

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 7760 of 2015 (T)

PETITIONER:

**MOOSA MURINGAKKAL, AGED 41 YEARS,
UMMER MURINGAKKAL, MURINGAKKAL HOUSE,
MERUVINKUNNU KOOTILANGADI P.O,
MALAPPURAM DIST-676 506.**

BY ADV. SRI.P.K.MOHAMED JAMEEL

RESPONDENT(S):

- 1. UNION OF INDIA,
REP.BY THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI - 110 001.**
- 2. THE PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
INTERCITY ARCADE, DOWNHILL POST,
MALAPPURAM, KERALA -676 519.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 7760 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1 - THE TRUE COPY OF THE ONLINE APPLICATION RECEIPT HAVING
REFERENCE NO.14-1002456869.**

**EXT.P2 - TRUE COPY OF THE RELEVANT PAGE OF THE SECONDARY SCHOOL
LEAVING CERTIFICATE, GOVT.HIGH SCHOOL, MAKKARAPPARAMBA.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 7760 of 2015

Dated this the 25th day of March, 2015

JUDGMENT

The petitioner is the holder of the passport bearing No. B5829396 (old passport number). The date of birth, especially the year of birth shown in the said passport 1968, which according to the petitioner is actually **15.04.1973**. The petitioner wants to effect correction of date of birth in the new passport to be issued with reference to the entires in Ext.P2 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 4 & 5 are relevant which read as follows:

"4. The petitioner has approached Passport Seva Kendra, Malappuram for re-issue of passport with date of birth 15/04/1973 as in SSLC (Exhibit P2). As per the standing instruction from Ministry, the applicant was advised to furnish Court Declaratory Order since the difference in date of birth in the passport and the present application for re-issue was more than 2 years.

5. The petitioner is aware of his correct date of birth in SSLC and hence he has applied for correction of date of birth in passport, it is suspected that the initial passport was obtained with ante dated date of birth to procure job abroad. Even at the time of re-issuing the passport in 2001 no effort was made by the applicant to rectify the error in passport, if it was a mistake, it is a clear case where the applicant is trying to mislead the Hon'ble Court for personal gains by applying for correction of date of birth in passport after a long period just to bypass regulations on employment and to overcome upper age ceilings for employment abroad."

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.**

kp/-