



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3555 of 2020

And

W.M.P.No.4168 of 2020

International Maritime Academy
Represented by its Managing Director
J.Senthil Kumar

...Petitioner

Vs.

1. The Government of India
Represented by its Secretary,
Ministry of Shipping,
Transport Bhawan,
Sansad Marg,
New Delhi 110 001.

2. The Directorate General of Shipping,
Represented by the Assistant Director General of Shipping,
9th Floor, Beta Building,
I-Think Techno Campus,
Kanjurmarg (East),
Mumbai - 400 042.

...Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to permit the students who were admitted into the degree/diploma course in the Petitioner Institution from the Academic Year 2014 onwards to attend the Certificate of Competency examination as per their qualifications.

For Petitioner : Mr.Abishek Jenasenan

For Respondents : M/s.D.Geetha

SCGC

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to permit the students who were admitted into the degree / diploma



course in the Petitioner Institution from the Academic Year 2014 onwards to attend the Certificate of Competency examination as per their qualifications.

2.The case of the petitioner is that the petitioner Institution was established in the year 2000 with the aim of imparting maritime education and training on part with international standards. The petitioner is functioning on land over 15 acres in extent with constructed area of 10,00,000 sq.ft. The petitioner offers maritime education courses at Degree, Advanced Diploma, Diploma and Certificate level including the following Courses:

- (i) 4 years B.Tech. Marine Engineering Course
- (ii) 3 - year B.Sc.Nautical Science Course
- (iii) 1 - year Diploma in Nautical Science leading to 3 years B.Sc. Nautical Science
- (iv) General Purpose Ratings Course

3.The further case of the petitioner is that there are about 1300 students studying in the petitioner Institution and the Institution has been approved by the second respondent from the year 2000 as per the Merchant Shipping Rules. The petitioner Institution was originally conducting maritime Degree, Diploma Courses under a Memorandum of Understanding with Indira Gandhi National Open University and thereafter with the Karnataka State Open University and is presently offering the Courses under the Annamalai University.

4.The further case of the petitioner is that the above mentioned Courses are termed as pre-sea Courses and upon completion of the said Course, a candidate has to obtain a 'Continuous Discharge Certificate' from the respondent to serve as a trainee Marine Engineer/ Deck cadet on board of a Ship and such on-board training is provided by the second respondent approved Shipping Companies. The approval granted by the second respondent to the Shipping Companies is referred to as 'Recruitment and Placement Services' (RPSL) licence. Once the candidate complete the prescribed training on board a Ship, the candidate will undergo 'post sea training' Course at an Institute approved for that purpose by the second respondent and on successful completion of the examination, will be issued with 'Certificate of Competency' after which the candidate is fully equipped to get employment in a suitable post on board a Ship.

5.The further case of the petitioner is that as per the procedure for training of maritime course candidates, the students admitted in the petitioner Institution from the



academic year 2014 - 15 onwards successfully completed their pre-sea Degree/ Diploma Course and thereafter underwent on-board training of the prescribed duration. Upon completion of the same, the students came back and completed the post-sea courses as prescribed by the second respondent. However, the second respondent denied permission to the eligible candidates to attend the 'Certificate of Competency' examination. In this regard, the petitioner made representation to the respondents and since the same has not yet been considered, has filed this writ petition.

6.The learned counsel appearing for the petitioner submitted that the issue arise in this writ petition is no longer res integra. The issue has already been considered by this Court in W.P.Nos.15464 of 2010 etc., batch on 14.10.2011 (Sairam Shipping Science Institute Vs. Indian Maritime University) and subsequently in W.P.Nos.40370 of 2016 etc., batch dated 09.09.2019 (The Maritime Education and Training Institutes Association Vs. The Director General of Shipping), this Court has issued directions to DGS and has observed that as far as Diplomas, Degrees and Post Graduate Diplomas offered by the Institutes affiliated to Universities, the policy of the Central Government binds the Universities and the Institutes affiliated to the Universities. DGS power to prescribe minimum eligibility marks for admission in Diploma and degree courses flows from Entry 25 in List I of Schedule VII of the Constitution of India.

7.The learned counsel appearing for the petitioner further submitted unless the second respondent permits the candidates to sit for 'Certificate of Competency' examination, they will be put to great prejudice and hardship and further submitted that the respondents are bound by the decision of this Court cited supra and hence this Court may issue direction to the second respondent to consider the petitioner's representation dated 18.01.2020 in the light of the order of this Court made in W.P.Nos.40370 of 2016 etc., batch dated 09.09.2019 (The Maritime Education and Training Institutes Association Vs. The Director General of Shipping).

8.The learned counsel appearing for the respondents submitted that appropriate orders will be passed in terms of the above said order since the above said order was implemented in letter and spirit.

9.In view of the above, this Court directs the second respondent to consider the petitioner's representation dated



18.01.2020 in the light of the order of this Court made in W.P.Nos.40370 of 2016 etc., batch dated 09.09.2019 (The Maritime Education and Training Institutes Association Vs. The Director General of Shipping) and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

10.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu
Ministry of Shipping,
Transport Bhawan,
Sansad Marg,
New Delhi 110 001.

2. The Directorate General of Shipping,
Represented by the Assistant Director General of Shipping,
9th Floor, Beta Building,
I-Think Techno Campus,
Kanjurmarg (East),
Mumbai - 400 042.

+2 Ccs to Mr. Abishek Jenasenan, Advocate sr 68206

+1 CC to Ms.D. Geetha, Advocate sr 68025.

W.P.No.3555 of 2020
And
W.M.P.No.4168 of 2020

SRA(CO)
SP(25/01/2022)