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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3260/2020 & CM No. 11434/2020

ASHOK KUMAR NAVARTAN AND ANRPetitioners

Through: Mr.V.K.Sharma, Adv.

versus

THE CHAIRMAN, PRESS COUNCIL OF INDIA AND ORS

..... Respondents

Through: Mr.T.Singhdev, Mr.Tarun Verma
and Ms.Sumangla, Advs. for R-1.

Mr.Jasmeet Singh, CGSC with
Mr.Srivats Kaushal, Adv. for R-
2/UOI.

Mr.Ramji Srinivasan, Sr. Adv. with
Mr.Rakesh Sinha and Mr.Pawan
Kr.Bansal, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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12.06.2020

1. This hearing has been held through video conferencing.
2. This petition has been filed by the petitioners praying *inter alia* for a direction to the respondent no.2 to issue a Notification pursuant to the recommendation dated 17.03.2020 of the respondent no.1, nominating the petitioner no.1 as a Member of the respondent no.1 under the category of 'Persons who own or carry on business of Management of Medium Newspapers' under Section 5(3)(b) of the Press Council Act, 1978.
3. By the recommendation dated 17.03.2020, the respondent no.1, while rejecting the nomination of Mr.H.N.Cama, one of the person recommended by the associations, that is the Petitioner No.

2 and one the Indian Newspaper Society, under the said category, had recommended the name of the petitioner no.1 and one Mr.L.C.Bhartiya to be nominated as Members of the respondent no.1 in the above category.

4. The disqualification of Mr. H.N.Cama has been challenged by the respondent no.3 by way of a writ petition, being WP(C) No.3105/2020 titled, ***The Indian Newspaper Society vs. The Chairman, Press Council of India & Ors.*** In the said writ petition, this Court vide its interim order dated 12.05.2020 has passed the following directions.

"Having perused the provisions of the Act and heard the respective counsels, this Court is of the opinion that the petitioner has made out a prima facie case for grant of interim relief and balance of convenience is also in favour of the petitioner. It is, therefore, directed that till the next date of hearing, respondent no. 2 will not give effect to the nomination of respondent no.5 and no further action will be taken in furtherance of the impugned decision dated 17.03.2020."

5. As the said order, apart from restraining the respondent no.2 to give effect to the nomination of the respondent no.5 therein, which is Mr.L.C.Bhartiya, further restrains the respondent no.2 to take further action in furtherance of the recommendation dated 17.03.2020, the respondent no.2 has not nominated the name of the petitioner no.1 as well.

6. In my opinion, the order dated 12.05.2020 of this court cannot be read in such a manner.

7. The grievance of the respondent no.3 in WP(C) No.3105/2020 is only with respect to the disqualification of Mr.

H.N.Cama. It is because of this reason that the nomination of the second candidate in the recommendation dated 17.03.2020 in the order of preference, being that of Mr.L.C.Bhartiya, has been restrained by this Court in its order dated 12.05.2020. The second part of the order merely elaborates that no further action shall be taken in furtherance of the Impugned order dated 17.03.2020 with respect to Mr.L.C.Bhartiya.

8. Therefore, there is no impediment on the nomination of the petitioner no.1 as a Member of the respondent no.1 that is, the Press Council of India under the abovementioned category.

9. Accordingly, the present petition is disposed of directing the respondent no.2 to issue the necessary Notification with respect to the petitioner no.1 under the abovementioned category and in accordance with law, within two weeks from today. There shall be no order as to costs.

10. The order shall be uploaded on the website and shall also be provided to the learned counsels on the e-mail address provided.

NAVIN CHAWLA, J

JUNE 12, 2020

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