

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 31ST DAY OF AUGUST 2021 / 9TH BHADRA, 1943

WP(C) NO. 10147 OF 2021

PETITIONER :

DEEPNAMOL SEBASTIAN,
AGED 35 YEARS,
D/O. DEVASSIA, KEERINGAMAKIL HOUSE,
PAYYAVOOR POST, VEMBUVA,
ERUVESSI, KANNUR - 670 633

BY ADVS.
SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.RAFEEL. V.K.
SRI.U.M.HASSAN
SMT.P.PARVATHY
SHRI.MANAS P HAMEED

RESPONDENTS :

- 1 THE REGIONAL PASSPORT OFFICER,
THE REGIONAL PASSPORT OFFICE,
ERNAHIPALAM P.O.,
KOZHIKODE-673 006
- 2 OFFICE IN CHARGE,
PASSPORT SEVA KENDRA,
SALISONS ENCLAVE,
NEAR SAVITHA THEATRE,
PADANAPALAM, KANNUR - 670 014

BY ADV SHRI.P.VIJAYAKUMAR, ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.08.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 31st day of August, 2021

Petitioner is a B.Sc. Nursing graduate, who proposes to work abroad and claims to have received several offer letters from various reputed hospitals. She holds an Indian Passport bearing No.T5329697. However, it was noticed that petitioner's date of birth and her father's name were wrongly entered in the passport. The date of birth is shown as '03.05.1987' while her father's name is shown as 'Sebastian'. According to the petitioner, the date of birth ought to have been '23.05.1986' while her father's name ought to have been 'Devasia'.

2. Petitioner asserts that when she downloaded the birth certificate recently, she noticed that her father's name is mistakenly shown as 'Devasia' instead of 'Sebastian'. On realizing the mistake, petitioner verified the other documents she decided to correct the mistake even though her father had expired. Petitioner sought correction of her Matriculation Certificate. By Ext.P4, the Joint Commissioner for Government Examinations, Thiruvananthapuram after verifying the records, corrected the name of the petitioner's father from 'Sebastian' to 'Devasia'. All the records now produced by the petitioner show that petitioner's father's name is 'Devasia' while

the passport alone shows the name of petitioner's father as 'Sebastian'. Records are also produced to show that the date of birth of the petitioner is '23.05.1986'. Based on the facts that there are mistakes in the passport presently held by the petitioner, she had applied for correction of the date of birth as well as the name of her father. Ext.P6 is the online appointment received. Petitioner has also made a representation as Ext.P8 seeking to carry out the correction at the earliest.

3. A statement has been filed on behalf of respondents 1 and 2 stating that petitioner's initial passport was issued on 07.12.2009 and that she had travelled using the said passport. It is also mentioned that the renewed passport issued on 25.06.2019 also shows the date of birth and the name of the father as '03.05.1987' and as 'Sebastian'. According to respondents 1 and 2, there is no law under which a person can change the name of the deceased parents and that the existing passport is also subject to revocation if the same has been fraudulently obtained.

4. In reply, petitioner has produced Ext.P9, which is a communication issued by the first respondent to the petitioner dated 13.04.2021. It is mentioned in the said communication as follows :-

'However, as per MEA's latest relaxed guidelines, parent's name may be corrected based on documentary proof issued in

their life time or name in Death Certificate. Parents' name as shown in his/ her own passport is significant proof of the correct name and to be accepted on priority. Besides, parents' name as shown in educational documents/ marriage certificate, birth certificate including revised certificates etc. can also be accepted as correct, even if issued after the death of parents.

You may, therefore, reschedule your online appointment for re-issue (vide ARN 21-1001938253) ad visit Passport Seva Kendra, Kannur on the newly rescheduled appointment date and time along with your passport and other proofs like your Birth Certificate, SSLC, father's death certificate (and his other documents issued during life time, if any) for effecting correction of DOB and parent's name in your re-issued passport.'

