

W.P(MD)No.29394 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29394 of 2025

P.Pushpam

... Petitioner

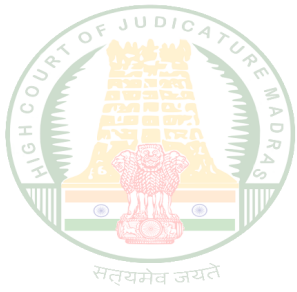
Vs.

1.The Director,
Unique Identification Authority of India (UIDAI),
Khanija Bhavan,
No.49, 3rd Floor,
South Wing Race Course Road,
Bengaluru – 560 001.

2.The Principal Controller,
Office of the Defence Accounts (Pensions),
Draupadi Ghat,
Saraswathu Vihar Colony,
Allahabad.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to carry out necessary corrections in the records by rectifying the petitioner's name as 'Pushpam' instead of 'Pushbam' and to further correct the date of birth as '07.06.1952' in place of '25.06.1952' in Aadhaar Card No.4098 1045 0169 based on the petitioner's representation dated 13.09.2025.



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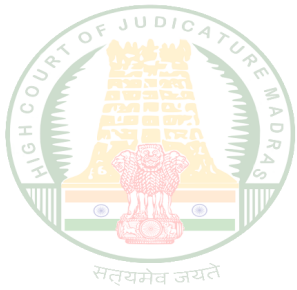
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For Petitioner : Mr.N.Kamesh
For Respondents : Mr.M.Gnanagurunathan
Central Government Standing Counsel

ORDER

The writ petitioner is a senior citizen aged about 74 years. She was widowed recently. Her husband had served the Indian Army for 21 years. He was in receipt of army pension. Following his demise on 23.05.2025, the petitioner applied for transfer of the pension account. The petitioner's request could not be processed on account of errors found in her Aadhaar Card. The writ petitioner's name had been wrongly spelt as "Pushbam". Her date of birth was erroneously entered as "25.06.1952" instead of "07.06.1952".

2.The writ petitioner approached the E-Sevai Maiyam at Paramakudi to set right the aforesaid errors. She was directed to approach the local post office for effecting the corrections. Her efforts were in vain. Thereupon, she sent a representation to the Regional Centre, Bengaluru. Since there was no response, she invoked the jurisdiction of this Court under Article 226 of the Constitution of India.



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3. Para 2 of the statement of objects and reasons of the Aadhaar (Targeted Delivery of Financial and Other Subsidies Benefits and Services) Act, 2016 reads as follows :

“2. The Unique Identification Authority of India was established by a resolution of the Government of India, Planning Commission vide notification number A-43011/02/2009-Admin.I, dated the 28th January, 2009. The object of the establishment of the said Authority was primarily to lay down policies and to implement the Unique Identification Scheme of the Government, by which residents of India were to be provided unique identity number. This number, when authenticated successfully, would serve as proof of identity and could be used for identification of beneficiaries for transfer of benefits, subsidies, services and other purposes.”

The constitutional validity of the Act was upheld by the Hon'ble Supreme Court in ***K.S. Puttaswamy (Aadhaar-5J) v. UOI (2019) 1 SCC 1***. That Aadhaar Card has become an indispensable identity document is beyond dispute. One can be deprived of various benefits and services for want of a proper Aadhaar Card.

4. The case of the petitioner is a classic instance. Her husband was an Ex-Serviceman. He was getting pension from the Indian Army. He passed away. Therefore, the family pension should have been disbursed to the petitioner from the succeeding month onwards.



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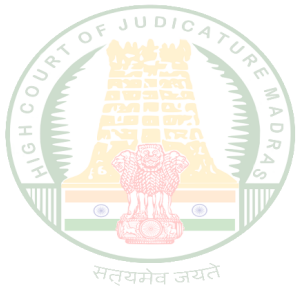
Though more than five months have elapsed, the transfer of pension account has not taken place. The sole reason is the discrepancy found in her Aadhaar Card.

5. Though Aadhaar Card is a document of great importance, errors are bound to creep in. Recognising this reality, Section 31 of the Act provides for alteration of demographic or biometric information. The statutory provision is as follows :

31. (1) In case any demographic information of an Aadhaar number holder is found incorrect or changes subsequently, the Aadhaar number holder shall request the Authority to alter such demographic information in his record in the Central Identities Data Repository in such manner as may be specified by regulations.

