



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.7085 of 2019

International Maritime Academy,
represented by its Managing Director,
J.Senthil Kumar,
41, Jamin Korattur,
Pudhuchatram,
Chennai 600 124.

... Petitioner

vs.

1. Union of India,
represented by its Secretary,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi - 110 001.

2. University Grants Commission,
represented by its Chairman,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in its impugned order dated 10.07.2018 in No.F.9-20/2011-U.3(A) and quash the same and consequently direct the Respondents to accord the Petitioner Institution with deemed to be University status.

For Petitioner :Mr.Muralikumaran,
for M/s.MCGAN Law Firm

For 1st Respondent :Mr.S.Thiruvengadam,
Central Govt. Standing Counsel

For 2nd Respondent :Mr.B.Rabu Manohar,
Senior Central Government Panel Counsel



O R D E R

Petitioner has come up with this Writ Petition challenging the impugned order dated 10.07.2018 passed by the 1st Respondent and for a consequential direction to the Respondents to accord 'Deemed to be University' status to their Institution.

2. According to the Petitioner, their Institution was established in the year 1993 and it conducts maritime courses which require special training facilities in compliance with the International Maritime Organization (IMO) conventions, Standards for Training, Certification and Watchkeeping (STCW) Codes and Royal Institution of Naval Architects (RINA), London, UK Standards. The Petitioner Institution had also created all facilities required for the Naval Architecture and Ship Building course as per the parameters of the Royal Institution of Naval Architects (RINA), UK. As the Indian Maritime University (IMU) delayed in granting affiliation for Naval Architecture course to the Petitioner Institution, the Petitioner Institution filed a Writ Petition in W.P.No.15344 of 2009, seeking a direction to the IMU to grant affiliation to their Institution for Naval Architecture course. Thereafter, IMU sent a communication dated 08.01.2010 to the Petitioner Institution stating that, the programme requires huge infrastructure and trained faculty and that, they had only started the programme on experimental basis at their Vishakapattinam campus and thus, IMU cannot affiliate any private maritime Institute for the conduct of Naval Architecture course at that stage, due to lack of its expertise and efficiency.

3. The case of the Petitioner is that, though the Petitioner Institution is fully eligible to be granted 'Deemed to be University' status, even after complying with all the statutory requirements, the 1st Respondent, for the reasons unsustainable in the eye of law, rejected the Petitioner's Application for conferring Deemed to be University status vide impugned order dated 10.07.2018, which came to be issued six years from the date of Application of the Petitioner Institution.

4. Learned counsel for the Petitioner submitted that, the proposal submitted by the Petitioner was not in the prescribed format and hence, the 2nd Respondent requested the Petitioner to furnish information in the prescribed format. Thereafter, many compliances were submitted by the Petitioner, which were examined by the 2nd Respondent. He pointed out that, paragraph 6 of the counter Affidavit filed by the 2nd Respondent reveals that, the 2nd Respondent pointed out deficiencies to the Petitioner and thereafter, the Petitioner filed Compliance



Report before the 2nd Respondent on 18.09.2012, 03.05.2013, 27.07.2013 and on 13.12.2013. It is stated by the learned counsel that, all the Compliance Reports submitted by the Petitioner were properly verified by the Respondents. However, without conducting proper inspection, the 1st Respondent has mechanically rejected the Petitioner's Application and the same is unsustainable.

5. Learned Senior Central Government Panel Counsel appearing for the 2nd Respondent submitted that, the impugned order was passed based on the Compliance Reports submitted by the Petitioner on various dates, as could be seen from paragraph 6 of the counter Affidavit filed by the 2nd Respondent. However, he submitted that, the Respondents have not filed Inspection Report pertaining to the Petitioner's Institution. Hence, he submitted that, the impugned order passed by the 1st Respondent may be set aside and the matter may be remanded to the 1st Respondent for fresh consideration.

6. Heard the learned counsel for the parties and perused the material documents available on record.

7. Considering the facts and circumstances of the case and taking note of the submissions of the learned counsel on either side, this Court is of the view that, the impugned order passed by the 1st Respondent requires interference. Accordingly, the impugned order dated 10.07.2018 passed by the 1st Respondent is set aside and the matter is remanded to the 1st Respondent for fresh consideration. The 1st Respondent is directed to send an inspection team to the Petitioner Institution based on the Compliance Reports submitted by the Petitioner. If any further defects are pointed out by the Inspection Team sent by the Respondents and if the Petitioner complies with the same, the 1st Respondent shall pass appropriate orders in accordance with law after affording an opportunity of hearing to the Petitioner, within a period of six months.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.M.P.No.7799 of 2019 is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar
(aeb)



To:

1. The Secretary,
Union of India,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi - 110 001.
2. The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.58547

+1cc to M/s.MC Gan Law Firm, Advocate, S.R.No.58467

W.P.No.7085 of 2019

GSM(CO)
SU(31/01/2022)