

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

**PRESENT:**

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

**TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937**

**WP(C).No. 18804 of 2015 (A)**  
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**PETITIONER:**  
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**CHENGANACKATTIL ABDUL KAREEM,  
AGED 54 YEARS, S/O.MUHAMMED,  
CHENGANACKATTIL HOUSE, THIRUTHY,  
KODINHI P.O, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL  
SMT.ANJALI G.KRISHNAN**

**RESPONDENT(S):**  
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- 1. UNION OF INDIA,  
RERPRESENTED BY THE SECRETARY TO THE  
MINISTRY OF EXTERNAL AFFIARS,  
NEW DELHI - 110 001.**
- 2. THE PASSPORT OFFICER,  
REGIONAL PASSPORT OFFICE, MALAPPURAM,  
POST MALAPPURAM, PIN - 676 505.**

**BY SRI.N.NAGARESH, A S G**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**mbr/**

**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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- EXHIBIT P1 : THE TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT  
NO.K 4625960 OF THE PETITIONER DATED 19-04-2012.
- EXHIBIT P2 : TRUE COPY OF THE RELEVANT PAGES OF THE S.S.L.C BOOK OF THE  
PETITIONER DATE NIL.
- EXHIBIT P3 : THE TRUE COPY OF THE AADHAR CARD NO 915741420983 OF THE  
PETITIONER.
- EXHIBIT P4 : THE TRUE COPY OF THE ELECTORAL IDENTITY CARD OF THE  
PETITIONER.
- EXHIBIT P5 : THE TRUE COPY OF THE ONLINE APPLICATION SUBMITTED BY THE  
PETITIONER BEFORE THE 2ND RESPONDENT DATED 16-06-2015.
- EXHIBIT P6 : THE TRUE COPY OF THE DETAILS OF THE APPOINTMENT OF THE  
PETITIONER.
- EXHIBIT P7 : THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE  
PETITIONER DATED 17-06-2015 BEFORE THE 2ND RESPONDENT.

**RESPONDENTS' EXHIBITS:**           NIL.

**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

K. VINOD CHANDRAN, J

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W.P(C) No. 18804 of 2015  
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Dated this the 21<sup>st</sup> 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 16.11.1952. The statement filed on behalf of the respondent would indicate that the petitioner had been holding the said passport for more than 15 years and was a frequent traveller. The petitioner contends that as per the School Leaving certificate issued, produced at Ext.P2, petitioner's date of birth is shown as 23.07.1961. The petitioner seeks that the date of birth be corrected in his passport in accordance with Ext.P2 School Leaving Certificate.

2. The claim of the petitioner can only be considered under a Circular issued by the Ministry of External Affairs numbered as VI/401/2/5/2001 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. The statement filed on behalf of the respondent would indicate

that the petitioner had earlier obtained the passport in 2002 and the petitioner had applied for renewal of the passport, and he had not requested for any change in the date of birth. It is evident from the statement filed on behalf of the respondent that, the original documents of the passport, which was issued 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 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 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.P2, which issued long back. 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 several 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 15 years back when too, the petitioner did not seek for such a correction in the date of birth. The issue is covered by 2015 (3) KLT 158 (Jayakumar v. Regional Passport Officer).

The writ petition hence would stand dismissed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge