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W.A.Nos.3213, 3277 & 3678 of 2025 and
W.P.No.40016 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.Nos.3213, 3277 & 3678 of 2025 and
W.P.No.40016 of 2025
and

CMP.Nos.26187, 26839, 30324, 44952, 44954, 44955 & 45493 of 2025

W.A.No.3213 of 2025

Union of India,
Ministry of Health and Family Welfare,
The National Commission for Allied
and Healthcare Profession,
Represented by its Secretary, 2nd Floor, Academic Block,
NIHFW Campus, Munirka,
New Delhi 110 067.

... Appellant

-Vs-

1. Sri Rengaswamy Educational Trust,
Rep by its Administrative Officer,
NH-544, Salem Main Road,
Pallakapalayam, Sankari West Post,
Komarapalayam Taluk,
Namakkal District – 637 303.
2. The Government of Tamil Nadu,
Represented by the Secretary,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.

Government of Tamil Nadu,
Kilpauk, Chennai – 600 010.



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4. Tamil Nadu Dr. MGR Medical University,
represented by its Registrar,
69, Anna salai, Guindy,
Chennai 600 032.

5. Tamil Nadu State Allied and Healthcare Council,
represented by its Secretary,
IIFL Towers, 7th Floor, 143,
MGR Main Road, Kandanchavadi,
Chennai 600 096.

... Respondents

W.A.No.3277 of 2025

1. Union of India,
represented by Secretary to the Government,
Ministry of Health and Family Welfare,
Room No.402-D, Nirman Bhawan, New Delhi 110 011.

2. The National Commission for Allied
and Healthcare Profession
represented by its Secretary,
2nd Floor, Academic Block,
NIHFW campus, Munirka,
New Delhi 110 067.

... Appellants

-Vs-

1. Sengunthar Charitable Trust,
represented by its Secretary and
Correspondent, A.Baladhandapani,
1/311-1, Sengunthar Nagar,
Tiruchengode - 637 205,
Namakkal District.

2. State of Tamil Nadu,
represented by the Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

3. The Director of Medical Education,
Government of Tamil Nadu,
Kilpauk, Chennai - 600 010.



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represented by its Registrar,
69, Anna salai, Guindy, Chennai 600 032.

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5. Tamil Nadu State Allied and Healthcare Council,
represented by its Secretary, IIFL Towers, 7th Floor, 143,
MGR Main Road, Kandanchavadi,
Chennai 600 096.

... Respondents

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1. Union of India,
represented by its Secretary to Government,
Ministry of Health and Family Welfare,
Room No.402-D, Nirman Bhawan,
New Delhi 110 011.
2. Secretary,
The National Commission for Allied
and Healthcare Profession
III Floor, Academic Block,
NIHFW campus, Munirka,
New Delhi 110 067.

... Appellants

-Vs-

1. SNS Charitable Trust,
rep. by its Secretary/ Trustee
Educational Agency, SNS College of Allied Health Science,
Sathy Road, SNS Kalvi Nagar, Saravanampatti Post,
Coimbatore – 641 035.
2. State of Tamil Nadu,
represented by the Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
3. Tamil Nadu Dr. MGR Medical University,
represented by its Registrar,
69, Anna salai, Guindy,
Chennai 600 032.
4. Tamil Nadu State Allied and Healthcare Council,
represented by its Secretary,
IIFL Towers, 7th Floor, 143,
MGR Main Road, Kandanchavadi,



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Chennai 600 096.

5. The Director of Medical Education,
Government of Tamil Nadu,
Kilpauk, Chennai - 600 010.

... Respondents

W.P.No.40016 of 2025

Indira Educational and Charitable Trust,
Represented by founder trustee,
No.19, Govindan Street, Ayyavoo Colony,
Aminjikarai, Chennai - 600 029.
Educational Agency,
Indira College of Allied Health Science,
No.1, V.G.R.Gardens, VGR Nagar,
Pandur, Thiruvallur District 631 203.

