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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.73 OF 2015**

Vickram Crishna	... Petitioner
Versus	
State of Maharashtra	... Respondent

Mr. Chetan Mali for the Petitioner.
Mrs. Madhubala Kajle, AGP for the Respondent No.1- State.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 27th JUNE, 2016

PC.

. Heard the learned counsel appearing for the Petitioner. The learned AGP represents the Respondent. The challenge in this PIL is to the Government Resolution dated 21st April, 2015. The contention is that by the said Government Resolution, obtaining Aadhaar Card for each student admitted in the schools in the State is made mandatory. The learned counsel appearing for the Petitioner invited our attention to the orders of the Apex Court dated 23rd September, 2013 as well as 16th March, 2015. He also placed on record an order of the Apex Court dated 15th October, 2015.

2 We have perused the impugned Government Resolution. The Government Resolution provides that Aadhaar Card of every

student admitted in every school in the State should be obtained which should be linked with registration number of the students in the general register maintained by the schools. It is stated that if this is done it will ensure that there is no child who does not attend school. Reliance is placed on the provisions of the Right of Free and Compulsory Education to Children Act, 2009.

3 The contention of the Petitioner is that making the Aadhaar Card mandatory in this manner by the impugned Government Resolution is completely contrary to the orders of the Apex Court.

4 We have perused the orders of the Apex Court. The order dated 23rd September, 2013 passed by the Apex Court issues the following interim order :-

“In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applied to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.”

The order records that no person should suffer for not getting an Aadhaar Card. The next order is dated 16th March, 2015. All that it records is that both the Union of India and States should adhere the order passed by the Apex Court on 23rd September, 2013.

Paragraphs 4 and 5 of the order of the Apex Court dated 15th October, 2015 read thus:-

- “4. We impress upon the Union of India that it shall strictly follow all the earlier orders passed by this Court commencing from 23.09.2013.
5. We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other.”

5 Firstly, the PIL Petitioner has not made any representation to the State Government seeking modification of the Government Resolution dated 21st April, 2015. Secondly, we find that the Government Resolution dated 21st April, 2015 does not provide for any adverse consequences if a student enrolled in a school in the State does not obtain Aadhaar Card. It provides that a drive should be conducted for making Aadhaar Cards of the students. The object seems to ensure that no student remains without school education as the Government Resolution provides that Aadhaar Card number should be linked with the general register number of the student in the schools.

6 The State Government is conscious of the orders passed by the Apex Court from time to time. On plain reading of the said Government Resolution, we do not find that Aadhaar Card Scheme is made mandatory by the said Government Resolution. As stated earlier,

no student can be penalised who does not possess Aadhaar Card. As stated earlier, the Government Resolution impugned in this Petition does not provide for such a consequence. Therefore, we are of the view that the act of issuing the said Government Resolution is by itself not contrary to the orders passed by the Apex Court in any manner.

7 If any attempt is made by any authority of the State to commit breach of the interim orders of the Apex Court on the basis of the Government Resolution dated 21st April, 2015, it will be open for the Petitioner to invite attention of the concerned authority of the State to such breaches committed by any authority of the State. In view of the binding orders of the Apex Court in such a case, the State is bound to take necessary action in accordance with law.

8 Subject to what is observed above, we are of the view that it is not necessary to entertain this Petition and the same is disposed of.

(A.A. SAYED, J)

(A.S. OKA, J)