

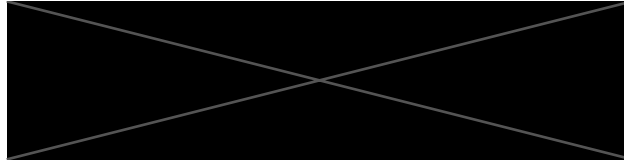


**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10771 OF 2025

1. **Rohit Bandu Nikalje,**
Aged : 19 years, Adult Indian Inhabitant

2. **Rahul Bandu Nikalje,**



...PETITIONERS

V E R S U S

1. **The Regional Officer, UIDAI,**
Mumbai Regional Office,
7th Floor, MTNL Building,
GD Somnani Road, Cuff Parade,
Colaba, Mumbai – 400 086.

2. **Unique Identification Authority of India (UIDAI)**
Government of India,
Ministry of Electronics & Information Technology
Regional Office, 3rd Floor, South Wing
Khanija Bhavan, No. 49, Race Course Road,
Begaluru – 560 001.

3. **The Chief Secretary,**
Government of Maharashtra,
CS Office Main Building,
Mantralaya, 6th Floor, Madam Cama Road,
Mumbai – 400 032.

4. **The State of Maharashtra,**
Through Government Pleader.

...RESPONDENTS

Ms. Harshada Shirsath a/w Mr. Ramaprasad Deore i/b. Mr. Swaraj Sabale, for Petitioners.

Mr. P. P. Kakade, Addl. GP a/w Ms. P. N. Diwan, AGP for the State.

Mrs. Shehnaz V. Bharucha and Ms. Gargi Warunjikar, for Respondent Nos. 1 and 2.

**CORAM : RAVINDRA V. GHUGE &
HITEN S. VENEGAVKAR, JJ.
DATE : 06th MAY, 2026**

ORAL JUDGMENT : (PER HITEN. S. VENEGAVKAR, J.)

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. Heard the learned Advocate appearing for the Petitioners, the learned Additional Government Pleader appearing for the State, and the learned Advocate appearing for Respondent Nos. 1 and 2.

3. The Petitioners, who are twin brothers, have invoked the Writ Jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction to Respondent Nos. 1 and 2 to forthwith update the biometric details linked with Aadhaar Card

Nos. 6123 2462 3213 and 4118 7935 0468, or, in the alternative, to issue fresh Aadhaar cards to them without further delay. The Petitioners' case is that they were issued Aadhaar cards in the year 2012 when they were minors, after submission of the requisite documents and biometric information. According to them, when they attained the relevant age and were required to update their biometrics, they approached the concerned authorities in the year 2022 and submitted the necessary documents and biometric data. However, despite compliance on their part, the updated Aadhaar cards were not issued.

4. The Petitioners state that upon inquiry with the UIDAI helpline, they were informed that their update request had been rejected on account of mismatch in biometrics. They thereafter raised several grievances on the UIDAI portal and were ultimately asked to personally visit the Regional Office at Mumbai. The Petitioners visited the Regional Office on 23rd April, 2024, where they were informed that their biometric update request was rejected because of biometric mismatch. They were advised to apply for cancellation of the existing Aadhaar numbers and thereafter apply for fresh enrollment. Acting upon this advice, they submitted

consent forms for cancellation and waited for communication from the Respondent authorities. When no communication was received, they again visited the Regional Office on 30th May, 2024, and were then informed that, in view of a new circular, the earlier process for cancellation had been revoked and that they would now be required to update the existing Aadhaar numbers with corrected biometrics.

5. The Petitioners contend that they thereafter consented to correction and updation of their existing Aadhaar records. They were informed that their request had been forwarded to the competent office and that necessary action would be taken. However, despite repeated personal visits on 9th June, 2024, and 2nd September, 2024, they were merely told that the matter was under process. According to the Petitioners, this administrative uncertainty has caused them serious prejudice. They are students pursuing higher education; Aadhaar is being insisted upon for admissions, insurance, identity verification and allied purposes. It is stated that their admissions are provisional and may be affected for want of valid Aadhaar details. Petitioner No. 2, who is pursuing sporting activity in horse riding, also requires insurance coverage, which has allegedly been withheld for want of a valid Aadhaar number.

6. Learned Advocate for the Petitioners submits that the Petitioners have not committed any fraud, impersonation or suppression. They were minors when the original enrollment was done. If the biometrics of the two brothers were interchanged or incorrectly captured, the fault cannot be fastened upon them. She submits that the Petitioners have repeatedly approached the UIDAI authorities and have complied with every instruction given to them. At one stage, they were asked to apply for cancellation; later they were told that cancellation was not available; thereafter they were told to seek update; and subsequently they were informed that the Aadhaar numbers had been suspended or cancelled. Such shifting stands of the authority, according to her, have left the Petitioners without an effective identity credential despite no fault on their part.

