

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 12339 of 2015 (N)

PETITIONER:

**RASHEEDALI PANAKKADAN,
S/O.ABDURAHIMAN PANAKKADAN,
AGED 22 YEARS, PANAKKADAN HOUSE,
PULLARA,MELMURI, VALLUVAMBRAM P.O,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH (K/489/2011)**

RESPONDENT:

**THE PASSPORT OFFICER,
PASSPORT OFFICE,
MALAPPURAM , PIN-676505.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 12339 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

P1:- TRUE COPY OF THE PASSPORT OF THE PETITIONER BEARING NO KO597846.

**P2:- TRUE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED BY
POOKKOTTUR GRAMA PANCHAYATH DATED 26/11/2014.**

**P3:- TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.

W.P.C. No.12339 of 2015

Dated this the 21st day of May, 2015.

JUDGMENT

The petitioner is concerned with the correction of date of birth as entered in his Passport. The petitioner was issued with a Passport by the respondent in the year 2011 showing his date of birth as 08.01.1989. The petitioner now relies on Ext.P2 Birth Certificate issued by the Department of Panchayat, which indicates his date of birth to be 08.10.1992. The petitioner contends that, the earlier date was entered only due to a mistake committed by the petitioner and the issue is covered by the judgment of this Court in ***Naser V. Union of India [2014(4) KLT 609]***.

2. The learned Assistant Solicitor General of India appearing for the respondent has filed a statement, in which it has been specifically pointed out that the date of birth as entered in the

Passport issued in 2011 was also on the basis of a document produced by the petitioner and if at all the same has to be corrected, the petitioner has to surrender the Passport issued and convince the Passport Issuing Authority (PIA) as to the genuineness of the document now produced and the circumstances, which led to a mistake having been committed in the application itself. Further, the correction would also be subject to police verification and the specific conditions as prescribed in the Circular No.VI/401/2/5/2001 dated 29.10.2007. With respect to the afore-cited judgment, the learned ASG of India would contend that the same is stayed by a Division Bench in an appeal filed by the respondents.

3. The Circular issued by the Ministry of External Affairs dated 29.10.2007 has been made available to this Court across the bar by the learned ASG of India. The Circular takes into account both instances, where the mistake is committed by the applicant or by the Passport Issuing Authority. In the instance of mistake committed by the Passport Issuing Authority, the Circular mandates correction in the Passport itself. If the date of

birth entered is by reason of a mistake committed by the applicant, the same has to be only in accordance with the Circular and on the applicant satisfying the authority as to the genuineness of the document now produced and the veracity of the correction sought for; to be verified by the Passport Issuing Authority.

In such circumstances, if the petitioner surrenders the Passport issued to him and applies for a fresh one along with an affidavit explaining the circumstances under which the earlier date of birth was asserted before the PIA, the PIA shall conduct necessary enquiry and pass orders in accordance with law within three months from the date of surrender of the Passport.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE.

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