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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment reserved on: 10.11.2025

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Judgment delivered on: 16.01.2026

+ W.P.(C) 17385/2024, CM APPL. 74029/2024 & CM APPL. 65260/2025

WORKING NEWS CAMERAMEN'S ASSOCIATIONPetitioner
Through: Mr. Aseem Mehrotra and Ms. Deeksha Mehrotra, Advs.

versus

PRESS COUNCIL OF INDIA & ANR.Respondents
Through: Mr. Vikramjit Banerjee, ASG with
Mr. T. Singhdev, Mr. Bhanu Gulati,
Ms. Yamini Singh, Mr. Abhijit Chakravarty, Ms. Anum Hussain, Ms.
R. Kaur, Ms. Akansha, Mr. S. Kumar,
Mr. T. Srivastava, Mr. P. Rawat, Mr.
Vedant Sood, Advs. for PCI
Ms. Shiva Lakshmi, CGSC with Mr.
Amit Acharya, GP and Mr. Madhav Bajaj, Adv. for UOI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

DEVENDRA KUMAR UPADHYAYA, C.J.

CHALLENGE

1. The instant writ petition filed by an Association of Working News Cameramen challenges the notice dated 09.06.2024 issued by the Press



Council of India (hereinafter referred to as the “**Council**”) inviting claims for being notified as an eligible “association of persons” for nomination of Members of the 15th term of the Council under Rule 3 of the Press Council (Procedure for Notification of associations of persons) Rules, 2021 (hereinafter referred to as the “**Rules, 2021**”). The petitioner also challenges the report dated 10.09.2024 submitted by the Scrutiny Committee whereby a recommendation has been made to reject the claim of the petitioner/ association as an eligible “association of persons” under the category of members to be nominated to the Council in terms of Section 5(3)(a) of the Press Council of India Act, 1978 (hereinafter referred to as the “**Act**”).

2. The petitioner also challenges the letter of the Council, dated 12.11.2024, whereby it was communicated to the petitioner that the Council on deliberations on the recommendations of the Scrutiny Committee has approved the recommendation, enclosing therewith the detailed findings whereby the claim of the petitioner was rejected.

3. A further prayer has also been made by the petitioner seeking a direction to the Council to include its name in the list of eligible “associations of persons” under Section 5(3)(a) of the Act in the category of Working Journalists other than Editors for nomination as members to 15th term of the Council.

FACTS

4. Press Council of India is a statutory body incorporated under Section 4 of the Act, 1978 and is a body corporate having perpetual succession and a common seal.



5. Section 5 of the Act, 1978 provides for composition of the Council which consists of a Chairman and twenty eight other Members. Out of twenty eight other Members of the Council, thirteen are nominated from amongst the working Journalists of whom six are Editors of newspapers and seven are working Journalists other than Editors. Six persons are to be nominated from amongst persons who own or carry on business of management of newspapers. One Member is nominated amongst persons who manage news agencies and three persons are those who have special knowledge or practical experience in education, science, law and literature and culture, of whom one is nominated by University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy. Rest five Members are Members of Parliament of whom three are nominated by the Speaker from amongst the Members of the Lok Sabha and two are nominated by the Chairman of the Rajya Sabha from amongst its Members. For the purposes of nomination of thirteen Members from amongst working Journalists and also for nominating six persons from amongst persons who own or carrying on business of management of newspapers and also for nominating one Member from persons who manage news agencies, the retiring Chairperson of the previous Council has to invite panels of names comprising twice the number of Members to be nominated, from "associations of persons" of the working Journalists, those who own or carry on the business of management of newspapers and also those who manage news agencies. All persons are nominated as Members of the Council by the Council except in the case of the First Council and on nomination of persons as Members, the Central Government notifies names of persons nominated by the Council. So far as the present case is concerned, we are concerned



with nominations of working Journalists in terms of Section 5(3)(a) of the Act, 1978.

6. Section 5 of the Act, 1978 is extracted herein below:

"5. Composition of the Council.—(1) The Council shall consist of a Chairman and twenty-eight other members.

(2) The Chairman shall be a person nominated by a Committee consisting of the Chairman of the Council of States (Rajya Sabha), the Speaker of the House of the People (Lok Sabha) and a person elected by the members of the Council under sub-section (6) and the nomination so made shall take effect from the date on which it is notified by the Central Government in the Official Gazette.

(3) Of the other members—

(a) thirteen shall be nominated in accordance with such procedure as may be prescribed from among the working journalists, of whom six shall be editors of newspapers and the remaining seven shall be working journalists other than editors; so, however, that the number of such editors and working journalists other than editors in relation to newspapers published in Indian languages shall be not less than three and four respectively;

(b) six shall be nominated in accordance with such procedure as may be prescribed from among persons who own or carry on the business of management of newspapers, so, however, that there shall be two representatives from each of the categories of big newspapers, medium newspapers and small newspapers;

(c) one shall be nominated in accordance with such procedure as may be prescribed from among persons who manage news agencies;

(d) three shall be persons having special knowledge or practical experience in respect of education and science, law, and literature and culture of whom respectively one shall be nominated by the University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy;

(e) five shall be members of Parliament of whom three shall be nominated by the Speaker from among the members of the House of the People (Lok Sabha) and two shall be nominated by the Chairman of the Council of States (Rajya Sabha) from among its members:

Provided that no working journalist who owns, or carries on the business of management of, any newspaper shall be eligible for nomination under clause (a):



Provided further that the nominations under clause (a) and clause (b) shall be so made that among the persons nominated there is not more than one person interested in any newspaper or group of newspapers under the same control or management.

¹*[Explanation.—For the purposes of clause (b), a “newspaper” shall be deemed to be categorised as big, medium or small newspaper on the basis of its circulation per issue, as the Central Government may, by notification in the Official Gazette, notify from time to time.]*

(4) Before making any nomination under clause (a), clause (b) or clause (c) of sub-section (3), the Central Government in the case of the first Council and the retiring Chairman of the previous Council in the case of any subsequent Council shall, in the prescribed manner, invite panels of names comprising twice the number of members to be nominated from such associations of persons of the categories referred to in the said clause (a), clause (b) or clause (c) as may be notified in this behalf by the Central Government in the case of the first Council and by the Council itself in the case of subsequent Councils:

Provided that where there is no association of persons of the category referred to in the said clause (c), the panels of names shall be invited from such news agencies as may be notified as aforesaid.

(5) The Central Government shall notify the names of persons nominated as members under sub-section (3) in the Official Gazette and every such nomination shall take effect from the date on which it is notified.

(6) The members of the Council notified under sub-section (5) shall elect from among themselves in accordance with such procedure as may be prescribed, a person to be a member of the Committee referred to in sub-section (2) and a meeting of the members of the Council for the purpose of such election shall be presided over by a person chosen from among themselves.”

7. Prescribing the procedure for notification of “associations of persons” for the purposes of constitution of the Council, the Central Government has framed Rules, 2021 in exercise of its powers conferred on it under Section 25 read with Section 5(4) of the Act, 1978. As per Rule 3, in case of a Council subsequent to the First Council, the retiring Chairman has to invite filing of claims from eligible “associations of persons” by giving wide publicity. Rule 4 of the Rules, 2021 provides for the eligibility of “association of persons” for being eligible to file claims. According to Rule 4, to be eligible, an “association of persons” must have been registered



under the relevant law for at least six years prior to last date of filing of the claims and must be conducting its business continuously thereafter. Rule 4 also requires the “associations of persons” seeking its nomination to submit documents duly certified by the competent authority under the relevant law under which the association is registered.

8. Rule 5 provides for scrutiny of such claims of “associations of persons” by a Scrutiny Committee comprising of three persons to be nominated by the Chairperson from amongst the Members of the Council and such Scrutiny Committee is required to submit its report to the Council. Sub Rule 2 of Rule 5 provides that the Council on consideration of the report submitted by the Scrutiny Committee shall take appropriate decision and notify the “associations of persons” in terms of the requirement of Section 5(4) of the Act, 1978. The Rules, 2021 are extracted herein below:

“In exercise of the powers conferred by sub-sections (1) and (2) of Section 25 read with sub-section (4) of Section 5 of the Press Council Act, 1978 (37 of 1978), the Central Government hereby makes the following rules, namely—

1. Short title and commencement.—(1) These rules may be called the Press Council (Procedure for Notification of associations of persons) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules—

(a) “Act” means the Press Council Act, 1978 (37 of 1978);

(b) associations of persons means associations of persons of the categories referred to in clause (a), clause (b) and clause (c) of sub-section (3) of Section 5;

(c) “Committee” means the Scrutiny Committee constituted by the Chairman under Rule 5 in exercise of powers under Section 8;

(d) “section” means a section of the Act;



(e) words and expressions used but not defined herein shall have the meanings assigned to them in the Act.

3. associations of persons to be notified.—The Central Government in the case of first Council and the retiring Chairman of the previous Council in the case of any subsequent Council shall, for the purpose of notifying associations of persons under sub-section (4) of Section 5, invite filing of claims from eligible associations of persons by giving wide publicity in at least two widely circulated national daily newspapers.

4. Eligibility of association of persons.—For being eligible to file claims under Rule 3, an association of persons must have been registered under the relevant laws for the time being in force for at least six years prior to last date of filing of the claims and must be conducting its business continuously thereafter, and shall submit documents in proof thereof, duly certified by the competent authority under such relevant laws:

Provided that the memorandum of association of such association of persons shall not restrict its membership to any particular religion, race, caste or language.

5. Scrutiny of Claims.—(1) The claims filed by associations of persons under Rule 3 shall be scrutinized by a Scrutiny Committee consisting of three persons to be nominated by the Chairman from amongst members of the Council who are not associated in any manner with any of such claimant associations and shall submit its report to the Council.

(2) The Council shall, after considering the report submitted by the Scrutiny Committee, take appropriate decision and notify the associations of persons as required under sub-section (4) of Section 5:

Provided that where the decision of the Council is at variance with the recommendations of the Scrutiny Committee, such decision shall be taken by not less than three-fourth majority of members, other than members of the Scrutiny Committee, present and voting, and in case of equality of votes, the Chairman shall have the casting vote.”

9. The term of the 14th Press Council of India expired on 05.10.2024. Before the expiry of its term, the Council issued a notice on 09.06.2024 inviting filing of claims for notification of “associations of persons” for constituting 15th Press Council of India under Rule 3 of the Rules, 2021. The notice dated 09.06.2024 mentions eligibility of “association of persons” which is extracted herein below:



“Eligibility of association of persons:

association of persons must have following:

- a) *It must have been registered under the relevant laws for the time being in force for at least six years prior to last date of filing of the claims;*
- b) *It must be conducting its business continuously thereafter, and shall submit documents in proof thereof, duly certified by the competent authority under such relevant laws;*
- c) *The Memorandum of Association (MoA) of such association of persons shall not restrict its membership to any particular religion, race, caste or language.*

The claims shall be filed in a sealed envelope superscribed “Claims with the name of the Association” on the letter head of the association carrying the registered address for correspondence, email i.d., contact numbers with the CHAIRPERSON PRESS COUNCIL OF INDIA, SOOCHNA BHAWAN, 8, CGO COMPLEX, LODHI ROAD, NEW DELHI-110003, so as to reach on or before 5:00 PM of 24thJuly, 2024.”

10. The said notice also mentioned the supportive documents to be filed which are as under:

“SUPPORTIVE DOCUMENTS TO BE FILED

The claims should be accompanied by supportive documents showing that the associations eligible in terms of the Act and the Rules made thereunder to represent anyone of the categories set out above and also to establish that it is qualified to represent the category under which it is staking its claim.

Following documents authenticated by Notary Public need to be filed:

- (a) *A copy of the MoA/Constitution/MoU of the Association;*
- (b) *Copy of the Registration Certificate of the claimant body, with up to date renewal certificate wherever applicable;*
- (c) *Minutes of the General Body meetings for the last six years preceding the issuance of advertisement filed before the appropriate authority i.e. Registrar of Societies or such authorities under relevant laws under which the associations of persons is registered to show their existence for at least six years prior to last date of filing of the claims;*
- (d) *Certificate of the Competent Authority under relevant law in the following format:*



Dated:

Certificate

I _____ (Full Name) do hereby certify _____ (Name of the Association) has been registered/incorporated under (Name of the Act) on _____ (Date, Month & Year) and conducting its business continuously thereafter.

(Signature and Seal of the Competent Authority)

(e) An upto date detailed list of its members representing the category under which the claim is being filed with complete particulars as set out below, in hardcopy as well as soft copy in Pen Drive:

- (1) SURNAME, FIRST NAME**
- (2) RESIDENTIAL ADDRESS OF THE MEMBER(S)**
- (3) TITLE OF THE NEWSPAPER BEING REPRESENTED ALONGWITH REGISTRATION NUMBER**
- (4) LANGUAGE IN WHICH THE NEWSPAPER IS PUBLISHED**
- (5) NEWSPAPER PUBLICATION ADDRESS ALONG WITH STATE NAME**
- (6) OFFICE ADDRESS WITH NAME OF THE STATE AT WHICH THE MEMBER IS CURRENTLY POSTED**
- (7) DESIGNATION IN THE NEWSPAPER i.e. EDITOR, WORKING JOURNALIST OTHER THAN EDITORS, OWNER/PUBLISHER OR MANAGER**
- (8) CIRCULATION OF THE NEWSPAPER OWNED OR MANAGED BY THE MEMBER [INFORMATION REGARDING THIS POINT TO BE PROVIDED BY ASSOCIATIONS FILING CLAIM UNDER SECTION 5(3)(b)]**
- (9) WHETHER MEMBER OF ANY OTHER PARALLEL ASSOCIATION**
- (10) YEAR OF JOINING THE ASSOCIATION AND**
- (11) MEMBERSHIP FEE UPTO DATE OR OUTSTANDING**



THE ASSOCIATION SHALL SPECIFY THE CATEGORY UNDER WHICH THEY ARE STAKING THEIR CLAIM.

The President/Secretary/authorized signatory to the association shall make and subscribe to a declaration to be sworn before the Notary Public, verifying that he/she has been duly authorized by the association of persons to file the claim and the facts stated in the claim application and the particulars attached thereto are true to the best of his/her knowledge and belief and information.

The claimant association shall also subscribe to a declaration establishing that the claim of the said body is valid and free from all encumbrances/disputes/litigation. The Press Council may at its discretion reject any claim if any such encumbrances are brought to its notice.

No claim made by any person other than a person duly authorized under the Constitution of the association shall be entertained.

Any claim not in conformity with the above is liable to be rejected.

The Press Council of India will be within its right to call for such additional information or verify such information as might be considered necessary.

The associations notified for the present term of the Press Council (2021-2024) may also take note of this Notice and file fresh claim applications.

The list of the claimant's Associations shall be published on the website of the Council on or before 25th July, 2024. Any person can file objection questioning the eligibility of claimant's Associations by 1st August, 2024. The claims shall be decided by the Scrutiny Committee thereafter.

No claim made after 5:00 PM of 24th July, 2024 will be entertained."

11. The notice dated 09.06.2024 also required the claimant association to subscribe a declaration establishing that claim of the concerned association is valid and free from all encumbrances/disputes/litigations. It also provided that the Council may at its discretion reject any claim if any such encumbrances are brought to its notice. According to the said notice, no claim made by a person other than a person duly authorized under the constitution of the association shall be entertained and any claim which is found not in conformity with such requirements is liable to be rejected. It



was further provided therein that the Press Council of India will be within its right to call for such additional information or verify such additional information as might be considered necessary.

12. Pursuant to the impugned notice dated 09.06.2024, the petitioner submitted its application which was considered along with other applications for the claim of nomination as eligible “association of persons” by the Scrutiny Committee which submitted its report/ recommendation on 10.09.2024. In respect of the application of the petitioner, recommendation made by the Scrutiny Committee in its report dated 10.09.2024 was to reject the said application for reasons stated in the said recommendations. The recommendation made in respect of the petitioner by the Scrutiny Committee is as follows:

“

17.	<i>Working News Cameramen's Association filed by Shri notary Sandeep Shankar, General Secretary</i>	<ol style="list-style-type: none"> 1. <i>Copy of Constitution bears the stamp of notary but signature of authentication missing.</i> 2. <i>The stamp paper of declarations by claimant does not bear the signature of notary.</i> 3. <i>Not submitted Minutes of General Body meeting for three financial years.</i> 4. <i>List of Members not notarized</i> 5. <i>No proof whether minutes of all the financial years were submitted before the appropriate authority</i>
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13. The Press Council of India *vide* impugned notification dated 28.10.2024 notified the “associations of persons” pertaining to different categories, including the category with which we are concerned with in this matter, namely, the category as contemplated in Section 5(3)(a) of the Act, 1978, however, accepting the recommendation made by the Scrutiny



Committee dated 10.09.2024, name of the petitioner was not included in the List of “associations of persons” as notified by the Council on 28.10.2024.