7. Learned Advocate for the Petitioners further submits that Aadhaar has become an important identity instrument in ordinary civic, educational and institutional life. The Petitioners cannot be made to suffer indefinitely on account of an error in the Aadhaar ecosystem. She submits that Respondent Nos. 1 and 2 are statutory authorities and are duty-bound to either correct the existing Aadhaar records or permit fresh enrollment in a time-bound manner.

She, therefore, prays that a writ of mandamus be issued directing the Respondents to either update the Petitioners' biometric records or issue fresh Aadhaar numbers/cards after fresh enrollment.

8. Learned Advocate appearing for Respondent Nos. 1 and 2 submits that the Petitioners' earlier Aadhaar records disclosed biometric mismatch and that, upon technical verification, the existing Aadhaar numbers were suspended/cancelled in accordance with the applicable procedure. It is submitted that once biometric mismatch is detected, the authority cannot mechanically update the existing Aadhaar records, as the integrity of the Central Identities Data Repository must be maintained. It is further submitted that the Petitioners are at liberty to apply afresh for Aadhaar enrollment with valid supporting documents and fresh biometric capture, and that such application will be processed in accordance with the Aadhaar Act, 2016 and the Aadhaar (Enrollment and Update) Regulations, 2016. Learned Counsel submits that the Respondents have no intention of denying Aadhaar to eligible residents, but the process must follow statutory safeguards.

9. We have considered the rival submissions and perused

the documents placed before us. The controversy is narrow. The Petitioners do not seek a declaration that the Respondent authorities must disregard biometric safeguards. Equally, the Respondents do not dispute that the Petitioners may submit fresh enrollment applications with current biometrics and supporting documents. The real grievance is that the Petitioners have been moved from one administrative process to another without a final resolution, though the problem appears to have arisen from mismatched or anomalous biometric capture at the stage of enrollment/update.

10. The Aadhaar Act, 2016 recognizes Aadhaar as an identification number issued to an individual and vests UIDAI with the responsibility of issuing Aadhaar numbers and maintaining the Central Identities Data Repository. Section 23 empowers the Authority to frame and administer processes relating to enrollment, authentication, data management and issuance of new Aadhaar numbers in appropriate cases. The Act also contemplates alteration of demographic and biometric information under Section 31 and empowers the framing of regulations concerning deactivation or omission of Aadhaar numbers. The official amended text of the Act records the statutory basis for alteration of demographic and

biometric information and for regulating omission/deactivation processes.

11. The Aadhaar (Enrollment and Update) Regulations, 2016 are directly material. Regulation 28 deals with deactivation of Aadhaar numbers. It contemplates deactivation where information captured has been flagged as bad data requiring update, including mixed or anomalous biometrics. The Regulations also provide that where a person attains the age of 5 or 15 years, the first Aadhaar update must necessarily be accompanied by biometric update; if such biometric update is not carried out within the prescribed period, the Aadhaar number may remain deactivated, but the holder may activate it by updating biometric information. Regulation 31 further provides that where an Aadhaar number is omitted for reasons other than multiple Aadhaar numbers, the concerned individual is required to re-enroll; where the Aadhaar number is deactivated, the holder is required to update identity information partly or fully as per UIDAI guidelines.

12. The statutory scheme, therefore, does not support an indefinite administrative limbo. If the case is one of deactivation,

the authority must indicate the rectification pathway. If the case is one of omission/cancellation requiring re-enrollment, the authority must accept and process fresh enrollment in accordance with law. In either event, an eligible resident cannot be left remediless merely because an earlier biometric record is defective, particularly where there is no allegation of fraud or impersonation by the Petitioners.

13. In Justice *K.S. Puttaswamy (Retd.) and another vs. Union of India and others, (2019) 1 SCC 1*, the Constitution Bench upheld the Aadhaar framework substantially, while emphasizing that the Aadhaar architecture must operate within constitutional limitations, with safeguards for dignity, privacy, proportionality and exclusion concerns. The decision does not authorize administrative denial of identity rectification where the resident is willing to submit to lawful verification. The ratio relevant for the present case is that Aadhaar, being a statutory identity framework, must function in a manner that is procedurally fair and constitutionally reasonable.

14. In *Binoy Viswam vs. Union of India, (2017) 7 SCC 59*, the Supreme Court considered the relationship between Aadhaar and statutory identity requirements in the context of PAN. Though

arising in a different statutory setting, the judgment recognizes the State's legitimate interest in maintaining identity integrity. That principle assists the Respondents to the extent that Aadhaar cannot be corrected contrary to biometric safeguards. However, the same principle also requires the authority to provide a lawful route for genuine persons to cure defects and obtain valid identity credentials.

15. The power of this Court under Article 226 to issue a writ of mandamus is well settled. In *Comptroller and Auditor General of India, Gian Prakash, New Delhi and another vs. K.S. Jagannathan and another, (1986) 2 SCC 679*, the Supreme Court held that the High Courts may issue directions where a public authority has failed to exercise discretion or has exercised it in a manner which frustrates the purpose of the statute. The principle squarely applies here. UIDAI is not being directed to bypass verification; it is being directed to exercise its statutory function in a proper, time-bound and legally accountable manner.

16. On the facts of the present case, we find that the Petitioners have approached the authorities repeatedly. The record indicates that they were first told that the update was rejected on

account of biometric mismatch; thereafter they were advised to apply for cancellation; thereafter they were informed that cancellation had been revoked; thereafter they were told that update would be processed; and eventually they were informed that the Aadhaar numbers had been suspended/cancelled and that fresh enrollment would be necessary. Such inconsistent administrative communication is unsatisfactory. It is not expected of a statutory authority dealing with foundational identity credentials to leave young students without a clear, written, time-bound remedy.

17. At the same time, this Court cannot direct UIDAI to restore or update an Aadhaar number if the statutory system has detected mixed or anomalous biometrics and if the applicable regulations require omission or fresh enrollment. The integrity of the Aadhaar database is a matter of public importance. The proper balance, therefore, is to direct the Petitioners to submit fresh enrollment applications with fresh biometric capture and supporting documents, and to direct the Respondent authorities to process the same expeditiously without raising any objection founded merely on the earlier mismatched biometric record, unless any independent legal disqualification or fraud is found.

18. We are also of the view that the Petitioners cannot be asked to produce documents beyond those prescribed by law. If the Petitioners produce the documents required under the Aadhaar Act, the Regulations and the applicable UIDAI enrollment/update norms, the Respondents shall not insist upon any extraneous or impossible requirement. The *maxim lex non cogit ad impossibilia*, though not necessary to decide the matter independently, reflects a settled principle that the law does not compel the impossible. The Petitioners cannot be compelled to cure an administrative biometric mismatch except through the lawful technological and procedural mechanism available with UIDAI.

19. In the result, the Petition is disposed off with the following directions. The Petitioners shall, within fifteen days from today, appear before the Regional Office of UIDAI at Mumbai or such Aadhaar Seva Kendra as may be specified by Respondent Nos. 1 and 2, and submit fresh applications for Aadhaar enrollment with fresh biometric capture and all supporting documents prescribed under law. The Respondent authorities shall accept such applications, issue proper acknowledgment, and shall not reject the applications merely on the ground that the earlier Aadhaar numbers

were suspended, deactivated, omitted or cancelled due to biometric mismatch. Upon receipt of the applications and completion of biometric capture, the Respondent authorities shall process the applications strictly in accordance with the Aadhaar Act, 2016 and the Aadhaar (Enrollment and Update) Regulations, 2016, and shall take a final decision within four weeks from the date of submission of the applications. If the applications are found complete and no independent legal impediment exists, fresh Aadhaar numbers/cards shall be issued to the Petitioners within the said period. If for any legally sustainable reason the applications cannot be processed, the Respondent authorities shall communicate a reasoned written order to the Petitioners within the same period.

20. We clarify that this Court has not expressed any opinion on the technical correctness of the earlier biometric mismatch report. The present order is confined to ensuring that the Petitioners are not left without a remedy and that the statutory authority acts in a fair, transparent and time-bound manner. The Respondent authorities shall not insist upon any document other than those required under law for fresh Aadhaar enrollment. The Writ Petition is accordingly disposed off.

21. Before parting with the present matter, we deem it appropriate to observe that this Court is increasingly noticing cases where citizens are compelled to approach constitutional Courts on account of biometric mismatch, failed biometric updation, deactivation, suspension, omission, cancellation or technical irregularities in Aadhaar records. In several such cases, genuine residents, including students, senior citizens, labourers, persons from rural areas and economically weaker sections, are made to repeatedly visit different offices and authorities without any clear resolution or effective guidance regarding the procedure required to rectify their Aadhaar records. Such situations result in unnecessary hardship, denial of access to essential services and avoidable litigation.

22. The Aadhaar framework established under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 constitutes one of the foundational identity infrastructures of the country. The object of the enactment is not merely to create a technological database, but to establish a reliable and accessible identity mechanism for residents so as to facilitate delivery of welfare measures, public services, institutional access

and effective governance. The State, therefore, has a legitimate administrative and constitutional interest in ensuring that every eligible resident possesses a valid and functional Aadhaar identity. At the same time, implementation of the statutory framework must remain citizen-centric, facilitative and constitutionally compliant.

