

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

**PRESENT:**

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

**FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936**

**WP(C).No. 6955 of 2015 (T)**  
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**PETITIONER:**  
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**SUJITH VIJAYAN, AGED 36 YEARS,  
S/O VIJAYAN, KOOTTAKKALLIL HOUE,  
ADIMALI P.O., MANNAMKANDOM VILLAGE,  
IDUKKI DIST.**

**BY ADV. SRI.S.JIJI**

**RESPONDENT(S):**  
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- 1. UNION OF INDIA,  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
DEPARTMENT OF MINISTRY OF EXTERNAL AAFFAIRS,  
PATIALA HOUSE, NEW DELHI-110 001.**
- 2. THE PASSPORT OFFICER  
REGIONAL PASSPORT OFFICE,  
PANAMPALLY NAGAR, ERNAKULAM-682036.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**mbr/**

WP(C).No. 6955 of 2015 (T)  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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**EXHIBIT P1: TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT ISSUED IN  
THE NAME OF THE PETITIONER.**

**EXHIBIT P2: TRUE COPY OF THE BIRTH CERTIFICATE DATED 30.12.2014 ISSUED  
BY THE REGISTRAR OF BIRTHS AND DEATH OF MUVATTUPUZHA  
MUNICIPALITY.**

**RESPONDENT(S)' EXHIBITS:** - **NIL**  
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**/TRUE COPY/**

**P.S. TO JUDGE**

**mbr/**

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

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W.P.(C) No. 6955 of 2015

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Dated, this the 20<sup>th</sup> day of March, 2015

**JUDGMENT**

The petitioner has approached this Court seeking for a direction to the respondents to correct the entry in respect of his date of birth in the passport.

2. The case of the petitioner is that, the actual date of birth of the petitioner is 22.02.1979, as borne by Ext. P2 extract of birth certificate, whereas the same happened to be entered wrongly in the passport as 24.02.1980. It is stated that, though the petitioner preferred a request for correction of date of birth, along with Ext. P2, the same was not entertained by the respondent.

3. The learned Central Government Counsel appearing for the respondents, with reference to the statement filed, submits that petitioner will have to file an on-line application along with original documents in support of claim. Paragraphs 3 to 5 and 7 of the statement are relevant, which read as follows :

"3. The petitioner is the holder of Passport No. G7420479 dated 13.02.2008 issued by Regional Office, Cochin. The passport was issued in continuation of passport No. E 7961322 dated 24.02.2004 issued by RPO, Cochin which

was reported lost. The date of birth entered in both passports are 24.02.1979. Petitioner had obtained the first passport by submitting his SSLC book as proof of his date of birth and not without any documents as mentioned in the petition.

4. Petitioner has now produced a birth certificate issued by the Registrar of Births and Deaths, Muvattupuzha wherein his date of birth is entered as 22.02.1980. Evidently, the date of birth of the petitioner varies by approximately one year in the two documents.

5. Vide para 5.2 (d) of Chapter 8 of the Passport Manual the following procedure is enunciated -

"Where the initial entry has been made on the basis of a supportive document issued by one competent authority, i.e., school/educational authority, and the applicant subsequently requests for change on the basis of a certificate issued by another competent authority, i.e. Municipal authorities etc. resulting in conflicting documents for valid proof, the PIA should accept the birth certificate as the correct date of birth. However suspicious documents should be verified from the issuing authority".

6. As described in para 3, the Passport Issuing Authority has full powers to effect the correction in

date of birth provided the applicant produces the original of the birth certificate establishing his claims.

7. The averments of the petitioner in para 3 of the petitioner is baseless. He has not produced proof that he was directed to produce a court order for correcting the date of birth. He might have been misdirected by agents functioning near the precincts of the office of the respondents. It is prayed that the Hon. Court may direct him to approach the respondents with the original of documents in support of his claim. He has to make an online application as per laid out procedures and submit the same along with prescribed documents at the Passport Seva Kendra of his choice with prior appointment."

5. As per the law declared by this Court in **Musthafa Nambiamkulam Abdulkader Vs. Ministry of External Affairs [2013 (4) KLT 527]**, birth certificate issued by the competent authority is the most reliable piece of evidence to substantiate the date of birth and place of birth. In the said circumstances, the petitioner is relegated to file an on-line application for correction of date of birth along with an affidavit and the documents relied on by the petitioner, on which event, the same shall be accepted and considered by the second respondent, passing appropriate orders in

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the light of the decision cited supra within a period of three weeks thereafter.

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

The Writ Petition is disposed of.

Sd/-

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

kmd