

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 8341 of 2015 (P)

PETITIONER :

**G.PUSHPA RAJAN,
S/O.GOPINATHAN,AGED 52 YEARS,
PUTHUVALVILA VEEDU, KOPPAM,
ADAYAMON, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.M.ZIYAD
SRI.SANU.S.PANICKER
SRI.T.A.PRAKASH**

RESPONDENT(S):

- 1. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, VAZHUTHACAUD,
THIRUVANANTHAPURAM- 695 001.**
- 2. PASSPORT SEWA KENDRA, VAZHUTHACAUD,
GROUND FLOOR, CARMEL TOWERS,
OPPOSITE GIRLS HIGH SCHOOL, VAZHUTHACAUD,
THIRUVANANTHAPURAM- 695 001.**

R1 & R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1- TRUE COPY OF THE RELEVANT PAGE OF THE PASSPORT ISSUED TO THE PETITIONER.
- EXT P2- TRUE COPY OF THE EXTRACT OF ADMISSION REGISTER DATED 22/06/09 ISSUED TO THE PETITIONER BY THE HEADMISTRESS, ADAYAMON U.P. SCHOOL, THIRUVANANTHAPURAM.
- EXT P3- TRUE COPY OF THE APPLICATION DATED 14/01/2015 SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.
- EXT.P4- TRUE COPY OF THE PASSPORT NO.T622566 ISSUED ON 29/01/1983 AT COCHIN TO THE PETITIONER BY THE RESPONDENTS
- EXT.P5- TRUE COPY OF THE AADHAR CARD NO.827711922324 ISSUED BY THE GOVERNMENT OF INDIA TO THE PETITIONER.
- EXT.P6- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENTS DATED 27/05/2013

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No. 8341 of 2015

Dated this the 24th day of June, 2015

J U D G M E N T

The petitioner seeks re-issue of his passport with necessary correction in the date of birth of the petitioner as entered in the earlier passport. The brief facts necessary for the disposal of the writ petition is that the date of birth shown in the passport issued in 1983 is 10.05.1952. Subsequently the petitioner obtained renewal of the passport in the year 1993 at Riyadh. After the expiry of the passport in 2003, the petitioner is said to have not traveled abroad. Subsequently the application as indicated in Ext.P3 was made. The date of birth in the said application is shown as 10.05.1952. The petitioner applied for a passport in the year 2013 with his date of birth as 10.05.1952 and the mother's name as Gugrabi, as is seen from Ext.P3.

2. The petitioner filed the above writ petition seeking correction of date of birth on the basis of the extract of the

admission register issued from the school at Ext.P2. On appearance, the respondents also pointed out that there is change in the name of the mother. The petitioner claims that the mother's name is also evident from Ext.P2 as Kausallya and not Gugrabi as shown in Ext.P3. It is not clear as to how the aforesaid mistake was occasioned, especially when Ext.P3 shows the details on which the petitioner made an application by himself. The petitioner only says that he is a person who has studied up to 5th standard. But, this Court cannot countenance such contentions especially since the the petitioner had been holding a valid passport for almost 20 years and had been employed abroad also.

3. With respect to the correction of Date of Birth, in the earlier passport also it is not clear as to the exact date of Birth, since Ext.P1 shows it to be 10.05.1952. The passport renewed at Riyadh also shows the date in Ext.P4 as 10.5.1952. The petitioner relies on the words "Fifty seven" interpolated in the document.

However, no reliance can be placed on that.

4. Hence the petitioner should be understood to have applied for the original passport with his date of birth as 10.05.1952. In consonance with this he applied in the year 2015 also, as is indicated at Ext.P3. The petitioner hence cannot now seek for correction of his date of birth as 26.04.1962 on the basis of Ext.P2 admission register. The admissibility of such a document and the claim made after many years came up for consideration in W.P(C) No.9073/2015 and connected cases which was considered by judgment dated 23.06.2015. It has been found that Ext.P2 admission register is not one which can be relied on for correcting the entries made in the passport. It was also found that the delay in approaching the Passport Issuing Authority to make correction also would disentitle any invocation of the extraordinary remedy under Article 226. In such circumstance, the petitioner's application for correction of date of birth cannot be permitted.

5. However, as to the correction of the mother's name, the same seems to be a bonafide mistake made by the petitioner. In such circumstance if a fresh application is made with the correct name of the mother and documents to substantiate the same, definitely, the PIA would look into it and consider issuance of passport in accordance with law, however, the date of birth as indicated in the earlier passport has to be retained.

Writ petition is partly allowed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge