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W.P No.16785 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.08.2025

Pronounced on : 12.09.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

**Writ Petition No.16785 of 2025
and
W.M.P(MD)No.19025 of 2025**

Sriram Institute of Marine Studies,

Represented by its Chairman – Mr.Manjeet Lochav,

Office at Village Bamnoli, Sector 28, Dwarka,

Near Dwarka Sector 28, Near Metro Station,

New Delhi-110077.

... Petitioner

..Vs..

1.Ministry of Ports, Shipping and Waterways,

Represented by its Secretary,

Parivahan Bhavan, 1, Parliament Street,

New Delhi-110001.

2.The Mercantile Marine Department,

Represented by its Principal Officer,

Prathistha Bhavan, Old CGO Building M.K.Road,

Mumbai-400 020.

3.The Indian Maritime University,



Represented by its Director,
East Coast Road, Semmencherry,
Chennai-600 119.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned dis-affiliation order passed by the 3rd respondent dated 19.03.2025 and quash the same, and consequently, direct the 3rd respondent to remove the dis-affiliation and grant re-affiliation with the third respondent thereby disposing the petitioner's representation dated 24.03.2025.

For Petitioner : Ms.S.Haja Mohideen Gisthi

For R1 and R2 : Mr.J.Vasu, Senior Panel Counsel

For R3 : Mr.K.Srinivasa Murthy,

Senior Panel Counsel, Central Government

ORDER

This Writ Petition has been filed for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned dis-affiliation order passed by the 3rd respondent, dated 19.03.2025 and quash the same, and consequently, direct the 3rd respondent to remove the

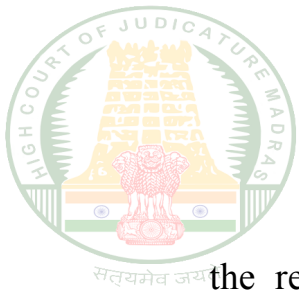


dis-affiliation and grant re-affiliation with the third respondent thereby disposing the petitioner's representation dated 24.03.2025.

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2.Heard the learned counsel Ms.S.Haja Mohideen Gisthi, appearing for the petitioner, learned Senior Panel Counsel Mr.J.Vasu, appearing for the first and second respondents and the learned Senior Panel Counsel, Central Government Mr.K.Srinivasa Murthy, appearing for the third respondent.

3.The brief facts which are necessary for the disposal of the instant writ petition is that the petitioner is an institute approved by the Directorate General of Shipping, Government of India, and they have been running various course from 2003. The petitioner was affiliated to conduct a course in DNS Idg namely B.Sc., (Nautical Science) from the year 2008. While so, there was a surprise inspection in the year 2024 and in the surprise inspection, the respondents found that there were certain violation in the affiliation condition. Therefore, the respondent dis-affiliated the petitioner institute, vide impugned order dated 19.03.2025. Aggrieved the same, the present writ petition has been filed.



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4. The learned counsel appearing for the petitioner would contend that the reason for dis-affiliation is deviation in the facility provided to the students in hostel. The learned counsel for the petitioner would further submit that the above alleged violation is not adhering to DGS Manual in Rule No.2.17.1. However, the contention of the petitioner is that though the Rule mandates that four candidates must be accommodated in a room and that the floor area should be minimum of 4 m² per candidate, since the petitioner has provided maximum floor area viz., 50 m², the same will not be construed as an intentional violation, so as to bring within the definition of Major Deficiency. The learned counsel would further submit that according to Rules 6.3 and 6.4 of the Affiliation Process Hand Book for the academic year 2022-2023, the affiliation of the course cannot be terminated or suspended in a mid way for an on-going course. It is the further contention of the learned counsel for the petitioner that, though the respondents had considered the explanation which informed the compliance of 70% of the rectification of the deficiency, they have failed to reinspect to certify the full compliance. It is the submission of the learned counsel for the petitioner that if the impugned order is allowed to continue, it would affect the future of the student and also will impact upon the right to life of the teaching faculty of



the petitioner institute. Hence, he prays to interfere with the impugned order.

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5.Per contra, the said contention was stoutly objected by the contesting third respondent qua the Indian Maritime University. The learned Senior Panel Counsel appearing for the third respondent would contend that the deficiency, which noticed by the inspecting team, is a major deficiency. The learned counsel would further contend that the educational institution should be a role model to their student by following the Rules. Whereas in the case in hand, in spite of the mandatory requirement to follow the Rules mandated in the training manual, by accommodating more than 4 trainees in a room the petitioner has intentionally violated the rules, and by their conduct the intention is palpable. Therefore, the learned counsel would contend that the impugned order is deserve to be confirmed. The learned counsel would further contend that as per Chapter-VI of the Affiliation Process Handbook, if there is an intentional violation of instructions and guidelines, then such institute's affiliation can be permanently withdrawn. The learned counsel would further submit that after recommendations of the Academic Council and the Executive Council, the third respondent passed an order of dis-affiliation, and that when such order was issued by a competent person, the



same is not amenable to judicial review. Hence, he prays to dismiss the writ petition.

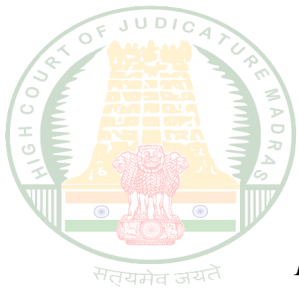
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6.I have given my anxious consideration to either side submissions and also perused the materials available on record.

7.The following aspects are not in dispute. It is not in dispute that there was an inspection by the Ministry of ports, Shipping and Waterways and the inspecting team found that the petitioner institute had violated DGS Training Manual Rule No.2.17.1. According to the finding of the Inspecting Team, hostel is having two tier bunks system and accommodating 10 trainees in one room instead of 4 trainees. In order to appreciate the above contention, it is appropriate to extract Rule 2.17.1 of the DGS Training Manual Rule, the same is as follows:

“2.17.1 Rooms:

Maximum occupancy of a room shall not be more than 4 candidates per room. The floor area should be minimum 4 m² per candidate. Tow-tier bunks are permissible in rooms for rating candidates provided the clear headroom above the mattress in each tier is not less than 90 cm. Suitable space shall be provided in each room for storage of the luggage of all the occupants of

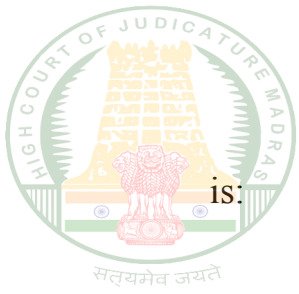


that room. A separate 'box room' with suitable rack may be provided for the luggage of all the candidates."

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8.While harmoniously reading the above clause, it is obvious that, according to rule 2.17.1, maximum student occupancy of the room can not be more than 4 candidates per room, and the floor area should be 4 m² per candidate. At this juncture, it is the contention of the petitioner that though they have inadvertently permitted 10 students to stay in one room, the area of the room is 50 m² which factum is not in serious dispute. It is pertinent to mention here that the petitioner, vide his mail dated 05.07.2024, has informed the respondents that though they have accommodated 10 students in a room with two tier bunks, these rooms are with ample space, airy and well-ventilated, measuring each room 50 m². Though the petitioner accommodated 10 students in one room, since the area of the room is 50 m² the same cannot be termed as intentional violation.

9.It is pertinent to mention here that the respondents after the first surprise inspection had again carried out the inspection on 09.04.2024 to verify the compliance. According to the observation of the respondent the petitioner has rectified the deficiency. The relevant portion of the observation



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(1) Hostel facility inspected for compliance as per DGS Training Manual Para 2.17.1 requirements. Partition provided in room has been made accommodating 4 trainees in room meeting area requirements.

However, in some room overhead ceiling fan needs to be adjusted for safer head clearance.”

Therefore, even according to the respondents, the petitioner had complied with the condition. However, there is a slight deviation in respect of the height of the head rooms. As per Rule, there should be 90 cm head room clearance above the mattress. According to the impugned order, the respondents had dis-affiliated the petitioner institute on the sole ground that the petitioner has caused a major deficiencies and thereby intentionally violated the instructions and guidelines of IMU. If we have look at the category of major deficiencies found in the guideline, it deals about 7 categories viz., Infrastructure, Discipline, Faculty, False/Incorrect reporting, Safety, Administrative/Academic Lapse, Student training/Study related, Quality. According to the impugned order, the respondents had identified such major deficiency in the category of infrastructure. If a lapse to be considered as major deficiencies, the same should be serious lapse such as not even providing any basic minimum infrastructure, specific lab/workshop,

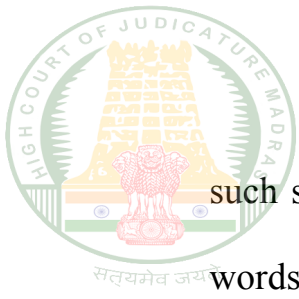


equipment's etc., or essential infrastructure became non-operational due to damage or fault.

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10.As I have already discussed, the lapse that had been found by the respondents is accommodation of 10 candidate in one room. But even according to the respondents inspection, vide inspection dated 09.04.2024, had subsequently found that except the head room deviation, the petitioner had made good the other deficiencies. Even for argument sake, if we construe that the petitioner had accommodated 10 students in a room, the same cannot be brought under the category of intentional violation and serious lapse, as the petitioner provided 50 m² space for 10 students against the minimum requirement of 40 m² area. As already stated this factum is not in serious dispute. Therefore, this Court is of the view that the issue which had been raised by the respondent, though a lapse on their part, this Court had loss to understand as to how such lapse became serious lapse, so as to bring the same within the definition of major deficiencies.

11.At this juncture, it is pertinent to mention here that, according to Affiliation Process Hand Book, a serious lapse to become a major deficiency,



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such serious lapse ought to have been done intentionally. To put it in other words, the mere existence of serious lapse is not sufficient to bring such lapse to become a major deficiency, unless it has done with intention. While looking at the entire impugned order, this Court could not find any semblance of vestige to indicate that the petitioner had done such violation intentionally. In fact, the petitioner has been in this field for more than 15 years and there are no adverse reports in the past.

12.The learned counsel for the petitioner invites the attention of this Court about their letter dated 31.07.2024, where the petitioner has requested the respondents to reinspect the premises. When the petitioner has issued a letter requesting the respondents to again inspect the premises as the deviation was substantially attended as evident through inspection dated 09.04.2024, the respondents could have re-inspected the premises, but instead of doing so, the petitioner had issued the impugned order.

13.As I have already discussed the lapse on the part of the infrastructure is not serious lapse such as viz., absence of hostel, absence of space for conducting class rooms, absence of furniture, absence of laps and



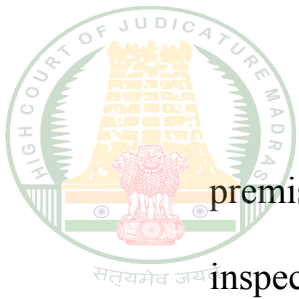
workshop equipment. If such above referred lapses exist, the same would definitely demonstrate the incapacity of the petitioner to run the institute.

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But, in the case in hand, the petitioner had hostel, but accommodated more persons than the eligible number.

14. But as already discussed even for such excess accommodation, the petitioner had explained that he has got sufficient space as mandated in the Training Rules. Therefore, this Court is of the view that the lapse indicated by the respondents are not in the nature of serious lapse. Apart from that, this Court does not find any iota of material to bring the deficiency committed by the petitioner as intentional violation.

15. At this juncture, the learned counsel relied upon the Division Bench judgment of this Court in W.A.No.161 of 2025, dated 31.05.2025 ***[Prof.S.A.College of Education -Vs- The Registrar, Tamil Nadu Teachers Education University, Karapakkam, Chennai]***, wherein this Court had directed the authority to re-inspect the institute to find out whether identified lapses had been rectified. Even in the case in hand, vide letter dated 03.07.2024 the petitioner has requested the respondents to re-inspect the



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premises and such reinspection letter is subsequent to the respondents' inspection dated 09.04.2024, where the respondent found that the major portion of the deviation had been rectified, except the safer head clearance height. We must also look at the another angle of this issue. Here admittedly the petitioner institution has adequate teaching faculty and other infrastructure. In such view of the matter, the order of dis-affiliation would also cause serious impact upon the livelihood of those faculties and staff.

16. Therefore, in view of the above peculiar facts, this Court finds that there is no intentional violation so as to bring the lapses indicated by the respondents within the major deficiency warranting the impugned order. Therefore, this Court is of the opinion that the impugned order dated 19.03.2025 is liable to be quashed. However, by following the ***[Prof.S.A.College of Education -Vs- The Registrar, Tamil Nadu Teachers Education University, Karapakkam, Chennai]*** judgment of this Court, this Court would like to direct the respondents to conduct re-inspection after due notice to the petitioner premises so as to find out compliance of rule 2.17.1 of DGS Manual Rule. The respondents are directed to comply with the aforesaid exercise within a period of four weeks from the date of receipt of a



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copy of this order. In the event, the respondent found that the petitioner does not comply with the condition, the respondents are at liberty to proceed further in accordance with law.

17.In the result, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

12.09.2025

Index : Yes
Speaking Order : Yes /No
Neutral Citation Case: Yes/No
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C. KUMARAPPAN, J.

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To:

1.Ministry of Ports, Shipping and Waterways,

13/14



W.P No.16785 of 2025



Represented by its Secretary,
Parivahan Bhavan, 1, Parliament Street,
New Delhi-110001.

2.The Mercantile Marine Department,
Represented by its Principal Officer,
Prathistha Bhavan, Old CGO Building M.K.Road,
Mumbai-400 020.

3.The Indian Maritime University,
Represented by its Director,
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