

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 10491 of 2015 (J)

PETITIONER(S):

**ABDUL KAREEM, AGED 49 YEARS,
S/O. ISMAYIL, KALLUMPURATHU, KOOTTAMVELI
PALLARIMANGALAM, POTHANICAD,
ERNAKULAM DISTRICT-686 671.**

**BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN
SRI.M.M.ANSAR**

RESPONDENT(S):

- 1. REGIONAL PASSPORT OFFICER,
KOCHI, PANAMPILLY NAGAR,
ERNAKULAM DISTRICT-682 016.**
- 2. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 3. THE UNION OF INDIA,
REP. BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI, PIN-110 001.**

**R1 & R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY GOVERNMENT PLEADER SMT.C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 10491 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 : THE TRUE COPY OF THE PETITIONER'S PRESENT PASSPORT.

EXT. P2 : THE TRUE COPY OF THE ELECTION I.D. OF THE PETITIONER.

EXT. P3 : THE TRUE COPY OF THE DRIVING LICENCE OF THE PETITIONER.

**EXT. P4 : THE TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF
THE PETITIONER.**

**EXT. P5 : THE TRUE COPY OF THE APPLICATION RECEIPT DTD.23.3.2015 FOR
REISSUE OF PASSPORT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

K. VINOD CHANDRAN, J.

W.P.(C) No. 10491 of 2015 (J)

Dated this the 26th 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 04.06.1961. 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 certificates issued, produced at Exts.P2, P3 and P4, the petitioner's date of birth is shown as 15.12.1966. The petitioner seeks that the date of birth be corrected in his passport in accordance with Exts.P2, P3 and P4 Certificates.

2. The claim of the petitioner can only be considered under a Circular issued by the Ministry of External Affairs numbered as VI/401/2/522001 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 be 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 Certificates, Exts.P2, P3 and P4. Ext.P4 is the matriculation certificate issued in 1982, which was available when the passport was applied for. It is not clear as to why the said Certificate was not relied upon at the earlier point of time when the passport was applied or within a reasonable time of its issuance. The mere fact that the circular required an order of Court, to make a correction in excess of two years

does not mean that it will be granted for the asking, without a reasonable cause. No explanation is forthcoming for the earlier declaration made. The petitioner also 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 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