



W.P.Nos.36121 of 2023 and 9887 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.10.2025

PRONOUNCED ON : 26.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.36121 of 2023 & 9887 of 2025

and

W.M.P.Nos. 36081 of 2023 & 11135 of 2025

W.P.No.36121 of 2023

Jegan Arputham Fernando

.... Petitioner

Vs

1. Union of India,
Rep. by its Secretary,
Ministry of Port, Shipping and Waterways,
No.1, Parliament Street,
New Delhi – 110 001.

2. The Director General of Shipping,
Beta Buildings, 9th Floor,
i-think Techno Campus,
Kanjur Marg (East),
Mumbai – 400 042.

3. The Nautical Surveyor-cum-
Deputy Director General (Tech.),
At Office of Director General of Shipping,
Beta Buildings, 9th Floor,
i-think Techno Campus,
Kanjur Marg (East),
Mumbai – 400 042.



W.P.Nos.36121 of 2023 and 9887 of 2025

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned communication letter of the third respondent in his letter in F.No.25/12/2023-NT-DGS (Comp.No.23689) dated 12.09.2023, and quash the same and consequently direct the respondents to conduct existing course of conversion of assessment and examination for issuance of Certificate of Competency/COC of Master (FG)(unlimited) for the candidates of Master NCV (home trade ship), enabling the petitioner to go world-wide on ships without any restrictions.

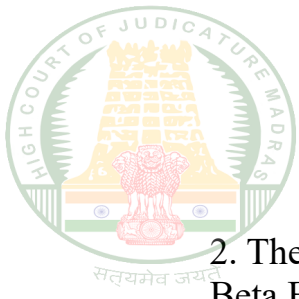
W.P.No.9887 of 2025

1. N.A.S.Berlin Fernando
2. P.J.Francis Vladin
3. Devkant Pandey
4. Sushil Kumar Singh
5. Shambu Kumar Sinha
6. Mangalsingh H.Pradeshi
7. Abhijit Ashok Bhatkhande
8. Santhose B.Fernandes
9. Pankaj Singh
10. P.N.Raju
11. Rosan Joseph Nelliparambath
12. Gautam Kumar
13. P.A.Fernando

.... Petitioners

Vs

1. Union of India,
Rep. by its Secretary,
Ministry of Port, Shipping and Waterways,
No.1, Parliament Street,
New Delhi – 110 001.



W.P.Nos.36121 of 2023 and 9887 of 2025

2. The Director General of Shipping,
Beta Buildings,
9th Floor,
i-think Techno Campus,
Kanjur Marg (East),
Mumbai – 400 042.

3. The Nautical Surveyor-cum-
Deputy Director General (Tech.),
Having Office at Director General of Shipping,
Beta Buildings,
9th Floor,
i-think Techno Campus,
Kanjur Marg (East),
Mumbai – 400 042.

4. The Registrar,
Indian Maritime University,
ECR, Uthandi,
Kanathur,
Chennai – 600 119.

..... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to implement the M.S. (Merchant Shipping) Rules 2014, (Standards of Training, Certification, Watch keeping recognising for Sea Farers (STCW) Rules 2014 and the Training, Examination & Assessment Programme (TEAP) Manual, notified on 30.07.2014 and brought into force on 01.01.2015 together with the Notice in M.S.No.1 of 2006 with immediate effect and direct the respondents to make provisions to recognize and issue certificates to the petitioners as “Master (FG)”, on the completion of the conversion course prescribed in the Notice in M.S.No.1 of 2006 & Training Programme on the subject of Navigation.



W.P.Nos.36121 of 2023 and 9887 of 2025

For Petitioners
(in both W.Ps)

: Mr.S.Anil Sandeep
for Mr.N.Vijaya Basker

WEB COPY

For R1 to R3
(in both W.Ps)

: Mr.ARL.Sundaresan
Additional Solicitor General (India)
Assisted by Mrs.V.Sudha
Special Panel Counsel

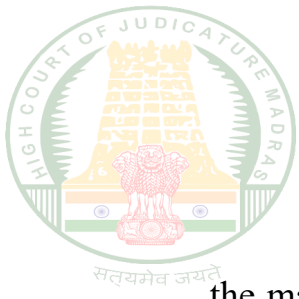
For R4
(in W.P.No.9887/2025)

: Mr.K.Srinivasa Murthy
Standing Counsel

COMMON ORDER

W.P.No.36121 of 2023 has been filed challenging the order passed by the third respondent dated 12.09.2023, thereby rejecting the request made by the petitioner for conducting the conversion course towards assessment and examination for issuance of Master-Foreign-Going Ship (FG) unlimited Certificate of Competency by way of a bridging course.

