

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 34511 of 2014 (L)

PETITIONERS :

**JAYAVALSALAN P.K.,
AGED 48 YEARS,
S/O.KUNHAPPU, PANTHAYIL HOUSE
KOONAMMOCHI P.O.
THRISSUR, KERALA STATE,
PIN - 680 504.**

**BY ADVS.SRI.P.N.SANTHOSH
SMT.K.P.GEETHAMANI
SRI.P.N.APPUKUTTAN
SMT.ASWATHI APPUKUTTAN**

RESPONDENTS :

- 1. THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK, NEW DELHI
PIN - 110 001.**
- 2. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, KOCHI - PIN - 682 036.**

R1 & 2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 34511 of 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1 : A TRUE COPY OF THE FRONT PAGES OF THE PASSPORT ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT IN 1984.**
- EXT.P-2 : A TRUE COPY OF THE RELEVANT PAGE OF THE PASSPORT ISSUED BY THE CONSULATE GENERAL OF INDIA, DUBAI (UAE) TO THE PETITIONER IN 2004.**
- EXT.P-3 : A TRUE COPY OF THE FIRST PAGE OF THE PRESENT PASSPORT OF THE PETITIONER.**
- EXT.P-4 : A TRUE COPY OF THE EXTRACT OF THE ADMISSION REGISTER OF THE PETITIONER.**
- EXT.P-5 : A TRUE COPY OF THE PROCEEDINGS OF THE SUB DIVISIONAL MAGISTRATE THRISSUR DATED 31.12.2012 DIRECTING TO REGISTER THE BIRTH OF THE PETITIONER IN THE PANCHAYATH.**
- EXT.P-6 : A TRUE COPY OF THE BIRTH CERTIFICATE DATED 31.12.2012 ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS, KANDANASSERY GRAMA PANCHAYATH TO THE PETITIONER.**
- EXT.P-7 : A TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 13.2.2014 ISSUED BY THE EMPLOYER OF THE PETITIONER.**
- EXT.P-8 : A TRUE COPY OF THE COMMON JUDGEMENT DATED 16.10.2014 IN WPC NO.17322 OF 2014 AND OTHER CONNECTED CASES OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

K.T.SANKARAN, J

W.P.(C) No.34511 of 2014

Dated this the 28th day of January, 2015

JUDGMENT

The petitioner is a holder of Indian Passport. Originally the passport was granted in the year 1984, and it was being renewed from time to time. The Date of Birth shown in the Indian Passport of the petitioner is 15.3.1959. According to the petitioner, his correct Date of Birth is 20.5.1966. He relies on the school admission register (Ext.P4) to contend that his correct Date of Birth is 20.5.1966.

2. The petitioner applied for correction of the Date of Birth in his Indian Passport. The grievance of the petitioner is that, the application for correction was not entertained by the second respondent, the Regional Passport Officer.

3. The learned Counsel for the petitioner relies on the judgment of a learned single Judge in WP(C) No.17322/2014 and connected cases. It was held therein that 'Clause C' of the circular dated 29.10.2007, restricting

power of the Passport issuing authority to correct the Date of Birth beyond the period of two years is void and inoperative. It was also held that the passport issuing authorities would be entitled to make regulations prescribing an outer limit for entertaining application for correction of Date of Birth in the Indian Passport.

4. In the light of the judgment in WP(C) No.17322 of 2014 and the connected cases **[Nizar v. Union of India 2014 (4) KLT 609]**, there will be direction to the second respondent to consider the application submitted by the petitioner for correction of Date of Birth, as expeditiously as possible in accordance with law.

The writ petition is disposed of.

Sd/-
K.T.SANKARAN
JUDGE

/TRUE COPY/

PA TO JUDGE

VS