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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7999/2017 & C.M. No.32975/2017

MOHD. BILAL

..... Petitioner

Through Mr.Choudhary Ali Zia Kabir,  
Advocate.

versus

CENTRAL BOARD OF SECONDDDARY EDUCATION AND ANR.

..... Respondents

Through Mr.Amit Bansal and Mr.Akhil  
Kulshreshtha, Advocates.

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

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**08.09.2017**

1 Petitioner is aggrieved by the action of the respondent. His submission is that the notification of the respondent dated 19.7.2017 which makes it mandatory for the petitioner to provide Aadhaar Card details to the CBSE to submit his application form for the UGC National Eligibility Test (NET) November, 2017 is in the teeth of the directions of the Apex Court in its judgment in Justice K.S.Puttaswamy (Retd.) and Another Vs. Union of India and Ors reported as (2015) 10 SCC 92; such a condition cannot be made compulsory. The petitioner does not wish to give details of his private life which would be known in case he has to obtain an Aadhaar Card. He accordingly seeks a setting aside of the aforementioned notification.

2 On advance notice learned counsel for respondents has put in

appearance. Learned counsel for respondent rightly points out that the notification dated 19.7.2017 has laid down alternate contingencies which are contained in clause 3. Relevant would be to extract the aforementioned clause. It reads as under:

*“3. Accordingly, CBSE has decided to use Aadhaar for the applicants of UGC-NET (November) 2017, and hereby notified the following:*

*3.1 Applicants who are in possession of Aadhaar, shall enter Aadhaar number, name, date of birth & gender in online application for UGC-NET (November) 2017 for the purpose of his/her identity and authentication thereof.*

*3.2 Applicants not yet enrolled for Aadhaar, are hereby required to make application for Aadhaar enrolment in case he/she is entitled to obtain Aadhaar enrolment centre (list available at [www.uidai.gov.in](http://www.uidai.gov.in)) to get enrolled for Aadhaar.”*

3 This clause clearly provides that for applicants applying for UGC-NET (November) 2017 all applicants who are in possession of Aadhaar will enter details of their Aadhaar (as contained in clause 3.1). Clause 3.2 states that applicants not yet enrolled for Aadhaar will make an application for Aadhaar enrolment in case he/she is entitled to obtain Aadhaar in terms of Section 3 of the Aadhaar Act and for such purpose the applicant may visit Aadhaar enrolment centre.

4 As rightly pointed out by learned counsel for respondent this notification does not disqualify a person who does not have an Aadhaar to appear in the aforementioned entrance examination. The language of Clause 3.2 also does not make it mandatory for the applicant to necessarily apply for Aadhaar. It clearly stipulates that the applicant not enrolled for an Aadhaar is required to make an

application for enrolment of Aadhaar Card in case she is entitled to obtain an Aadhaar as per the Section 3 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (hereinafter referred to as the said Act).

5 Section 3 of the Aadhaar Act (said Act) reads herein as under:

*“3.Aadhaar number.- (1) Every resident shall be entitled to obtain an Aadhaar number by submitting his demographic information and biometric information by undergoing the process of enrolment:*

*Provided that the Central Government may, from time to time, notify such other category of individuals who may be entitled to obtain an Aadhaar number.*

*(2) The enrolling agency shall, at the time of enrolment, inform the individual undergoing enrolment of the following details in such manner as may be specified by regulations, namely:—*

*(a) the manner in which the information shall be used;*

*(b)the nature of recipients with whom the information is intended to be shared during authentication; and*

*(c) the existence of a right to access information, the procedure for making requests for such access, and details of the person or department in-charge to whom such requests can be made.*

*(3) On receipt of the demographic information and biometric information under sub-section (1), the Authority shall, after verifying the information, in such manner as may be specified by regulations, issue an Aadhaar number to such individual.”*

6 Section 3 of the said Act entitles any resident to obtain an Aadhaar Card by following the procedure contained in the said section. The contingency in Clause 3.2 of the notification (dated 19.7.2017) i.e. the use of the language in case he/she is entitled... .. clearly stipulates that this condition is not mandatory.

7 The judgment of the Apex Court relied upon by learned counsel for petitioner would not apply as already noted by this Court this

public notice dated 19.7.2017 is not a mandate upon the applicant. Petition is without any merit.

8 In the first instance this Court informed learned counsel for petitioner that three similar petition (on which arguments have been addressed in detailed) had been withdrawn. This was in view of the stand of the respondent. Learned counsel for petitioner however chooses not to withdraw the petition; he seeks an order on merits.

9 Petition is misconceived. It is dismissed with costs quantified at Rs.10,000/-

**INDERMEET KAUR, J**

**SEPTEMBER 08, 2017**  
**ndn**