

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 13183 of 2015 (W)

PETITIONER :

**SHAJAHAN, AGED 44 YEARS,
S/O.ABDUL AZEEZ, KATTUVILAKATHU PUTHEN VEEDU,
ALAMCODE P.O, ATTINGAL, THIRUVANANTHAPURAM DISTRICT**

BY ADV. SRI.M.DINESH

RESPONDENTS :

- 1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI 110 001**
- 2. THE PASSPORT OFFICER,
REGIONAL PASSPORT, KAITHAMUKKU,
THIRUVANANTHAPURAM - 695 101**
- 3. THE ASSISTANT PASSPORT OFFICER,
PASSPORT SEVA KENDRA, GROUND FLOOR, KARMAL TOWERS,
OPP. CUTTON HILL GIRLS HIGH SCHOOL, VAZHUTHACAUD,
THIRUVANANTHAPURAM - 695 014**

R1 TO R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE RELEVANT EXTRACT OF THE PASSPORT OF THE PETITIONER BEARING NO 11323/95
- EXT.P2: TRUE COPY OF THE RELEVANT EXTRACT OF THE PRESENT PASSPORT BEARING NO E 9704819.
- EXT.P3: TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER.
- EXT.P4: TRUE COPY OF THE AADHAAR CARD OF THE PETITIONER.
- EXT.P5: TRUE COPY OF THE ELECTION IDENTITY ISSUED BY INDIAN ELECTION COMMISSION OF THE PETITIONER
- EXT.P6: TRUE COPY OF THE APPLICATION SUBMITTED BY PETITIONER BEFORE THE 2ND RESPONDENT 26-3-2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J

W.P(C) No. 13183 of 2015

Dated this the 01st day of July, 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 16.12.1963. 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 Ext.P3 School Leaving certificate, Ext.P4 Aadhaar Card and Ext.P5 Election Identity Card the petitioner's date of birth is shown as 21.05.1968. The petitioner seeks that the date of birth be corrected in his passport in accordance with Exts.P3, P4 and P5.

2. The claim of the petitioner can only be considered under a Circular issued by the Ministry of External Affairs numbered as VI/401/2/5/2001 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 Exts.P3 which is said to be the School Leaving Certificate. It is not clear as to why the said Certificate was not relied upon at any earlier point of time. 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 issue is also covered by a judgment of this Court in W.P(C) No.9073/2015 and connected cases dated 23.06.2015.

The writ petition hence would stand dismissed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge