

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 6847 of 2015 (E)

PETITIONER:

**STEPHEN A, S/O.ARUMAI KODI,
AGED 36 YEARS, SOUTH DIVISION,
CHOKANAD ESTATE, KANNAN DEVAN HILLS,
MUNNAR, IDUKKI DISTRICT - 685 612.**

**BY ADVS.SRI.R.KRISHNAKUMAR (CHERTHALA)
SMT.TINY THOMAS**

RESPONDENT(S):

- 1. UNION OF INDIA,
REP. BY ITS SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF MINISTRY OF EXTERNAL AFFAIRS,
PATIALA HOUSE, NEW DELHI - 110 001.**
- 2. THE PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
PANAMPILLI NAGAR, ERNAKULAM - 682 036.**

BY SRI.N.NAGARESH, A S G OF INDIA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 6847 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: A TRUE COPY OF THE PASSPORT OF THE PETITIONER (NO.G8248997).**
- P2: A TRUE COPY OF THE RELEVANT EXTRACT OF SSL CERTIFICATE OF THE PETITIONER ISSUED BY GOVERNMENT OF TAMIL NADU.**
- P3: A TRUE COPY OF THE ADHAAR CARD OF THE PETITIONER.**
- P4: A TRUE COPY OF THE ID CARD OF THE PETITIONER ISSUED BY THE ELECTION COMMISSION OF INDIA.**
- P5: A TRUE COPY OF THE JUDGMENT DT. 3/2/2015 IN WPC NO.2109/2015 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 6847 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No. G 8248997. The same is valid till 30.06.2018. The date of birth shown in the passport is '4.10.1981' which according to the petitioner is actually **04.10.1978**. The petitioner wants to effect correction of date of birth in the passport with reference to the entries in Ext.P3 and P4 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 7 & 8 are relevant which read as follows:

"7. The plaintiff needs to explain before this Hon'ble Court, how the T.C and SSLC came to bear two different dates of birth and whether any of the said documents are fake? He should also be made to explain the circumstances which prompted him to obtain a passport with a false date of birth. The Passport Issuing Authority was only right in refusing to accept his application for correction of date of birth summarily, as this helped bring the malafide actions of the petitioner before a court of law. Also, the Passport Issuing authority has no means for readily establishing the genuineness of the documents produced before it every time an application is made for passport. Only when corrections sought in passports can be genuinely established as a mistake, either on the part of the applicant or the Passport Issuing Authority, or where the records are available to establish that there are no malafide intentions can the Passport issuing Authority correct such mistakes at its discretion. In all other cases, either criminal case have to be filed so that the matter is investigated into, or the applicants have to be put through a strict test in a court of law, before the data entered in the passport and accepted by the applicant over the years, are to be corrected.

8. A certain trust is placed on the declaration signed

by the applicant which states that all information given by him/her are true and correct. A passport is also issued only after obtaining clear police verification report. It is in these circumstances that huge variation in personal data arouse the suspicion of the respondents and such cases are referred for adjudication to the competent Court.

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.**