23. The Aadhaar Act, 2016 and the Aadhaar (Enrollment and Update) Regulations, 2016 themselves contemplate situations involving updation, correction, deactivation, omission and fresh enrollment. Regulation 28 recognizes circumstances involving deactivation on account of defective or anomalous data and also contemplates biometric updation after attainment of prescribed age thresholds. Regulation 31 further contemplates situations where fresh enrollment may become necessary after omission or cancellation of Aadhaar numbers. The statutory framework, therefore, itself recognizes that technological or biometric irregularities may arise during implementation and provides remedial mechanisms to address such contingencies.

24. In *Justice K.S. Puttaswamy (Retd.) and another vs. Union of India and others*, (2019) 1 SCC 1, while upholding the

Aadhaar framework, the Constitution Bench of the Hon'ble Supreme Court emphasized the necessity of maintaining safeguards against exclusion and recognized the importance of fair and accessible mechanisms in matters concerning identity and authentication. The constitutional guarantee under Article 21 of the Constitution necessarily requires that administrative procedures affecting civic identity must operate in a fair, transparent and reasonable manner. A genuine resident cannot be left remediless merely because a technological or biometric anomaly has occurred in the system.

25. It is equally necessary to observe that maintenance of the integrity and purity of the Aadhaar database is a matter of national importance and the authorities are fully justified in adopting safeguards against duplication, impersonation and fraudulent enrollment. However, while preserving the sanctity of the biometric identity framework, the authorities are equally expected to adopt a humane, responsive and facilitative approach while dealing with genuine cases involving biometric mismatch, failed updation or technical irregularities, particularly where no allegation of fraud or impersonation exists against the concerned resident.

26. In view of the aforesaid discussion, and with a view to reducing avoidable hardship to genuine residents facing Aadhaar-related technical or biometric difficulties, we deem it appropriate to issue the following directions to Respondent Nos.1 and 2 for future guidance and compliance :

(i) Whenever any citizen approaches the Aadhaar Authorities with a grievance relating to biometric mismatch, failed biometric up-dation, deactivation, suspension, omission, cancellation or technical rejection of Aadhaar records, the concerned authority shall inform such citizen in writing or through officially recognized electronic communication about the precise status of the Aadhaar record and the legally permissible remedial procedure available under the Aadhaar Act, 2016 and the Aadhaar (Enrollment and Update) Regulations, 2016.

(ii) The Respondent Authorities shall endeavour to maintain an appropriate facilitation mechanism at the Regional Offices and Aadhaar Seva Kendras for dealing with cases involving biometric mismatch, failed updation, deactivation or technical irregularities in Aadhaar records.

(iii) In cases where Aadhaar enrollment was originally undertaken during minority and biometric mismatch or authentication failure is noticed subsequently upon attainment of age prescribed for mandatory biometric updation, the concerned authorities shall provide reasonable opportunity to such applicants for fresh biometric capture and rectification in accordance with law.

(iv) The authorities shall ensure that genuine applicants are not unnecessarily compelled to repeatedly visit multiple offices without being informed of the status of their applications or the procedure required for redressal of their grievance.

(v) Wherever fresh enrollment is permissible under the applicable statutory framework and regulations, the authorities shall facilitate such fresh enrollment in accordance with law and shall not reject the request merely on the ground that an earlier Aadhaar number stood suspended, deactivated, omitted or cancelled due to biometric mismatch or technical irregularities, unless any case of fraud, impersonation or duplication is detected.

(vi) The authorities shall endeavour to process requests relating to

biometric correction, updation, reactivation or fresh enrollment expeditiously and preferably within a reasonable period of four weeks from the date of submission of requisite documents and biometrics.

(vii) The authorities shall not insist upon any documents other than those prescribed under the Aadhaar Act, 2016, the Regulations framed thereunder and officially notified UIDAI requirements.

(viii) While maintaining the integrity and security of the Aadhaar database, the Respondent Authorities shall adopt a fair, humane and citizen-centric approach while dealing with cases involving students, senior citizens, persons with disabilities, economically weaker sections and other genuine residents facing technological or biometric difficulties.

27. Applying the aforesaid principles to the facts of the present case, we are of the considered view that the Petitioners cannot be left without an effective remedy merely because a biometric mismatch has occurred in the Aadhaar system, particularly when there is no allegation of fraud, impersonation or

suppression against them. The Respondent Authorities are therefore required to facilitate lawful rectification and fresh enrollment in accordance with the statutory framework.

28. **Rule is made absolute in the above terms.** There shall be no order as to costs.

(HITEN S. VENEGAVKAR, J.) (RAVINDRA V. GHUGE, J.)