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Date: 19 May 2025

To
Secretary,

Maharashtra State Board of Secondary & Higher Secondary Education
S.R.No. 832-A, Final Plot Nos. 178, 179, Beside Agharkar Research Institute,
Bhandarkar Road, Shivajinagar,
Pune - 411004.

Subject:- Registration of APAAR ID for SSC (10th) and HSC (12th) Students Appearing in February–March 2025 Examinations

Ref: Circular issued by the Secretary, Maharashtra State Board of Secondary and Higher Secondary Education, Pune, vide No. S.R.M/Calculator/45/1119 dated 19.03.2025, to all divisional boards to mandate, for all students appearing for the SSC (10th) and HSC (12th) February–March 2025 examinations, to generate and link their APAAR ID on the

official portal. This is essential to ensure availability of their
marksheets on DigiLocker at the time of result declaration...

Sir / Madam,

This legal notice is served on behalf of my client, Shri Amber Koiri, NSC Member at the Awaken India Movement (AIM) - an initiative of the citizens of India united in the greater pursuit of truth and justice and committed to the well-being of all. Residing at : B 1501 RUNWAL HEIGHTS LBS MARG, MULUND WEST MUMBAI 400080 with reference to your Circular No. S.R.M/Calculator/45/1119 dated 19.03.2025 (hereinafter referred to as "the impugned notice") to Educational Institutes affiliated to you.

1. At the very outset, my client expresses deep concern over the arbitrary, illegal, and mala fide nature of the impugned notice. Your actions, **mandating generation and linking of APAAR ID and upload of marksheets on DigiLocker**, are not only unauthorized but constitute a **gross abuse of public office and administrative power for ulterior motives**. Such acts undermine the public trust placed in the office you hold and violate the rights of those serving the noble profession of teaching.
2. My client vehemently opposes the contents of the impugned notice and categorically states that it is based on a misinterpretation of the law and constitutes an act of coercion and executive overreach by your office for the following reasons.
3. **Voluntary Nature of APAAR Enrollment :-**
 - 3.1. APAAR, introduced under the National Education Policy, is entirely **voluntary for all students across India**. The Ministry of Education has repeatedly clarified through official

communications and its public website that APAAR participation is not mandatory.

- 3.2. In a response to an RTI application under the Right to Information Act, 2005, the Ministry of Education explicitly confirmed that APAAR IDs are not mandatory for any student in any type of school, and no student or parent can be compelled to create an APAAR ID. Moreover, the Ministry has affirmed that no student can be disadvantaged for choosing not to enroll in APAAR.
 - 3.3. The impugned notice blatantly disregards this legal position and attempts to enforce a voluntary process as mandatory, which constitutes a serious violation of established norms and policies. Copies of the Ministry of Education's FAQs and the RTI reply are attached for your reference and perusal.
 - 3.4. In response to an RTI (Right to Information) application, the Ministry of Education confirmed that APAAR enrollment is **not mandatory** for any student or school. The Ministry explicitly declared that **no student or parent can be compelled to create an APAAR ID**. The government reiterated that no adverse action shall be taken against students, parents, or schools that choose not to participate.
 - 3.5. Your impugned notice blatantly disregards this established legal position by attempting to convert a voluntary scheme into a **de facto mandatory requirement**, which constitutes a serious breach of government policy and administrative norms.
4. Your notice appears motivated by an agenda to achieve **100% APAAR enrollment** through threats and intimidation rather than voluntary participation.

5. Misusing your public office and financial resources to enforce this directive amounts to **misappropriation of public funds** and **dereliction of duty**, as funds meant for academic purposes are being weaponized to enforce an arbitrary directive.
6. Such conduct contravenes the core constitutional mandate of **fair and equitable governance**. Government funds are public trusts meant solely for lawful purposes and must not be diverted for ulterior administrative objectives.
7. **Illegality of Coercion :**

- 7.1. In no circumstances are you permitted to **mandate generation and linking of APAAR ID and upload of marksheets on DigiLocker**, as their educational rights are protected by statutory and constitutional safeguards.
- 7.2. Withholding results , marksheets for failing to comply with an initiative that is explicitly voluntary constitutes a **gross abuse of power**. Such coercive measures to compel compliance with an unenforceable directive reflect an administrative overreach that violates the principles of natural justice, which guarantee individuals the right to education without the threat of harassment.

8. Misuse of State Machinery for Ulterior Purposes:

- 8.1. It is evident that the impugned notice is motivated by the ulterior objective of achieving a 100% APAAR enrolment target at all costs, even if it means intimidating teachers and principals. The issuance of such notices and the threat demonstrate a **deliberate misuse of state machinery** for purposes not authorized by law.
- 8.2. Public office must never be used as an instrument of coercion for personal or political goals. The act of leveraging public funds to force compliance with a voluntary scheme violates the constitutional mandate for fair and equitable governance.

9. Breach of Legal and Moral Duty as a Public Servant and misuse of public office and property for unauthorized purposes amounts to offences punishable under sec 316 (5) ,198 etc of BNS:

- 9.1. As a public servant, you are bound to act in accordance with the law and uphold the welfare and rights of the public. The withholding of results and marksheets for non-compliance with a non-mandatory directive represents a complete abdication of your duty. This breach of duty is punishable under Section 198 of the Bharatiya Nyay Sanhita 2023 (BNS), which penalizes public servants who disobey the law to cause harm or injury to any individual.
- 9.2. Moreover, using state resources and public money for unauthorized purposes, such as withholding results and marksheets, constitutes **criminal breach of trust** under Section 316 (5) BNS. Public servants entrusted with public funds are duty-bound to use them strictly for lawful and designated purposes.

10. Violation of Teachers' Constitutional and Statutory Rights:

- 10.1. Withholding results and marksheets amounts to mental harassment and violates their fundamental rights under Article 21A (Right to Education). Courts have repeatedly emphasized that education is a vested right that cannot be denied arbitrarily.
- 10.2. The impugned notice not only undermines the morale of teachers and staff but also hampers the efficient functioning of education institutes. Such coercive actions reflect a disregard for the welfare of the very educators who are responsible for shaping the future generation.

11. The insistence on achieving 100% APAAR enrolment through threats of withholding results and marksheets (or withholding hall ticket, degrees) is **illegal and constitutes coercion**. The Constitution of India does not permit the imposition of punitive measures to enforce voluntary programs.

11.1. Your directive has no legal authority and is a clear violation of the **principles of administrative law**. Coercive actions such as withholding results and marksheets, which is constitutionally protected as an student's right to education, amount to a breach of the right to dignity and educational security. This is not only legally indefensible but also morally reprehensible, particularly when directed toward teachers—custodians of the nation's education.

12. Executive Overreach :-

12.1. It is evident that neither you nor the government has the jurisdiction to issue such coercive directives compelling mandatory enrolment in APAAR. This impugned notice represents a **classic case of executive overreach** and demonstrates an abuse of delegated powers.

12.2. It is a settled principle that the executive can only implement laws or policies authorized by the legislature. Any administrative directive or action must have the requisite legal backing through statute, ordinance, or valid regulation. In this case, the APAAR initiative lacks any such legal support.

13. Backdoor Mandate and Circumvention of Legal Framework:-

- 13.1. The impugned notice appears to be a **deliberate attempt to impose a mandatory enrollment policy through indirect means**. By using coercive tactics, such as financial sanctions and threats, your office seeks to achieve an unrealistic and unlawful target of 100% APAAR enrolment.
- 13.2. It is ruled by Hon'ble Supreme Court **in Noida Entrepreneurs Association Vs. Noida (2011) 6 SCC 508** as under;

"25. It is a settled proposition of law that whatever is prohibited by law to be done, cannot legally be affected by an indirect and circuitous contrivance on the principle of "quando aliquid prohibetur, prohibetur at omne per quod devenitur ad illud", which means" "whenever a thing is prohibited, it is prohibited whether done directly or indirectly".

28. While dealing with the issue of haste, this Court in the case of Bahadursinh Lakhubhai Gohil v. Jagdishbhai M. Kamalia & Ors., (2004) 2 SCC 65, referred to the case of Dr. S.P. Kapoor v. State of Himachal Pradesh & Ors., AIR 1981 SC 2181 and held that:

".....when a thing is done in a post-haste manner, mala fide would be presumed."

29. In Zenit Mataplast Private Limited v. State of Maharashtra & Ors., (2009) 10 SCC 388, this Court held :

"Anything done in undue haste can also be termed as arbitrary and cannot be condoned in law".

30. Thus, in case an authority proceeds in undue haste, the Court may draw an adverse inference from such conduct. It further creates a doubt that if there was no sufficient reason of urgency, what was the occasion for the respondent no.4 to proceed in such haste and why fresh tenders had not been invited.

38.[...]Every holder of a public office by virtue of which he acts on behalf of the State or public body is ultimately accountable to the people in whom the sovereignty vests. As such, all powers so vested in him are meant to be exercised for public good and promoting the public interest. Every holder of a public office is a trustee.

39. State actions required to be non-arbitrary and justified on the touchstone of Article 14 of the Constitution. Action of the State or its instrumentality must be in conformity with some principle which meets the test of reason and relevance. Functioning of a "democratic form of Government demands equality and absence of arbitrariness and discrimination". The rule of law prohibits arbitrary action and commands the authority concerned to act in accordance with law. Every action of the State or its instrumentalities should neither be suggestive of discrimination, nor even apparently give an impression of bias, favouritism and nepotism. If a decision is taken without any principle or without any rule, it is unpredictable and such a decision is antithesis to the decision taken in accordance with the rule of law.

