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W.P.Nos.14567 and 27716 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.14567 and 27716 of 2019

And

W.M.P.Nos.14544 and 27243 of 2019 & 5329 of 2023

1. A.M.Akash
2. Alan K.Joy
3. S.Shabaz Khan
4. T.Antony Xavier Thilman
5. J.Surendher
6. R.Vinith
7. Shriyash Yogesh Shridharan
8. R.Arjun Raj
9. N.Mohammed Thariq
10. Mohammed Rashid
11. Sanju Varghese

... Petitioners in W.P.14567/2019

1. P.K.Prajin Raj
2. V.Gilbert

... Petitioners in W.P.27716/2019

Vs.

1. 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.
2. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort. St.George,
Chennai – 600 009.



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3.The Vice Chancellor,
Indian Maritime University,
East Coast Road,
Uthandi,
Chennai – 600 119.

4.The Registrar,
Alagappa University,
Karaikudi – 630 003.

5.The Registrar,
Bharathiar University,
Marudhamalai Road,
Coimbatore – 641 046.

... Respondents in both W.Ps.

6.SAMS Maritime Education Private Limited
rep. by Director
No.108, East Madha Church Street,
Royapuram,
Chennai – 600 013.

(Cause title of R6 amended as per the order
made in WMP.No.25137/19 by GJJ on 3/9/19)

7.Southern Academy of Maritime Studies
rep. by Principal
No.82, Panapakkam,
Chennai – Tirupati Road,
Near Periyapalayam,
Uthukottai Taluk,
Thiruvallur District – 601 102.

8.SAMS Maritime Business School
rep. by Principal
No.82, Panapakkam,
Chennai – Tirupati Road,
Near Periyapalayam,
Uthukottai Taluk,
Thiruvallur District – 601 102. ... Respondents in W.P.14567/2019



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6.Southern Academy of Maritime Studies,
Maritime Education Private Ltd.,
No.108, East Madha Church Street,
Royapuram,
Chennai – 600 013.

7.Southern Academy of Maritime Studies
No.82, Panapakkam,
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Near Periyapalayam,
Uthukottai Taluk,
Thiruvallur District – 601 102.

8.SAMS Maritime Business School
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Near Periyapalayam,
Uthukottai Taluk,
Thiruvallur District – 601 102. ... Respondents in W.P.27716/2019

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 6 to 8 to refund the fees paid by the petitioners for the academic year 2018 – 19 for B.Sc., (Nautical Science) Course and to return the certificates immediately to enable the petitioners to join any other regular College for the academic year 2019 - 20 forthwith, within a time frame to be fixed by this Hon'ble Court.



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For Petitioners : Mr.G.Sankaran
Senior Counsel
for M/s.S.Nedunchezhiyan

For Respondents : Mr.R.Subramanian for R1
CGSC
Mr.U.Baranidharan for R2
Additional Government Pleader
Mr.K.Srinivasamurthy for R3
Ms.H.Mary Sowmi Rexi for R4
for M/s.Isaac Chamber
Mr.A.Selvendran for R5
Mr.Hem Kumar for R6 to R8
for M/s.Ganesh and Ganesh

COMMON ORDER

W.M.P.No.27243 of 2019 filed to permit the petitioners to file the writ petition in W.P.No.27716 of 2019 jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the respective first petitioner.

2.The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the respondents 6 to 8 to refund the fees paid by the petitioners for the academic year 2018 – 19 for B.Sc., (Nautical Science) Course and to return the certificates immediately to



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enable the petitioners to join any other regular College for the academic year 2019 - 20 forthwith.

3.The learned counsel appearing for the respondents 6 to 8 submitted that the petitioners have filed these writ petitions claiming refund of the Course fee which was paid at the time of admission to the sixth respondent. Inorder to give quietus to the issue, this Court may permit the sixth respondent to refund 75% of the Course fee paid by the petitioners between 15.06.2023 and 30.06.2023 and grant liberty to the petitioners to appear before the sixth respondent between 15.06.2023 and 30.06.2023 and collect 75% of the Course fee paid by them from the sixth respondent.

4.The learned Senior Counsel appearing for the petitioners raise no serious objection for refund of 75% of the Course fee to the petitioners inorder to give quietus to the issue.

5.In view of the consent view expressed by the learned Senior Counsel appearing for the petitioners and the learned Senior counsel appearing for the respondents 6 to 8, this Court, without expressing any opinion on the merits of the case, directs the sixth respondent to



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refund 75% of the Course fee paid by the petitioners between 15.06.2023 and 30.06.2023, after duly intimating the petitioners about the date on which they have to collect the amount.

6.These writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

20.04.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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6/8



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