5. Based upon the above communication issued by the first respondent to the petitioner, it is clear that even as per the guidelines of the Ministry of External Affairs, the mistakes in respect of the parents' name can be corrected even after their death, based upon the documents that are to be produced to the satisfaction of the officer. Respondents cannot go back upon the guidelines issued by the Ministry.

6. In view of the communication issued by Ext.P9, it is evident that even after the death of a person, the name in the passport of the deceased person can be corrected, provided documents to that effect are produced for verification. The first

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respondent can certainly verify the veracity of the claim made by the petitioner. However for that purpose, an appointment has to be given and as mentioned in Ext.P9, petitioner has to schedule an appointment for re-issue of the passport after carrying out the corrections.

Accordingly, there will be a direction to the first respondent to provide an appointment day to the petitioner at the earliest, not later than four weeks from the date of receipt of a copy of this judgment and carry out the verification of the records produced by the petitioner in support of the claim for correcting the alleged mistakes occurred in the passport and pass appropriate orders thereon within four weeks of the appointment. If the first respondent is satisfied on verification of the records so produced and pass appropriate orders to that effect, the corrected passport shall be issued to the petitioner in accordance with law, at the earliest. The first respondent shall consider all the records produced by the petitioner in support of the claim while taking a decision as directed.

The writ petition is disposed of as above.

Sd/-
BECHU KURIAN THOMAS, JUDGE

RKM

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APPENDIX OF WP(C) 10147/2021

PETITIONER'S EXHIBITS :

- EXHIBIT P1 TRUE COPY OF THE INDIAN PASSPORT BEARING NO.T5329697 OF THE PETITIONER
- EXHIBIT P2 TRUE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER ISSUED BY IRITTY MUNICIPALITY
- EXHIBIT P3 TRUE COPY OF PETITIONER'S OLD MATRICULATION CERTIFICATE BEARING REGISTER NO.324717 ISSUED BY THE BOARD OF PUBLIC OF EXAMINATIONS KERALA
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 07.096.2019 ISSUED BY THE JOINT COMMISSIONER FOR GOVERNMENT EXAMINATIONS, PAREEKSHA BHAVAN, THIRUVANANTHAPURAM
- EXHIBIT P5 TRUE COPY OF THE CORRECTED MATRICULATION CERTIFICATE BEARING REGISTER NO.324717 ISSUED BY THE BOARD OF PUBLIC OF EXAMINATIONS KERALA
- EXHIBIT P6 TRUE COPY OF ONLINE APPOINTMENT RECEIPT ISSUED BY THE 1ST RESPONDENT FOR APPLICATION REFERENCE NO.21-1001938253
- EXHIBIT P7A TRUE COPY OF DEATH CERTIFICATE DATED 26.01.2017 ISSUED BY KADANNAPPALLY PANAPUZHA GRAMA PANCHAYATH
- EXHIBIT P7B TRUE COPY OF CERTIFICATE DATED 19.12.2018 ISSUED BY THE CONCERNED VILLAGE OFFICER STATING THAT 'DEVASIA' AND SEBASTIAN' ARE ONE AND THE SAME
- EXHIBIT P7C TRUE COPY OF AADHAR CARD OF THE PETITIONER'S DECEASED FATHER

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EXHIBIT P7D	TRUE COPY OF SSLC CERTIFICATE OF THE PETITIONER'S DECEASED FATHER
EXHIBIT P7E	TRUE COPY OF RATION CARD OF THE PETITIONER'S FAMILY
EXHIBIT P7F	TRUE COPY OF MATRICULATION CERTIFICATES OF PETITIONER'S BROTHER DILEEPMON SEBSTIAN
EXHIBIT P7G	TRUE COPY OF MATRICULATION CERTIFICATES OF PETITIONER'S BROTHER DIPU MON SEBASTIAN
EXHIBIT P8	TRUE COPY OF REPRESENTATION DATED 10.04.2021 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT