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W.P.No.11718 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.11718 of 2025

And

W.M.P.Nos.13259 and 13260 of 2025

Excel College of Physiotherapy and Research Centre
represented its Administrative Officer,
Pallakkapalayam, Sankari West Post,
Komarapalayam Taluk,
Namakkal District.

... Petitioner

Vs.

1.The Tamilnadu Dr.M.G.R.Medical University
represented by its Registrar,
Anna Salai, Guindy,
Chennai 600 032.

2.The Government of Tamil Nadu
represented by its Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai 600 009.

3.The Director of Medical Education and Research,
Chetpet,
Chennai 600 031.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records of



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respondents relating to the order of the first respondent in R.C.Affln. III(1)/83509/2019 dated 05.02.2024 (typed as 05.01.2024) and quash the same and directing the first respondent University to accept the necessary documents and the prescribed fees from the petitioner required for granting permission to start MPT Courses in the petitioner College and issue Certificate of Registration for starting M.P.T. Course in Excel College of Physiotherapy, Pallakkapalayam, Komarapalayam Taluk, Namakkal District from the year 2025 - 26 without insisting upon NOC from the State Government.

For Petitioner : Mr.Kandhan Duraisami

For Respondents : Mr.Mohamed Gouse for R1
Standing Counsel
Mr.K.Tippu Sultan for R2 and R3
Government Advocate

ORDER

The instant writ petition has been filed challenging the order dated 05.02.2024 (typed as 05.01.2024) by and in which the petitioner was directed to get no objection certificate from the State Government for starting Post Graduate Degree Courses in Physiotherapy and Occupational Therapy.



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2.The learned counsel appearing for the petitioner would submit that the genesis of the impugned letter dated 05.01.2024 stems from the letter dated 31.08.2018 given by the Principal Secretary to Government, Health and Family Welfare Department, Chennai in letter No.38630/PME2/2016-4. The learned counsel appearing for the petitioner would invite the attention of this Court to the judgment passed by the Hon'ble Division Bench of this Court in W.A.No.3534 of 2019 dated 16.06.2020, wherein, the Hon'ble Division Bench has dealt about similar issue and has ultimately directed to consider the applications for granting permission to start Post Graduation. It is the further submission that, the above Division Bench judgment was subsequently confirmed by the Hon'ble Supreme Court in SLP (C) No.16085/2020 dated 12.01.2021. Hence, would contend that the impugned letter is liable to be quashed and direction to be issued to consider the petitioner's application.

3.The learned Standing Counsel has not seriously disputed about the factum of judgment passed by the Hon'ble Division Bench of this Court and it's confirmation by the Hon'ble Supreme Court, and direction given to the Tamil Nadu Dr.M.G.R.Medical University to



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consider the application to start Post Graduation notwithstanding the no objection certificate given by the State Government.

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4. Therefore, the issue involved in this case is no longer res integra. As such authority to consider the application to start M.P.T. Degree without expecting any no objection from the State Government. Therefore this Court is of the firm view that the impugned order dated 05.02.2024 which request to get no objection letter from State Government is liable to be quashed and the same is quashed.

5. Hence the authorities are directed to consider the petitioner's applications, in accordance with the ratio of the Hon'ble Division Bench of this Court. If the application has already been returned, the petitioner is directed to re-submit the same within a period of two weeks from today. On such re-submission, the respondents are directed to consider the petitioner's application for granting permission to start M.P.T. Course in accordance with the statutes of the Tamil Nadu Dr.M.G.R.Medical University and as held by the Hon'ble Division Bench of this Court in W.A.No.3534 of 2019 dated 16.06.2020, within a period of four weeks thereafter.



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6.The writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.07.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Tamilnadu Dr.M.G.R.Medical University
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Anna Salai, Guindy,
Chennai 600 032.
- 2.The Government of Tamil Nadu
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C.KUMARAPPAN,J.
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