(2) In case any biometric information of Aadhaar number holder is lost or changes subsequently for any reason, the Aadhaar number holder shall request the Authority to make necessary alteration in his record in the Central Identities Data Repository in such manner as may be specified by regulations.

(3) On receipt of any request under sub-section (1) or sub-section (2), the Authority may, if it is satisfied, make such



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alteration as may be required in the record relating to such Aadhaar number holder and intimate such alteration to the concerned Aadhaar number holder.

(4) No identity information in the Central Identities Data Repository shall be altered except in the manner provided in this Act or regulations made in this behalf.

The information set out in the Aadhaar Card has to be necessarily correct. That is why, duty is cast on the Aadhaar number holder to request the Authority to alter the demographic information if found to be incorrect. But sub-section (3) of Section 31 reads that the Authority, if it is satisfied, may make the necessary alteration. The expression “may” normally has a discretionary connotation. But depending on the context, it can be construed as obligatory also. I hold that the Authority is duty bound to make the corrections in the Aadhaar Card on being satisfied that the information set out therein is correct. In other words, the whole purpose of Section 31 is to ensure that one's Aadhaar Card contains the correct details.

6. Pursuant to the power to make regulations under Section 54 of the Act, The Aadhaar (Enrolment and Update) Regulations, 2016 were



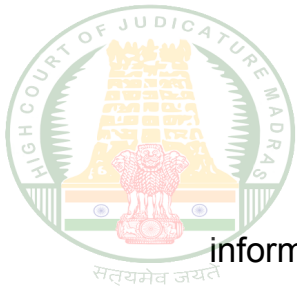
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issued. Chapter IV of the said Regulations deals with update of information of Aadhaar number holder. Regulation 16 reads that an Aadhaar number holder may seek alteration of his demographic information or biometric information in cases specified under Section 31 of the Act in accordance with update procedure as specified in this Chapter. The Regulations have Schedules and Forms annexed to it. The petitioner's name had already been corrected. What remains to be altered is only her date of birth. Scheduled II sets out the list of acceptable documents for enrolment and update. For proof of date of birth, the following documents are acceptable :

- 1.Valid Indian passport
- 2.Service photo identity card issued by Central Government/State Government/PSU/Regulatory Body/Statutory Body
- 3.Pensioner photo identity card/freedom fighter photo identity card/pension payment order issued by Central Government/State Government/PSU/Regulatory Body/Statutory Body.

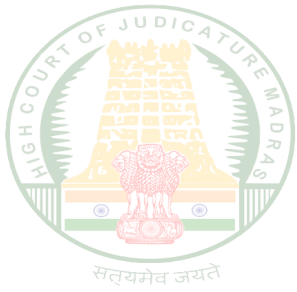
7.The petitioner has enclosed her husband's pension order in the typed set of papers. The writ petitioner's date of birth has been mentioned as "07.06.1952". This is a document recognised by the Aadhaar Regulations. On submission of the same, the demographic

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information pertaining to the petitioner in her Aadhaar Card has to be appropriately amended.

8.The next question that arises is whom should the petitioner approach. The petitioner had stated in her affidavit that she could not resolve her issues at the local level. The learned Standing Counsel for the respondents submitted that the petitioner has to appear in person before the Aadhaar Seva Kendra at Madurai.

9.When I was about to dispose of the writ petition with a direction to the Aadhaar Seva Kendra, Madurai to accept the pension order and make the changes, quite a few members of the Bar stood up and complained that there is only one Aadhaar Seva Kendra for all the southern Districts of Tamil Nadu. The centre is located near the District Court. Quite a few recounted their personal experiences. It appears that certain changes such as correcting the details pertaining to one's address and phone number can be done at the local level. But changes in name, date of birth and biometric information have to be done only at the Aadhaar Seva Kendra, Madurai. Anecdotal evidence suggests that this statement is correct. That there are long queues outside the said centre everyday from early morning is also a fact.

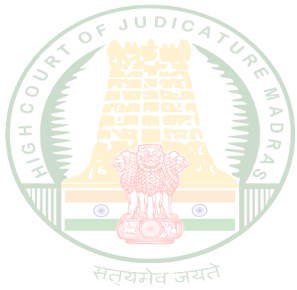


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10. Tamil Nadu is not alone. Recently, the digital magazine “The Wire” carried a long article titled “Queues, Rejections, Ambiguity : The Daily Trials of Wanting a Working Aadhaar” on 06.08.2025 on this very issue faced by the people of Jharkhand. The ambiguity surrounding the Aadhaar processes has been graphically captured in this article. The author has given the following recommendations :

“Decentralised Aadhaar update services: In light of increasing integration of Aadhaar with welfare schemes, being able to update one’s Aadhaar at the local level is imperative. Local CSCs should be given the license to facilitate basic updates, such as biometric updates and name corrections. ASKs must be the last resort for people living far away for more complex cases. Alternatively, more ASKs can be established, at least one in each district, so that the more complex cases can be resolved at the district level.

Adequate training of operators: It follows from the above recommendation that local operators must be trained rigorously and regularly. If local centres are given the license for basic updates, but the rejection rates are high, people will be pushed to visit faraway ASKs.



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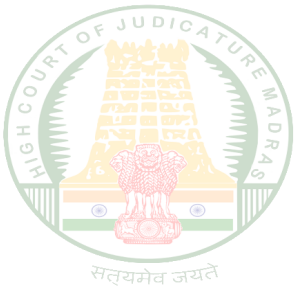


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Establish an escalation and appeals process along with effective grievance redressal: When a certain application is rejected, one should not have to go through the entire process again. Establishing escalation and appeals would mean that rejections are further looked into and applicants informed about the steps needed to rectify their application.

Appoint one officer at the block level who takes accountability for all Aadhaar-related cases in the block. This will ensure better coordination between Aadhaar and other welfare schemes. Such an officer can suo moto set up camps or resolve Aadhaar issues within the block when a certain social welfare scheme demands it. For example, eKYC for PDS, as mentioned above, would require camps to be set up to update the biometric details of people.

Implement real-time status tracking and notifications at different stages of application verification/processing. Enrolment for a new Aadhaar takes 180 days. In such cases, real-time status tracking is useful for the citizen to understand the stage where their application gets stuck or rejected and the reason behind the rejection. Without knowing the reason, repeated applications amount to pouring water into a sieve.”

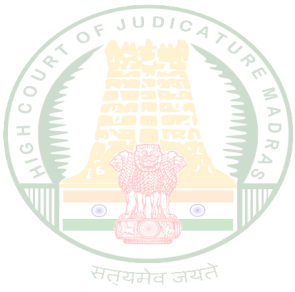


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11.The Central Government introduced the Aadhaar regime.

WEB COPY The statute confers right on the Aadhaar number holder to seek alteration. The Authority is therefore under a correlative duty to make the changes on being satisfied that the information earlier incorporated warrants alteration. Physical accessibility is the issue that has been flagged in this writ petition. The number holder is a widow and a senior citizen. She is a resident of Paramakudi in Ramanathapuram District. I fail to understand as to why she must be made to come all the way to Madurai to enforce her right to alter the demographic information in her Aadhaar Card. Of course, to alter the biometric information, one's physical presence may be required. But the facility to alter the demographic information must be available at the local level. Admittedly, there are 4056 Aadhaar enrolment centres in the State of Tamil Nadu. These centres can very well be equipped to cater to the requests for alteration of information envisaged under Section 31 of the Act.

12.It is submitted by the standing counsel that UIDAI proposes to establish 28 ASK (Aadhaar Seva Kendra) across Tamil Nadu by March 2026. I earnestly hope that this proposal will fructify and each District Capital will have a centre (ASK).



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13. Alteration of the information in the Aadhaar Card is a statutory function discharged by the Authority. It is a form of service. Every Aadhaar number holder has the fundamental right to obtain the services set out in the Aadhaar regime. Once it is concluded that the statutory right set out in Section 31 of the Act would partake the character of a fundamental right, it becomes the duty of the Authority to put in place the requisite infrastructure and make available all facilities so that the said right can be easily exercised. As already mentioned, when a request for alteration is made, the authority has the duty to carry out the same on being satisfied that the request is well founded. Quando lex aliquid alicui concedit, conceditur et id sine quo res ipsa esse non potest, When the law grants anything to anyone, it is considered to grant that without which the thing itself cannot be (the sine qua non). This maxim is applied only in the context of a provision conferring power. In other words, when the law gives anything to anyone, it gives tacitly all that is incident to it. From Broom's Legal Maxims, one can conclude that the same principle will apply where duty is imposed. A primary obligation encompasses carrying out of incidental and ancillary duties within its fold. Duty to carry out the alteration in the Aadhaar Card carries with it the obligation to engage in capacity building so that every



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card holder has an easy access to the services provided by the Authority.

