

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 1689 OF 2018

Captain Niranjankumar Basak and anr. ... Petitioners

Versus

Asst. Director General of Shipping and Ors. ... Respondents

Mr. Uday B. Nighot for the petitioner.

Mrt. Y.S. Bhate a/w Mr. Dushyant Kumar for respondents.

**CORAM : SHANTANU KEMKAR &
NITIN W. SAMBRE, JJ.**

DATE : JULY 06, 2018

P.C.:

By filing this petition, the petitioners have approached this court for the following reliefs :

“(a) That the records and proceedings be kindly called for.

(b) That this Hon'ble High Court may be pleased to issue a writ of mandamus directing the respondents herein to forthwith make DGS E-Governance system easily accessible for making data uploading/updating of the Batch details and placement record without discriminating against the petitioners and other institutes for favouring few Institutes and Shipping Companies of their like.

(c) That this Hon'ble High Court may be pleased to issue a writ of mandamus directing the Respondents herein to forthwith withdraw and or cancel the circulars dated 23.1.2018, 22.1.2018 and 16.1.2018 issued by Respondent no. 3 through the Respondent nos. 1 and 2 in absence of proper infrastructure to implement the

guidelines in the said circulars.

(d) That this Hon'ble High Court may be pleased to issue a writ of mandamus directing the respondents specifically Respondent no. 3 to not to issue circular's harmful to the interests of the Marine Training Institute's and sea-farer's without taking into account the feasibility and the repercussion's of said circulars."

2. Having one through the reliefs claimed in the petition and the reply filed by the respondents, we are of the considered view that this petition deserves to be disposed of by directing respondent no. 3 to consider the petitioner's grievance as stated in the petition and the rejoinder and take appropriate decision on it. Before taking the decision as aforesaid, respondent no. 3 shall give opportunity of personal hearing to the petitioner. Let this exercise be completed within three months from the date of receipt of copy of this order. It has been pointed out by the learned counsel for the petitioner and not disputed by the learned counsel for the respondents, that till date no coercive steps have been taken by the respondents on the basis of the impugned circular. In the circumstances, we direct that till the decision as aforesaid is taken, respondents shall not take coercive steps against the petitioner on the basis of the impugned circular.

3. With the aforesaid directions, petition is disposed of.

(NITIN W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)