



भारत सरकार
GOVERNMENT OF INDIA
पोत परिवहन मंत्रालय
MINISTRY OF SHIPPING

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No. 40-NT(4)/2008.

20th August, 2008.

The Maritime Institutes Association – Petitioner
Represented by Secretary Shri Shivee Rhaj Kumaar,
No. 41, Second Floor,
Giri Road, T. Nagar,
Chennai – 600 017.

Subject:- **Speaking Order in response to Hon'ble Madras High Court's Order dated 07th August, 2008 passed in Miscellaneous Petition No. 1 of 2008 in Writ Petition No. 17370 of 2008 after getting Petitioner's letter No. nil dated 14th August, 2008.**

1. As per the provisions of Rule 6 of Merchant Shipping (Standards of Training, Certification and Watchkeeping for Seafarers) Rules, 1998, as notified vide GSR No. 191(E) dated 20th April, 1998 in exercise of the powers conferred by Sections 87, 98, 457 and 458 of the Merchant Shipping Act, 1958 (44 of 1958), the Chief Examiner concerned shall ensure the training and assessment of the candidates for certification as a seafarer are administered, supervised and monitored in accordance with the provisions of the Act.
2. The IGNOU/DGS Pre-Sea Training leading to Degree in B.Sc. (Nautical Science) as well as Certificate of Competency as a Second Mate of a foreign going ship is one of such training programmes for obtaining Certificate of Competency for the seafarers.
3. The Director General of Shipping, Mumbai, as per the provisions of the Act mentioned at para 2 above, has signed Memorandum of Understanding (MoU) with Indira Gandhi National Open University, New Delhi on 12th February, 2004 to work together for developing programme in the area of Pre-Sea Deck Training to promote professional

education in the country. Under this MoU, the parties agreed that there will be a Monitoring and Implementation Committee (**MIC**) constituted of representatives from IGNOU and DGS. This Committee will monitor and review these mechanisms from time to time which will include periodic academic inspections of the Training Institutions approved jointly by IGNOU-DGS, fees sharing mechanism, course structure, course curriculum, examination system at the Pre-Sea as well as Post-Sea stages, etc.

4. It was decided that the approved Training Institutes shall run the programme if the minimum number of students in the class is 10, which was done on the grounds that it may not be financially viable for any Institute to run a programme with less than 10 students, which in case Institutes do run, may lead to substandard teaching faculty and infrastructure resulting in jeopardizing the future of the students.. This has been clearly mentioned in the MoUs signed between IGNOU and the respective member Maritime Training Institutes.

5. The first course commenced on 02nd August, 2004 based on the selection through interviews when the passing percentage was 60% Physics, Chemistry and Mathematics (**PCM**) for students, who have passed 10 + 2. Subsequently, a system of Common Entrance Test (**CET**) was introduced for the non-sponsored candidates and the eligibility criteria for appearing in the CET was kept as 55% PCM for students of 10 + 2 or with Physics as individual subject in one of the year, B.Sc., in Physics, Mathematics and Chemistry or Electronics with the average of not less than 55% marks in the final year or B.E./B.Tech Degree from Indian Institute of Technology (**IIT**) or from a College of the University recognized by AICTE/UGC.

6. It was observed by the IGNOU/DGS that there were many cases of students being admitted by the Training Institutes, who were holding forged Certificates with regard to their age as well as passing percentage of their 10 + 2. In spite of clear instructions that the responsibility of verification of the documents of the students lies with the respective Institutes, approximately about 80 such cases were detected by the IGNOU, where admissions were given by Training Institutes to such candidates. All such students had to be removed from the training programme in mid of their training.

7. Training Circulars and other relevant Merchant Shipping Notices are issued by the Directorate to promulgate the guidelines which are required to be followed by the Shipping Industry/Training Institutes based on the periodical reviews, feed back as obtained by the Directorate in the implementation of the various courses. The MIC which was set up as per the MoU between IGNOU and DGS also takes the review of this Degree programme which basically is issued by IGNOU to the cadets who are trained in a jointly inspected and monitored Maritime Training Institutes. Any decision to further improve the training/education, the guidelines are then issued by the Directorate by way of Training Circulars and Merchant Shipping Notices.

8. Similarly, Training Circular No. 26 of 2004 was issued on 18th August, 2004 to stipulate the selection process for induction in Diploma in Nautical Science leading to Bachelors Degree in Nautical Science programme. In this Circular, it was informed that there shall be a written examination as a CET for all the non-sponsored candidates followed by interview and medical examination. This was necessary to weed out the ambiguity of non-eligible candidates as well as to have a proper selection procedure of the cadets which is uniformly applicable and transparent.

9. The Directorate issued Merchant Shipping Notice No. 7 of 2008 dated 28th April, 2008 stipulating procedure for CET for admission in B.Sc. (Nautical Science) programme for August, 2008 entry of IGNOU-DGS Deck Cadet Training Scheme. This Notice was issued as per the recommendations of the Parliamentary Standing Committee and after due interaction with the stakeholders, i.e. Shipping Companies, Maritime Training Institutes, officials of IGNOU and Directorate General of Shipping. In this Notice, the CET was made applicable to all the candidates who wish to join Merchant Navy as Deck Cadet under this scheme.

10. The CET called as OPENNET was conducted by IGNOU with whom the member Institutes are affiliated. This test comprises of 6 sections each carrying 30 questions. The sections are English, General Knowledge, Reasoning Aptitude, Mathematics, Physics and Chemistry. This CET carried 100% weightage for the purpose of drawing up the merit list admission. No interviews shall be conducted by the IGNOU for admission for the sponsored as well as non-sponsored candidates, only counseling was done with the non-

sponsored candidates on the basis of their merit list. The choice of the Training Institute is left to the sponsoring Company in case the candidate is a sponsored candidate and to the candidate himself in case he is a non-sponsored candidate.

