

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.32215 of 2018

1. C.J.Benolin Christo
2. X.Vino Xavier
3. S.Vignesh

... Petitioners

Vs

1. The Registrar,
Indian Maritime University,
East Coast Road,
Uthandi, Chennai-119.
2. The Principal,
Cosmopolitan Technology of Maritime,
Having its Office at
227, Lingi Chetty Street,
Parrys, Chennai-600 001.
3. N.V.Kumar
(R3 impleaded suo motu by order dated
14.12.2018)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent i.e. the Registrar, Indian Maritime University to process the applications submitted by the petitioners herein and permit them to write the forthcoming end Semester Examinations for the course of Diploma in Nautical Science leading to B.Sc., Nautical Science to be held on 07.01.2019, 08.01.2019 and 09.01.2019 conducted by the 1st respondent.

For Petitioner : Mr.V.T.Narendiran

For 1st Respondent : Mr.K.R.Tamilmani,
Standing Counsel

R 2 & R3 : NA

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent i.e. the Registrar, Indian Maritime University to process the applications submitted by the petitioners herein and permit them to write the forthcoming end Semester Examinations for the course of Diploma in Nautical Science leading to B.Sc., Nautical Science to be held on 07.01.2019, 08.01.2019 and 09.01.2019 conducted by the 1st respondent.

2. When the matter was listed before this Court on 14.12.2018, this Court has passed the following Order :

3. The learned Counsel appearing for the petitioners also submits that all the three writ petitioners also completed the Pre-Sea Training Course in the year 2010-2011, from the 2nd respondent - college and for which, they have also awarded "Diploma in Nautical Science along with Continuous Discharge Certificate (CDC)". Followed by the Diploma Course, which mandates minimum 18 months, the petitioners had performed On-Board Shipping Programmes. Even after completion of the On-Board Ship Training on that cadre, they have awarded with Diploma in Nautical Science along with the Certificate of Structured Shipboard Training Programme (SSTP). While so, when the petitioners approached the 2nd respondent - college in the year 2016, to send their applications to the 1st respondent-University to write their respective semester examination, the Institution failed to take necessary steps. As a result, they are unable to write their examination. Now, the examination is going to be conducted from 07.01.2019 to 09.01.2019. For the reason, the 2nd respondent - College has failed to pay the affiliation fees to the 1st respondent, the innocent petitioners are penalised. Therefore, they should be permitted to write the examination on payment of exam fees.

4. Mr. K.R. Tamilmani, learned Standing Counsel appearing for the 1st respondent fairly submits that for no fault on the part of the petitioners, they need not be penalised. Since the 2nd respondent college have to prompt in paying the affiliation fees of Rs.2,50,000/- which has not been done. Hence, the affiliation has also been cancelled. If the petitioners come forward to pay the examination fees on or before 19.12.2018, on payment of the tuition fees by all the three petitioners, directly to the 1st respondent, the

1st respondent is hereby directed to allow them to take up their examination from 07.01.2019 to 09.01.2019. Results need not be published till further orders.''

3. Today, when the matter is called, Mr.K.R.Tamil Mani, learned Standing Counsel appearing for the 1st respondent as usual fairly submitted that the 1st respondent has received the examination fees from the petitioners, therefore, the 1st respondent will allow them to take part in the examinations from 07.01.2019 to 09.01.2019 and their results also will be published in the usual course.

4. Recording the said statement, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Registrar,
Indian Maritime University,
East Coast Road,
Uthandi, Chennai-119.
2. The Principal,
Cosmopolitan Technology of Maritime,
Having its Office at
227, Lingi Chetty Street,
Parrys, Chennai-600 001.

+2cc to Mr.V.T.Narendiran, Advocate SR.No.5098

W.P.No.32215 of 2018

NRL(CO)
GMY(15/02/2019)