40. The Public Trust Doctrine is a part of the law of the land. The doctrine has grown from Article 21 of the Constitution. In essence, the action/order of the State or State instrumentality would stand vitiated if it lacks bona fides, as it would only be a case of colourable exercise of power. The Rule of Law is the foundation of a democratic society. (Vide: M/s. Erusian Equipment & Chemicals Ltd. v. State of West Bengal & Anr., AIR 1975 SC 266; Ramana Dayaram Shetty v. The International Airport Authority of India & Ors., AIR 1979 SC 1628; Haji T.M. Hassan Rawther v. Kerala Financial Corporation, AIR 1988 SC 157; Kumari Shrilekha Vidyarthi etc. etc. v. State of U.P. & Ors., AIR 1991 SC 537; and M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu & Ors., AIR 1999 SC 2468).

41. Power vested by the State in a Public Authority should be viewed as a trust coupled with duty to be exercised in larger public and social interest. Power is to be exercised strictly adhering to the statutory provisions and fact-situation of a case. "Public Authorities cannot play fast and loose with the powers vested in them". A decision taken in arbitrary manner contradicts the principle of legitimate expectation. An Authority is under a legal obligation to exercise the power reasonably and in good faith to effectuate the purpose for which power stood conferred. In this context, "in good faith" means "for legitimate reasons". It must be exercised bona fide for the purpose and for none other. (Vide: Commissioner of Police, Bombay v. Gordhandas Bhanji, AIR 1952 SC 16; Sirsi

Municipality v. Ceceila Kom Francis Tellis, AIR 1973 SC 855; The State of Punjab & Anr. v. Gurdial Singh & Ors., AIR 1980 SC 319; The Collector (Distt. Magistrate) Allahabad & Anr. v. Raja Ram Jaiswal, AIR 1985 SC 1622; Delhi Administration (Now NCT of Delhi) v. Manohar Lal, (2002) 7 SCC 222; and N.D. Jayal & Anr. v. Union of India & Ors., AIR 2004 SC 867).

42. In view of the above, we are of the considered opinion that these allegations being of a very serious nature and as alleged, the respondent no.4 had passed orders in colourable exercise of power favouring himself and certain contractors, require investigation. Thus, in view of the above, we direct the CBI to have preliminary enquiry and in case the allegations are found having some substance warranting further proceeding with criminal prosecution, may proceed in accordance with law."

13.3. Your attempt to circumvent established legal protocols is in direct contempt of Hon'ble supreme Court guidelines.

13.4. It has placed undue harassment and pressure on school staff, who are now forced to compel parents to provide consent for their child's APAAR enrolment. This has created a situation where teachers, under duress, have resorted to browbeating parents—an unacceptable practice in any democratic and lawful framework.

13.5. Such tactics completely undermine the voluntary nature of the APAAR program and amount to institutional bullying. This coercion violates not only legal principles but also the fundamental right to make informed choices free from undue influence.

14. Public servants acting against the binding precedents and directions of Hon'ble Supreme Court are liable for punishment under contempt of courts Act, 1971.

14.1. That, your attention is drawn to the recent judgment dated 9th December 2024, in the matter of Suprita Chandel vs. Union of India (2024 INSC 942), wherein the Hon'ble Supreme Court has ruled as follows:

"14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See Amrit Lal Berry vs. Collector of Central Excise, New Delhi and Others, (1975) 4 SCC 714]"

14.2. Similar ratio is laid down in the case of Priya Gupta v. Ministry of Health & Family Welfare, (2013) 11 SCC 404, where it is ruled as under;

"21[...] the law declared by this Court is deemed to be known to all concerned. The violation of general directions issued by this Court would attract the rigours of the provisions of the Act."

22[...] One should ensure respect for law as its breach will demolish public faith in accepted constitutional institutions and weaken the peoples' confidence in the rule of law. It will destroy respect for the rule of law and the authority of Courts and will thus seek to place individual authority and strength of principles above the wisdom of law.

23. The provisions of the Act do not admit any discretion for the initiation of proceedings under the Act with reference to an order being of general directions or a specific order inter se the parties. The sine qua non to initiation of proceedings under the Act is an order or judgment or direction of a Court and its wilful disobedience. Once these ingredients are satisfied, the machinery under the Act can be invoked by a party or even by the Court suo motu.

[...]

Looked at from a wider perspective, contempt power is also a means for ensuring participation in the judicial process and observance of rules by such participants. Once the essentials for initiation of contempt proceedings are satisfied, the Court would initiate an action uninfluenced by the nature of the direction i.e. as to whether these directions were specific in a lis pending between the parties or were of general nature or were in rem."

