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YahiyA.K.i Vs. the Secretary

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Court : Kerala

Decided On : Jan-02-2014

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : YahiyA.K.i

Respondent : The Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON THURSDAY, THE2D DAY OF JANUARY201412TH POUSHA, 1935 WP(C).No. 31320 of 2013 (L) ---------- PETITIONER : ---------- YAHIYA.K.I, AGED48YEARS, S/O. IBRAHIM, KARUKUNNATHU HOUSE, PERINGALA.P.O., ALWAYE, ERNAKULAM DISTRICT. BY ADV. SRI.T.K.SHAJAHAN RESPONDENT(S): ---------- 1. THE SECRETARY, MINISTRY OF EXTERNAL AFFIARS, SOUTH BLOCK, GOVERNMENT OF INDIA, NEW DELHI-110001.

2. THE REGIONAL PASSPORT OFFICER, COCHIN PASSPORT OFFICE, PANAMPILLY NAGAR, ERNAKULAM-682036. BY ADV. SRI.P.PARAMESWARAN NAIR, ASG OF INDIA THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON0201-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: vs WP(C).No. 31320 of 2013 (L) ---------- APPENDIX ---------- PETITIONER'S EXHIBITS

---------- P1. TRUE COPY OF THE PASSPORT NO. Y95805DT.10-12-1985 OF THE PETITIONER. P2. TRUE COPY OF THE RENEWED PASSPORT NO. M. 668784 DT. 10-5-1993 OF THE PETITIONER. P3. TRUE COPY OF THE PASSPORT NO. F506802 DT. 10-10-2005 OF THE PETITIONER. P4. TRUE COPY OF THE1T PAGE OF S.S.L.C. BOOK OF THE PETITIONER SHOWING THE DATE OF BIRTH OF PETITIONER. P5. TRUE COPY OF THE APPLICATION FOR PASSPORT SUBMITTED BEFORE THE2D RESPONDENT. P6. TRUE COPY OF THE CIRCULAR DATED2910-2007 ISSUED BY THE1T ` RESPONDENT. RESPONDENT(S)' EXHIBITS : NIL ---------- // TRUE COPY // P.S. TO JUDGE vs P.R.RAMACHANDRA MENON, J.

- W.P.(c) No.31320 OF2013- Dated this the 2nd day of January, 2014

JUDGMENT

The petitioner has approached this Court seeking for a direction to the respondents to correct the entry in respect of his date of birth in the passport.

2. The case of the petitioner is that, the actual date of birth of the petitioner is 12/04/1965, as borne by Ext. P4 relevant extract of SSLC book, whereas the same happened to be entered wrongly in the passport as 12/06/1958. It is stated that, though petitioner preferred a request for correction of date of birth, the same was not entertained by the respondents and hence is before this Court.

3. The learned counsel for the petitioner relies upon the judgment of this Court in Swapna Siju Vs. Union of India (2012 (4) KHC38 in support of the position that, as far as the applicants born before 26.01.1989 are concerned, copy of extract of the SSLC book can be relied on for correction of date of birth W.P.(C)No.31320/2013 2 without insisting for birth certificate.

4. The learned Central Government Counsel appearing for the respondents submits that petitioner will have to file an on- line application along with an affidavit explaining how the mistake has occurred.

5. In the said circumstances, the petitioner is relegated to file an on-line application for correction of date of birth along with an affidavit and the documents relied upon by the petitioner, on which event, the same shall be accepted and considered by the respondents, passing appropriate orders within a period of three weeks. The Writ Petition is disposed of. P.R.RAMACHANDRA MENON JUDGE sv.

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