



WEB COPY



WP.Nos.28711 and 28712 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

WP.Nos.28711 and 28712 of 2022

Ameen Ahsan ...petitioner in WP.No.28711/2022

Ashfaque Muthegothi ...petitioner in WP.No.28712/2022

Vs.

1. Directorate of Collegiate Education,
Institute of Advance Study in Education Campus,
No.577, Anna Salai,
Saidapet,
Chennai 600 015.
**[R1 struck down from the array of respondents
vide order of this Court dated 31.10.2022
made in WP.No.28711 of 2022]**
2. Indian Maritime University,
SH 49, Semmancherry,
Old Vandipalayam,
Uthandi,
Chennai 600119.
Rep. by its Chairman.
3. Hindustan Institute of Maritime Training College,
No.55, East Coast Road,
728, Arambakkam,
Vengampakkam Junction,
Kalpakkam,
Tamilnadu 603102.



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4. Directorate General of Shipping,
Kabjur Village Road,
9th Floor Beta Building,
i-Think Techno Campus,
Kanjurmarg East,
Mumbai 400042.

...respondents in both the petitions.

Common Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the third and fourth respondents to permit the petitioner to appear for the examinations for the GP Rating Course without insisting on further fees.

For Petitioner : Mr.K.M.C.Arunmogan
(in both the petitions) for Mr.S.Sathyanarayanan

For Respondents
(in both the petitions)
for R1 : Struck off vide order of this Court
for R3 : Mr.Samir S.Shah
for M/s.Shah & Shah
for R2 & R4 : Mr.K.Srinivasamurthy,
Central Government Senior Panel Counsel

COMMON ORDER

The prayer in the Writ Petitions is as follows:

Writ of Mandamus directing the third and fourth respondents to permit the petitioners to appear for the examinations for the GP Rating Course without insisting on further fees.



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2. The petitioners could not be allowed to write the examinations for the General Purpose Rating Course, which is a Pre-Sea Training Course conducted for a period of six months by the Director General of Shipping through the third respondent Institution. Since the students did not possess valid passport, which is an essential pre-requisite as the training involves travelling on the high sea, they were not allowed to write the examinations. The petitioners now claim that they have got their passports and therefore they may be allowed to write the examinations.

3. This Court had directed the fourth respondent to get instructions on 29.11.2022 and the matter was adjourned to 07.12.2022. Today, when the matter is taken up for hearing Mr.K.Srinivasamurthy, learned Central Government Senior Panel Counsel appearing for the fourth respondent, would submit that the Director General of Shipping does not have any objection for the petitioners undergoing 2 months training period, which they have not undergone for lack of passport in the third respondent Institute and thereafter, appear for the examinations and further a request has been made to the third respondent Institute to waive fees also.



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4. Mr.Samir S. Shah, learned counsel appearing for the third respondent would submit that the Institute has no objection to train the students provided its permitted intake otherwise is not restricted.

5. Mr.K.Srinivasamurthy, learned Central Government Senior Panel Counsel appearing for the fourth respondent, would say that the Director General of Shipping would not restrict the intake of the third respondent Institute because of its accommodating the 2 petitioners since they belong to the earlier batch.

6. Recording the submissions made by the learned counsel on either side, these Writ Petitions will stand allowed. The petitioners will produce their passports before the third respondent Institute and in turn, the Third respondent Institute will accommodate them for the two months training and thereafter allow them to write the examinations along with the next batch. No costs.

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To

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2. The Hindustan Institute of Maritime Training College,
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