

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL CIVIL JURISDICTION
~~WRIT~~ WRIT PETITION NO. _____ OF 2025
DISTRICT: MUMBAI

Ambar Koiri,

....Petitioner

VERSUS

Dr. Prasad Mahadov Karande & Ors.


....Respondents

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Place: Mumbai

Date: 21/05/2025


Advocate for the petitioner



I

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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~~CIVIL~~ WRIT PETITION NO. _____ OF 2025

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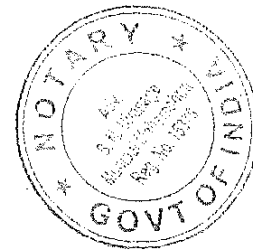
VERSUS

Dr. Prasad Mahadov Karande & Ors.

....Respondents

Proforma

Office notes, office memorandum of Coram, Appearance, Court's order of direction and Prothonotary order.	Court of Judges Order
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II

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL CIVIL JURISDICTION**

CIVIL WRIT PETITION NO. _____ OF 2025

DISTRICT: MUMBAI

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....Petitioner

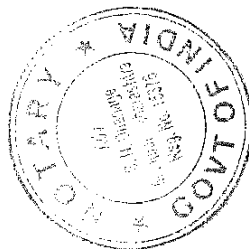
VERSUS

Dr. Prasad Mahadov Karande & Ors.

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Proforma

Office notes, office memorandum of Coram, Appearance, Court's order of direction and Prothonotary order.	Court of Judges Order
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III

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL CIVIL JURISDICTION

~~CIVIL~~ WRIT PETITION NO. ____ OF 2025

DISTRICT: MUMBAI

Ambar Koiri,

....Petitioner

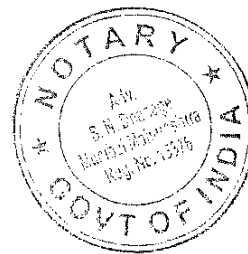
VERSUS

Dr. Prasad Mahadov Karande & Ors.

....Respondents

Proforma

Office notes, office memorandum of Coram, Appearance, Court's order of direction and Prothonotary order.	Court of Judges Order
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22

A

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL CIVIL JURISDICTION

~~Writ~~ WRIT PETITION NO. ____ OF 2025

DISTRICT: MUMBAI

Ambar Koiri,

....Petitioner

VERSUS

Dr. Prasad Mahadov Karande & Ors.

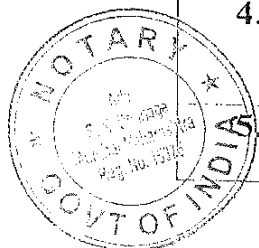
....Respondents

SYNOPSIS

SYNOPSIS OF THE WRIT PETITION

The Petitioner has filed the present writ petition invoking extra ordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India seeking direction to Respondent No 1 to Respondent No. 5.

Sr No	Date	Events
1.		This Writ Petition under Article 226 of the Constitution of India challenges the coercive and unconstitutional directives issued by Respondent Nos. 1 and 2, mandating students to generate APAAR (Automated Permanent Academic Account Registry) IDs as a precondition for admission, hall tickets, results, and degrees, despite the Union Government's clear stand—via RTI replies—that APAAR registration is voluntary.
2.	22.04.25	Respondent No. 1 issued Circular No. AEM/(2025-26)/55 dated 22nd April 2025 making APAAR ID compulsory for college admissions
3.	19.03.25	Respondent No. 2 issued Circular No. S.R.M/Calculator/45/1119 dated 19th March 2025 mandating APAAR registration for SSC/HSC students.
4.		These circulars are arbitrary, lack statutory backing, and infringe fundamental rights under Articles 14, 21, and 21A.
		The Petitioner submits that the impugned directives represent executive overreach aimed at forcibly

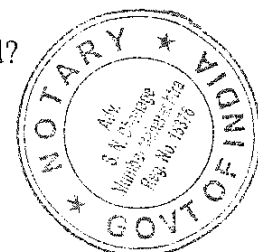


B

		achieving "100% APAAR enrollment" through indirect coercion, in violation of Supreme Court judgments and the Right to Education and Privacy. This action has caused widespread confusion and pressure among students, parents, teachers, and institutions.
6.		The Petitioner prays that this Hon'ble Court be pleased to issue a writ of certiorari quashing the impugned circulars issued by Respondent Nos. 1 and 2 that mandate APAAR ID registration as a compulsory condition for admission, examination, and issuance of academic documents. The Petitioner further seeks a declaration that the APAAR ID scheme is a voluntary measure, in accordance with the Union Government's clarification through RTI replies.
7.		A writ of mandamus is also sought to restrain Respondents 1 and 2 from enforcing APAAR compliance through direct or indirect means. The Petitioner respectfully submits that the coercive actions undertaken by the Respondents violate the fundamental rights guaranteed under Articles 14, 21, and 21A of the Constitution of India, and thus, a declaration to that effect is sought.
8.		Additionally, the Petitioner prays for directions to initiate disciplinary and/or criminal proceedings against the officials responsible, under Sections 198 and 316(5) of the Bharatiya Nyaya Sanhita, 2023, for misuse of authority and breach of public trust. The Petitioner also prays for such other orders as this Hon'ble Court may deem just, equitable, and proper in the interest of justice.
9.	22.05.25	Hence this petition, Shri Ambar Koiri, an affected citizen, files this petition in the interest of justice and to safeguard the constitutional rights of students and educational stakeholders across the State

POINTS FOR CONSIDERATION:

Whether the petitioners are entitled for the relief as prayed?



