

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 2974 OF 2017

Between:

1. G. Satya Prakash Rao, S/o: Late G.Rama Krishna Rao, Aged about 51 years, Occ: Inspector Central Excise and Service Tax, R/o H.No.16-7-220, Azampura, P.O.Sahifa, Hyderabad.
2. Parashar Kumar, S/o: Kishor Singh, Aged about 31 years, Occ: Inspector Central Excise and Service Tax, R/o 18 H GPRA Qts, Indira Nagar Gachibowli, Hyderabad.

...PETITIONERS

AND

1. The Union of India, rep by its Secretary Ministry of Personal, Public Grievances and Pensions, Department of Personnel and Training New Delhi.
2. The Commissioner, Central Excise and Service Tax Hyderabad Audit Commissionerate Kendriya Shulk Bhavan, Basheerbagh, Hyderabad.
3. The Additional Commissioner, Central Excise and Service Tax Hyderabad Audit Commissionerate Kendriya Shulk Bhavan, Basheerbagh, Hyderabad.
4. The Assistant Commissioner, Nodal Officer (BAS) Central Excise and Service Tax Hyderabad Audit Commissionerate Kendriya Shulk Bhavan, Basheerbagh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a proper writ/order or orders, particularly one in the nature of Writ of Mandamus declaring the action of the respondents in insisting the petitioners for production of Aadhaar Card for Aadhaar Enabled Biometric Attendance System

(AEBAS) through Office Memorandum No. 11013/ 9 / 2014-Estt (A-III) dated 21-11-2014 of the respondent No.1 and consequential Circular C. No. I/ 22/ 20/2015-Admn dated 06-012017 of the respondent No.3 as arbitrary, illegal and violative of Article 21 of the Constitution of India and consequently issue a direction to the respondents not to insist the petitioners for production of Aadhaar Card for any purpose.

I.A. NO: 1 OF 2017(WPMP. NO: 3499 OF 2017)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue a direction to the respondents not to insist for production of Aadhar Card of the petitioners for Aadhaar Enabled Biometric Attendance System (AEBAS) by suspending the Letter C.No.I/22/20/2015-Admn dated 17-01-2017 pending disposal of the Writ Petition in the interest of justice.

**Counsel for the Petitioner: SRI MOHAMMAD ASIFUDDIN, REPRESENTING FOR
SRI M. RAMA RAO**

**Counsel for the Respondents: SRI GADI PRAVEEN
DEPUTY SOLICITOR GENERAL OF INDIA**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.2974 of 2017

ORDER: (Per the Hon'ble Sri Justice J.Sreenivas Rao)

This writ petition is filed for the following relief:

"...to issue a Writ, Order or Direction more especially one in the nature of Writ of Mandamus declaring the action of respondents in insisting the petitioners for production of Aadhaar Card for Aadhaar Enabled Bio-metric Attendance System (AEBAS) through Office Memorandum No.11013/9/2014-Estt (A-III), dated 21.11.2014 of the respondent No.1 and consequential Circular C.No.1/22/20/2015-Admn, dated 06.01.2017 of the respondent No.3 as arbitrary, illegal and violative of Article 21 of the Constitution of India and consequently issue direction to the respondents not to insist the petitioners for production of Aadhaar Card for any purpose."

2. Heard Sri Mohammad Asifuddin, learned counsel representing Sri M.Rama Rao, learned counsel, appearing for petitioners and Sri Gadi Praveen Kumar, learned Deputy Solicitor General of India, appearing for respondents.

3. Learned counsel for petitioners submits that the petitioners are working as Inspectors in Central Excise Department and by virtue of the impugned Memo dated 21.11.2014 and Circular

dated 06.01.2017, the respondents are insisting the petitioners to produce Aadhaar Card for Aadhaar Enabled Bio-metric Attendance System and the same is not required for the said purpose. He further submits that the petitioners have submitted representation to the respondents on 16.01.2017 to consider their grievance. However, the respondents have not taken any steps. He further submits that pursuant to the order passed by the Hon'ble Apex Court in W.P.(C) No.494 of 2012, the respondents should not insist for Aadhaar Cards.

4. *Per contra*, learned Deputy Solicitor General of India submits that the petitioners are government servants and when they enter into the Government service, they should comply with all the rules and regulations framed by the Government and the petitioners are not entitled to question the Memo dated 21.11.2014 and Circular dated 06.01.2017. He further submits that the Government has already implemented the above said Circular dated 06.01.2017 and the cause in the writ petition does not survive.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it is evident that the respondents introduced production

of Aadhaar Cards for Aadhaar Enabled Bio-metric Attendance System, through Memo dated 21.11.2014 and Circular dated 06.01.2017 were already implemented. It further reveals from the record that this Court has not granted interim direction in favour of the petitioners.

6. In the counter affidavit, respondents specifically stated that the conditions in Memo dated 21.11.2014 and Circular dated 06.01.2017 were already implemented and the petitioners being government servants are not entitled to question the said regulations issued by the Government.

7. Insofar as the contention of learned counsel for the petitioners that pursuant to the order passed by the Hon'ble Apex Court in W.P (C).No.494 of 2012, the respondents are not entitled to insist for Aadhaar Cards is concerned, the same is not applicable to the facts and circumstances of the case on the ground that the Hon'ble Apex Court specifically held that the Aadhaar Card is not required for claiming benefits from the Government for the purpose of distribution of foodgrains etc. and cooking fuel, such as kerosene. In the case on hand, the petitioners are working as government servants and the respondents are

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insisting for Aadhaar Cards for Aadhaar Enabled Bio-metric Attendance System and therefore, the orders passed by the Hon'ble Apex Court in W.P (C).No.494 of 2012 of 2012, is not applicable to the facts and circumstances of the case.

8. For the foregoing reasons, this Court does not find any ground to set aside the Memo dated 21.11.2014 and Circular dated 06.01.2017.

9. Accordingly, the writ petition is dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

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Sd/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

Tp,

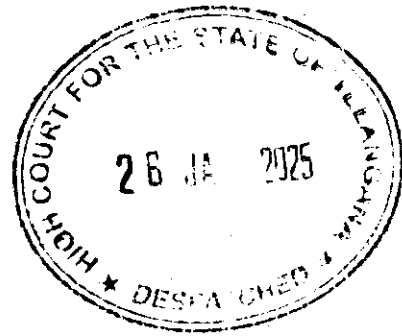
1. One CC to Sri M. Rama Rao, Advocate [OPUC]
2. One CC to Sri Gadi Praveen Kumar, Deputy Solicitor General of India [OPUC]
3. Two CD Copies

TJ
MP



HIGH COURT

DATED:02/01/2025



ORDER

WP.No.2974 of 2017

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

⑤
18/01/25
LH