

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 29TH DAY OF OCTOBER 2021 / 7TH KARTHIKA, 1943

WP (C) NO. 4057 OF 2021

PETITIONER:

SHIHABUDEEN P.
AGED 54 YEARS
S/O ISMAIL, P.V.HOUSE, EDAKARIKAKAM, THATTATHUMALA,
THIRUVANANTHAPURAM.
BY ADV T.K.ANANDA KRISHNAN

RESPONDENTS:

- 1 THE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK, GOVERNMENT
OF INDIA, NEW DELHI-110 001.
- 2 THE REGIONAL PASSPORT OFFICER,
TRIVANDRUM PASSPORT OFFICE, THIRUVANANTHAPURAM
BY ADVS.
SHRI.P.VIJAYAKUMAR, ASG OF INDIA
SRI.JAISHANKAR V.NAIR, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29.10.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J

.....
W.P.(C) NO. 4057 OF 2021

.....
Dated this the 29th day of October, 2021

JUDGMENT

Petitioner seeks for a writ of mandamus to the Regional Passport Officer to accept the application of the petitioner for correcting his date of birth in the passport and to issue the renewed passport with corrected entries.

2. Petitioner is the holder of an Indian Passport bearing No.J9144016. It is alleged that the date of birth as entered in his passport is 06-08-1960, while according to the petitioner, his correct date of birth is 26-05-1966. He claims that he was unaware of the mistaken entry in the passport and that, though he has been working abroad for the last

several years, when he realised the mistake, immediately he has sought for correction of the wrong entries. However, the office of the Regional Passport Officer refused to accept the application without a Court order and it is in such circumstances that, petitioner has invoked the remedy under Article 226 of the Constitution of India.

3. A statement has been filed on behalf of the respondents stating that petitioner was issued with the passport bearing No.E6563923 dated 19-01-2004 and that no satisfactory explanation was forthcoming about the documents furnished by the petitioner that formed the basis for obtaining his initial passport with the alleged incorrect date of birth. It was further stated that the Authority had even noticed a difference in the name of the petitioner in his S.S.L.C certificate as well

as the present passport, which has not been requested to be connected, till date. Respondents pointed out that if the school leaving certificate contains the authentic date of birth of the petitioner, as claimed, then obviously petitioner had obtained the initial passport by relying upon some false documents and that at no point of time in the last three decades, had the petitioner ever approached the respondents for correcting the date of birth in his passport.

4. I have considered the rival contentions. The issue regarding correction of date of birth at a belated stage has already been considered by this Court in several decisions. This Court has held that a passport is a solemn document and the entries therein cannot be interfered with lightly, that too, after several years of its issuance, without

any specific explanation for such mistaken entries in the passport. A Division Bench of this Court in ***Vasu Sasi Vs. Union of India and others*** (2020 (4) KHC 405) has held that no writ can be issued for correcting the date of birth in passports having unexplained and undue delay, especially when the reason for such entries in the initial passport remains unexplained satisfactorily.

5. It is also to be noticed that the application of the petitioner is not based upon any new or corrected birth certificate issued by the Authority under the Registration of Births and Deaths Act 1969. The correction that is now sought, is based upon a document that has been in existence for the last several years and the petitioner was obviously aware of the alleged mistaken entry.

6. In the above circumstances, the jurisdiction of this Court under Article 226 cannot be invoked for the purpose of directing the Passport Issuing Authority to correct such alleged mistaken entries relating to the date of birth of the petitioner. The petitioner is not entitled to any reliefs in the writ petition.

The writ petition fails and is hence dismissed.

Sd/-
BECHU KURIAN THOMAS
JUDGE

AJM

APPENDIX OF WP(C) 4057/2021

PETITIONER'S EXHIBITS :

EXHIBIT P1 A TRUE COPY OF THE RELEVANT PAGES OF THE
PASSPORT BEARING NO J 9144016 OF THE
PETITIONER.

EXHIBIT P2 THE TRUE COPY OF THE 1ST PAGE OF THE
S.S.L.C.BOOK.

RESPONDENT'S EXHIBITS : NIL

AJM

//TRUE COPY//

PA TO JUDGE