14. It may also be noted that the recommendation made by the Scrutiny Committee dated 10.09.2024 was considered by the Council in its meeting held on 27.09.2024 whereby, all the recommendations made by the Scrutiny Committee were accepted, including the recommendation of rejection in respect of the petitioner. The relevant extract of the Minutes of the Meeting of the Press Council of India held on 27.09.2024 is quotes hereunder:

“Rule 5. Scrutiny of Claims.- (1) *The claims filed by associations of persons under rule 3 shall be scrutinized by a Scrutiny Committee consisting of three persons to be nominated by the Chairman from amongst members or (he Council who are not associated in any manner with any of such claimant associations and shall submit its report to the Council.*

(2) The Council shall, after considering the report submitted by the Scrutiny Committee ,take appropriate decision and notify the associations of persons as required under subsection (4) of section 5.

Provided that where the decision of the Council is at variance with the recommendations of the Scrutiny Committee, such decision shall be taken by not less than three fourth majority of members, other than members of the Scrutiny Committee, present and voting, and in case of equality of votes, the Chairman shall have the casting vote.

The Council proceeded to consider the report of the Scrutiny Committee. All the claims in the Scrutiny Committee report (attached as annexure A) and recommendations thereupon were read out before the full Council and disapprovals, if any, on each decision were sought. Not a single decision could muster three fourth (3/4th) of total members present (1 member through video conferencing) and voting (17). Accordingly, the Council adopted the Scrutiny Committee report in its entirety by majority. However, eight votes were against the recommendations in case of Claim No. 27 i.e. Mumbai Press Club filed under the Category Working Journalists other than Editors.”

15. After notifying the eligible “associations of persons”, the Council vide notification dated 13.11.2024 invited panels of names comprising twice the requisite number of working journalists from the “associations of persons”



notified *vide* notification dated 28.10.2024 for nomination to the Council as its members in terms of Section 5(4) of the Act, 1978.

16. The petitioner initially chose not to challenge either the notification dated 28.10.2024 issued by the Press Council of India, nor the report of the Scrutiny Committee dated 10.09.2024. The instant petition was filed only on 16.12.2024, that too when *W.P.(C) 16202/2024* filed by the Press Club, Mumbai in respect of the recommendation made for rejection of its claim was allowed by a learned Single Judge of this Court by means of the judgment and order dated 22.11.2024.

17. It is noticed that before the petitioner instituted the instant writ petition, the notification dated 28.10.2024 was already acted upon in the sense that pursuant to the said notification, the Council issued another notification dated 13.11.2024, inviting panels of names for the purpose of nomination to the Council as its Members in terms of Section 5(4) of the Act. The petitioner also did not challenge the notice dated 09.06.2024 before filing of the instant writ petition and, in fact, yielded to the said notice and submitted its application pursuant thereto. It is this notice dated 09.06.2024 and the report of the Scrutiny Committee dated 10.09.2024 which have now been challenged by the petitioner by instituting the present writ petition only on 16.12.2024. The petitioner, as already stated above, has also challenged the rejection of its representation *vide* letter dated 12.11.2024, without making any challenge to the notification dated 28.10.2024 issued by the Council whereby the recommendation made by the impugned report of the Scrutiny Committee dated 10.09.2024 were accepted



including the recommendation made in respect of the petitioner for rejection of its claim.

