

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.9889 of 2015
Date of Decision:29.05.2015**

Sudhir Yadav

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.P.K. Rapria, Advocate,
for the petitioner.

Mr.B.R. Mahajan, Advocate General, Haryana with
Mr.J.S. Bedi, Addl. A.G. Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for the issuance of a writ in the nature of mandamus directing the respondents not to insist on 'Aadhaar Card' for the purpose of admission or scholarship in the schools and also for other ancillary services.

Learned counsel for the petitioner has referred to an interim order passed by the Supreme Court on 23.9.2013 in Writ Petition (Civil) No.494 of 2012 titled as "*Justice K.S. Puttaswamy (Retd.) and another Vs. Union of India and others*" which read as under: -

*"All the matters require to be heard finally.
List all matters for final hearing after the
Constitution Bench is over.*

*In the meanwhile, no person should suffer for
not getting the Aadhaar card inspite of the fact
that some authority had issued a circular
making it mandatory and when any person*

VIVEK PAHWA
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authenticity of this document

applies to get the Adhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not given to any illegal immigrant.”

Learned Advocate General, Haryana has submitted that since the matter is *sub judice* before the Supreme Court and direction has already been issued that getting of ‘Aadhaar Card’ is not mandatory but only desirable, therefore, there would not be any insistence on the part of the State functionaries, either at the time of admission in the schools or colleges or for the purpose of scholarship etc. for production of ‘Aadhaar Card’ as well.

In view of the statement made by learned Advocate General, Haryana, the present writ petition is hereby disposed of with a direction that the respondents shall not insist on the production of ‘Aadhaar Card’ for the purpose of admission, scholarship or other ancillary purposes till the matter, referred to above, pending before the Supreme Court, is finally decided or the order dated 23.9.2013 passed by the Hon’ble Apex Court is modified by it.

29.05.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**