It is brought to your attention that this law is being consistently violated by you,

14.3. That in **E.T. Sunup v. C.A.N.S.S. Employees Assn., (2004) 8 SCC 683** it is ruled as under;

" Deliberate attempt to circumvent order of court and try to take recourse to one justification or other shows complete lack of grace in accepting the order of the Court. This tendency of undermining the court's order cannot be countenanced.

If the court's order are flouted like this, then people will lose faith in the court. Therefore, it is necessary that such violation should be dealt with strong hands and to convey to the authorities that the courts are not going to take things lightly. The order of the high court convincing the officer under contempt of court's act and imposition of fine of Rs. 5000 is affirmed."

14.4. Hon'ble Supreme Court in the case of State of Odisha Vs. Pratima Mohanty 2021 SCC OnLine SC 1222, has ruled as under;

"20. It is further observed after referring to the decision of this Court in the case of Common Cause, A Registered Society (supra) that if a public servant abuses his office whether by his act of omission or commission, and the consequence of that is injury to an individual or loss of public property, an action may be maintained against such public servant. It is further observed that no public servant can arrogate to himself powers in a manner which is arbitrary. In this regard we wish to recall the observations of this Court as under:

"The concept of public accountability and performance of functions takes in its ambit, proper and timely action in accordance with law. Public duty and public obligation both are essentials of good administration whether by the State or its instrumentalities." [See Delhi Airtech Services (P) Ltd. v. State of U.P., (2011) 9 SCC 354]

"The higher the public office held by a person the greater is the demand for rectitude on his part." [See Charanjit Lamba v. Army Southern Command, (2010) 11 SCC 314]

"The holder of every public office holds a trust for public good and therefore his actions should all be above board." [See Padma v. Hiralal Motilal Desarda, (2002) 7 SCC 564]

"Every holder of a public office by virtue of which he acts on behalf of the State or public body is ultimately accountable to the people in whom the sovereignty vests. As such, all powers so vested in him are meant to be exercised for public good and promoting the public interest. This is equally true of all actions even in the field of contract. Thus, every holder of a public office is a trustee whose highest duty is to the people of the country and, therefore, every act of the holder of a public office, irrespective of the label classifying that act, is in discharge of public duty meant ultimately for public good." [See Shrilekha Vidyarthi (Kumari) v. State of U.P., (1991) 1 SCC 212]"

14.5. In Raman Lal Vs. State of Rajasthan 2000 SCC OnLine Raj 226, it is ruled as under;

“Conspiracy – I.P.C. Sec. 120 (B) – Apex court made it clear that an inference of conspiracy has to be drawn on the basis of circumstantial evidence only because it becomes difficult to get direct evidence on such issue – The offence can only be proved largely from the inference drawn from acts or illegal omission committed by them in furtherance of a common design – Once such a conspiracy is proved, act of one conspirator becomes the act of the others – A Co-conspirator who joins subsequently and commits overt acts in furtherance of the conspiracy must also be held liable – Proceeding against accused cannot be quashed.”

14.6. That, in Baradakanta Misra v. Bhimsen Dixit, (1973) 1 SCC 446, it is ruled as under;

“15. The conduct of the appellant in not following the previous, decision of the High Court is calculated to create confusion in the administration of law. It will undermine respect for law laid down by the High Court and impair the constitutional authority of the High Court. His conduct is therefore comprehended by the principles underlying the law of Contempt. The analogy of the inferior court's disobedience to the specific order of a superior court also suggests that his conduct falls within the purview of the law of Contempt. Just as the disobedience to a specific order of the Court undermines the authority and dignity of

the court in a particular case, similarly the deliberate and malafide conduct of not following the law laid down in the previous decision undermines the constitutional authority and respect of the High Court. Indeed, while the former conduct has repercussions on an individual case and on a limited number of persons, the latter conduct has a much wider and more disastrous impact. It is calculated not only to undermine the constitutional authority and respect of the High Court, generally, but is also likely to subvert the Rule of Law 'and engender harassing uncertainty and confusion in the administration of law.'

14.6. That in Legrand (India) Private Ltd. v. Union of India, 2007 SCC OnLine Bom 538, it is ruled as under;

“9(c). If in spite of the earlier exposition of law by the High Court having been pointed out and attention being pointedly drawn to that legal position, in utter disregard of that position, proceedings are initiated, it must be held to be a wilful disregard of the law laid down by the High Court and would amount to civil contempt as defined in Section 2(b) of the Contempt of Courts Act, 1971.”

22.2. In East India Commercial Co. Ltd. v. Collector of Customs, Calcutta, AIR 1962 SC 1893, Subba Rao, J. speaking for the majority observed reads as under:

“31.This raises the question whether an administrative tribunal can ignore the law declared by the highest Court in the State and initiate proceedings in direct violation of the law so declared under Art. 215, every High Court shall be a Court of record and shall have all the powers of such a Court including the power to punish for contempt of itself. Under Art. 226, it has a plenary power to issue orders or writs for the enforcement of the fundamental rights and for any other purpose to any person or authority, including in appropriate cases any Government within its territorial jurisdiction. Under Art. 227 it has jurisdiction over all Courts and tribunals throughout the territories in relation to which it exercises jurisdiction. It would be anomalous to suggest that a tribunal over which the High Court has superintendence can ignore the law declared by that Court and start proceedings in direct violation of it. If a tribunal can do so, all the subordinate Courts can equally do so, for there is no specific provision, just like in the case of Supreme Court, making the law declared by the High Court binding on subordinate Courts. It is implicit in the power of supervision conferred on a superior tribunal that all the tribunals subject to its supervision should conform to the law laid down by it. Such obedience would also be conducive to their smooth working; otherwise there would be confusion in the administration of law and respect for law would irretrievably suffer. We, therefore, hold that the law declared by the highest Court in the State is binding on authorities, or tribunals under its superintendence, and that they cannot ignore it either in initiating a proceeding

or deciding on the rights involved in such a proceeding. If that be so, the notice issued by the authority signifying the launching of proceedings, contrary to the law laid down by the High Court would be invalid and the proceedings themselves would be without jurisdiction.”

(Emphasis supplied)

22.3. The above legal position was reiterated in Makhan Lal v. State of Jammu and Kashmir, (1971) 1 SCC 749, in which Grover, J. observed (at page 2209)—

“6. The law so declared by this Court was binding on the respondent-State and its officers and they were bound to follow it whether a majority of the present respondents were parties or not in the previous petition.”

(Emphasis supplied)

14.7. Hon’ble supreme Court while convicting and sentencing the Chief secretary and cabinet Minister had in T.N. Godavarman Thirumulpad v. Ashok Khot, (2006) 5 SCC 1, held that the disobedience of the orders of the Court strike at the very root of rule of law on which the judicial system rests and observed as under : -

“5. Disobedience of this Court's order strikes at the very root of the rule of law on which the judicial system rests. The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law. Hence, it is not only the third pillar but also the central pillar of the democratic State. If the judiciary is to perform its duties

and functions effectively and remain true to the spirit with which they are sacredly entrusted to it, the dignity and authority of the courts have to be respected and protected at all costs. Otherwise, the very cornerstone of our constitutional scheme will give way and with it will disappear the rule of law and the civilised life in the society. That is why it is imperative and invariable that courts' orders are to be followed and complied with."

(Emphasis supplied)

14.8. In Maninderjit Singh Bitta v. Union of India, (2012) 1 SCC 273, the Supreme Court held as under :-

"26. ... Disobedience of orders of the court strikes at the very root of the rule of law on which the judicial system rests. The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law. If the judiciary is to perform its duties and functions effectively and remain true to the spirit with which they are sacredly entrusted, the dignity and authority of the courts have to be respected and protected at all costs...

29. Lethargy, ignorance, official delays and absence of motivation can hardly be offered as any defence in an action for contempt. Inordinate delay in complying with the orders of the courts has also received judicial criticism. ... Inaction or even dormant behaviour by the officers in the highest echelons in the hierarchy of the Government in complying with the directions/orders of this Court certainly amounts to disobedience. ... Even a lackadaisical attitude,

which itself may not be deliberate or wilful, have not been held to be a sufficient ground of defence in a contempt proceeding. Obviously, the purpose is to ensure compliance with the orders of the court at the earliest and within stipulated period.”

(Emphasis supplied)

15. Invasion of Privacy :-

- 15.6. The impugned notice also raises serious concerns regarding the **right to privacy**, a fundamental right protected under Article 21 of the Indian Constitution. This right was reaffirmed in the landmark judgment *K.S. Puttaswamy vs. Union of India* (2017), wherein the Hon’ble Supreme Court held that any encroachment upon privacy must be backed by a valid law and must satisfy the tests of legality, necessity, and proportionality.
- 15.7. The APAAR initiative involves the collection of sensitive personal information related to students and their families. In the absence of any statutory framework legitimizing the collection and use of this data, forcing APAAR enrolment constitutes an unauthorized intrusion into the personal data of individuals.
- 15.8. It is important to note that unauthorized data collection and processing can have serious legal ramifications under the current data protection regime. Your impugned notice, which disregards the privacy rights of students and parents, stands in direct violation of constitutional principles and the rule of law.

16. Unlawful Withholding of results and marksheets :

- 16.1. In no circumstances is your office permitted to withhold the results and marksheets. Education documents are **legally vested entitlements** and

cannot be used as leverage to enforce compliance with an unenforceable directive.

16.2. Withholding results and marksheets is not only unauthorized but also amounts to **mental harassment** and a violation of the right to education, as protected under Article 21A. Such restrictions, imposed without legal sanction, represent a **gross abuse of administrative authority** and reflect an attempt to intimidate and penalize students for reasons beyond their control. This is a serious misconduct that warrants disciplinary and legal action.

17. In light of the aforementioned legal violations, you are hereby called upon to:

- (i) **Immediately withdraw the impugned notice.**
- (ii) **Cease any actions related to withholding results and marksheets , hall ticket , degree.**
- (iii) **Provide a written assurance that no similar unauthorized notices will be issued in the future.**

18. **Legal Consequences of Non-Compliance:**

Failure to comply with these demands within ^{24 hours} ~~18 days~~ from the receipt of this notice will compel us to initiate appropriate legal proceedings, including but not limited to:

- Filing a writ petition before the Hon'ble High Court of Bombay challenging the legality of your actions.
- Initiating criminal proceedings under 316 (5) ,198 of BNS for disobeying legal directives and committing criminal breach of trust.
- Pursuing disciplinary action for gross misconduct and misuse of public office.

19. This notice is independent of the legal action related to the **contempt petition being filed before the Hon'ble Supreme Court**. Your actions have far-reaching consequences that will be addressed at the highest judicial forums to ensure accountability and prevent further misuse of public office.
20. Please take a note that all the proceedings will be initiated against you as to your sole risk of cost and consequences including legal expenses and amount of damages which you are liable to pay personally and not the Government.

In the case of Veena Sippy Vs. Mr. Narayan Dumbre & Ors. 2012 SCC OnLine Bom 339, it is observed as under;

“20....We must state here that the Petitioner in person has relied upon an interim order passed by this Court in First Appeal arising out of a decree passed in a suit. The decree was passed in a suit filed by a retired Judge of the Apex Court wherein he claimed compensation on account of act of defamation. Considering the evidence on record, the Trial Court passed a decree for payment of damages of Rs. 100/- crores. While admitting the Appeal and while considering the prayer for grant of stay, this Court directed the Appellant-Defendant to deposit a sum of Rs. 20/- crores in the Court and to furnish Bank Guarantee for rest of the decretal amount as a condition of grant of stay. However, this Court directed investment of the amount of Rs. 20/- crores till the disposal of the Appeal. The interim order of this Court has been confirmed by the Apex Court.

23....

i. We hold that the detention of the Petitioner by the officers of Gamdevi Police Station from 5th April, 2008 to 6th April, 2008 is illegal and there has been a gross violation of the fundamental right of the Petitioner guaranteed by Article 21 of the Constitution of India.

ii. We direct the 5th Respondent-State of Maharashtra to pay compensation of Rs. 2,50,000/- to the Petitioner together with interest thereon at the rate of 8% per annum from 5th April, 2008 till the realization or payment. We direct the State Government to pay costs quantified at Rs. 25,000/- to the Petitioner. We grant time of six weeks to the State Government to pay the said amounts to the Petitioner by an account payee cheque. It will be also open for the fifth Respondent - State Government to deposit the amounts in this Court within the stipulated time. In such event it will be open for the Petitioner to withdraw the said amount.

iii. We clarify that it is open for the State Government to take proceedings for recovery of the amount of compensation and costs from the officers responsible for the default, if so advised.

iv. Petition stands dismissed as against the Respondent No. 4.

vi. We make it clear that it will be open for the Petitioner to adopt a regular remedy for recovery of

compensation/damages in addition to the amount directed to be paid under this Judgment.

21. Even you are prohibited to take services of Govt. Law officers like Govt. Pleaders and Public Servants.

In the case of Sudhir M. Vora v. Commissioner of Police for Greater Bombay, 2004 SCC OnLine Bom 1209 , Division Bench of Hon'ble High Court had ruled as under;

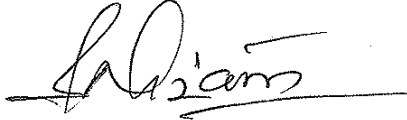
“ While parting, we may observe that although concerned police officer (Respondent No. 2) has been impleaded in writ petition as respondent by name and the allegations against him are personal to him, nevertheless, the Public Prosecutor has thought it appropriate to defend the respondent No. 2. In such a situation, in our view, the Public Prosecutor ought not to defend the officer against whom the allegations of acts of commission or omission are made. (See: 1986 Cr.L.J. 1022 (Ker.) Kannapan v. Abbas). ”

22. Your act reflects a serious failure to adhere to the principles of legality, fairness, and proportionality. The withholding of results and marksheets for unauthorized objectives constitutes an infringement upon fundamental rights and undermines public confidence in the governance process.

23. We trust that you will act judiciously and take immediate corrective measures to rectify this grave injustice within 24 hours. Failing which, I have been instructed to seek urgent/prompt reliefs from the Hon Bombay High Court. Naturally to you costs' and consequence.

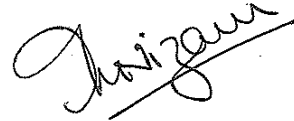
Yours Sincerely,

Yours Sincerely,



Adv TANVEER NIZAM

Advocates - Bombay High Court.



Adv MARIAM T NIZAM.

Enclosures -

1. RTI reply received from Mr PR Jena, Asst Director,GOI, Ministry of education, Shastri Bhavan, New Delhi, 2nd December 2024.
2. Is APAAR Mandatory - Circular from Ministry of education, GOI.
3. Circular by your good self on University of Mumbai Letterhead.

F.No. 2-8/2020-DIGED
Government of India
Ministry of Education
Department of School Education and Literacy

Shastri Bhawan, New Delhi
Dated the 2nd December, 2024

To,

Vinod Kumar,

Email: kumarvinods@rediffmail.com

Subject: Information sought under the RTI Act, 2005-reg.

Sir,

Please refer to your RTI application no. DOSEL/R/E/24/05198 dated 21.11.2024 on the above mentioned subject.

2. In this regard, the reply for your RTI application regarding "digital education initiatives launched by the Ministry of Education" is as under:

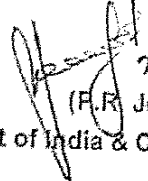
1. No, creating an APAAR ID is NOT mandatory for any child in any kind of school and is being created only with the consent of the parent or guardian. Schools may form their own guidelines, but students cannot be forced to create an APAAR ID.
2. No, it is a voluntary process and that no student will be disadvantaged for not having an APAAR ID.
3. No, the primary purpose of APAAR ID is to maintain a digital academic record and facilitate educational mobility.
4. APAAR ID offers several benefits:
 - a) **Unified Academic Identity** A single platform to consolidate academic records
 - b) **Lifelong Academic Identity** Tracks achievements from early school to higher education and professional career
 - c) **Seamless Academic Mobility** Facilitates smooth transitions between educational levels
 - d) **Credit Transfer** Enables transfer of academic credits between institutions
 - e) **Easy Verification** Simplifies authentication for transfers, admissions, and job applications
 - f) **Skill Gap Analysis** Helps identify and address skill development needs
5. No, the school cannot forcibly create an APAAR ID. APAAR ID can only be created with the consent of the parent or guardian, and consent can be withdrawn at their discretion.
6. Parental consent is required because:
 - a) The student might be a minor
 - b) It ensures voluntary participation
 - c) Parents have the right to decide about their child's digital academic identity

- d) It aligns with data privacy guidelines
- e) Parents can withdraw consent at any time

7. Yes, Aadhaar is a requirement for creating an APAAR ID. There is no exception to this. The student's name in UDISE plus must match their Aadhaar name, and Aadhaar authentication is performed on a voluntary basis.

3. If you are not satisfied with the above reply, you may prefer an appeal to Sh. Gaurav Singh, First Appellate Authority, Department of School Education and Shastri Bhawan, New Delhi 110001, Tel: 011-23382604.

Yours faithfully,

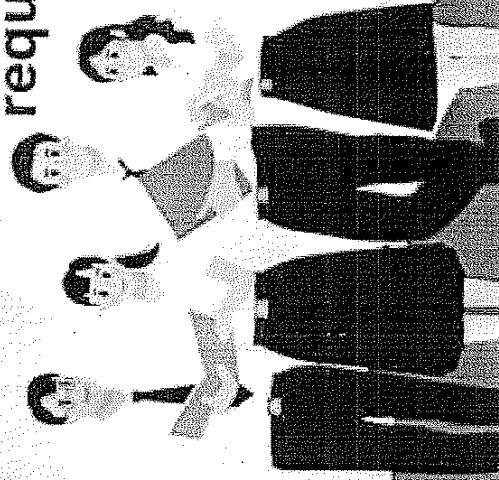

(P.R. Jena)
2/12/2024

Assistant Director to the Government of India & CPIO

प्रदोष रंजन जेना/Pradosh Ranjan Jena
सहायक निदेशक/Assistant Director
भारत सरकार/Govt. of India
शिक्षा मंत्रालय/Ministry of Education
स्कूल शिक्षा एवं कक्षा शिक्षा/Ok School Education & Literacy
शास्त्री भवन, नई दिल्ली/Shastri Bhawan, New Delhi

Is APAAR Mandatory?

APAAR is not mandatory. While APAAR is a cornerstone initiative for enhancing academic tracking and flexibility, participation in the APAAR system is not compulsory. Institutions and students can choose to utilize this system to benefit from its features, such as holistic assessment and credit management, but there is no legal requirement mandating its use.



17:20



APPAR ID Letter 20...



Maharashtra State Board of
Secondary & Higher Secondary
Education,
S.R.No.532-A, Final Plot No. 178, 179,
Near Balchitrawani, Behind Agharkar
Research Institute, Bhamburda,
Shivajinagar, Pune-411004.



महाराष्ट्र राज्य माध्यमिक व उच्च
माध्यमिक शिक्षण मंडळ,
स.न.८१२-ए, कानवत, प्लॉट नं. १७८, १७९,
बालचित्रवाणी येथी, अघार्कर, रिसर्च
इन्स्टिट्यूट, भामबुर्दा, शिवाजीनगर,
पुणे ४११००४



Tel : Chairman (P) : STD : (020)-25651751

Secretary (P) : 25651750

EPABX - 25705000

Fax : 25655807

Email : secretary.stateboard@gmail.com

क्र.रा.म./गणकपत्र/४५/११११

पुणे-४११००४

दिनांक-१९.०३.२०२५

प्रति,

विभागीय सचिव,
महाराष्ट्र राज्य माध्यमिक व उच्च माध्यमिक शिक्षण मंडळ,
सर्व विभागीय मंडळे,

विषय-फेब्रुवारी-मार्च २०२५ माध्यमिक प्रमाणपत्र परीक्षा (१.१०वी) व उच्च माध्यमिक प्रमाणपत्र
परीक्षा (१.१२वी) विद्यार्थ्यांचा APAAR ID नोंदवून घेण्याबाबत.

उपरोक्त विषयाच्या अनुषंगाने काळविण्यात देते की माध्यमिक प्रमाणपत्र परीक्षा (१.१०वी) व उच्च
माध्यमिक प्रमाणपत्र परीक्षा (१.१२वी) फेब्रुवारी-मार्च २०२५ ला प्रविष्ट झालेल्या विद्यार्थ्यांना निकालाचे वेळी
Digilocker मध्ये विद्यार्थ्यांच्या गुणवर्तिका उपलब्ध करून देण्याबद्दल आहे. त्यासाठी विद्यार्थ्यांच्या
APAAR ID ची नोंद आवश्यक आहे.

पत्राकरिता APAAR ID नोंदविणेसाठी राज्य मंडळाचे संकेतस्थळ www.mahahsscboard.in
वर APAAR ID updation ही link उपलब्ध करून देण्यात आली आहे. त्या द्वारे दि.११.०४.२०२५
पर्यंत ज्या प्रविष्ट विद्यार्थ्यांचा APAAR ID उपलब्ध आहे त्याची नोंद करण्यात यावी व याबाबत आपल्या
कार्यक्षेत्रातील सर्व मान्यताप्राप्त शाळा/कनिष्ठ महाविद्यालयांना काळविण्यात यावे व केलेल्या कार्यवाहीचा अहवाल
राज्य मंडळ कार्यालयास सादर करावा.

(देविदास कुलकर्णी)

सचिव

राज्य मंडळ, पुणे-०४

क्र.मुविमंड/उमाय/७४९२

वाचो नवी मुंबई-४०० ७०३

दिनांक-२९/०३/२०२५

प्रति,

मुख्याध्यापक / प्राचार्य,
मुखई विभाग/कार्यक्षेत्रातील
सर्व मान्यताप्राप्त माध्यमिक व उच्च माध्यमिक व कनिष्ठ महाविद्यालये,
मुखई मुंबई, ठाणे / पालघर, तालुका जिणेरी.

उपरोक्त पत्रासह मुख्याध्यापक / प्राचार्यांना आपल्या क्षेत्रावर नोंद देऊन उचित कार्यवाही करावी.



(ज्योत्स्ना शिंदे-पवार)

प्र. विभागीय सचिव,

मुखई विभाग मंडळ,

वाचो नवी मुंबई-४०० ७०३

अन योग्य त्या कार्यवाहीसाठी अज्ञेयता :-

१. मा. शिक्षण उपसंचालक मुखई
 २. शिक्षण निरीक्षक (अ.म.म.) मुखई, ठाणे, पालघर
 ३. शिक्षण निरीक्षक, मुंबई मुखई विभाग (परिचालन-विभाग, उत्तर)
 ४. प्रमुख अधिकारी, स्थानिक आधिकारी विभागास प्रत्येक कार्यक्षेत्रात वकालतदार/प्रमुख/लेखापालक.
- त. माहितीसाठी :- मा. सचिव, राज्यमंडळ, पुणे

२/३