

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 13019 of 2015 (B)

PETITIONER(S) :

CHARUDATH,
AGED 43 YEARS, S/O. LATE CHANDRADATHAN,
"PRANAVAM", NJEKKAD,
VADASSERIKONAM P.O., THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.TRIPTEN.

RESPONDENT(S) :

1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI-110 001.
2. REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, KAITHAMUKKU,
THIRUVANANTHAPURAM.
3. ASSISTANT PASSPORT OFFICER,
PASSPORT SEVA KENDRA, CARMEL TOWER,
OPPOSITE COTTON HILL HIGH SCHOOL, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695 014.

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT-P1: TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING NO.J5950541 ISSUED FROM THE REGIONAL PASSPORT OFFICE, THIRUVANANTHAPURAM ONB 18/03/1991.

EXHIBIT-P2: TRUE COPY OF THE RELEVANT PAGES OF THE EXHIBIT P1 PASSPORT WHICH EXPIRED IN 2001.

EXHIBIT-P3: TRUE COPY OF THE RELEVANT PAGES OF SSLC BOOK OF THE PETITIONER.

EXHIBIT-P4: TRUE COPY OF THE APPLICATION DATED 30/03/2015 SUBMITTED BEFORE RESPONDENT 2 AND 3.

EXHIBIT-P5: TRUE COPY OF THE COMMON JUDGMENT DATED 16/10/2014 IN WP(C) NOS.29694/12, 31200/2013, 8172, 8473, 16172, 16364, 16673, 17322, 18237, 18259, 18269 AND WP(C) 19741/2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

WP(C).No. 13019 of 2015 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE RELEVANT PAGES OF THE PASSPORT BEARING NO.J5950541
ISSUED FROM THE REGIONAL PASSPORT OFFICE, THIRUVANANTHAPURAM ON
18.3.1991.

P2 : COPY OF THE RELEVANT PAGES OF EXT.P1 PASSPORT WHICH EXPIRED IN
2001.

P3 : COPY OF THE RELEVANT PAGES OF SSLC BOOK OF THE PETITIONER.

P4 : COPY OF THE APPLICATION DTD.30.3.2015 SUBMITTED BEFORE
RESPONDENTS 2 AND 3.

P5 : COPY OF THE COMMON JUDGMENT DTD.14.10.2014 IN WPC
NOS.29694/12, 31200/13, 8172, 8473, 16172, 16364, 16673, 17322,
18237, 18259, 18269 AND WPC 19741/14.

RESPONDENT(S) ' EXHIBITS

K. VINOD CHANDRAN, J.

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Dated this the 3rd day of June, 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 25.05.1967 instead of 21.05.1972 as recorded in Ext.P3 School Leaving Certificate. The statement filed on behalf of the respondent would indicate that the petitioner had originally obtained the passport in 1991 and renewed it in 2001 and 2011. At no point, in the last twenty four years, the petitioner requested for any change in the date of birth.

2. The petitioner contends that as per the School Leaving Certificate issued, produced at Ext.P3, petitioner's date of birth is shown as 21.05.1972. The petitioner seeks that the

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date of birth be corrected in his passport in accordance with Ext.P3 School Leaving Certificate.

3. 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

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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.

4. It is evident from the statement filed on behalf of the respondent that, the original documents of the passport, which was issued in 1991 is not available with the PIA. The petitioner also has not been able to substantiate as to how the date of birth entered originally 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

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holding the passport for the last very many years and only now the petitioner thought of correcting the date of birth that too relying on a Certificate, Ext.P3, which was issued long back, and which was available when the passport was applied for. The School Leaving Certificate though not an authenticated document, which could be relied on by the PIA, to correct the record, there is no explanation as to why the petitioner did not seek for correction in the last 24 years when he was holding a valid passport and was also using it regularly and frequently. The declarations made in the passport, on which is facilitated the travel and residence abroad, is the basic document as to the identity of the citizen. The details entered therein, as per the self declaration, would have been acted upon by many, as an authenticated record of the details of the citizen. It cannot be lightly interfered with. There is no warrant for issue of a

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mandamus. The passport issued to the petitioner 24 years back, was also renewed two times, when too, the petitioner did not seek for such a correction in the date of birth. No plausible explanation is offered on the date of birth as declared at the time of issuance, was continued all these years.

The writ petition hence would stand dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.