

---

**(2015) 10 AHC CK 0058**  
**In the Allahabad High Court**  
**Case No : Misc. Bench No. 10057 of 2015**

|                          |    |            |
|--------------------------|----|------------|
| Abdul Moiz Khan          | Vs | APPELLANT  |
| State of U.P. and Others |    | RESPONDENT |

---

**Date of Decision :** 28-10-2015

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2015) 10 ADJ 294 : (2015) 6 AWC 6392

**Hon'ble Judges :** Amreshwar Pratap Sahi and Attau Rahman Masoodi, JJ.

**Bench :** Division Bench

**Advocate :** Ateequzzaman Siddiqui, for the Appellant

**Final Decision :** Allowed

---

## Judgement

1. Heard Sri Prashant Chandra, learned senior counsel for the petitioner, and Sri Abdul Moin, learned Additional Chief Standing Counsel. The petitioner is the Chief Correspondent of a weekly newspaper "Bhavishya Sathi Samachar".
2. The grievance of the petitioner is that the accreditation as granted to him under the guidelines framed by the State Government was renewed up-till 31.12.2015 which has been cancelled by the respondent No. 2 under the impugned order dated 18.8.2015 unilaterally and in violation of principles of natural justice for no valid reasons.
3. Sri Chandra, learned senior counsel for the petitioner further submits that not only this, extraneous material has been taken into consideration which is not in conformity with the guidelines which have been framed for the said purpose by the State Government itself and has been filed alongwith the writ petition as Annexures 5 to 8.
4. Learned senior counsel for the petitioner submits that there is a duly constituted committee under the said guidelines issued which is empowered to deal with grant of such declarations and the petitioner's declaration has not been cancelled by the committee so duly constituted. Secondly, the decision has been

taken on the strength of a letter/report of the Senior Superintendent of Police, Lucknow dated 14.8.2015, a copy whereof was never provided to the petitioner and, therefore, the action has been taken on the basis of material with which the petitioner was never confronted nor even otherwise such material was relevant for the purpose of such cancellation. It is then urged that the provisions of Clause 6.8 of the guidelines of 2008 have been invoked exercising such powers which is not possessed by the Director of Information as it has not been routed through the committee so constituted under the same guidelines.

5. Sri Chandra has relied on paragraph 10 of the judgment in the case of S. Pratap Singh Vs. The State of Punjab, , to contend that this Court has ample powers under Article 226 of the Constitution of India to rectify any error if the Court comes to the conclusion that the act of the Government or its authorities is not bona fide. He submits that the impugned order is vitiated being based on the powers vested in the Director having not been exercised in accordance with the norms and appears to be an outcome of malice in law.

6. Sri Abdul Moin, learned Additional Chief Standing Counsel, submits that the material was available on record whereafter action has been taken and he submits that the powers are exercisable under Clause 6.8. He further submits that it is only in relation to grant or refusal to grant accreditation that the powers are to be exercised by the committee under Clause 6.10 and, therefore, they operate in different fields. Consequently, he submits that the Director was well within his power to pass the impugned order and it does not suffer from any lack of authority.

7. We have considered the submissions raised and at this stage Sri Prashant Chandra, learned senior counsel for the petitioner submits that the matter may be disposed of finally as no counter affidavit would be necessary at this stage for finally disposing of the matter on the issues so raised and the material placed on record.

8. Having considered the aforesaid submissions, what we find is that the order dated 18.8.2015 categorically records the availability of a letter/report of the Senior Superintendent of Police, Lucknow indicating that the petitioner is allegedly involved in certain nefarious activities, as such accreditation should be cancelled. Admittedly, the petitioner was not made aware of any such material.

9. Secondly, the powers are stated to have been invoked under Clause 6.8. Having considered the same and the arguments of the learned Additional Chief Standing Counsel we find that Clause 6.8 has to be read in harmony with Clause 6.10 which stands amended by the Government Order dated 16.6.2009, copy whereof is Annexure 8 to the writ petition. A perusal thereof indicates that the committee so constituted has the power to make recommendations whereupon the Director of Information is to finally passed orders on such claim of grant of accreditation. In the event of disagreement with the opinion of the committee, the Director of Information has to record specific reasons for the same. This

being the position of grant or refusal to grant such accreditation, it is implied that the initial sifting and consideration of any action for subsequent cancellation to be taken in the matter of accreditation is within the recommendatory power of the committee at the first instance and then only the Director of Information can proceed to take any action thereon.

10. In the instant case it is on the alleged letter/report of the Senior Superintendent of Police that the action has been taken. This material if any, and it relevant, could have been considered by the committee, and not by the Director of Information without the recommendations, if any, of the committee which is defined under the guidelines. Consequently, the contention of the learned counsel for the petitioner is correct that the impugned order does not conform to the guidelines so framed by the respondent themselves. We are not inclined to issue notice to the respondent No. 3 at this stage as we are disposing of the petition on the legal issues advanced and not on personal mala fides but on malice in law. We find that the order dated 18.8.2015 for all the reasons aforesaid is unsustainable and deserves to be quashed. The writ petition is accordingly allowed. The order dated 18.8.2015 is quashed without prejudice to the authority to proceed only in accordance with law.