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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.13498 of 2017

and

W.M.P.Nos. 14570 & 14571 of 2017

Sri Nandhanam Educational & Social
Welfare Trust,
Nandhanam Nagar, Molagarampatti,
Tiruppattur - 635 602, Vellore Dt.
Rep. by its Chairman,
PMN Mohan Krishnaa

... Petitioner

Vs.

1. The Government of India,
rep. by its Secretary to Government,
Ministry of Shipping,
Transport Bhawan, 1, Parliamentary Street,
New Delhi.
2. The Director General of Shipping,
O/o. Directorate General of Shipping,
9th Floor, Beta Building,
I-Think Techno Campus,
Kanjur Marg (East),
Mumbai-400 042.
3. The Deputy Director General of Shipping,
O/o. Directorate General of Shipping,
9th Floor, Beta Building,
I-Think Techno Campus,
Kanjur Marg (East),
Mumbai-400 042.
4. The Assistant Director General of Shipping,
O/o. Directorate General of Shipping,
9th Floor, Beta Building,
I-Think Techno Campus,
Kanjur Marg (East),
Mumbai-400 042.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pass orders for granting approval of B.Sc., (Nautical Science) course based on the application submitted by the petitioner trust on 14.05.2018, after lifting of ban vide proceedings of 415 Rest in Training Circular No.8/2018 dated 21.03.2018, by considering the further representation submitted by the petitioner college dated 02.11.2019, within a time frame to be fixed by this Hon'ble Court.

(Prayer amended as per order dated 28.02.2022 in W.M.P.No.32592 of 2019)

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.T.V.Krishnamachari,
R1 to R4 Senior Panel Counsel

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed challenging the circular issued by the 3rd respondent in Circular No.4 of 2012 dated 18.06.2012 and subsequent training circular issued by the 4th respondent in Circular No.06 of 2014 dated 16.06.2014. Pending Writ Petition, the petitioner has filed a petition to amend the prayer seeking for Mandamus directing the 2nd respondent to pass orders on the petitioner's application dated 14.05.2018.

2. Today, when the matter taken up for hearing, Mr. G.Sankaran, learned counsel appearing for petitioner would submit that, even though the petitioner has challenged the circular issued by 3rd and 4th respondents, pending Writ Petition, as per the instructions issued by the 2nd respondent, the petitioner has submitted an application on 14.05.2018 for grant of approval for 3 years B.Sc. (Nautical Science) after compliance of necessary requirements and also paid fees for the same. Thereafter, physical inspection has been conducted by Marcantile Merchant Department, Chennai and they are fully satisfied with the compliance. However, the DGS has rejected the application, as the timeline for compliance has been over. Now, the reason for rejection is no more exist. Subsequently, the petitioner has submitted an application after compliance of requirements on 02.11.2019, that application is still pending with the 2nd respondent. Hence, the 2nd respondent may be directed to consider the application and pass orders on merit.



3. Mr. T.V.Krishnamachari, learned Senior Panel Counsel appearing for respondents would submit that, in the event of petitioner fulfilling all the requirements, his application will be considered by the authorities in proper perspective.

4. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

5. Considering the limited prayer sought in this Writ Petition, the 2nd respondent is directed to consider the application of the petitioner dated 02.11.2019 and pass orders on merits and in accordance with law after giving opportunity to the petitioner within a period of six weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
The Government of India,
Ministry of Shipping,
Transport Bhawan, 1,
Parliamentary Street, New Delhi.
2. The Director General of Shipping,
O/o. Directorate General of Shipping,
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4. The Assistant Director General of Shipping,
O/o. Directorate General of Shipping,
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+1cc to Mr.G.Sankaran, Advocate, S.R.No.13234

W.P.No.13498 of 2017

SKM[co]
NSK/23/06/2022