



W.P.Nos.30593 of 2023 & 33481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.01.2025

PRONOUNCED ON : 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.Nos.30593 of 2023 & 33481 of 2024
and

W.M.P.Nos.36252, 36253 & 41183 of 2024
& W.M.P.No.1164 of 2025

In W.P.No.30593 of 2023:-

Cosmopolitan Technology of Maritime
Rep. by its Director
Mr.N.Vijaykumar,
Sengadu Village and Post,
Manavala Nagar,
Sriperumbudur Taluk,
Kanchipuram.

... Petitioner

Vs.

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

... Respondent

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to open



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the portal for admission of the remaining 1808 students for the Basic Training program course for the current year 2023 as per the respondent's Approval Letter No.3-TR(23)/99-GP-516 dated 14.12.2018.

In W.P.No.33481 of 2024:-

Cosmopolitan Technology of Maritime
Rep. by its Director
Mr.N.Vijaykumar,
Sengadu Village and Post,
Manavala Nagar,
Sriperumbudur Taluk,
Kanchipuram.

... Petitioner

Vs.

1.The Director General of Shipping,
Office of the Directorate General of Shipping,
9th Floor, Beta Building,
I Think Techno Campus,
Kanjur Marg (East),
Mumbai-400 042.

2.The Principal Officer,
Mercantile Marine Department,
Anchor Gate Building, 2nd Floor,
Rajaji Road, George Town,
Chennai-600 001.

... Respondents



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Prayer:-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the first respondent in its order dated 28.08.2024 in F.No.20-11011/33/2021-TRG-DGS (Comp No.8093) and to quash the same.

For Petitioner : Mr.Dr.B.Ramasamy
in both W.Ps for Mr.T.Sundar Rajan

For Respondent(s): Mr.AR.L.Sundaresan, ASG
in both W.Ps Asst. by Mrs.V.Sudha, CGC

For Advocate : Ms.Akila Rajendran
Commissioner

COMMON ORDER

Aggrieved against the closure of the admission portal on 26.07.2023 after admitting only 496 students as against the approval intake of 2304 students by the first respondent, violating their approval Letter issued in Letter No.3-TR(23)/99-GP-516 dated 14.12.2018, the petition in W.P.No.30593 of 2023 has been filed by the petitioner and challenging the order passed by the first respondent in F.No.20-11011/33/2021-TRG-DGS (Comp No.8093) dated 28.08.2024, the petition in W.P.No.33481 has been preferred by the petitioner.

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2. Heard the learned counsels appearing for the petitioner, as well as for the respondents.

3. Since the parties to the petitions, as well as the issue involved in these petitions are one and the same, the Writ Petitions are taken up and heard together and disposed of by way of a common order.

4. The brief facts of the case as averred by the petitioner in the affidavits are as follows:

a) The petitioner institution was granted approval in the year 1999 to conduct four maritime basic safety STCW courses namely, Elementary First Aid Course (EFA), Personal Safety and Social Responsibility Course (PSSR), Fire Prevention and Fire Fighting Course (FPFF) and Personal Survival Techniques Course (PST). Subsequently, the four basic safety STCW courses were considered as a composite package for issuance of a combined certificate as Basic STCW safety training course as per the respondent's Training Circular No.6 of 2018.



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b) The respondent issued the Letter of Approval No.TR/A/76/2018 dated 14.12.2018, granting approval for intake capacity of 24 per batch for each of the four courses with 24 batches per year. Thus, the petitioner institution has been given approval to admit total 2304 students for the Basic Safety Training Course (24 students X 4 Course X 24 batches).

c) While that being so, all of a sudden to the shock of the petitioner, the first respondent has closed the admission portal on 26.07.2023 after admitting only 496 students as against the approval intake of 2304 students, violating their approval order dated 14.12.2018. Aggrieved by the same, the petitioner filed a petition in W.P.No.30593 of 2023. In view of the filing of the petition, the respondents conducted an inspection on 23.11.2023 and reported certain deficiencies. In spite of the compliance of the same, an inspection was again conducted by the second respondent and verification report dated 26.03.2024 was filed quoting the same deficiencies, targeting the petitioner though they were complied with. Due to which, the petitioner made a representation dated 29.04.2024 to the first respondent complaining about the drastic acts of the second respondent. But the first respondent without considering the



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petitioner's representation dated 29.04.2024, rejected the said representation through his letter dated 21.05.2024. To which, the petitioner sent a detailed reply dated 31.05.2024 along relevant supporting documents. However without considering the same, the first respondent has passed an order on 28.08.2024, revoking and reducing the course approvals granted to the petitioner.

5. Aggrieved over the same, the petitioner has approached this Court by way of the present Petition.

6. The learned counsel appearing for the petitioner submitted that the revocation of approval granted to 4 courses with immediate effect and drastically reducing the intake for 3 courses shall affect the ongoing batches of students as there are 35 students, who are undergoing the Certificate course in Maritime Catering and have to appear for their main examinations. He further submitted that the impugned order refers to various complaints which the petitioner was never being put on notice to rebut the same and for the first time referred in the impugned order.

7. In furtherance, the learned counsel submitted that the



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respondents have been repeatedly quoting the same deficiencies without taking into account, the compliance of the petitioner and the respondents, who seem to have been annoyed due to their earlier petition filed in W.P.No.30593 of 2023, are targeting the petitioner's college and are acting prejudicially. He also contended that inspite of the Compliance Reply dated 31.05.2024 with supporting documents, the first respondent neither perused the documents nor conducted a fair and proper verification of the compliance. He further submitted that this Court has appointed an Advocate Commissioner for the subject matter in issue and in pursuant to that, inspection was conducted and report was also submitted before this Court which was in their favour, wherein it was stated that out of "14 deficiencies, 7 deficiencies were fully complied with and other 7 deficiencies were partially complied. The learned counsel made a representation before this Court stating that the petitioner undertakes to comply with the partially completed deficiencies, as well as 7 other left over deficiencies and sought time for compliance of the same.

8. Per contra, the learned counsel for the respondents contended that in-house students are unable to complete their BST training, which arises solely from the petitioner's intentional mismanagement



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and non compliances. He submitted that the respondents have acted in absolute compliance with the order of this Court dated 11.12.2024 and the hardships faced by the students is a result of cascading issues caused by the MTI's decision and not any "wilful disobedience" by the respondents. He argued that the inability of the 45th GP Rating and 29th CCMC batch students to complete the BST training and to obtain their CDC, is due to the petitioner's mismanagement and failure to prioritize in-house students, over prior years excessively, the admitted candidates. He drew the attention of this Court that the admission of students beyond the approved capacity, is a major non-conformity that is found to have been committed by the petitioner herein among other non-compliances.

9. It is pertinent to note that as per the order of this Court dated 11.12.2024, learned Advocate Commissioner along with the respondents team inspected the petitioner's institution on 24.12.2024 and filed her report before this Court, in which the learned Advocate Commissioner fully discussed about the inspection and submitted that out of 14 deficiencies, four and three deficiencies were complied fully and partially respectively by the petitioner and seven more deficiencies indicated by the inspection committee has yet to be complied with.

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10. Considered the rival submissions made by the respective learned counsels and also perused the materials available on record.

11. On a bare perusal of the case reveals the fact that the institution was granted approval in the year 1999 and the learned Advocate Commissioner also physically observed and submitted the report based on which the Court had come to the conclusion that out of 14 deficiencies, the institution had complied with 4 deficiencies and 3 deficiencies were partially complied with and seven deficiencies are yet to be rectified by the petitioner's institution keeping in mind, the welfare and in the larger interest of the students. At this juncture, it is predominant to note that the petitioner's institution is running since 1999 and therefore, this Court is of the opinion that the petitioner may be afforded with an opportunity as a last chance for compliance of the defects taking into account, the welfare of the students, who are pursuing the course which is paramount to be considered as it would not affect their career.



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12. In view of the above discussions of the matter and the foregoing reasons, this Court with a good conscience, equity, fair play and in the interest of justice, directs the first and second respondents to open the portal for the BST courses and CCMC courses for general with immediate effect taking into the well being of the students so as to safeguard their career but at the same time, directs the petitioner strictly to adhere to the rules and to rectify the deficiencies as pin pointed by the learned Advocate Commissioner and Inspection Committee, within the period of one month without any failure.

13. With the above observations and directions, the Writ Petitions stand disposed of. Consequently, connected Miscellaneous Petition(s) is/are closed, if any. There shall be no orders as to costs.

30.01.2025

Index: Yes/No
Order: Speaking/Non-Speaking
NCC : Yes/No

DP

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To

- 1.The Director General of Shipping,
Office of the Directorate General of Shipping,
9th Floor, Beta Building,
I Think Techno Campus,
Kanjur Marg(East),
Mumbai-400 042.
- 2.The Principal Officer,
Mercantile Marine Department,
Anchor Gate Building, 2nd Floor,
Rajaji Road, George Town,
Chennai-600 001.



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VIVEK KUMAR SINGH, J.

DP

PRE-DELIVERY ORDER MADE IN
W.P.Nos.30593 of 2023 & 33481 of 2024
and
W.M.P.Nos.36252, 36253 of 2024 & 41183 of 2025
& W.M.P.No.1164 of 2025

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