BOOKS TO BE REFERRED:

1. Constitution of India
2. Code of Criminal Procedure
3. Indian Penal Code

AUTHORITIES TO BE CITED:

At the time of hearing

Place: Mumbai

Date: 21/05/2025

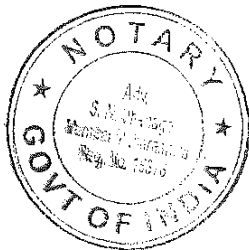
A. Mishra

Advocate for the petitioner



DISTRICT: MUMBAI

Executive overreach that weaponises admission, hall tickets, mark-sheets and degrees to coerce compliance with a voluntary scheme and thereby violates binding Supreme Court precedent, the right to education, and the right to informational self-determination.



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Ambar Koiri,
Flat no. B-1501, Runawal Hights,
LBS Marg, Mulund (W)
Mumbai, Maharashtra – 400080.

VERSUS

1. Dr. Prasad Mahadov Karande,
Registrar,
Mahtma Gandhi Road, Fort,
Mumbai, Maharashtra – 400032.

2. University of Mumbai,
Through its Director,
Dr. Pooja Raundale,
Board of Examinations and Evaluation,
Vidyanagari Campus, Kalina,
Santacruz (East), Mumbai – 400098.
Email: dboee@exam.mu.ac.in

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

4. Ministry of Education,
State of Maharashtra,



5. Union of India,
Through the Ministry of Education,
Shastri Bhawan, New Delhi – 110001.

....Respondents

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TO
THE HON'BLE THE
CHIEF JUSTICE AND HIS
COMPANION JUDGES

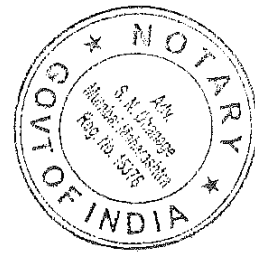
THE HUMBLE PETITION
OF THE PETITIONER
ABOVE-NAMED

MOST RESPECTFULLY SHOWETH:

FACTS IN BRIEF:

1. The Petitioner is aggrieved by the coercive and unlawful directives issued by the University of Mumbai (Respondent No. 1) and the Maharashtra State Board of Secondary and Higher Secondary Education (Respondent No. 2), which compel students and educational institutions to mandatorily generate and link APAAR (Automated Permanent Academic Account Registry) IDs for the purpose of admission, issuance of hall tickets, results, mark sheets, and DigiLocker access.
2. 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 [EXHIBIT - A].

EXH-A



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3. About the Parties: -

3.1. Shri Ambar Koiri is an adult Indian citizen and a resident of abovesaid address. He is aggrieved by the impugned notice that compels compulsory APAAR enrolment and, therefore, invokes the extraordinary writ jurisdiction of this Hon'ble Court for protection of her and similarly situated students' fundamental rights.

3.2. Respondent No. 1 – Dr. Prasad Mahadev Karande, Registrar, University of Mumbai, having his office at Mahatma Gandhi Road, Fort, Mumbai - 400 032, is the statutory registrar responsible for issuing and enforcing the impugned notice. He is impleaded in his official capacity and is answerable for the impugned action.

3.3. Respondent No. 2 – University of Mumbai, through its Director, Dr. Pooja Raundale, Board of Examinations & Evaluation, Vidyanagari Campus, Kalina, Santacruz (East), Mumbai - 400 098 (e-mail: dboee@exam.mu.ac.in). The University is a body corporate constituted under the Maharashtra Public Universities Act, 2016 and is the author of the challenged circular that makes APAAR enrolment compulsory for admissions and examinations.



3.4. Respondent No. 3 – Maharashtra State Board of Secondary & Higher Secondary Education, through its Secretary, having its headquarters at S.R. No. 832-A, Final Plot Nos. 178-179, Beside Agharkar Research Institute, Bhandarkar Road,

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Shivajinagar, Pune - 411 004. The Board governs the qualifying certificates relied upon for university admissions and is a necessary party for effective adjudication.

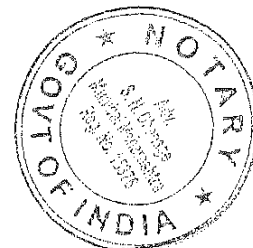
3.5. Respondent No. 4 – State of Maharashtra, through its Ministry of Education (Higher & Technical Education Department), Mantralaya, Mumbai - 400 032. The State exercises supervisory control over Respondent No. 2 and is responsible for ensuring that universities act within the bounds of constitutional and statutory mandates.

3.6. Respondent No. 5 – Union of India, through its Ministry of Education, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi - 110 001. The Union has issued the official clarification declaring APAAR enrolment to be voluntary and is impleaded to place the relevant policy material before this Hon'ble Court and to answer the issues of constitutional compliance.

4. On 22nd April 2025, Respondent No. 1 issued Circular No. AEM/ (2025-26)/55, directing all colleges and institutions affiliated with the University of Mumbai to make APAAR ID generation a compulsory condition for admission and academic continuation. Similarly, Respondent No. 2 issued Circular No. S.R.M/Calculator/45/1119 dated 19th March 2025 mandating the creation of APAAR IDs by all students appearing for SSC and HSC examinations scheduled for February–March 2025.

[EXHIBIT- B & EXHIBIT-C]

Exh-B
Exh-C



5. Both circulars threaten to withhold academic benefits such as admission, hall tickets, mark sheets, and degrees for non-compliance. This action is not only coercive but also contrary to the official clarification by the Ministry of Education, Government of India, which has stated through multiple RTI replies and on public portals that APAAR enrollment is voluntary and cannot be enforced upon any student, parent, or school.
6. The Petitioner submits that such directives are arbitrary, unconstitutional, and without any statutory support, and have created widespread panic, harassment, and pressure among school principals, teachers, students, and parents. They amount to an abuse of power, executive overreach, and a gross violation of fundamental rights including the Right to Education and Right to Privacy.
7. The Petitioner states that it is the calculated manoeuvre to convert a voluntary scheme into a de facto mandate; Respondents deploy coercive levers—financial sanctions, threats of admission denial and other punitive measures—to force institutions and students into compliance, solely to showcase an illusory “100 % APAAR enrolment” figure despite the Union Government’s express declaration that participation must remain optional. Such indirect compulsion to realise an unlawful and unrealistic target offends Articles 14, 21 and 21-A, calls for this Hon’ble Court’s corrective writ.
8. It is ruled by Hon’ble Supreme Court in Noida Entrepreneurs Association Vs. Noida (2011) 6 SCC 508, as under;



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"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".

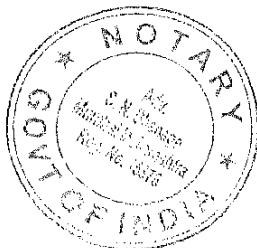
28. While dealing with the issue of haste, this Court in the case of Bahadursinh Lakhubhai Gohil v. Jagdishbhai M. Kamalia & Ors., (2004) 2 SCC 65, referred to the case of Dr. S.P. Kapoor v. State of Himachal Pradesh & Ors., AIR 1981 SC 2181 and held that:

".....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 :

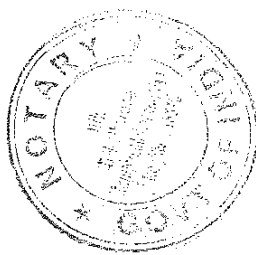
"Anything done in undue haste can also be termed as arbitrary and cannot be condoned in law".

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."



9. Any public servant who wilfully disregards binding directions of the Hon'ble Supreme Court renders himself liable for punishment under the Contempt of Courts Act, 1971.
10. The Petitioner further states that the recent judgment dated 9 December 2024 in Suprita Chandel v. Union of India (2024 INSC 942), squarely governs the present controversy. In that decision, the Hon'ble Court emphatically held:

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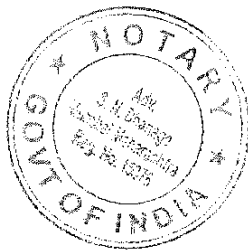
"14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, others similarly situated ought to be extended the benefit without the need for them to go to court. [See Amrit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

11. Similar ratio is laid down in the case of Priva 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."

12. 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



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under contempt of court's act and imposition of fine of Rs. 5000 is affirmed."

13. 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]

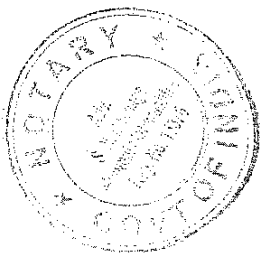
"The higher the public office held by a person the greater is the demand for rectitude on his part." [See Charanjit Lamba v. Army Southern Command, (2010) 11 SCC 314]



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

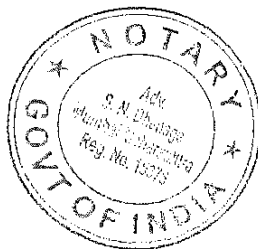


"Conspiracy – I.P.C. Sec. 120 (B) – Apex court made it clear that an inference of conspiracy has to be drawn on the basis of circumstantial evidence only because it becomes difficult to get direct evidence on such issue – The offence can only be proved largely from the inference drawn from acts or illegal 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.”

15. 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."

