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WA No. 481 of 2021 and
W.A.No.919 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 25-02-2026

PRONOUNCED ON: 12-03-2026

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**WA No. 481 of 2021
and W.A.No 919 of 2020
and
CMP.No.1914 of 2021 and CMP.No.11346 of 2020**

The Maritime Education And Training
Institutes Association
Rep By Its Secretary,
Regus Business Centre
No.136, Arcot Road, Shyamala Towers,
3rd Floor, Saligramam,
Chennai 600093.

Appellant (s) in W.A.No.481 of 2021

International Maritime Academy,
Represented by its Managing Director
J.Senthil Kumar,
41, Jamin Korattur, Pudhuchatram,
Chennai – 600 124.

Appellant(s) in W.A.No.919 of 2020

Vs

1. The Government Of India
Rep By Its Secretary,
Ministry Of Shipping
Transport Bhawan, Sansadmarg
New Delhi 110001.



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2.The Directorate General Of Shipping
Rep By The Assistant Director General
Of Shipping
9th Floor Beta Building, I T
hink Techno Campus Kanjumarg (east)
Mumbai 400042.

Respondent(s) in both W.A.s

Common Prayer

Writ Appeal filed under Clause 15 of the Letters Patent Act, praying to
SET ASIDE the Orders dated 18.08.2020 in Writ Petition Nos.9119 and 9050 of
2020 on the file of this Honble Court and Allow the Writ Petition.

For Appellant(s): Mr.P.Godson Swaminath
in W.A.No.481 of for M/s.Isaac Chambers
2021

For Appellant(s): Mr.B.Jegannath
in W.A.No.919 of for Mr.Abishek Jenasenan
2020

For Respondent(s): M/s.B.Sudhir Kumar
In both W.As For R1 And R2

COMMON JUDGMENT

(Judgement of the Court was made by C.Kumarappan J.)

The present Writ Appeals filed against the order of the learned Single
Judge dated 18.08.2020 in WP.No.9050 & 9119 of 2020. The appellants and the
respondents are arrayed as the petitioners and the respondents before the Writ
Court.



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2. For the sake of convenience, the parties will be referred to according to their litigative status before the Writ Court.

3 (a). The brief facts which are necessary for the disposal of the present Writ Appeals are that the Members of the Petitioners have been imparting maritime courses, which are termed as “pre-sea” courses. The duration of courses are ranging between six months to four years. The 2nd respondent is the regulatory body, who used to grant approval for the Institution for conducting courses. While so, they have issued a Circular dated 24.10.2019, directing the institution to admit students only when there is a secured place for an on board training in a Shipping Company. In this regard, the 2nd respondent also directed the Institution to enter into a Memorandum of Understanding with the Shipping Companies.

(b) The above circular was challenged before this Court in a batch of writ petition in WP.No.40370 of 2016. Wherein this Court vide order dated 09.09.2019 has gone into the authority of the 2nd respondent and the validity of the conditions imposed in the Circular, ultimately this Court has held that the 2nd respondent has authority to regulate the Maritime education and are competent to issue circulars. However, considering certain onerous responsibility reposed



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upon the Educational Institutions, Court held that the compulsory placement in a shipping Company for a specified period is unconstitutional and ultra vires, and also held that the conditions to enter into the Memorandum of Understanding with the Shipping Company is onerous. Accordingly, such condition was ordered to be struck down.

(c) In pursuance to the above order, the 2nd respondent has issued the impugned Circular on 24.04.2020 and a consequential circular dated 27.05.2020 (hereinafter called impugned circulars). The learned Single Judge, having considered the earlier order passed by this Court in batch of Writ Petitions in WP.No.40370 of 2016 dated 09.09.2019 (hereinafter called batch of writ petitions) and upon the factum that the Circulars are in tune with the International Convention on Standards of Training Certification and Watch Keeping for Seafarers [STCW], 1978 [hereinafter referred to as STCW code] dismissed the writ petition by approving the circular. Aggrieved with the same, the present Writ Appeal is filed.

4.Heard Mr.P.Godson Swaminath, learned counsel for the appellant in W.A.No.481 of 2021 and Mr.B.Jegannath, learned counsel for the appellant in W.A.No.919 of 2020 and Mr.B.Sudhir Kumar, learned counsel for the



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respondents.

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5.The learned counsel for the petitioners would submit that, in WP.No.40370 of 2016, this Court having held that the condition compelling the Institution to give on-board training, and to arrange a placement is onerous and ultravires, ignoring such direction, the present impugned circulars were issued by the respondent with the very same condition. Therefore, contended that the said circular is to be interfered with. It is their further submission that, the learned Single Judge has not followed the direction of the earlier co-equal Bench, which is nothing but judicial indiscipline, as held by the Hon'ble Supreme Court in *P.Suseela and others Vs. University Grants Commission and others* reported in *(2015) 8 SCC 129*. It is their further submission that they have been all along giving only pre-sea training, therefore, any stipulation in contravention to the earlier order of this Court, which curtail the liberty of the student to choose the shipping company of their choice is illegal. It is their further contention that the learned Single Judge has failed to consider the factum of limited number of shipping companies while comparing to the number of colleges. Hence, prayed to allow the Writ Appeal.



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6. Per contra, the said contention was stoutly objected by the learned counsel for the respondents, and would contend that the order of the learned Single Judge is in conformity with the order of the earlier co-equal Bench in a batch of writ petitions, and that the impugned circulars were issued in tune with the orders of this Court. Hence, there are no grounds to interfere with the impugned order. It is the further submission of the learned counsel that, there are no judicial indiscipline in the impugned order as the learned Single Judge has followed the precedents and had categorically recorded that the impugned circulars are not in contravention to the order of earlier batch of writ petitions. Hence, prayed to dismiss the Writ Appal.

7. We have given our anxious consideration to either side submissions.

8. The main thrust of the petitioners' argument is that, the maritime institution would only give pre-sea training, and after the completion of pre-sea training, it is for the student to choose a shipping company for their onboard training. Their further argument is that, when the similar circular was issued at the earlier point of time, this Court set aside the portion of the circular inasmuch as relating to the condition imposed upon the institution to arrange for an on-



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board training, but still such condition was imposed in the impugned circulars.

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9. Let us consider the above submission in the backdrop of the judgment rendered by this Court in batch of writ petitions qua WP.No.40370 of 2016. According to the above order, the learned Single Judge has recorded that the clause which mandated on-board training with a compulsory tie up with the shipping companies, and the students placement was held ultra vires and struck down. However, in the very same order, there is a direction that the 2nd respondent has to come out with the composite circular based on International Convention on Standards of Training, Certification and Watch Keeping for Seafarers (STCW), 1978, Merchant Shipping (STCW) Rules 2014 and the Merchant Shipping (Continuous Discharge Certificate-cum Seafarers Identity Document) Rules 2017. It was further directed the 2nd respondent to properly guide the Maritime Institutes to conduct training programmes in consonance with the Act and Rules, as indicated above and direction was given to comply the above order within four months.

10. For ready reference, this Court deems it appropriate to extract the findings of the learned Single Judge in the batch of writ petitions qua



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WP.NO.40370 of 2016. The same is as follows:-

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“92.To sum up the writ petitions are disposed of with the following findings and directions:-

(i)The Director General of Shipping is the authority vested with absolute power to regulate all training programmes leading to examinations for grant of certificates;

(ii)As far as Diplomas, Degrees and Post Graduate Diplomas offered by the Institutes affiliated to Universities, the policy of the Central Government binds the Universities and the Institutes affiliated to the Universities. DGS power to prescribe minimum eligibility marks for admission in Diploma and degree courses flows from Entry 25 in List I of Schedule VII of the Constitution of India.

(iii)Any order or regulation issued by DGS shall be with the object to enhance the quality of training and standard of education and not detrimental to the object;

(iv)MoU with Shipping company for onboard training for specified number of candidates and restricting the admission to that specified number alone is an onerous condition;

(v)Continuation of approval based on placement within specified period is unconstitutional and ultra vires and

(vi)In superstitution of orders and training circulars, the DGS is directed to frame a composite regulation for institutes offering Marine Education and training within four months from the date of this order. Till such time, except clauses regarding tie up for on



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board training and placement which is struck down as unconstitutional all other clauses in the orders and circulars shall be in force.”

11. Now the only grievance of the petitioners is that, even as per the present circular, the format of the training consists of both training qua pre-sea course and ship board training, whereas the ship board/on board training was set aside in the earlier WP.No.40370 of 2016. Now let us see, whether the stipulation in the earlier circular regarding on-board training is totally set aside in the order of the batch of writ petitions. In this connection, it is appropriate to read clause 6 (stated supra), wherein it has directed the 2nd respondent to frame a composite regulation, **“except the clauses regarding tie up for on-board training and placement.”** Therefore, what was struck down by the earlier round of litigation is, the condition regarding a tie up with shipping company, and for the placement of the candidate.

12. However, while looking at the present impugned circular, it only directs the institutes to give ship board/on board training. In the condition it is conspicuously absent about a tie up with shipping company. The impugned circulars only states that, it is for the institutes to find out shipping company



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according to their choice so as to give suitable training as mandated under the impugned Circulars qua dated 24.04.2020 and the circular dated 27.05.2020.

13. The learned Single Judge, in his order, has categorically distinguished this aspects and in paragraph 18 of the judgement and has recorded that the new guidelines prescribed by the 2nd respondent is in consonance with the STCW code and STCW Rules, 2014, as ordered by this Court in earlier batch of writ petitions qua WP.No.40370 of 2016. In the impugned order, the learned Single Judge correctly recorded in paragraph 20 that, just because the institution may find difficult to provide an on-board training, that by itself cannot be a ground to interfere with the circular, and more specifically, the learned Single Judge has rightly distinguished in paragraph 6 as follows:-

“6 It is clear from the above order that this Court had recognised the authority of the 2nd respondent to regulate all training programmes and granting of Certificates and this Court interfered with the Circular only insofar as imposing the condition of entering into an MOU with the Shipping Company for on-board training which was made as a pre-requisite for admission of candidates. This Court found that the said condition is onerous. This Court also directed the 2nd respondent to frame a composite Regulation for all Institutes offering Maritime education and training



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within a period of four months from the date of the order. This Court also made clear that except the clauses regarding entering into an MOU for on-board training and placement, all the other clauses in the Orders and Circulars were held to be valid and in force.”

14. On harmonious reading of the above observation, it is clear that this Court in earlier batch of writ petitions has only held that the condition of entering the Memorandum of Understanding with shipping companies is onerous. But, in the case in hand, the 2nd respondent has given time to ensure that the candidates are guaranteed to have an on-board training as stipulated in the circular, and as rightly observed by the learned Single Judge, such condition is not onerous one.

15. Further more, the petitioners could not make out any case to establish that these circulars are in contravention to the STCW code. Though the learned counsel for the petitioners would contend that the present order is in contravention to the order of the earlier batch of writ petitions, as discussed hereinabove, the learned Single Judge has not deviated from the order of the earlier batch of writ petitions, which factum was captured in paragraph 6 of the impugned order. It is pertinent to mention that in the impugned circulars, such



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condition was not imposed and there is only a simple direction to arrange for an on-board training to the students. In view of our above discussion, we absolutely do not find any ground to interfere with the order of the learned Single Judge.

16.In the result, the Writ Appeals stand dismissed. No costs. Consequently, connected MPs are also closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
12-03-2026

Index:Yes
Speaking order
Internet:Yes
Neutral Citation:Yes
kmi



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To

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1.The Government Of India
Rep By Its Secretary,
Ministry Of Shipping
Transport Bhawan,
Sansadmarg New Delhi 110001.

2.The Directorate General Of Shipping
Rep By The Assistant Director General
Of Shipping 9th Floor Beta Building, I
Think Techno Campus
Kanjumarg (east) Mumbai 400042.



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S.M.SUBRAMANIAM J.
AND
C.KUMARAPPAN J.

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**Pre-Delivery Judgment
in WA No. 481 of 2021
and W.A.No 919 of 2020**

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