14.The issue can be approached from another perspective also.

The Aadhaar Act was originally intended to ensure that the targeted constituency of the welfare schemes receive the benefit. Section 7 of the Act reads as follows :

“7.The Central Government or, as the case may be, the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit or service for which the expenditure is incurred from, or the receipt therefrom forms part of, the Consolidated Fund of India, require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment:

Provided that if an Aadhaar number is not assigned to an individual, the individual shall be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.”



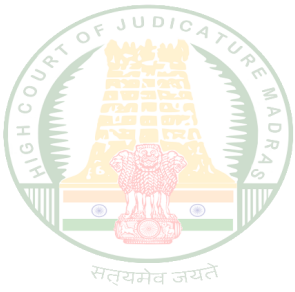
Section 2(w) of the Act reads as follows :

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“ “service” means any provision, facility, utility or any other assistance provided in any form to an individual or a group of individuals and includes such other services as may be notified by the Central Government;”

The Hon'ble Supreme Court in ***K.S. Puttaswamy (Aadhaar-5J.) v. Union of India, (2019) 1 SCC 1*** held as follows :

“314. It may be highlighted at this stage that the petitioners are making their claim on the basis of dignity as a facet of right to privacy. On the other hand, Section 7 of the Aadhaar Act is aimed at offering subsidies, benefits or services to the marginalised sections of the society for whom such welfare schemes have been formulated from time to time. That also becomes an aspect of social justice, which is the obligation of the State stipulated in Part IV of the Constitution. The rationale behind Section 7 lies in ensuring targeted delivery of services, benefits and subsidies which are funded from the Consolidated Fund of India. In discharge of its solemn constitutional obligation to enliven the fundamental rights of life and personal liberty (Article 21) to ensure justice, social, political and economic and to eliminate inequality (Article 14) with a view to ameliorate the lot of the poor and the Dalits, the Central Government has launched several welfare schemes. Some such schemes are PDS, scholarships, mid-day meals, LPG subsidies, etc.



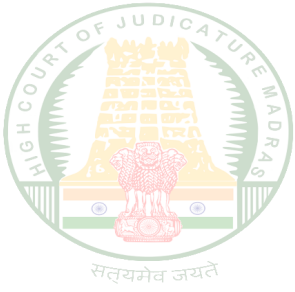
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These schemes involve 3% percentage of the GDP and involve a huge amount of public money. Right to receive these benefits, from the point of view of those who deserve the same, has now attained the status of fundamental right based on the same concept of human dignity, which the petitioners seek to bank upon.”

When right to receive the benefits is a fundamental right and Aadhaar Card is a mandatory vehicle through which the benefit can be received, the card holder has the concomitant fundamental right to seek alteration of the demographic information in the card in terms of Section 31 of the Act. Providing such facility would be a hallmark of good governance (vide *Manoj Narula v. Union of India*, (2014) 9 SCC 1).

15. Though the first respondent is confident that many more ASKs will be established in six months time, the petitioner cannot wait till then. She has to necessarily appear before the ASK, Madurai. Since the issue itself has been decided in this writ petition, all that the petitioner needs to do is to appear in person and produce this order copy. Thereupon, without much ado, the necessary alteration shall be carried out in the petitioner's Aadhaar Card. Thereupon, the second respondent also shall expeditiously transfer the pension account in favour of the petitioner.



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WEB COPY 16.This Writ Petition is allowed. No costs.

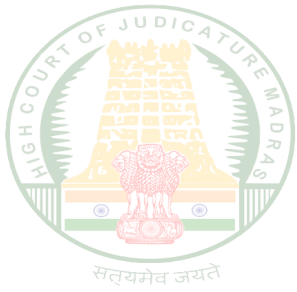
17.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA/SKM

Note: Registry is directed to make a copy of this order to the first respondent immediately.

To

- 1.The Director,
Unique Identification Authority of India (UIDAI),
Khanija Bhavan,
No.49, 3rd Floor,
South Wing Race Course Road,
Bengaluru – 560 001.
- 2.The Principal Controller,
Office of the Defence Accounts (Pensions),
Draupadi Ghat,
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G.R.SWAMINATHAN, J.

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