TO THE PETITIONER'S MOTHER.
- EXHIBIT P8. COPY OF THE RATION CARD ISSUED TO THE PETITIONER'S MOTHER DATED 24.12.2008.
- EXHIBIT P9. COPY OF THE CBSE MARKS STATEMENT ISSUED TO DHANY S.NAIR DATED 23.05.2005.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.6798 of 2015

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Dated this the 30th day of March, 2015

JUDGMENT

The petitioner is stated as aggrieved of the stand taken by the respondents in getting a passport as applied for vide Ext.P6 showing the name of the petitioner's mother as 'Syamala Nair'. It is stated that, as per Ext.P1 Birth Certificate, the name of the mother has been shown as 'Syamala Kumari M.C'. But as per the school records, it is shown as 'Syamala Nair'. The petitioner has produced Ext.P5 affidavit attested by a Notary to the effect that the person shown as 'Syamala Kumari M.C' and 'Syamala Nair' is one and the same. But the application preferred by the petitioner has not been positively dealt with so as to redress the grievance and hence the writ petition.

2. A statement has been filed on behalf of respondents 1 and 2 in which paragraphs 3, 4 and 8 are in the following terms:-

"3. The name of the petitioner's mother entered in the Birth Certificate is "Syamala Kumari M.C." whereas it is "Syamala Nair" in the School Certificate and 'Syamala" in the Ration Card. Thus, there are three different versions of the same name. The name of the

mother is not reflected consistently in the various documents produced by the petitioner. The mother's school certificate bears her name as "Syamala Kumari M.C", which is the same as seen in the petitioner's birth certificate.

4. Whereas, the birth certificate is the prime document evidencing the details regarding a person's birth, the school certificate only evidences the persons competency in clearing an exam. Since the birth certificate is one of the documents indispensable in issuing a passport, the same is relied upon by the Passport Issuing Authority as an authentic evidence whenever there is conflict among the documents.

8. There is no point of dispute if the petitioner wishes to apply for a passport with mother's name as entered in the birth certificate. In case he wishes to have the mother's name as in the school certificate, it would be judicious to correct the birth certificate and then apply for a passport. In the absence of specific rules to deal with the present situation, and since there is a change in the basic name of the mother i.e. from "Syamala Kumari" to "Syamala Nair", either the applicant can apply for passport with the mother's name as shown in his Birth Certificate or to have the mother's name in the Birth Certificate amended to match the School Certificate before applying for the passport."

3. Heard the learned Standing Counsel appearing for the respondents as well, who submits with reference to the contents of the statement that the course subjected by the respondent is only in the best interest of the petitioner and that they do not

have any objection, if at all the petitioner wants to have the passport issued showing the name of the mother as 'Syamala Kumari M.C' as in Ext.P1 Birth Certificate issued which is a primary document.

4. The learned counsel for the petitioner submits that the petitioner might be permitted to have such a course and to have the necessary records corrected in the due course if necessitated.

5. In the above circumstances the petitioner is set at liberty to file a fresh application before the concerned respondent showing the name of the mother as it appears in Ext.P1 Birth Certificate, subject to which the application for the issuance of Passport shall be considered and necessary steps shall be taken to have the proceedings finalised within one month.

The writ petition is disposed of.

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

sj