



WEB COPY



W.P.No.23153 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.23153 of 2022

and

W.M.P.Nos. 22128, 22129, 22130 & 22131 of 2022

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

... Petitioner

Vs

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

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the respondent in order dated 02.08.2022 in File No.20-11011/7/2020-TRG-DGS, quash the same.

For Petitioner : Mr.C.P.Niveda

For Respondent : Mr.R.Shankaranarayanan
Additional Solicitor General for
Mr.S.Janarthanan, SPCGSC



W.P.No.23153 of 2022

ORDER

The prayer sought for in this writ petition is for a writ of certiorari calling for the records of the respondent in order dated 02.08.2022 in File No.20-11011/7/2020-TRG-DGS, quash the same.

2. Challenging the order of suspension suspending the petitioner institution from admitting the students for the academic year 2022-2023, the petitioner had moved the writ petition. When the writ petition came up for hearing on 12.10.2022, after hearing both sides, this Court has passed the following order:

“The petitioner has challenged the order passed by the respondent namely, the Director General of Shipping dated 02.08.2022, under which the petitioner Institution namely, the International Maritime Academy, Chennai has been put under suspension for making admission of students in various courses conducted by them for the academic year 2022-23.

2. During the pendency of the writ petition, it seems in the order itself an interim suspension has been given enabling the petitioner to appear before the respondent to give explanation as to the deficiencies pointed out and accordingly, the petitioner's representative seems to have appeared before the respondent and during the personal



hearing, it was agreed upon by the petitioner, as per the terms to be put in by the respondent that the petitioner Institution shall give a solemn undertaking to the respondent that hereafter i.e., from the academic year 2022-23, the petitioner Institution would not admit students in any of the courses conducted by them below the marks prescribed by the respondent i.e., the Director General of Shipping and the petitioner Institution would admit candidates hereafter with the minimum of 60% in PCM i.e. Physics, Chemistry and Maths for the degree and diploma courses (B.Tech. Maritime Engineering, B.Sc. Nautical Science, Diploma in Nautical Science and etc.).

3. The said undertaking having been given as desired by the respondent and on consideration of the same, a revised order may be passed by the respondent and in this regard, Mr.R.Shankaranarayanan, learned Additional Solicitor General appearing for the respondent, on instruction, would submit that it will take another two weeks' time at least to examine the issue, including the undertaking given by the petitioner and to verify whether there is any other deficiencies, which were pointed out by the respondent to be still complied with or not and accordingly, a revised order will be passed. Hence, he seeks two weeks' time to pass a revised order and report before this Court.

4. Recording the said submission made by the learned



WEB COPY



W.P.No.23153 of 2022

counsel appearing for both sides, two weeks' time is granted for the aforesaid compliance.

5. Post the matter on 28.10.2022.”

3. Pursuant to the same, when the case is taken up for further hearing today, the learned counsel appearing for the respondent has submitted that, after due enquiry, an order has been passed on 20.10.2022, under which the suspension order passed earlier against the petitioner institution has been revoked conditionally, the petitioner shall comply with certain deficiencies within six months period. A copy of the order dated 20.10.2022 also has been produced by the respondent, where, the respondent *inter alia* has stated the following:

“11.The Directorate in compliance to Hon'ble High Court Order dated 12.10.2022 has decided the following:

11.1 The Directorate had temporarily suspended the approvals granted to the M/s.International Maritime Academy, Chennai (MTI No.406026), for conduct of B.Sc. Nautical Science, Diploma in Nautical Science and Training for General Purpose Rating course, which is now decided to be revoked and MTI will be allowed to conduct these courses.

11.2 MTI's online profile which was blocked will be changed to active and MTI can upload the batches to



W.P.No.23153 of 2022

approved courses.

WEB COPY

11.3 IMA as per undertaking is not allowed to admit any candidates below eligibility criteria as per Training Circular 12 of 2020 dated 01.04.2020

11.4 IMA is directed to submit compliance report of the deficiencies noted during the inspection to the Principal Officer, MMD, Chennai for verification.

11.5 All the approvals for the courses as allowed above is for a period of 6 months only and the final revocation of suspension shall be done after submission of compliance report by IMA as per directions in para 11.4 and its verification by the Principal Officer, MMD, Chennai and its acceptance by the Directorate.”

4. The said factor is not controverted by the learned counsel appearing for the petitioner also and he would submit that, since the order of suspension has been revoked by order dated 20.10.2022 of course conditionally the petitioner undertakes to comply with the said condition within the time stipulated in the order itself and based on which by recording these developments, the writ petition can be disposed of, he contended.



W.P.No.23153 of 2022

5. In view of the said development taken place, where, the order of suspension which is impugned herein having been considered and revoked by the orders of the respondent dated 20.10.2022 of course conditionally, the petitioner cannot have any grievance further to pursue this writ petition. Hence, this Writ Petition by recording the same can be disposed of, accordingly it is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

28.10.2022

Index : Yes / No

Speaking Order: Yes / No

Sgl

To
The Director General of Shipping,
The Directorate General of Shipping,
9th Floor, Beta Building, I-Think Techno Campus,
Kanjurmarg (East), Mumbai – 400 042.



WEB COPY



W.P.No.23153 of 2022

R. SURESH KUMAR, J.

Sgl

W.P.No.23153 of 2022 and
W.M.P.Nos.22128, 22129,
22130 & 22131 of 2022

28.10.2022