SUBMISSIONS ON BEHALF OF THE PETITIONER

18. Learned counsel for the petitioner has argued that the impugned notice dated 09.06.2024 prescribes certain eligibilities for an “association of persons” to be eligible for nomination which are beyond the Rules, 2021. In this regard, it has further been argued that the requirement of submission of notarized documents as prescribed by the impugned notice dated 09.06.2024 is inconsistent with the provisions of the Notaries Act, 1952 (hereinafter referred to as the “**Notaries Act**”) inasmuch as that Section 8 of the Notaries Act while prescribing the functions of notaries provides that notaries may discharge certain functions by virtue of their office, including verification, authentication, certification or attestation of execution of any instrument, however, as per Section 2(b) of the Notaries Act, the documents required to be submitted by the petitioner/ association as per the impugned notice dated 09.06.2024 cannot be termed to be an instrument for the reason that such instrument, in terms of the said definition, include documents by which any right or liability is or purported to be created, transferred, modified, limited, extended, suspended, extinguished or recorded. It is his submission that only such instruments as described in Section 2(b) of the Notaries Act can be notarized as one of the functions ascribed to a Notary Public in terms of Section 8(1)(a) of the Notaries Act.

19. On behalf of the petitioner, it has thus been submitted that such requirement in the notice dated 09.06.2024 for determination of the eligibility of the petitioner/ association to be nominated as an eligible



“association of persons” being contrary to Section 8(1)(a) read with Section 2(b) of the Notaries Act vitiates the impugned notice dated 09.06.2024.

20. Certain judgments have been cited on behalf of the petitioner to assert that if an advertisement is inconsistent with the statutory rules, the same cannot be acted upon as the same would be beyond the scope of the Rules. Reliance in this regard has been placed by learned counsel for the petitioner on the following judgments:

- i. ***Malik Mazhar Sultan and Another v. U.P. Public Service Commission and Others***, (2006) 9 SCC 507
- ii. ***Raminder Singh v. State of Punjab and Another***, (2016) 16 SCC 95
- iii. ***Ashish Kumar v. State of Uttar Pradesh and Others***, (2018) 3 SCC 55

21. It has also been contended by learned counsel for the petitioner impeaching the impugned action on the part of the respondents, that before rejecting the claim of the petitioner, no opportunity of hearing was provided. As such the impugned action is vitiated for want of observance of principles of natural justice.

22. The petitioner also seeks parity with the judgment rendered by the learned Single Judge on 22.11.2024 in W.P.(C.) No. 16202/2024, subject matter of which pertained to notification of eligible “association of persons” for the purposes of constitution of the 15th term of the Council.

23. In respect of the objections, on the basis of which the claim of the petitioner was recommended to be rejected by the Scrutiny Committee by the impugned report dated 10.09.2024, learned counsel for the petitioner has stated that the reasons given for rejection of the claim of the petitioner are not tenable.



24. Regarding the first objection/reason given by the Scrutiny Committee to the effect that copy of the constitution of the petitioner though bears the stamp of Notary, however, the signature of Notary for authentication is missing, it has been argued that such a reason is contrary to the record. He has stated that the Notary Public's seal is available on all the five pages of the constitution and it also contains his signature with the seal and date of attestation. Our attention was drawn in this regard to the said document, which is available at page 54 of the paper book.

25. As regards the second objection/reason for rejection of the claim of the petitioner by the Scrutiny Committee to the effect that stamp paper of declaration submitted by the petitioner does not bear the signature of the Notary, it has been stated by the learned counsel for the petitioner that the said objection is also contrary to record inasmuch as that seal of the Public Notary is available on both pages with his signature on the second page of the declaration. We have been taken through the said document by the learned counsel for the petitioner which is at pages 71-72 of the paper book.

26. In respect of the third objection/reason taken by the Scrutiny Committee for recommending the claim of the petitioner as rejected, namely non-submission of minutes of General Body Meeting for three financial years, it has been argued on behalf of the petitioner that as per Section 4 of the Societies Registration Act, once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the society is held, or, if the rules do not provide for an annual general meeting, in the month of January, a list shall be filed with the Registrar containing the names, addresses and



occupation of the Members of the Governing Body who are entrusted with the management of the affairs of the society.

