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W.P.No.23717 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23717 of 2021

Sri Nandhanam College of Engineering and Technology
Nandhanam Nagar,
Molagarampatti,
Tiruppattur – 635 602
Vellore District
Rep by its Chairman
P.M.N.Mohan Krishnaa

... Petitioner

Vs.

1.The Director General of Shipping,
O/o.Director General of Shipping,
9th Floor, Beta Building,
I-Think Techno Campus,
Kanjur Marg (East),
Mumbai – 400 042.

2.The Deputy Director General of Shipping (Training),
O/o.Director General of Shipping,
9th Floor, Beta Building,
I-Think Techno Campus,
Kanjur Marg (East),
Mumbai – 400 042.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus to call for the records relating



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to the impugned communication issued by the first respondent in File No.20-12/1/2020-TRG-DGS dated 14.09.2021 and to quash the same and consequently directing the respondents to permit the petitioner Institute to upload the batch details of July 2021 General Purpose Rating Course, forthwith.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.G.R.Ramesh Prabbhu
For Respondents : Mr.Rajesh Vivekanandan
ASGI

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the communication issued by the first respondent in File No.20-12/1/2020-TRG-DGS dated 14.09.2021 and to quash the same and to consequently direct the respondents to permit the petitioner Institute to upload the batch details of July 2021 General Purpose Rating Course, forthwith.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner Institution was approved as an Maritime Training Institution by the respondent with allotment of MTI Code as



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842 during the year 2007 along with approval granted for four year Presea B.E., Marine Engineering Course. The Directorate General of Shipping, Mumbai vide Approval No.:TR/A/09/2020 dated 18.05.2020 granted approval in supersession of earlier approvals for the following Courses:

'Pre-sea Training for Graduate Marine Engineering,
B.Sc. (Nautical Science)
Electro – Technical Officer
Certificate Course in Maritime Catering
Basic Safety Training
Security Trng for Seafarer with Designated Security Duties
Pre-sea Training – G.P.Rating Course'

3.The learned Senior Counsel appearing for the petitioner further submitted that though the first respondent issued orders dated 18.05.2020 granting approval of GP Rating Course, due to COVID – 19 Pandemic situation, the July batch of GP Rating Course has been cancelled by the respondents throughout India and hence the July, 2020 GP Rating Course was not conducted. Thereafter, based on the representation made by the petitioner, the first respondent issued orders dated 18.05.2021 extending the validity of approval for another one year period from the date of order i.e., 18.05.2021. Hence the petitioner admitted the students and the



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batch details were uploaded, however, the same was not recognized by the e – governance – e – samudra web portal of DGS.

4.The learned Senior Counsel appearing for the petitioner further submitted that therefore, the petitioner made representation to the respondents on 15.07.2021 to facilitate upload of batch details by directing e – governance to rectify the configuration error and to allow for GP Rating Course and the first respondent issued a communication dated 28.07.2021 granting extension of one month time to the petitioner Institute for the purpose of July, 2021 batch. In spite of the permission to upload the batch details of July, 2021 batch, the same was not recognized by e-governance and the e-governance did not facilitate the uploading of batch details.

5.The learned Senior Counsel appearing for the petitioner further submitted that therefore, the petitioner made representation to facilitate the batch details by e-governance and the first respondent issued the impugned communication dated 14.09.2021 stating that the petitioner Institute was granted approval to conduct single batch of GP Rating Course with batch capacity of 40 candidates in a year and therefore it is allowed to conduct only single batch with



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a capacity of 40 candidates in a calender year and therefore the petitioner is not allowed to take admission for the second batch of GP Rating Course in a single calender year and hence the request to upload batch details for second batch of GP Rating Course is denied.

6.The learned Senior Counsel appearing for the petitioner further submitted that DGS may consider approval of the second batch of Training for GP Rating Course with 40 candidates in a batch as per the Guidelines for which the petitioner has to apply online by paying requisite processing fees with required documents and further submitted that the petitioner is ready to pay the fees, if not already paid, within a period of four weeks from the date of receipt of a copy of this order and this Court may direct the respondents to consider the petitioner's list of students for GP Rating Course and to upload the batch details by e-governance within a reasonable time frame.

7.The respondents have filed a counter affidavit, wherein, paragraph no.19 reads as follows:

"19. As far as the claim of petitioner for approval of the second batch of Training for General Purpose Ratings, with 40 candidates in a batch may be considered by the DGS as



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per the Guidelines for which the petitioner has to apply online by paying requisite processing fees with required documents. Thereafter on satisfactory MMD inspection, the respondent may consider the approval of the additional batch for the Training for General Purpose Ratings course.”

8.The learned Additional Solicitor General of India appearing for the respondents submitted that if the petitioner apply online by paying requisite processing fees with required documents, the respondent will pass appropriate orders as stated in paragraph no.19 of the counter affidavit, within a period of six weeks from the date of uploading with necessary fees.

9.Considering the submissions made on either side, this Court directs the petitioner to pay the fees, if not already paid, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the respondents shall consider the petitioner's list of students and upload the batch details for GP Rating Course by e-governance and pass appropriate orders as stated in paragraph no.19 of the counter affidavit, within a period of six weeks from the date of uploading with necessary fees.



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10.The writ petition is disposed of with the above terms. No costs.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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M.DHANDAPANI,J.
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