2.W.P.No.9887 of 2025 has been filed seeking a direction to the respondents to implement the Merchant Shipping Rules 2014, Standards of Training Certification Watchkeeping recognizing for Sea Farers Rules, 2014 and the Training Examination and Assessment Programme Manual, notified on 30.07.2014 and brought into force on 01.01.2015 together with the Notice in M.S.No.1 of 2006 and to make provisions to recognise and issue certificates to the petitioners as “Master (FG)”, on the completion of the conversion course.

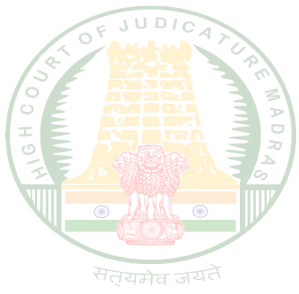


W.P.Nos.36121 of 2023 and 9887 of 2025

3. Heard the learned counsel appearing on either side and perused

the materials available on record. Both the prayers are similar in nature and as such, this Court passes a common order.

4. The petitioners are seafarers serving at sea in various capacities and positions. They are designated as Masters (Near Coastal Voyage) (hereinafter referred to as “ Master (NCV)”). In order to reach the position of Master (NCV), they are required to undergo various courses and training programmes. A Seaman is the initial or basic post in a seafarer's career. The basic qualification is 10th Standard (Matriculation). Thereafter two pathways are available : one by studying the subjects of Physics, Chemistry and Maths (hereinafter referred to as “PCM”) up to the 12th Standard or by completing the 12th Standard without PCM subjects. After completion of the higher secondary education, a candidate must enroll for seaman training by undergoing the continuous discharge certificate course for a period of ten months at a recognized institution. Thereafter, a mandatory sea-service experience of 18 months is required, subsequent to which, the candidate can apply for assessment before the Mercantile Marine Department under the second respondent. On successful assessment, the candidates become eligible to pursue officer rank posts.



W.P.Nos.36121 of 2023 and 9887 of 2025

WEB COPY

5. After obtaining the assessment certificate, a candidate becomes eligible to pursue the officers rank course. The sea vessels are divided into two categories. The first category is designated as “Near Coastal Voyage” (hereinafter referred to as “NCV”), which operates to ports in Bangladesh, India, Maldives, Myanmar, Sri Lanka (hereinafter referred to as “BIMMS”). The second category is designated as “Foreign Going” (hereinafter referred to as “FG”) which has no travel restrictions and may operate to ports worldwide. The officers serving on NCV vessels are termed as Navigational Watch Keeping Officers (hereinafter referred to as “NWKO”). In order to pursue the officers course for NCV vessels, the qualification of 12th Standard with PCM is not mandatory. The candidates who have completed 12th Standard in any stream are eligible to pursue the NCV officers course. However, for FG vessels, the qualification of 12th Standard with PCM is mandatory. In respect of FG vessels, the office rank hierarchy consists of the posts of Second Mate, First Mate and Master. Those who had completed the officers course are posted as NWKO, whereas those who complete the FG officers course are posted as Second Mate. The post of Master on FG vessels carries more weightage, demand and reputation. Likewise, the post of Second Mate and First Mate on FG vessels have more value than their equivalent

Page 6 of 16

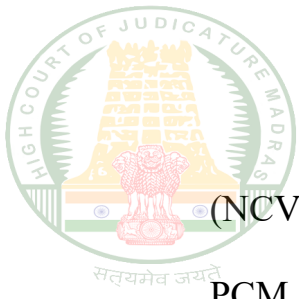


W.P.Nos.36121 of 2023 and 9887 of 2025

ranks on NCV vessels. It is to bridge this gap and to provide a pathway for officers, who intends to cross over from their respective positions in NCV vessels to that of their equivalent positions on FG vessels, the first respondent, under the aegis of the second respondent, issued Merchant Shipping (M.S) Notice No.1 of 2006, which provided for cross over of the officers from NCV vessels to FG vessels on their completion of eighteen months of service in their respective posts. The mandatory qualification for them is completion of 12th Standard with PCM. Subsequently, the Merchant Shipping (Standards of Training, Certification Watchkeeping recognizing for Sea Farers) Rules, 2014 (hereinafter referred to as “STCW Rules 2014”) and the Training, Examination and Assessment Programme (TEAP) Manual framed thereunder came into force, in addition to the provisions contained in M.S.Notice No.1 of 2006, thereby excluding the conversion of the post of Master (NCV) to Master (FG). But there has been no implementation of these Rules. After STCW Rules 2014, the implementation for conversion of Master (NCV) to Master (FG) has also come to a stand still.

6.The learned counsel appearing for the petitioners submitted that even as per record, in these Rules and Manuals, there exists a glaring vaccum. The provisions relating to cross over and bridging of Master

Page 7 of 16



W.P.Nos.36121 of 2023 and 9887 of 2025

(NCV), who possess 10th Standard or 12th Standard qualification with PCM have not been provided for in the said Rules and Manuals. As per the Manual, a Master (NCV) without PCM qualification can only be considered for the post of Second Mate on FG vessels. Whereas the NWKO (NCV) with 10th Standard or 12th Standard with PCM is permitted to cross over to the post of Second Mate on FG vessels, which is a equivalent post. Similarly, the Chief Mate (NCV) with 10th Standard or 12th Standard with PCM qualification is permitted to cross over to the post of Chief Mate on FG vessels having a tonnage between 500 and 3000. Therefore, the Rules and Manuals are silent with respect to the cross over of Master (NCV) with 10th Standard and 12th Standard with PCM qualification. Hence, in view of this vacuum in the STCW Rules, 2014, the notice in M.S.No.1 of 2006 is required to be followed.

7.The learned counsel further submits that in fact, the syllabus of the Master (NCV) and Master (FG) are one and the same and the subject code are identical, except for an additional chapter of Navigation added to the syllabus of Master (FG). Therefore, making the officers wait and suffer is of no use to anyone and is drastically bringing down their value among peers. Hence, the petitioners seek a direction to implement the Rules and to provide equivalent post on FG vessels upon them

Page 8 of 16



W.P.Nos.36121 of 2023 and 9887 of 2025

undergoing the prescribed training in Navigation, as required in the syllabus for Master (FG), by adhering to the Notice in M.S.No.1 of 2006.

WEB COPY

The said request was rejected in W.P.No.36121 of 2023 on the ground that the Certificate of Competency is issued in accordance with the International Convention of Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, to which India is a party and which India implements by way of relevant provisions under Merchant Shipping Act 1958, as amended the STCW Rules, 2014 and the TEAP Manual. There are no provisions under the Merchant Shipping Act or the STCW Rules with respect to conversion of Master (NCV) Certificate of Competency limited to 6000 GT to Master (FG) unlimited Certificate of Competency by way of a bridging course. The learned counsel contends that the petitioners cannot be denied of their legitimate expectations.

8.In support of his contention, the learned counsel relied upon the Judgment of the Hon'ble Supreme Court of India in the case of ***Sivanandan C T and others V. High Court of Kerala and others*** in ***W.P. (Civil) No.229 of 2017*** rendered by the Constitutional Bench on 12.07.2023, wherein it was held that the Government's action led to the denial of the substantive legitimate expectations of the lecturers, and that



W.P.Nos.36121 of 2023 and 9887 of 2025

the doctrine of substantive legitimate expectations is firmly entrenched in Indian administrative law, subject to the limitations on its applicability in a given factual situations.

9.A perusal of the counter affidavit filed by the respondents 1 to 3, as well as the submissions made by the learned Additional Advocate General, reveals that the Notice in M.S.No.1 of 2006, which the petitioners seek to enforce, has already been superseded by the STCW Rules, 2014. Therefore, it has no legal efficacy and enforceability. The STCW Rules 2014 have been framed in exercise of the powers conferred under the Merchant Shipping Act, 1958 and is also confirmed with the international STCW convention applicable to Indian seafarers. It is pertinent to note that India is a signatory to the STCW convention and is bound to comply with the global standards prescribed under the STCW. Therefore, the demand for a cross over from Master (NCV) to Master (FG) vessel cannot be permitted without fulfilling the prescribed international and statutory criteria. This Court cannot issue a writ of mandamus directing the legislature or rule-making authority to frame laws or policies in a particular manner, especially when the statute provides no such obligation or confers no corresponding legal right. Therefore, no Constitutional Court can issue a writ of mandamus

Page 10 of 16



W.P.Nos.36121 of 2023 and 9887 of 2025

compelling the legislature to enact a law on a particular subject in a particular manner. After framing of STCW Rules 2014, the Notice in M.S.No.1 of 2006 was superseded, and therefore holds no legal validity or operative force. The Rules are purposefully silent regarding any provision for crossover from Master (NCV) to Master (FG) because no such route is recognised or permitted under the international maritime framework. Mere silence in the Rules does not create a legal vacuum, it is the way it is so as to be consistent with international maritime standards.

10. Moreover, the petitioners have the option to follow the procedure laid down in Part BB of Section II/17 of TEAP Manual, Part A (Annex-I). Accordingly, upon obtaining certification as First Mate for FG vessels limited to 3000 GT and thereafter joining an FG vessel as management level officer, the petitioners can very well progress towards the rank of Master (FG) in accordance with the prescribed competency and experience requirements. Further the role of a Master (FG) vessel carries significant responsibilities, including international navigation, crew management and strict compliance with safety and operational standards under international law. Therefore, certification for such a position cannot be granted loosely or as a matter of right. It must be earned through demonstrable compliance with the prescribed competency



W.P.Nos.36121 of 2023 and 9887 of 2025

criteria. Therefore, the petitioners cannot seek a direction for a regulatory change or relaxation of qualification standards, as such a request would amount to a misuse of extraordinary jurisdiction of this Court.

11.As rightly pointed out by the learned Additional Advocate General, the Notice in M.S.No.1 of 2006 has been cancelled and superseded by the STCW Rules 2014. These Rules, being aligned with the STCW convention, constitute the prevailing legal regime governing seafarers' certification in India. As per the said Rules, there is no provision for cross over from Master (NCV) to Master (FG), as such a cross over is not recognised under either the STCW convention or the Indian maritime regulatory framework. Hence, the silence of the Rules in this regard is deliberate and reflects a considered policy position that aligns with global maritime safety standards. Therefore, such silence cannot be interpreted as a gap or deficiency giving rise to any enforceable right.

12.With regard to the issuance of a writ of mandamus, the learned Additional Advocate General relied upon the Judgment of the Hon'ble Supreme Court of India reported in *(2017) 7 SCC 221* in the case of *Mangalam Organics Limited V. Union of India*, wherein it was held that



W.P.Nos.36121 of 2023 and 9887 of 2025

directing the Government to issue Rule would amount to take a policy decision in a particular manner, which is impermissible. If a public authority is foisted with any duty to do an act and fails to discharge that function, mandamus can be issued to the said authority to perform its duty. Therefore, no Court can direct the legislature to enact a particular law. Hence, the law regarding the power of the writ court to issue a mandate to the Legislature to legislate is well settled. No Constitutional Court can issue a writ of mandamus directing the Legislature to enact a law on a particular subject in a particular manner. Further, the Hon'ble Supreme Court of India held that the High Court, while exercising jurisdiction under Article 226 of the Constitution of India, cannot usurp the functions of the executive and compel it to exercise its rule-making power in a manner directed by the Court. Such directions are impermissible and contrary to the doctrine of separation of powers envisaged under the Constitution. Therefore, the High Court, by a writ of mandamus or otherwise, cannot direct the State Government to enact rules on a particular subject.

13.The above judgments are squarely applicable to the case on hand and the directions sought for in this writ petition cannot be considered. The implementation of STCW Rules 2014 together with

Page 13 of 16



W.P.Nos.36121 of 2023 and 9887 of 2025

Notice in M.S.No.1 of 2006 cannot be possible, since the Notice in

M.S.No.1 of 2006 has been superseded by the STCW Rules 2014.

Hence, the request made by the petitioners was rightly rejected by the order impugned in W.P.No.36121 of 2023.

14. In view of the above, both the writ petitions are devoid of merits and are liable to be dismissed. Accordingly, both the Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

26.11.2025

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
Lpp

To

1. The Secretary,
Union of India,
Ministry of Port, Shipping and Waterways,
No.1, Parliament Street,
New Delhi – 110 001.

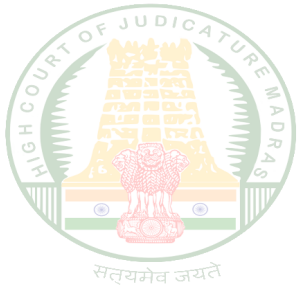
2. The Director General of Shipping,
Beta Buildings, 9th Floor,
i-think Techno Campus,
Kanjur Marg (East), Mumbai – 400 042.



W.P.Nos.36121 of 2023 and 9887 of 2025

3. The Nautical Surveyor-cum-Deputy Director General (Tech.),
Having Office at Director General of Shipping,
Beta Buildings, 9th Floor,
i-think Techno Campus,
Kanjur Marg (East),
Mumbai – 400 042.

4. The Registrar,
Indian Maritime University,
ECR, Uthandi, Kanathur,
Chennai – 600 119.



WEB COPY



W.P.Nos.36121 of 2023 and 9887 of 2025

G.K.ILANTHIRAIYAN. J,

Lpp

order in
W.P.Nos.36121 of 2023 & 9887 of 2025
and
W.M.P.Nos. 36081 of 2023 & 11135 of 2025

26.11.2025