27. He has further stated that so far as the constitution/rules of the petitioner-society are concerned, the same do not provide for holding meeting of the General Body on annual basis rather, as per its constitution, the meeting of the General Body of the petitioner is to be held once in every three years and, accordingly, requirement of submission of the minutes of General Body Meeting for three financial years was an impossibility in case of the petitioner – association. In this view, the submission is that insistence on the part of the Scrutiny Committee or even by the Council on fulfillment of requirement of submission of minutes of General Body Meeting for three financial years is non-workable so far as the petitioner is concerned and, therefore, on the basis of such a reasoning, the petitioner could not have been held ineligible.

28. As regards the reason given by the Scrutiny Committee in respect of the claim of the petitioner for being notified as an eligible “association of persons” to the effect that the list of Members was not notarized, it has been argued on behalf of the petitioner that the list of members with full details was submitted and that non-notarization of list of Members cannot lead to rejection of the claim of the petitioner as there is no requirement of notarization under the scheme of the Act or the Rules.

29. In respect of the objection taken by the Scrutiny Committee to the eligibility of the petitioner to the effect that no proof was submitted by the petitioner of submission of minutes to the appropriate authority (the Registrar of Societies) pertaining to all the financial years, it has been submitted on behalf of the petitioner that such an objection merits rejection



for the reason that the petitioner has been complying with the provisions of the Societies Registration Act and it has also been submitting the list of elected office bearers every year and further, that the list so submitted bears the signatures of the District Magistrate.

30. On the aforesaid counts, it has been argued by learned counsel for the petitioner that the objections taken and the reasons given by the Scrutiny Committee for recommending the claim of the petitioner to be rejected are untenable.

SUBMISSIONS ON BEHALF OF RESPONDENT NO.1

31. Vehemently opposing the writ petition, Mr. Vikramjit Banerjee, learned ASG representing the respondent No.1 – Council, has argued that in absence of any challenge to the notice dated 09.06.2024, before filing of the proceedings of this writ petition, which is now being challenged, bars any such challenge once the petitioner had acted upon the said notice by submitting its claim application thereunder without any protest. In this regard, reliance has been placed by Mr. Banerjee on *Tarun Kataria v. Union of India and Others*, 2024 SCC OnLine Del 935 and *Union of India v. C. Girija and Others*, (2019) 15 SCC 633.

32. Mr. Banerjee has also argued that the instant writ petition suffers from the vice of inordinate delay. In this regard, it has been stated that the Scrutiny Committee made its recommendation on 10.09.2024 which was considered by the Council in its meeting held on 27.09.2024 and thereafter, the eligible “associations of persons” were notified *vide* notification dated 28.10.2024, however, the petitioner approached this Court only on 16.12.2024 after considerable delay, that too only on learning about the judgment of this Court in W.P.(C.) No. 16202/2024.



33. According to Mr. Banerjee, such delay in filing the instant writ petition disentitles the petitioner to claim any relief for the reason that the entire process is for constitution of the Council whose term had expired way back on 05.10.2024.

34. It has also been argued on behalf of respondent No.1 that the explanation sought to be given by the petitioner to the objection/reasons given by the Scrutiny Committee while making recommendation for rejection of the claim of the petitioner are incorrect and legally untenable.

35. He has argued that the notice dated 09.06.2024 required the claimant associations to submit notarized documents for the reason that the documents required are self generated by the claimant associations and for authentication of such documents, notarization was required.

36. Drawing our attention to the document at page No.71 of the paper book which is the declaration submitted by the petitioner, it has been stated on behalf of the respondent No.1 that the said document does not bear the signature of the Public Notary at page No.1 and, therefore, the explanation offered by the petitioner in this respect is factually incorrect.

37. Similarly, in respect of non-notarization of list of members submitted by the petitioner, it has been stated that it was a mandatory requirement in terms of the notice dated 09.06.2024 and in absence of any challenge to the said notice dated 09.06.2024 prior to institution of the instant writ petition, any challenge by the petitioner to the said notice now will be barred keeping in view the fact that the petitioner acted upon the said notice and made its application for consideration of its claim without any demur or protest.

38. It has been vehemently argued by Mr. Banerjee that the application submitted by the petitioner for being declared as an eligible “association of



persons" did not contain the requisite documents and, therefore, the Scrutiny Committee has rightly rejected its claim.

