



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 61 of 2023

1. Dr. P.Mahalingam
S/o. Mr. M.Padmanabhan,
1501 The Summit, 6 First Avenue,
Shastri Nagar, Chennai 20

Petitioner(s)

Vs

1. Union of India
Rep. by its Secretary, Ministry of Civil
Aviation,
Government of India, Rajiv Gandhi Bhavan,
New Delhi 110 003

2. Director General of Civil Aviation (DGCA)
Office of DGCA, Government of India,
Opposite Safdarjung Airport,
New Delhi 110 003

3. Joint Deputy Director
Office of DGCA,
Government of India,



Opposite Safdarjung Airport,
New Delhi 110 003

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4. Director of Training and Licensing
Office of DGCA,
Government of India,
Opposite Safdarjung Airport,
New Delhi 110 003

5. Director of Operations
Office of DGCA,
Government of India,
Opposite Safdarjung Airport,
New Delhi 110 003

Respondent(s)

PRAYER

Directing the 4th respondent to issue a private pilot's License in favour of the petitioner along with class rating and type rating as required under schedule-II, Section-E, Para-4 of the Aircraft Rules, 1937 and Clause 2.1.4.1 of ICAO Annex I.

For Petitioner(s): Mr.N.L.Raja (Senior Counsel)
for Mr.K.R.Arun Shabari

For Respondent(s): Mr.Aadhishankaran
for Mr.V.Chandrasekaran,
Senior Panel Counsel

ORDER

This writ petition has been filed for the issue of a writ of mandamus,



directing the 4th respondent to issue a private pilot's License in favour of the petitioner along with class rating and type rating as required under schedule-II, Section-E, Para-4 of the Aircraft Rules, 1937 (hereinafter referred to as 'Rules') and Clause 2.1.4.1 of ICAO Annex I.

2. The case of the petitioner is that he is a holder of private pilot's license bearing License No.6512, dated 19.04.2002, whereby he is authorized to fly aircraft, Cessna - 152A and Pushpak. The license given to the petitioner is to be renewed on 19.10.2033. The license that was given to the petitioner did not specify class rating and type rating and therefore, the petitioner was unable to fly any Aircraft in India or Abroad with the available license. The petitioner gave representation in this regard and since it did not evoke any positive response, the present writ petition has been filed before this Court.

3. The respondents have filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

“6.I respectfully submit that the question that may arise for the kind consideration of this Hon'ble Court would be as to whether the petitioner while applying for license in the year 2002 submitted his application in such a manner which would entitle him to fly all the aeroplanes that fall under 'Single Engine Land (SEL)' class of aircraft under 1500 kg weight as required by him or applied only for Cessna 152 A and Pushpak. The application of the petitioner filed in the



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typed set by this respondent would establish beyond any doubt that the petitioner had applied specifically only for Cessna 152 A, which alone he is entitled to fly.

7. I respectfully submit that in order to fly all the aeroplanes as required by the petitioner that fall under the class 'Single Engine Land' of aircraft under 1500 kgs weight, the petitioner ought to have applied under para 4 of Section E of Schedule II of the Aircraft Rules, 1937 which is extracted below

"Ratings - (a) Aircraft rating the license shall indicate the class and the types of aeroplanes the holder is entitled to fly. An open rating for all the Single piston engine types of aeroplanes having an all-up weight not exceeding one thousand five hundred Kgs. may also be granted if he has completed not less than two hundred and fifty hours as pilot-in-command and has at least four different types of aeroplanes entered in the aircraft rating of his license:

Provided that the privileges of the open rating shall be exercised only after having undergone a ground and flight familiarisation with a flight instructor or an approved Examiner for the type of aircraft and a certificate to this effect shall be recorded by the Flight Instructor/ Examiner in the Pilot's Log Book before the Pilot is released to exercise the privileges of his open- rating."



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But admittedly the petitioner did not apply under the aforementioned for private pilot license. Thus, the petitioner is disentitled to fly any other aeroplane except that which are specifically mentioned in his license i.e., Cessna 152 A and Pushpak.

8. I respectfully submit that with regard to issuing the private pilot license on Cessna 152 A type aircraft instead of 'Single Engine Land (SEL)' class to the petitioner, the following provision is relied upon; For issuing private pilot license para 1(g) of Section E of Schedule II of Aircraft Rules, 1937 provides as under:

"1 (g) Skill- He shall have demonstrated his competency to perform as a pilot in command or a co- pilot of an aeroplane, the procedures and manoeuvres prescribed in the syllabus, to the satisfaction of an Examiner, on the type of aeroplane to which the application for the license relates, within a period of six months immediately preceding the date of application."

9.I respectfully submit that in the case of the petitioner since he had passed type specific written examination conducted by the respondents on Cessna 152 A type aircraft on 09.08.2001, and passed the skill test on Cessna 152 A type aircraft having registration VT-EMP on 15.03.2002, he was issued with Private pilot license for Cessna 152A type



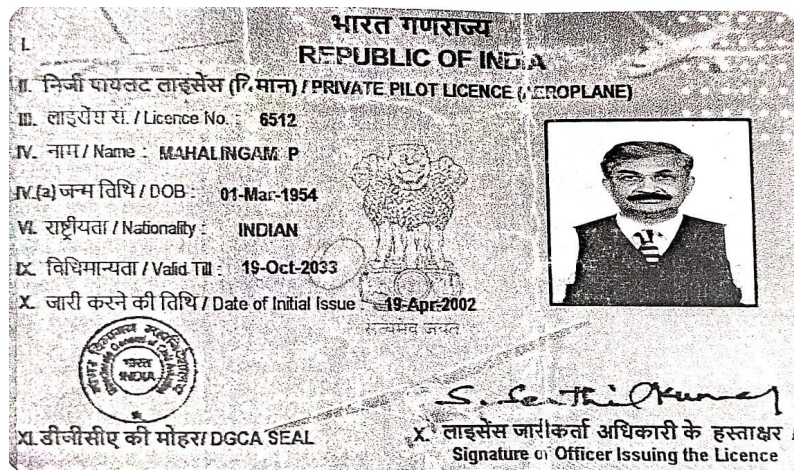
aircraft.”

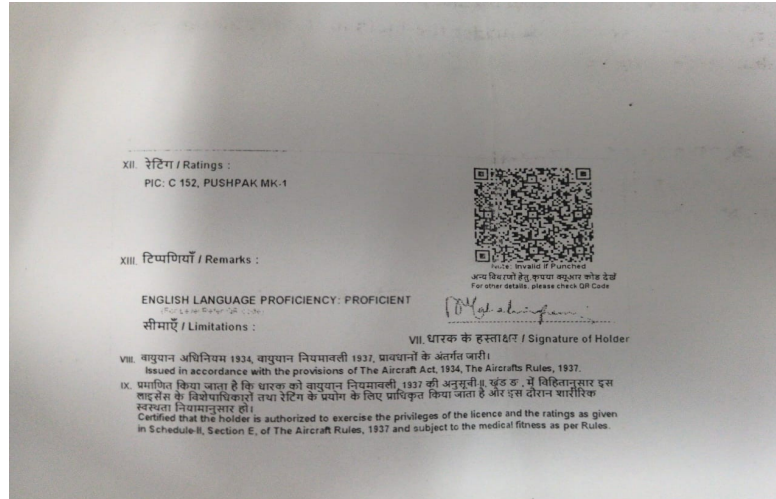
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4. Heard Mr.N.L.Raja, learned Senior Counsel for Mr.K.R.Arun Shabari and Mr.Aadhishankaran for Mr.V.Chandrasekaran, learned Senior Panel Counsel.

5. The short issue that arises for consideration in the present writ petition is as to whether for the license that was issued to the petitioner in License No.6512, dated 19.04.2002, is there any clarity regarding class rating and type rating as is required under the relevant rules?