... Petitioner

-Vs-

1. Union of India,
represented by the Secretary to Government,
Ministry of Health and Family Welfare,
Room No.402-D, Nirman Bhawan,
New Delhi 110 011.
- 2.State of Tamil Nadu,
represented by the Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
3. Tamil Nadu Dr. MGR Medical University,
represented by its Registrar,
69, Anna Salai, Guindy, Chennai 600 032.
- 4.The National Commission for Allied
and Healthcare Profession
represented by its Secretary,
2nd Floor, Academic Block,
NIHFW campus, Munirka,
New Delhi - 110 067.
- 5.Tamil Nadu State Allied and Healthcare Council,
represented by its Secretary,
IIFL Towers, 7th Floor, 143,
MGR Main Road, Kandanchavadi,



Chennai 600 096.

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... Respondents

PRAYER in W.A.No.3277 of 2025 : Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.No.32789 of 2025 dated 16.09.2025 and allow the present writ appeal.

PRAYER in W.A.No.3678 of 2025 : Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 16.09.2025 in W.P.No.28894 of 2025.

PRAYER in W.P.No.40016 of 2025 : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders passed by
(a) the 4th respondent in No.Z/103/2024-AHS-DOHFW DEPARTMENT dated 09.12.2024, F.No.Z/103/2024- AHS-DOHFW, FTS No.8309547 dated 10.06.2025.

(b) the impugned letter issued by the 5th respondent State Council dated 10.06.2025.

(c) the impugned letter issued by the 3rd respondent University in R.C.No.Affln.V(5)/16234/2025 dated 13.06.2025.

(d) quash the same and direct the 3rd respondent University to process the application of the petitioner for increase of intake of seats in the existing courses in the petitioner college namely B.Sc. Cardio Pulmonary Perfusion Care Technology (10 to 20 Seats) B.Sc. Cardiac Technology (15 to 20 Seats), B.Sc.Radiography and Imaging Technology (10 to 20 seats) for the academic year 2025-26 and grant continuance of provisional affiliation.

In W.A.No.3213 of 2025:

For Appellant : Mr.AR.L. Sundaresan, ASG
assisted by Mr.A.S.Vijayaraghavan

For Respondents : Mr.G.Masilamani, Senior Counsel



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for R1
Ms.M.Sneha, Special Counsel
for R2 to R5

In W.A.No.3277 of 2025:

For Appellants : Mr.AR.L. Sundaresan, ASG
assisted by Mr.B.Rabu Manohar
Senior Central Govt. Standing Counsel

For Respondents : Mr.Satish Parasaran, Senior Counsel
for Mr.Rahul Balaji, for R1
Ms.M.Sneha, Special Counsel
for R2 to R5

In W.A.No.3678 of 2025:

For Appellants : Mr.AR.L. Sundaresan, ASG
assisted by Mr.A.S.Vijayaraghavan

For Respondents : Mr.D.Prabhu Mukunth Arunkumar
for R1

Ms.M.Sneha, Special Counsel
for R2 to R5

In W.P.No.40016 of 2025:

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar

For Respondents : Mr.AR.L. Sundaresan, ASG
assisted by Mr.B.Rabu Manohar
Senior Central Govt. Standing Counsel
for R1 & R4
Ms.M.Sneha, Special Counsel
for R2, R3, R5 & R6

COMMON J U D G M E N T

*(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)*

These Intra Court Appeals have arisen out of a common impugned order dated 16.09.2025, made in W.P.Nos.28894, 32292 & 32789 of 2025. Infact, along with these writ petitions, some other writ petitions have also been heard



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and disposed of by the said common impugned order.

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2. W.P.No.40016 of 2025 filed for the same relief, however, not tagged along with the said batch as it was filed only later on and when this writ petition came up for hearing before the learned Writ Court, it was directed to be tagged along with the present appeals and by the administrative order of the Hon'ble Chief Justice, this W.P.No.40016 of 2025 was directed to be tagged along with the present appeals to have a combined hearing and disposal. That is how these three writ appeals and one writ petition came up for hearing before us and we having heard the matter are inclined to dispose all these writ appeals and the writ petition by this common order.