39. On the aforesaid counts, it has been urged by Mr. Banerjee that the writ petition be dismissed.

ANALYSIS

40. The foremost question which needs our consideration in this case is as to whether the writ petition suffers from the vice of inordinate delay and laches which disentitles the petitioner to seek any relief as has been prayed for, keeping in view the nature of exercise undertaken by the Council which is for the purposes of constitution of the 15th Council as the term of the 14th Council had expired on 05.10.2024.

41. It is to be noted that without making any challenge to the notice dated 09.06.2024, which is now being challenged in the instant writ petition, the petitioner acting upon the said notice submitted its application and thereafter the recommendation by the Scrutiny Committee for rejecting the claim of the petitioner was made on 10.09.2024. On the basis of the said recommendation, the notification dated 28.10.2024 was issued by the Council which contained a list of the eligible "associations of persons", wherein the name of the petitioner association was not mentioned, which is based on the recommendation made by the Scrutiny Committee in its report dated 10.09.2024.

42. The petitioner also did not challenge either the report of the Scrutiny Committee dated 10.09.2024 or the notification dated 28.10.2024 before filing the instant writ petition. We may also note that the recommendation made by the Scrutiny Committee was approved by the Council on 28.10.2024, pursuant to which a further notice was issued by the Council on



13.11.2024, inviting panel of names comprising twice the requisite number of Working Journalists from the eligible “associations of persons” notified *vide* notification dated 28.10.2024 for nomination to the Council as its Members in terms of Section 5(4) of the Act.

43. Thus, the notification dated 28.10.2024 was acted upon by the Council by issuing the notification dated 13.11.2024. It is only thereafter that the petitioner instituted the proceedings of this writ petition on 16.12.2024.

44. We are of the considered opinion that delay in filing the instant writ petition is fatal to the prayers made herein for the reason that the recommendation of the Scrutiny Committee, dated 10.09.2024 and the notification issued by the Council, dated 28.10.2024 are in the process of constitution of the 15th term of the Council and, therefore, not taking prompt steps to challenge the impugned notice dated 09.06.2024 and to the report of the Scrutiny Committee is deleterious, as the process of constitution of the Council needs to be continued, in our view, without any unwanted interruption.

45. The Council, as already observed above, is a body corporate which discharges certain essential and important statutory functions and hence its continuance is essential. Therefore, for this reason alone the petitioner was expected to act promptly if it intended to challenge the notice dated 09.06.2024 or the recommendation of the Scrutiny Committee made on 10.09.2024, which have now been challenged by the petitioner by instituting the instant writ petition with inordinate delay.

46. For the aforesaid reasons, we hold that the petitioner, by not acting with requisite promptness to challenge the impugned notice dated



09.06.2024 and the recommendation of the Scrutiny Committee made on 10.09.2024 is disentitled to invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution of India and seek any relief.

47. As already observed above, the petitioner is now challenging the notice dated 09.06.2024, though pursuant to the said notice, the petitioner participated in the process and submitted its claim for being notified as an eligible “association of persons”. Once the petitioner submitted its application pursuant to the notice dated 09.06.2024 without protest, in our opinion, it cannot be permitted now to challenge the same; rather, such a challenge is barred for the reason that the petitioner had submitted its claim without any protest or demur.

48. The contention of learned counsel for the petitioner that the petitioner in the instant writ petition is entitled to parity with the judgment dated 22.11.2024 passed by this Court in W.P.(C.) No. 16202/2024 is also not tenable for the reason that the said writ petition has been decided on its own merit and on the basis of the facts pleaded in the said writ petition. It is to be noticed that the said writ petition was filed within reasonable time and hence on this count also the petitioner is not entitled to seek any parity with the petitioner of the said writ petition.

49. Since we are not exercising our discretion under Article 226 of the Constitution of India to entertain this writ petition on the ground of inordinate and fatal delay in institution of this writ petition and also for the reason that challenge to the notice dated 09.06.2024 is not available to the petitioner at this stage as the petitioner had acted upon the said notice by submitting its claim for being declared as an eligible “association of persons”, we need not go into the merits of the factual aspects of the matter.



50. We are, therefore, not inclined to interfere in this writ petition which is hereby dismissed. However, there shall be no order as to costs.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TUSHAR RAO GEDELA)
JUDGE

JANUARY 16, 2026

N.Khanna