6. For proper appreciation, the license that was issued to the petitioner is scanned and extracted hereunder,





7. Before going into the issue that is involved in the present writ petition, it will be relevant to take note of the definition of certain terms. The class rating is defined under Rule 3(12) of the Aircraft Rules, 1937 as follows,

"12. Class rating" shall comprise -

- (a) Single-engine, land;*
- (b) Single-engine, sea;*
- (c) Multi-engine, land;*
- (d) Multi-engine, sea;"*

8. The type of Aircraft is defined under Rule 3(57) as follows,

"57. Type of aircraft" means all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics;"

9. It will also be relevant to take note of the definition of 'Type



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certificate', which is defined under Rule 3(57A) extracted hereunder,

“[(57-A) "Type certificate" means a document issued, validated or accepted by the Director-General to signify that the design of a type of aircraft or engine or propeller, complies with the applicable type design standard specified by the Director-General;] [Substituted by Notification No. G.S.R. 721(E), dated 23.6.2017 (w.e.f. 23.3.1937).J”

10. Schedule II of the Aircraft Rules, 1937, Section E deals with private pilot's license. It will be relevant to take note of Clause 4 under Section E, which is extracted hereunder,

"Ratings - (a) Aircraft rating the license shall indicate the class and the types of aeroplanes the holder is entitled to fly. An open rating for all the Single piston engine types of aeroplanes having an all-up weight not exceeding one thousand five hundred Kgs. may also be granted if he has completed not less than two hundred and fifty hours as pilot-in-command and has at least four different types of aeroplanes entered in the aircraft rating of his license:

Provided that the privileges of the open rating shall be exercised only after having undergone a ground and flight familiarisation with a flight instructor or an approved Examiner for the type of aircraft and a certificate to this effect shall be recorded by the Flight Instructor/ Examiner in the Pilot's Log Book before the Pilot is released to



exercise the privileges of his open- rating."

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11. The respondents have taken a stand that the petitioner did not apply as a private pilot's licensee and therefore, the petitioner is disentitled to fly in other Aeroplanes, except that, which are specifically mentioned in his license namely Cessna 152 A and Pushpak. Such a stand has been taken by relying upon the application that was submitted by the petitioner, where the petitioner had mentioned under the type of Aircraft as Cessna 152A. The petitioner also passed a skill test on Cessna 152A Type Aircraft. Therefore, according to the respondents the petitioner was issued with private pilot's license for Cessna 152A type Aircraft.

12. A careful reading of the relevant clause shows that a license shall indicate the class and the type of the Aeroplane, the holder is entitled to fly. The license that has been scanned and extracted supra neither provides the class rating nor provides the type rating. What has been mentioned in the above license is only the model of the Aircraft. The mention about Cessna 152A and Pushpak only relates to model. The petitioner while making application had mentioned Cessna 152A and Pushpak since that was the model which was used by the petitioner for the purpose of getting license.

13. When it comes to the class rating, the license must satisfy the

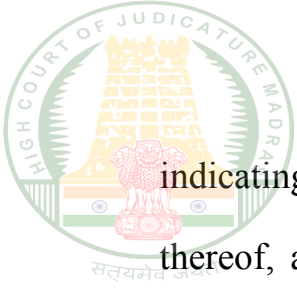


requirements of the rules and must clearly show for which class of engine, license is granted. In the license that has been given to the petitioner, it has not even been indicated for which class rating the license has been given.

14. When it comes to type rating, it has to be in line with the design of the Aircraft type, including its engine and propellant and complies with the applicable type, design, standard specified by the Director General. Type rating is defined under Rule 3(5) as rating of each type of Aircraft.

15. The license that has been issued to the petitioner is completely vague both on the class rating and type rating and it has not been issued in line with the Rules. Due to the vagueness of the license issued to the petitioner, he is unable to fly either in India or abroad. It is under such circumstances, the petitioner approached the respondents, and the respondents without understanding the actual grievance of the petitioner, have given so much of explanation in the counter affidavit, without taking note of the license which has actually been issued to the petitioner, which is totally silent regarding the class rating and type rating.

16. In the light of the above discussion, the license that has already been issued to the petitioner require more clarity. Therefore, there shall be a direction to the 2nd respondent to issue modified license to the petitioner by clearly



indicating the class rating and the type rating as per the rules and schedule thereof, and this exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

17. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

25-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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Aviation, Government of India, Rajiv
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N.ANAND VENKATESH J.

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