

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

W.P.(C).No.34955 of 2014 (T)

PETITIONER(S):-

ALEYAMMA SAMUEL @ ALEYAMMA M.M.,
AGED 71 YEARS,
ELAMTHOTTATHIL, THADIYOOR P.O., AYIROOR
THIRUVALLA-689 545.

BY ADV. SRI.R.GIREESH VARMA.

RESPONDENT(S):-

1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI-110 001.

2. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, PETTAH P.O.,
THIRUVANANTHAPURAM-695 024.

R1 & R2 BY ASSISTANT SOLICITOR GENERAL OF INDIA SRI.N.NAGARESH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).No.34955 of 2014 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1. TRUE COPY OF THE EXTRACT OF THE PASSPORT ISSUED TO THE PETITIONER.
- EXT.P2. TRUE COPY OF THE EXTRACT OF THE ADMISSION REGISTER ISSUED TO THE PETITIONER FROM NMLP SCHOOL.
- EXT.P3. TRUE COPY OF THE APPLICATION AND RELEVANT DOCUMENTS SUBMITTED AND RETURNED TO THE PETITIONER ALONG WITH ORDER TO PRODUCE CIVIL COURT JUDGMENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.34955 of 2014-T

Dated this the 25th day of June, 2015

JUDGMENT

The petitioner is aggrieved with the denial of correction of date of birth in the Passport, as applied for by the petitioner. The petitioner is a senior citizen, who had applied for a Passport in the year 2012, with the date of birth declared as 04.05.1951. The petitioner had taken the Passport, since her daughter, who is in United States of America, is proposing to take her also abroad. However, when applications were made, to take the petitioner abroad, there were some discrepancy noticed in the date of birth of the petitioner and, in such circumstance, the petitioner also enquired about the same and obtained an extract of the School Admission Register, which is produced at Exhibit P2. As per the Admission Register, her date of birth is shown as 04.02.1943. The petitioner contends that the same was only a *bona fide* mistake.

2. The learned Assistant Solicitor General of India, appearing on behalf of the respondents, would rely on the decision in W.P.(C).No.9073 of 2015 and connected cases, dated 23.06.2015, to contend that the correction sought for cannot be effected. It is also submitted that when applying for the Passport in Form Annexure-A, the petitioner had declared her date of birth as 04.05.1951 and produced the Election Identity Card as supporting document. In such circumstance, the learned Assistant Solicitor General would rely on the afore-cited judgment to contend that as against the two declarations made, it may not be proper for this Court to say that one is correct and the other is incorrect.

3. It is relevant to notice that, the afore-cited judgment was in a circumstance when the applicants had got issued Passports on the basis of the declarations made and continued with the same for long, without seeking for correction even when the same came up for renewal once or on more occasions. In such circumstance, this Court held that the consequence of such declaration was not perceivable and, hence, the extra-ordinary relief was declined.

4. Here is a case where the petitioner, a 71 year old lady, whose daughter is abroad, applied for a Passport with a wrong date of birth, in the year 2012. The petitioner had, on noticing the mistake as pointed out by her daughter, who is living abroad, without much delay, applied for correction. Considering the age of the petitioner and the purpose for which the petitioner is said to have applied for the Passport, it cannot be said that there was any delay caused. Nor could it be said that the petitioner had obtained any benefit out of the wrong declaration or that any third party would have acted on the said declaration.

5. True, the petitioner had given a declaration that she was illiterate and her date of birth was 04.05.1951. It is not a case where one declaration is to be found to be made properly. The extract of the School Admission Register issued to her, which, in all probability would have been a declaration by her parents, would in fact have more significance than the declaration which the petitioner made, that too after a very long period when she was advanced in age. The Election Identity Card is said to be of 1998. In such circumstance, this

Court is of the opinion that this is a fit case in which the extra-ordinary remedy can be invoked in favour of the petitioner.

6. In the above circumstances, the Passport Issuing Officer, the 2nd respondent, shall verify the genuineness of Exhibit P2 document, the original of which shall be produced by the petitioner before the said officer; and consider the correction as indicated herein, as expeditiously as possible.

The writ petition would stand allowed. Parties are left to suffer their respective costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]