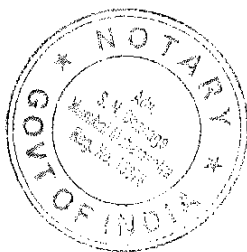


22.2. In East India Commercial Co. Ltd. v. Collector of Customs, Calcutta, AIR 1962 SC 1893, Subba Rao, J. speaking for the majority observed reads as under:

"31.This raises the question whether an administrative tribunal can ignore the law declared

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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)



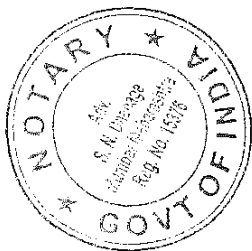
14.7. Hon'ble supreme Court while convicting and sentencing the Chief secretary and cabinet Minister had in T.N. Godavarman Thirumulpad v. Ashok Khot, (2006) 5 SCC 1, held that the disobedience of the orders of the Court strike at the very root of rule of law on which the judicial system rests and observed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

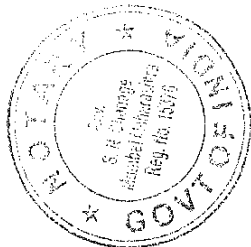
“26. ... Disobedience of orders of the court strikes at the very root of the rule of law on which the judicial system rests. The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law. If the judiciary is to perform its duties and functions effectively and 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)



16. The Petitioner states that, by issuing and enforcing the impugned notice in clear excess of their statutory authority and in conscious disregard of binding constitutional principles, the Respondents have acted in bad faith and outside the scope of their official duties. Consequently, the Petitioner reserves the right to seek exemplary costs, full reimbursement of legal expenses, and compensatory damages personally from the Respondents—rather than from the public exchequer—for all loss, hardship and litigation expenditure occasioned by their unlawful actions. The Petitioner submits that imposing personal liability will deter future abuses of power and

uphold the fiduciary duty that public servants owe to the Constitution and the citizenry.

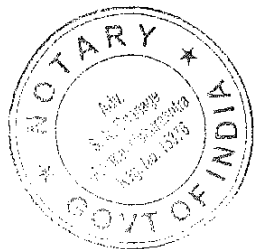
In the case of Veena Sippy Vs. Mr. Narayan Dumbre & Ors.

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



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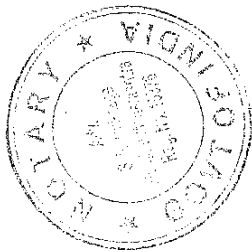
guaranteed by Article 21 of the Constitution of India.

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.

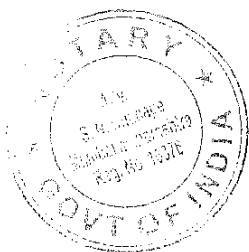


17. In the case of Sudhir M. Vora v. Commissioner of Police for Greater Bombay, 2004 SCC OnLine Bom 1209, Division Bench of Hon'ble High Court had ruled as under;

"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)."

GROUND:

- (1) **Violation of Article 21A and 21** – The right to education is a fundamental right under Article 21A. Any obstruction or denial of access to education by coercing students to enroll in a voluntary scheme amounts to a direct violation of this right. The use of threats to deny hall tickets, mark sheets, or degrees undermines the constitutional guarantee of education as a basic entitlement.
- (2) **Violation of Article 14** – The principle of equality before the law is breached when students are arbitrarily treated unequally based on whether they possess an APAAR ID.

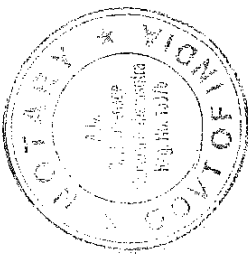


This creates a classification without any intelligible differentia or rational nexus with the objective sought to be achieved.

(3) Violation of Right to Privacy – The APAAR program involves the collection and storage of sensitive personal data without any statutory backing. As per the landmark ruling in *K.S. Puttaswamy v. Union of India* (2017), any intrusion into privacy must be based on legality, necessity, and proportionality. The forced collection of data without informed consent fails all three tests.

(4) Lack of Legislative Authority – Neither the University of Mumbai nor the State Board possesses any legislative backing to enforce APAAR registration. No statute or delegated legislation has conferred such powers upon these bodies. Their directives amount to ultra vires actions beyond the scope of their authority.

(5) Executive Overreach – The impugned circulars are classic examples of executive overreach where public officials, in the guise of administrative orders, enforce compliance with non-binding schemes. This is against established administrative law principles and has been consistently struck down by courts.



(6) Misuse of Public Office and Criminal Breach of Trust – Public officials are using state machinery and funds to enforce an unenforceable directive. This misuse of power is punishable under Sections 198 and 316(5) of the Bharatiya Nyay Sanhita, 2023.

(7) Contempt of Court – The impugned actions directly violate binding precedents of the Hon'ble Supreme Court as

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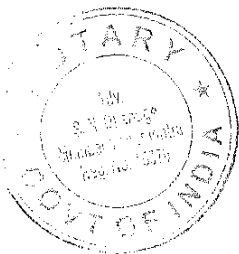
laid down in Noida Entrepreneurs Association Vs. Noida (2011) 6 SCC 508 and other cases. Repeated defiance of judicial declarations invites civil contempt under the Contempt of Courts Act, 1971.

(8) Invasion of Academic Autonomy — Educational institutions are autonomous in academic administration. Coercing them to implement centrally issued non-mandatory schemes violates their institutional independence.

(9) Mental Harassment and Institutional Bullying — Teachers and principals are being forced to act against students and parents to enforce APAAR, turning educators into agents of coercion. This has demoralized faculty and created a hostile educational environment.

PRAYERS: Issue a writ of certiorari quashing Circulars issued by Respondent Nos. 1 and 2.

- (a) Declare APAAR ID registration as a voluntary measure as earlier stand of State according to RTI.
- (b) Issue a writ of mandamus restraining Respondents 1 and 2 from enforcing APAAR compliance.
- (c) Declare coercive actions as violative of Articles 14, 21, and 21A of the Constitution.
- (d) Initiate disciplinary/criminal action under BNS Sections 198 and 316(5).
- (e) Pass any other order that the Hon'ble court deemed just and proper.



26

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AND FOR THIS ACT OF KINDNESS AND JUSTICE THE
PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY

Place: Mumbai

Date: 21.05.2025

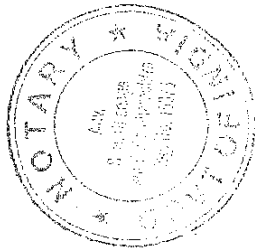
R. Mishra

Advocate for the petitioner

[Signature]

Petitioner

(Ambar Koiz)



27

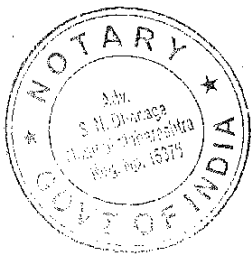
VERIFICATION

I, Ambar Koiri, age 55 years, Occ: Bussiness, Flat no. B-1501,
Runawal Hights, LBS Marg, Mulund (W) Mumbai, Maharashtra –
400080, do hereby state that the content of this writ petition is true and
correct to my knowledge and belief.

Verified at Mumbai on this 21st day of May 2025.

Amishra
Adv. For Petitioner

[Signature]
Petitioner



BEFORE ME

[Signature]

Adv. S. M. Dhargade
Notary, Govt of India
Reg. No. 15376 MUMBAI (MS)
404-405, 4th Floor, Daxar House,
107/109, Near Central Camera Bldg.,
D.N. Road, Fort, Mumbai - 400001.

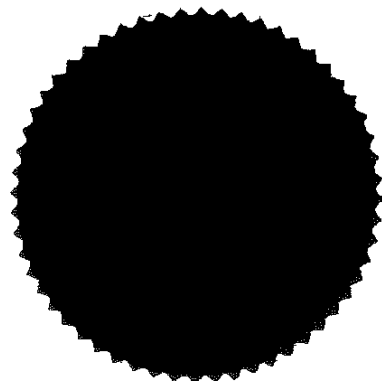
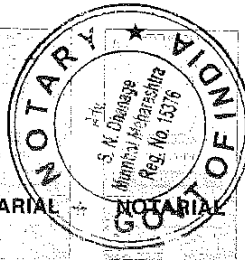
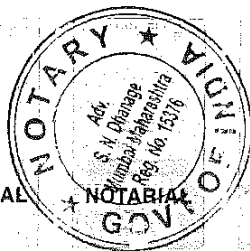
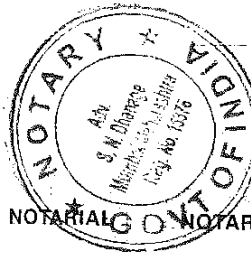
NOTED & REGISTERED

Page No. 59/13 Sr. No. 452

Date 21 MAY 2025

ID / Aadhar / PAN / DL: 5242 03 850642

Seen Org. / POA / Board Resol.:



28

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL CIVIL JURISDICTION

~~2225~~ WRIT PETITION NO. _____ OF 2025

DISTRICT: MUMBAI

Ambar Koiri,
Flat no. B-1501, Runawal Hights,
LBS Marg, Mulund (W)
Mumbai, Maharashtra – 400080.

VERSUS

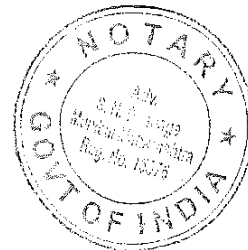
1. Dr. Prasad Mahadov Karande,
Registrar,
Mahtma Gandhi Road, Fort,
Mumbai, Maharashtra – 400032.

2. University of Mumbai,
Through its Director,
Dr. Pooja Raundale,
Board of Examinations and Evaluation,
Vidyanagari Campus, Kalina,
Santacruz (East), Mumbai – 400098.
Email: dboee@exam.mu.ac.in

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

4. Ministry of Education,
State of Maharashtra,

5. Union of India,
Through the Ministry of Education,



VAKALATNAMA

29

I, Ambay Kojri, the Petitioner above named do here by appoint
Adv. Mariam Nizam / Abhishek Mishra Advocate High Court, Bombay, to act, plead and appear
for me in the above matter.

IN WITNESS WHERE OF, we have set and subscribed our hands to this writing
at Mumbai.

Date this 21st day of may, 2025

Accepted

Mariam Nizam

Abhishek Mishra

① Ambay Kojri

ADVOCATE FOR PLAINTIFF

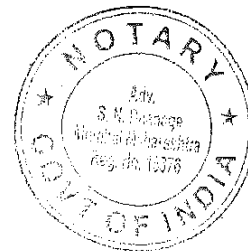
PETITIONER

ADV. MARIAM NIZAM, Adv. Abhishek Mishra (Ambay Kojri)

(MAH/46980 / 2019)

Office No. 2 & 3, Kothari House,
5/7 Oak Lane, A. R. Allana Marg,
Near Burma Burma Restaurant,
Fort, Mumbai – 400 023

FILED IN THE COURT ON 21/5/ 2025



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL CIVIL JURISDICTION
CIVIL WRIT PETITION NO. _____ OF 2025
DISTRICT: MUMBAI

~~Shri~~ Ambar Koiri,

....Petitioner

VERSUS


Dr. Prasad Mahadov Karande & Ors.

....Respondents

MEMORANDUM OF REGISTERED ADDRESS OF PETITIONER

SHRI AMBAR KOIRI
C/O Adv. Abhishek N. Mishra
FLAT NO. B-1501, RUNAWAL HIGHTS,
LBS MARG, MULUND (W)
MUMBAI, MAHARASHTRA – 400080

Dated this _____ th day of MAY, 2025, at Mumbai.



ADV. Abhishek N. Mishra
ADVOCATE SUPREME COURT & HIGH COURT
(MAH/46980/2018)
Office No. 2 & 3, Kothari House,
5/7 Oak Lane, A. R. Allana Marg,
Near Burma Burma Restaurant,
Fort, Mumbai – 400 023
Mob: 9820467035
Email: adv.abhishekmishra1@gmail.com

31

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL CIVIL JURISDICTION

CIVIL WRIT PETITION NO. _____ OF 2025

DISTRICT: MUMBAI

Ambar Koiri,

....Petitioner

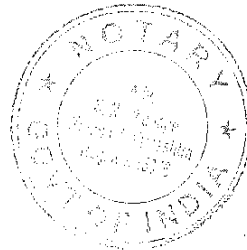
VERSUS

Dr. Prasad Mahadov Karande & Ors.

....Respondents

LIST OF DOCUMENTS

Sr. No.	Particulars	PAGE NO.
1.	<u>Exhibit- A</u> Copy of the reply of RTI dated 02.12.2024	
2.	<u>Exhibit- B</u> A copy of Circular No. AEM/ (2025-26)/55 dated 22nd April 2025 issued by the Respondent No. 1.	
3.	<u>Exhibit- C</u> A copy of Circular No. S.R.M/Calculator/45/1119 dated 19th March 2025 issued by the Respondent No. 2.	



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

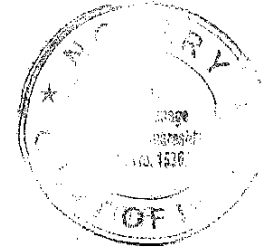
Shastri Bhawan, New Delhi
Dated the 2nd December, 2024

To

Shri. Rumar,

Mobile: 9876543210
Email: remarvinods@rediffmail.com

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



Please refer to your RTI application no. 2024/05198 dated 21.11.2024 on the above mentioned subject.

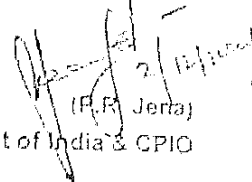
In this regard, the reply for your RTI application regarding "digital education initiatives launched by the Ministry of Education" is as under:

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

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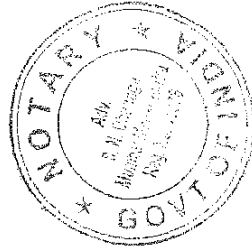
- d) It aligns with data privacy guidelines
 - e) Parents can withdraw consent at any time
7. Yes, Aadhaar is a requirement for creating an APAAR ID. There is no exception to this. The student's name in UDISE plus must match their Aadhaar name, and Aadhaar authentication is performed on a voluntary basis
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)

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
नए दिल्ली में छात्रावास भवन/Da Scton Bhawan, New Delhi
महोदय, नए दिल्ली/Shastri Bhawan, New Delhi



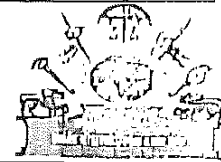
100

Maharashtra State Board of
Secondary & Higher Secondary
Education,
S.R.No.832-A, Final Plot No. 178,179,
Near Balchitrawani, Behind Agharkar
Research Institute, Bhamburda,
Shivajinagar, Pune-411004.



Maharashtra State Board of Secondary & Higher Secondary
Education,
S.No.832-A, Final Plot no. 178, 179, Beside
Balchitrawani, Behind Agharkar Research
Institute, Bhamburda, Shivajinagar,
Pune 411004

"EXHIBIT-C"



35

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

Secretary (P) : 25651750

EPABX -25705000

Fax : 25665807

Email : secretary.stateboard@gmail.com

S.R.M/Calculator/45/1119

Pune-411004

Dated -19.03.2025

Per,

Departmental Secretary,

Maharashtra State Average and High mean, Board of Education,

All Divisional Boards,

Subject-February-March 2025 regarding registration of APAAR ID of Secondary Certificate Examination
(E.10th) and Higher Secondary Certificate Examination (E.12th) students.

Pursuant to the above subject it is hereby informed that the students who appeared for the Secondary
Certificate Examination (E.10th) and Higher Secondary Certificate Examination (E.12th) February-March
2025 are required to make their mark sheets available in Digilocker at the time of result. For that it is
necessary to enter the APAAR ID of the student.

For that APAAR ID update link has been made available on the state board website
www.mahahsscboard.in to register APAAR ID. By that, the admitted students for whom
APAAR ID is available by 11.04.2025 should be recorded and all the recognized schools/junior
colleges in their jurisdiction should be informed about this and the action taken report should be
submitted to the State Board Office.

(Devidas Kulal)

Secretary

State Board, Pune-04

No. Munyirn/Umap/1412

Vashi Near Mumbai-400 703.

Dated- 21/03/2025

To,

Headmaster/Principal,

Mumbai Divisional Area

All recognized means and higher secondary, schools and junior colleges,

Mumbai City, Mumbai District / Palghar Raigad Dist

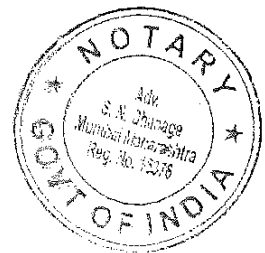
According to the above letter, the Headmaster/Principal should take note at his level and take appropriate action

(Jyotsna Shirde-Pawar)

D. Departmental Secretary,

Mumbai Divisional Board,

Vashi Near Mumbai



And forward to the appropriate function :-

1. Chief Executive Officer, Mumbai.

2. Education Officer (Central) Mumbai / Thane / Raigad.

3. Coaching Officer, Bhamburda Department (West South/North)

Project Officer, Integrated Tribal Development Project Office Jawhar/Dahanu/Shahapur/Pen/Palghar.

4. Chief Executive Officer, State Board, Pune

36

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL CIVIL JURISDICTION

~~WRIT~~ WRIT PETITION NO. _____ OF 2025

DISTRICT: MUMBAI

Ambar Koiri,

....Petitioner

VERSUS

Dr. Prasad Mahadov Karande & Ors.

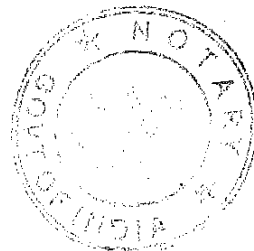
....Respondents

AFFIDAVIT IN THE SUPPORT OF INJUNCTION

APPLICATION

I, Ambar Koiri, age 55 years, Occ: Bussiness, Flat no. B-1501, Runawal Hights, LBS Marg, Mulund (W) Mumbai, Maharashtra – 400080, the Plaintiff above named do hereby solemnly state and affirm as under:

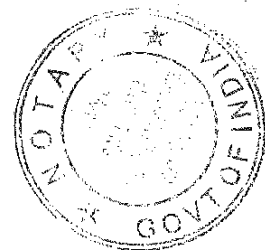
- (1) That, I am the Petitioner in the instant Writ Petition and filing the present petition before this Honourable Court.
- (2) That, I have read and understood the contents of the abovementioned Writ Petition and I state that the same are true and correct to my knowledge.
- (3) I repeat, retreat and confirm the statements, submissions and averments made in the present Writ Petition and I submit that the same are true and correct to the best of my knowledge and belief, and I believe the same to be correct.
- (4) I crave leave to refer to and rely upon this Petition and the Exhibits annexed hereto and to rely on other documents as and when required to be produced before this Honourable Court.
- (5) That, I have read and understood the contents of this Writ Petition and all accompanying documents.



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(6) I do hereby state on solemn affirmation and declare that whatever is stated in the foregoing paragraphs are true to my personal knowledge and belief, whereas the legal submissions are made as per legal advice given by the advocate and I believe the same to be true.

DATED THIS 20th DAY OF MAY, 2025 AT MUMBAI



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VERIFICATION

I, ~~Shri~~ Ambar Koiri, age 55 years, Occ: Bussiness, Flat no. B-1501,
Runawal Hights, LBS Marg, Mulund (W) Mumbai, Maharashtra – 400080,
do hereby state that the content of this writ petition is true and correct to
my knowledge and belief.

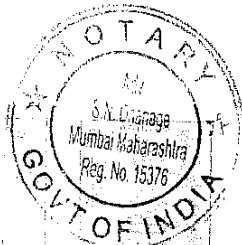
Verified at Mumbai on this 21st day of may 2025.

Amishra

Adv. For Petitioner

[Signature]

Petitioner



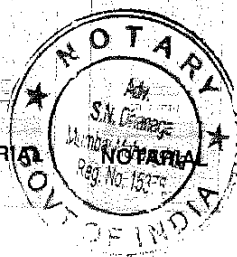
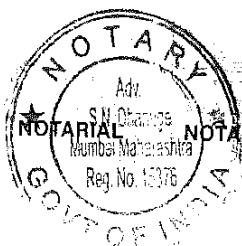
NOTARIAL

NOTARIAL

BEFORE ME

[Signature]

S.N. Chhangu
Advocate
2nd Floor, 1st Cross, 1st Main Road,
13th Cross, 1st Main Road, 1st Cross,
Dulgaon, Mumbai - 400001.



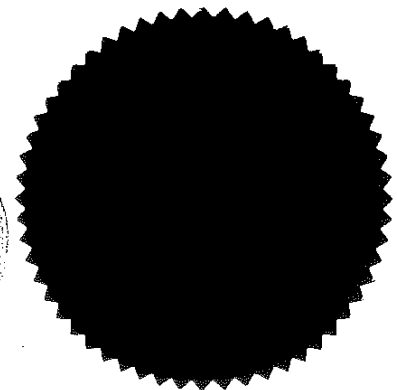
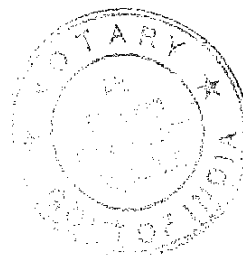
NOTES & RECORDED

Page No. 5013 No. 453

Date 21 MAY 2025

ID / Aadhar / PAN / DL: 53420380642

Seen Org. / PCA. Board Resol.:



39

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL CIVIL JURISDICTION

~~WRIT~~ WRIT PETITION NO. _____ OF 2025

DISTRICT: MUMBAI

Ambar Koiri,

....Petitioner

VERSUS

Dr. Prasad Mahadov Karande & Ors.

....Respondents


ADVOCATE'S CERTIFICATE

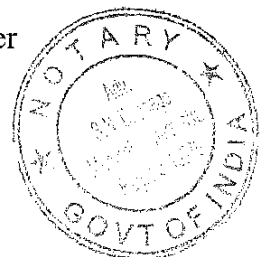
To,
The Prothonotary & Senior Master,
Original Side,
Mumbai.

Sir,

I, Abhishek N. Mishra, Advocate for the Petitioner herein, do hereby certify and state that the issues involved in the present Petition are to be entertained by the Divisional Bench of this Hon'ble Court because this Petition does not challenge any judicial order as contemplated under the amended Rule 636(1)(b) of the Bombay High Court, O.S. Rules. Therefore, the said Petition is required to be placed before the Division Bench.

Dated this 22nd day of May, 2025.


Advocate for the Petitioner



IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORIGINAL CIVIL JURISDICTION
CIVIL WRIT PETITION NO. ____ OF 2025
DISTRICT: MUMBAI

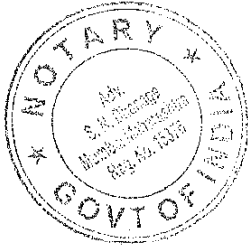
Ambar Koiri

...Petitioner

VERSUS

Dr. Prasad Mahadov Karande & Ors.

...Respondents



Dated this 21st day of May, 2025

ADV. Abhishek N. Mishra
ADVOCATE SUPREME COURT & HIGH
COURT
(MAH/46980/2018)
Office No. 2 & 3, Kothari House,
5/7 Oak Lane, A. R. Allana Marg,
Near Burma Burma Restaurant,
Fort, Mumbai – 400 023
Mob: 9820467035
Email: adv.abhishekmishra1@gmail.com

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IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORIGINAL CIVIL JURISDICTION
CIVIL WRIT PETITION NO. ____ OF 2025
DISTRICT: MUMBAI

Ambar Koiri ...Petitioner

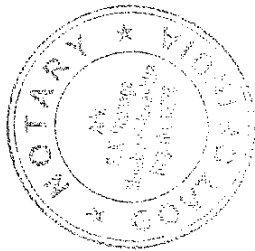
VERSUS

Dr. Prasad Mahadov Karande & Ors.

...Respondents

WRIT PETITION

Dated this 28th day of May, 2025



ADV. Abhishek N. Mishra
ADVOCATE SUPREME COURT & HIGH
COURT
(MAH/46980/2018)
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