



2023/KER/43144

**"CR"**

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

**PRESENT**

**THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN**

**THURSDAY, THE 27<sup>TH</sup> DAY OF JULY 2023 / 5TH SRAVANA, 1945**

**WP(C) NO. 20944 OF 2023**

**PETITIONER/S:**

TONY FRANCIS PADIYAPPURAM



BY ADVS.  
P.JINISH PAUL  
SNEHA V.

**RESPONDENTS:**

- 1 THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF LOCAL  
SELF GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM,  
PIN - 695001
- 2 REVENUE DIVISIONAL OFFICER  
MINI CIVIL STATION, IRINJCILAKKUDA, THRISSUR, PIN -  
680125
- 3 REGISTRAR OF BIRTH & DEATH  
THE SECRETARY, KATTOOR GRAMA PANCHAYAT, KATTOOR  
P.O, THRISSUR, PIN - 680702  
BY ADVS.  
T.N Manoj FOR R3  
ABHILASH M.J.(K/122/2021)  
BY G.P. SRI. SREEJITH.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 27.07.2023, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:**

**“CR”****JUDGMENT**

The petitioner, a quinquagenarian, applied for birth certificate before the Registrar of Births and Deaths, Kattoor Grama Panchayat /3<sup>rd</sup> respondent for the purpose of Green Card application in United States of America, to join his family.

2. According to the petitioner, he was born on 27.05.1966. However, his birth was not registered with the concerned Panchayat. The date of birth of the petitioner entered in his S.S.L.C. Certificate (Ext.P2), Aadhaar card (Ext.P3), Passport (Ext.P4), PAN Card (Ext.P5) and driving licence (Ext.P6) is 27.05.1966. However, in the baptism certificate, his date of birth is entered as 27.10.1965.

3. Section 13 (3) of the Registration of Births and



Deaths Act, 1969 provides that if the birth is not registered within one year of its occurrence, the same shall be registered only on an order made by the Revenue Divisional Officer after verifying the correctness of the birth.

4. The Registrar of Births and Deaths, the 3<sup>rd</sup> respondent, issued Ext.P7 non-availability certificate stating that the birth of the petitioner is not registered in the records of the Panchayat. The Village Officer and the Tahsildar submitted Exts.P8 and P9 reports respectively to the RDO noting that there is difference in the date of birth entered in the school certificate and baptism certificate and recommended issuance of birth certificate.

5. The RDO, by Ext.P10, rejected the application dated 24.11.2022 for birth certificate stating that



there is difference in the date of birth entered in the school certificate and the baptism certificate. Ext.P10 order is impugned in this writ petition.

6. Heard Sri.Jinish Paul, the learned counsel for the petitioner, Sri.Sreejith, learned Government Pleader for respondents 1 and 2 and Sri.T.N.Manoj, the learned counsel for the 3<sup>rd</sup> respondent.

7. Sri.Jinish Paul would contend that when official documents like Exts.P2 to P6 would show the date of birth of the petitioner as 27.05.1966, the RDO ought not to have relied on the entry in the baptism certificate to reject the application for birth certificate. It is contended that baptism certificate issued by the Church authorities is not a legal document and is not conclusive and cannot be relied upon when Exts.P2 to P6 documents issued by the



public authorities are available.

8. The learned Government Pleader would contend that the Government Orders stipulate that in the case of those who belong to Christian community, baptism certificate indicating the date of birth should also be produced.

9. Public documents like Aadhaar card, Electoral card etc., enjoy legal presumption of its correctness in terms of the provisions under the Indian Evidence Act, 1872. When the S.S.L.C certificate, Aadhaar card, passport, PAN card and driving licence show the date of birth of the petitioner as 27.05.1966, the RDO cannot ignore the same and reject the application for birth certificate for the reason that the date of birth entered in the baptism certificate differs.

10. A baptism certificate is issued by the Church



to record the baptism of a person. No primacy can be accorded to baptism certificate when public documents are available indicating the date of birth.

11. Ext.P10 is, accordingly, set aside. There will be a direction to the 2<sup>nd</sup> respondent to consider the application dated 24.11.2022 of the petitioner for issuance of birth certificate afresh on the basis of Exts.P2 to P6 documents. This shall be done within a period of three weeks from the date of receipt of a certified copy of this judgment.

The writ petition is disposed of as above.

**Sd/-**

**MURALI PURUSHOTHAMAN  
JUDGE**

AL/-



**APPENDIX OF WP(C) 20944/2023**

PETITIONER EXHIBITS

- |             |   |
|-------------|---|
| Exhibit P1  | THE TRUE COPY OF THE BAPTISM CERTIFICATE OF THE PETITIONER DATED 04.11.2022 ISSUED FROM ST.JOSEPH ROMAN CATHOLIC CHURCH, MATHILAKOM |
| ExhibitP2   | THE TRUE COPY OF THE SSLC CERTIFICATE   |
| Exhibit P3  | THE TRUE COPY OF THE AADHAR   |
| ExhibitP4   | THE TRUE COPY OF THE PASSPORT   |
| Exhibit P5  | THE TRUE COPY OF THE PAN CARD   |
| Exhibit P6  | THE TRUE COPY OF THE DRIVING LICENCE OF THE PETITIONER  |
| Exhibit P7  | THE TRUE COPY OF THE NON- AVAILABILITY CERTIFICATE DATED 12.10.2022 ISSUED BY THE 3RD RESPONDENT                                    |
| Exhibit P8  | THE TRUE COPY OF THE REPORT DATED 28.11.22 SUBMITTED BY THE VILLAGE OFFICER, KATTOOR  |
| Exhibit P9  | THE TRUE COPY OF THE REPORT DATE 12.01.23 ISSUED FROM THE TALUK OFFICE, MUKUNDAPURAM  |
| Exhibit P10 | THE TRUE COPY OF THE LETTER DATED 30.01.2023 ISSUED BY THE 2ND RESPONDENT   |