11. IGNOU in consultation with DGS advertised for the OPENNET Examination in the leading news papers all across India as well as on their website. They received approximately 4,000 applications and 3004 candidates appeared for the OPENNET Entrance Examination, out of which, 2435 candidates were declared qualified in the OPENNET Examination against 1556 seats available for admission in August, 2008 entry in various Maritime training Institutes conducting this Course. This course has already commenced on 01st August, 2008 and has a mandatory attendance of 90% in each semester.

12. The guidelines were formulated for giving ranks to the candidates and declaring them qualified in the OPENNET Examination. As stated earlier, the question paper carried total 180 questions distributed in 6 parts of 30 questions each (English, General Knowledge, Reasoning Aptitude, Mathematics, Physics and Chemistry). The total duration of the question papers of the examination was 3 hours. The students hand book and the prospectus as well as the DGS notification had stated that the DGS/IGNOU may prescribe cut off marks. This was introduced in the OPENNET Entrance Examination for August, 2008 batch. Since Physics, Chemistry and Mathematics (**PCM**) form the core subjects, a decision was taken that each section of Physics, Chemistry and Mathematics shall have individual cut off marks to meet the criteria for consideration of drawing merit list. In other words, those who score minimum qualifying marks in these qualifying sections shall remain in the zone of consideration for drawing overall merits. This was made applicable uniformly for all irrespective of the category status, e.g. SC/ST/OBC/Women/Sponsored Candidates or any other quota. Thus, there could be possibility that a candidate may have scored overall more marks and being declared not qualified in case he does not get the minimum qualifying marks in the subjects of Physics, Chemistry and Mathematics.

13. Thus, it can be seen that the Petitioner's argument that the candidates who scored more marks had been declared "non-qualified" when compared with the candidates with comparatively less marks declared as "qualified" though both being in the same category is incorrect. The explanation in the above paragraphs clearly explain the reasons, i.e. all such

candidates may not have qualified in the minimum qualifying marks in the 3 qualifying sections and may not have been in the zone of consideration for drawing over all merit.

14. It has also been observed in the recent counseling that there are few Institutes where the candidates even after qualifying do not wish to join few Institutes for obvious reasons. The argument that the Institutes seats if left vacant may be allowed to be filled up by non-qualified candidates stands no ground. The criteria of qualification and subsequent OPENNET Examination are set by the DGS and IGNOU to which these Institutes are affiliated and conducting their Degree programme. The discretion of laying procedure of the qualifying students is with the affiliated University (i.e. IGNOU) and DGS. Hence, the prayer of the Petitioner to allow all candidates to seek admission, who only meet the minimum eligibility criteria for applying in the written CET examination is devoid of merit.

15. Considering the above stated facts, the Directorate General of Shipping hereby issues the following orders while considering the interim order of Hon'ble Madras High Court in MP No. 1 of 2008 in WP 17370/2008.

- (i) The list of the candidates as submitted by the Maritime Institutes Association of Maritime Training Institutes does not reflect the vacancies in existence nor does it reflect that the candidates have qualified in the Common Entrance Examination (OPENNET). Under such circumstances, the Director General dismisses the list as submitted by Maritime Institutes Association.
- (ii) It was observed that a large number of candidates participated in the OPENNET Entrance Examination. Further, it was also noted that entrance examination conducted on 15th June, 2008 consisted of 180 questions as against the 100 questions in the previous examination and therefore this criterion was considered more rigorous than the previous ones. Taking into account the orders of the Hon'ble High Court it has been decided to further increase the number of candidates declared qualified in the OPENNET Examination with the objective to fill up the left over vacancies in the training institutes to the extent possible, the overall cut off percentage will be reduced further by 10% in all the categories (i.e. general category, OBC, ST & SC and female candidates) which shall also be at par with the cutoff of the previous year.

- (iii) The institutes are required to communicate by 27th Aug., 2008 to IGNOU the number of vacant seats available for allotment to the candidates from such extended list of candidates declared qualified as well as any other candidate declared qualified and higher in merit who wish to join now in their institute. Thus, in effect, the candidates shall be directly approaching the training institutes of their choice for admission. The institutes shall finalize the admissions of such candidates and e-mail the list to IGNOU by 5th Sept., 2008 followed by submission of Form B at IGNOU by 12th Sept., 2008. Any application form received after 12th Sept., 2008 shall be summarily rejected by IGNOU and no correspondence in this regard shall be entertained.
- (iv) IGNOU is hereby requested accordingly to declare the list of additional candidates declared qualified in OPENNET Examination conducted on 15th June, 2008 and put up the same on its website along with the communication address of candidates latest by 22nd Aug., 2008. The Directorate will publish in the leading newspapers an appropriate advertisement informing about such extended list at the earliest, in addition, the Directorate shall also carry the list of candidates on its website.
- (v) The facility of additional admissions under this scheme of extended list shall be available only to those institutes who submit an undertaking to IGNOU and DG(S) that they shall be organizing additional classes on weekends for the trainees who shall be admitted under this scheme so that such candidates are brought at par with the existing trainees within the training programme. The institutes shall be required to furnish the details of such extra classes to IGNOU.

This issues with the approval of the Competent Authority.



(Capt. J. S. Uppal)
Dy. Nautical Advisor to the Govt. of
India cum Senior DDG (Technical)

Cc:

1. Indira Gandhi National Open University, New Delhi
2. All the Maritime Training Institutes under DGS-IGNOU Scheme