

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937**

**WP(C).No. 10457 of 2015 (F)**  
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**PETITIONER :**  
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**KUNNATHULLY LOHIDAKSHAN, AGED 44 YEARS,  
S/O.LOHIDAKSHAN KUNNATHULLY,  
PERMANENTLY RESIDING AT KUNNATHULLY HOUSE,  
MANALUR (P.O.), THRISSUR RURAL, PIN 680617.**

**BY ADVS.SRI.R.O.MUHAMED SHEMEEM  
SMT.NASEEHA BEEGUM P.S.  
SRI.T.PABDUL HAMEED  
SRI.RUKSANA K.ZUBAIR**

**RESPONDENTS :**  
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- 1. THE REGIONAL PASSPORT OFFICER,  
THE REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR (PO),  
ERNAKULAM DISTRICT, PIN 682036.**
- 2. UNION OF INDIA,  
REPRESENTED BY THE SECRETARY,  
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI, PIN 110011.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**bp**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT-P1: TRUE COPY OF THE TRANSFER CERTIFICATE ISSUED FROM THE  
GOVERNMENT HS MANALUR, THRISSUR.**

**EXHIBIT-P2: TRUE COPY OF THE PRESENT PASSPORT BEARING NO.Z 2365903  
ISSUED TO PETITIONER ON 13.10.2012 FROM MUSCAT.**

**EXHIBIT-P3: TRUE COPY OF THE APPLICATION REFERENCE NO.15-1002066497,  
DATED 03.03.2015 CONTAIN THE REQUISITE FOR COURT ORDER.**

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

**P.A. TO JUDGE**

**bp**

K. VINOD CHANDRAN, J

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W.P(C) No. 10457 of 2015  
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Dated this the 22<sup>nd</sup> day of May, 2015

J U D G M E N T

The petitioner is aggrieved with the non-consideration of an application filed for change of date of birth in his passport. Admittedly, the petitioner had obtained a passport with the date of birth shown as 20.05.1963. The statement filed on behalf of the respondent would indicate that the petitioner had been holding the said passport for more than 20 years and was a frequent traveller. The petitioner contends that as per the transfer certificate issued, produced at Ext.P1, petitioner's date of birth is shown as 20.05.1971. The petitioner seeks that the date of birth be corrected in his passport in accordance with Ext.P1 Transfer Certificate.

2. The claim of the petitioner can only be considered under a Circular issued by the Ministry of External Affairs numbered as VI/401/2/5/2/2001 dated 29.10.2007, which is produced across the Bar by the learned Assistant Solicitor General. The said

circular speaks of rectification/correction in date of birth or place of birth in instances where the applicant himself had committed a mistake as also the mistake caused by the Passport Issuing Authorities (PIAs), who issued the passport. In the latter case, the date of birth is corrected in the original passport issued and when the applicant has committed a mistake, the circular requires a procedure to be followed, wherein the applicant is required to surrender the passport with details of original date of birth entered as also authenticating documents with respect to the change necessitated along with an affidavit explaining the circumstances under which such a mistake occurred. Where the mistake is pertaining to less than 2 years, the circular also permits the PIA to make the correction and in excess of 2 years, it is required that a Court order obtained by the applicant. It is based on the above circular that the writ petition has been filed seeking an order directing correction of date of birth.

3. It is evident from the statement filed on behalf of the respondent that, the original documents of the passport, which was issued 20 years back is not available with the PIA. The petitioner also has not been able to substantiate as to how the date of birth entered in the passport was asserted before the PIA, when the passport was originally applied for and issued. It is also to be noticed that the petitioner had been holding the passport for the last 20 years and only now the petitioner thought of correcting the date of birth that too relying on a Certificate, Ext.P1, which is said to be issued by the teacher-in-charge of the school from which the petitioner completed his Matriculation. The date of issuance of Ext.P1 Certificate is 01.06.1989 and it is not clear as to why the said Certificate was not relied upon at any earlier point of time. The Transfer Certificate is also not an authenticated document, which could be relied on by the PIA, to correct the record. In such circumstances there is no authenticated document, which could be

relied on by the PIA and the petitioner having not sought for the correction in the last 20 years when he was holding a valid passport and was also using it regularly and frequently, there is no warrant for issue of a mandamus. The passport which was issued to the petitioner 20 years back was also reissued many times. When too, the petitioner did not seek for such a correction in the date of birth.

The writ petition hence would stand dismissed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge