

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) NO. 62 of 2020**

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PATEL AABIDALI YUSUFBHAI  
Versus  
STATE OF GUJARAT

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Appearance:  
MR MANISH S SHAH(5859) for the Applicant(s) No. 1  
MS MANISHA LAVKUMAR, GOVERNMENT PLEADER WITH MR MANAN  
MEHTA, AGP  
for the Opponent(s) No. 1,2,3,4

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CORAM: HONOURABLE MR.JUSTICE N.V.ANJARIA  
and

HONOURABLE DR. JUSTICE ASHOKKUMAR C. JOSHI

Date : 20/04/2020

ORAL ORDER

(PER : HONOURABLE MR.JUSTICE N.V.ANJARIA)

Invoking the public interest jurisdiction of this Court, the petitioner, one Patel Aabidali Yusufbhai, resident of Village Kanai, Taluka Himmatnagar, Sabarkantha, filed this petition under Article 226 of the Constitution. What was prayed was to set aside Notification dated 11<sup>th</sup> April, 2020 issued by respondent Food and Civil Supplies & Consumer Affairs Department in so far as the same which is a resolution of the respondent authorities, placed a mandatory requirement of producing of Adhar Card for the purpose of availing benefits under the said Notification.

2. The Notification in question issued by the respondent authorities contemplates as a policy

decision for distribution of free ration and grocery to Non-NFSA APL-1 category persons, in order to facilitate this class of persons to get the essential commodities-grains etc. during the present crisis period when the country and the State has been facing lockdown due to which the public distribution has also suffered leaving the needy class of the society with serious hardships in getting the essential commodities-groceries and grains.

3. In the said Notification, it was contemplated *inter alia* that the distribution of free grocery would be allowed only on production of Adhar Card by the intended beneficiary and that no other identification would be treated as valid for being eligible for obtaining the benefit. When the petitioner complained to the Mamlatdar, Himmatnagar, with regard to the above condition by letter dated 13<sup>th</sup> April, 2020 to request that insistence for Adhar Card only as compulsory identification for getting the benefit to the exclusion of other valid identifications, would be self-defeating to the purpose and that it would lead to greater hardships and injustice, the Mamlatdar replied that in the Notification, the Adhar Card was the only identification provided to be valid and since no other instructions were given, production of Adhar Card would be mandatory for getting the grocery by the citizen beneficiary concerned.

4. Contending that the prescription by the State authorities to insist for the Adhar Card only,

and no other identification, for getting the benefit under the Notification would stand in violation of fundamental rights of the people, the public interest petitioner moved this Court seeking to set aside the said condition in the Notification and to permit the citizens to provide other identify proofs as well. The contention canvassed was that when the benevolent scheme of distribution of free grocery to the needy designated class is during the hard pressed times of outbreak of Corona Virus (COVID-19), it would be arbitrary and against the equality principle to insist for Adhar Card only, to the exclusion of other valid identification proofs and that such solitary prescription would work self-defeating to the purpose sought to be achieved, as all needy may not be possessing to be able to produce the Adhar Card as the only identification.

**4.1** When this petition was taken up by the Court through video conferencing, learned Government Pleader Ms.Manisha Lavkumar appeared and submitted that under the Government Resolution dated 11<sup>th</sup> April, 2020 the distribution of essential groceries is by two modes-online and offline. By way of online mode, the credentials of the beneficiaries, it was stated, are verified by using biometrics, that is thumb prints, whereas the offline mode pertained to the distribution of ration by maintaining a physical register. The offline mode is used for distribution where beneficiary is not having available the biometric details or due to infrastructural bottlenecks, the other mode is not feasible for

extending the benefit.

**4.2** Learned Government Pleader thereafter stated that the State had already passed a Resolution dated 01<sup>st</sup> March, 2018 which continues to apply to Non-NFSA APL-1 families and that it has been unequivocally stated therein that the distribution shall be permitted on the basis of 13 documentary proofs of identification. In a written note submitted to the Court, learned Government Pleader mentioned 13 documents, further making a statement that any amongst these 13 identification documents inclusive of Adhar Card, could be accepted as valid for the purpose of extension of benefit in question.

**4.3** On behalf of the State authorities it was stated before the Court that following 13 documentary proof could be accepted as valid identification in the event of non-availability of Adhar Card-(i) Election Card, (ii) PAN Card, (iii) Driving License, (iv) Photograph along with Bank Passbook, (v) Passport, (vi) NREGA Card, (vii) Farmer Passbook (with Photo and Name), (viii) Identification cards issued by the Mamlatdar, (ix) Identification cards issued by Gazetted Officer, (x) Identification card given by Postal Department (with Photo and Name), (xi) LPG Book/Number, (xii) Certificate by educational institution/birth certificate and (xiii) Any other card that may be notified by the State Government.

**4.4** It was also stated that Director, Food &

Civil Supplies, has already addressed a letter dated 16<sup>th</sup> April, 2020 to the Collector, Sabarkantha, giving the details of 13 documentary proofs would be accepted in the event of non-availability of Adhar Card. It was stated that the Mamlatdar, Himmatnagar has already been intimated accordingly.

**4.5** Learned advocate for the public interest petitioner Mr. Manish Shah did not dispute the above statement and further submitted simultaneously that the petitioner has also now received letter dated 17<sup>th</sup> April, 2020 from the Mamlatdar concerned. He stated that the cause raised in the petition is thereby taken care of.

**5.** In view of above, the Court therefore is not required to go into the merits of the petition. Appreciating the response of the respondent-State and thereupon observing that the respondent-State authorities shall abide by and implement their stand and the statement in the subject as mentioned above by learned Government Pleader, the present petition is herewith disposed of as not surviving.

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(N.V. ANJARIA, J)

(DR. ASHOKKUMAR C. JOSHI, J)

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