3. That the writ petitioners are the Educational Institutions or its agencies (hereinafter be referred to as Educational Institutions/writ petitioners for the sake of convenience and brevity). The appellants herein are the respondents before the Writ Court i.e., Union of India, represented by its Secretary to Government, Ministry of Health and Family Welfare. Other official respondents since are not the contesting respondents, they only be called as official respondents herein.



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4. The writ petitioners/Educational Institutions have been functioning in the State imparting education in the Allied and Healthcare Professional courses.

These institutions were established some years back with an approval/affiliation of the Dr.MGR Medical University, one of the official respondents herein. The courses conducted by them since are affiliated with the said University, conducting of examination and awarding of Degree and Diploma is taken care of by the said University.

5. While that being so, the Parliament enacted a law called National Commission for Allied and Healthcare Professionals Act, 2021 (hereinafter referred to as the Act i.e., the Central Act 14 of 2021). Under Section 1 (2) of the Act, the Act would come into effect on a date appointed by the Central Government through a notification. The Central Government vide notification No.S.O.2012 (E), dated 25.05.2021 has notified the coming into force of the Act with effect from 25.05.2021. Therefore, from 25.05.2021, the Act has come into force.

6. Under the Act, a National Commission for Allied and Healthcare Profession can be constituted under Section 3. Like that, under Section 22 of the Act, a State Allied and Healthcare Council for each State could also be constituted. Chapter V of the Act deals with establishment of new Allied and Healthcare Institutions. Section 40 of the Act starting with the non-obstante



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clause, i.e., notwithstanding anything contained in this Act or any other law for the time being in force, makes it clear that, no person shall establish an Allied and Healthcare Institution or no Allied and Healthcare Institution shall open a new or higher course of study or training, increase its admission capacity in any course of study or training and admit a new batch of students in any unrecognised course of study or training, except with the previous permission of the State Council obtained in accordance with the provisions of the Act. Therefore, it becomes abundantly clear that no institution can be established or no existing institution can start with a new course or increase the intake without the previous permission of the State Council i.e., the State Council constituted under Section 22 of the Act.

7. If we strictly apply the provisions to the Allied Healthcare Institutions concerned, certainly from 25.05.2021, no such new institution can be started or no new course or additional intake can be permitted in the existing institutions without the previous sanction of the State Council. However, for the past about four academic years i.e., 2021-22, 2022-23, 2023-24 & 2024-25, throughout the country, it is informed by the learned counsel appearing for the parties that, these kind of Allied and Healthcare Institutions have been continuously functioning and during this period, some new institutions have also been established and in the existing institutions, new courses were permitted to be started and additional intake or increase of intake in the existing courses were



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also permitted. This position continued till the academic year 2024-25.

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8. While that being so, for the academic year 2025-26 i.e., the current academic year, before it starts, a communication has been issued by the appellant i.e., Government of India, represented by its Secretary to Government, Health and Family Welfare, on 09.12.2024. The said communication dated 09.12.2024, being the impugned communication in all the writ petitions before the Writ Court, is extracted herein in entirety.



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No. Z/103/2024-AHS-DOHPW DEPARTMENT
Government of India
Ministry of Health and Family Welfare
National Commission for Allied and Healthcare Professions

New Delhi, Dated 6th December, 2024

ORDER

The National Commission for Allied and Healthcare Professions Act, 2021 came into force w.e.f. 25.05.2021. The Central Government, under section 3 of the Act, constituted the National Commission for Allied and Healthcare Professions vide notification dated 11.03.2024. However, the Commission could not be made functional till date due to non-availability of required number of members. Once the Commission is made functional, the Regulations for the functions of State Council as stated under section 40 will be framed.

2. It has come to the notice of the Commission that some of the State Councils are granting permission to the institutions for opening of new Allied and Healthcare courses despite absence of required Regulations. This has been viewed very seriously by the Commission.

3. The Commission has examined the matter at length and following directions are issued for strict compliance by all the State Councils:-

i.	Proposal for granting permission for admission in the next academic year of an approved existing course	Allowed
ii.	Proposal for opening of a new A&H Institutes with specific courses and intake capacity	Not Allowed (iii) required Regulations are in place
iii.	Proposal for increase in intake capacity in existing courses from an existing Allied and Healthcare Institute	
iv.	Proposal for additional courses from an existing A&H Institutes	

4. This issues with the approval of the Chairperson, NCAHP.

(Anand Kumar)
Secretary, NCAHP and Joint Secretary to the Govt. of India

To,
The Chairperson of all the State Allied and Health Councils

Copy to-

- Joint Secretary (ME), Ministry of Health and Family Welfare
- All the State Chief Secretaries
- Joint Director, Ministry of Health and Family Welfare
- All the State Health Secretaries



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9. Under this impugned communication, the appellant had given a direction for a strict compliance by all the State Councils, whereby, in the existing Allied and Healthcare Institutions, in the existing courses, with permissible intake, students admission for the ensuing academic year 2025-26 would be permitted. However, the proposal for opening of new Allied and Healthcare Institutions with specific courses and intake capacity, proposal for increase in intake capacity in existing courses from an existing Allied and Healthcare Institution and also a proposal for additional courses from an existing Allied and Healthcare Institution would not be allowed till the required regulations are in place.

10. In this context, it is to be noted that if we look at the scheme of the Act, though there has been a National Commission constituted under Section 3 of the Act, there shall be a State Council constituted under Section 22 of the Act at every State and the functions of the State Council are enumerated under Section 30 of the Act. One of the important functions of the State Council is to approve or recognize courses and intake capacity for courses. This is provided under Section 30 (h) of the Act. Not only this prime function, but in respect of any other function as mandated under Section 30 of the Act, how the State Council has to Act upon is to be regularized by a full fledged regulations to be framed in this regard under Section 66 of the Act, which empowers the



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Commission to frame such regulations after public consultation and also after getting previous approval from the Central Government.

11. It is in this context to be further noted that, the Commission to be constituted under Section 3 was not immediately taken place i.e., in the year 2021 and after some time only, the Commission has been formulated consisting of 47 members. Like that, the State Council under Section 22 also has been constituted. However, insofar as the functioning of the State Council is concerned, since the regulatory mechanism by having an exhaustive regulation is required, such a regulation has not been framed so far. The functioning of the State Council, though has been constituted, has come to a grinding halt with the result, as of now there has been no Body to concentrate and to administer the functions of granting approval for new institutions or new courses within the meaning of Section 30 (h) of the Act.

12. Only at this juncture, the impugned communication i.e., the communication dated 09.12.2024 was issued by the appellant placing a complete embargo for getting new courses by the existing colleges, additional intake for the existing courses and also starting of new Allied and Healthcare Institutions.

13. Since the said embargo had been made by the impugned



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communication of the appellant, the writ petitioners/Educational Institutions or its agencies had approached the Writ Court and filed the respective writ petitions challenging the impugned communication, dated 09.12.2024 and the consequential correspondence or communication issued by the State Council, the University, the State Health and Family Welfare Department on various dates.

14. All these writ petitions were heard together and disposed by the common impugned judgment dated 16.09.2025 by the Writ Court. In the said decision, the Writ Court has passed the following order:

19. Accordingly, all the impugned orders passed by the Government of India, Ministry of Health and Family Welfare Department, dated 09.12.2024 & 10.06.2025, subsequent proceedings of the Tamil Nadu State Allied and Health Care Council dated 10.06.2025, letter dated 26.06.2025 on the file of the Government of Tamil Nadu, Health and Family Welfare Department, the proceedings of the Registrar, the Tamil Nadu Dr.MGR Medical University dated 30.06.2025 and the proceedings of the Director of Medical Education and Research, Chennai, dated 18.07.2025, are hereby quashed. The respondents are directed to process the applications of the petitioners and issue approval for starting their respective new courses in their respective colleges. Further the petitioners are also permitted to apply before the University for increasing of intake of



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seats in their respective courses in the light of the respective Government Orders.

20. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

15. Aggrieved over the said order passed by the Writ Court, these Intra Court Appeals have been directed at the instance of the appellants. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for the appellants would make the following submissions:

(i) Under Section 40 of the Act, since a prohibition has been made to Educational Institutions or agencies to establish an Allied and Healthcare Institution and the existing Allied and Healthcare Institutions also have been prohibited to open a new or higher course, increase the admission capacity or admit new batch of students, without the previous permission of the State Council obtained in accordance with the provisions of the Act and the said Section is also containing the non-obstante clause, it is a mandate provided under the said Section i.e., Section 40 of the Act, thereby a complete embargo since has been made by the legislation itself, the practice hitherto being followed through out the country to get permission from various authorities like the State Government, Universities etc., could be construed only as an unlawful or illegal act. Therefore, it becomes the paramount duty of the appellants to



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give notification to that effect to the Stakeholders stating it explicitly clear that

from the academic year 2025-26, no such new institutions would be permitted, no such new course or additional intake would be permitted to the existing institutions unless the previous permission of the State Council is obtained. Therefore, the learned Additional Solicitor General would submit that, the communication dated 09.12.2024 is strictly in consonance with Section 40 of the Act.

(ii) The learned Additional Solicitor General would further submit that, the very same communication dated 09.12.2024 had been put under challenge before the Rajasthan High Court in ***S.B.Civil Writ Petition No.16505/2025***, where a learned Single Judge of the said High Court, by an order dated 03.09.2025, had rejected the plea raised by the institution, which was the writ petitioner therein, thereby the validity of the impugned communication i.e., the communication dated 09.12.2024 was upheld. He would also submit that, when the order of the learned Single Judge of the Rajasthan High Court was appealed to a Division Bench of the said High Court in ***D.B.Spl.Appl.Writ No.1222 of 2025***, the Division Bench, by an order dated 18.09.2025, rejected the said appeal by confirming the order passed by the learned Single Judge, thereby a complete quietus has been given with regard to the validity of the impugned communication, dated 09.12.2024, by the Rajasthan High Court and the said



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judgment, though may not be directly binding on the Division Bench of this

Court, it would have a persuasive value. As the very same impugned communication since has been upheld, the learned Single Judge ought not to have allowed the writ petitions through the impugned order.

(iii) The learned Additional Solicitor General would also submit that, insofar as the existing institutions are concerned, the existing courses with permitted intake capacity are now permitted to go on or to be conducted even for the academic year 2025-26 also and this has been specifically mentioned in the impugned communication. Therefore, there is no impediment or no prejudice is caused to the existing institutions to run their show with the approved courses already been made with the approved intake capacity. Therefore, the interest of the existing institutions as well as the students already admitted and the prospective students to be admitted for the academic year 2025-26 in the existing courses with approved intake is taken care of. Hence, to that extent, the writ petitioners/Educational institutions may not have any grievance to challenge the impugned communication, he contended.

(iv) The learned Additional Solicitor General would also submit that, insofar as the functioning of the State Council is concerned, without having an approved regulation under Section 66 of the Act, since the State Council cannot



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function effectively, the process of making the regulation is on and the regulation would be finalized and approved regulation will be made available within a period of three months. Therefore, once the regulation is made available, there can be no further impediment for regular functioning of the State Council. Hence, after the three months period, once the approved regulations are made ready, based on which the State Council can function, before whom, whatever the applications have been made or being made by new institutions or existing institutions for the purpose of getting approval for the new institutions or starting of new courses or additional intake, all these applications would be processed and decided by the State Council on the own merits of each of the applications. Hence, even on that count also, there would be no delay on the part of the appellants to keep the State Council fully functional. Hence, on that ground also, the impugned communication ought not to have been interfered with, he contended.

16. In response to the said submissions made by the learned Additional Solicitor General, the learned Senior Counsel and the learned counsel appearing for the writ petitioners/Educational Institutions who are the contesting respondents in all these appeals would submit that, though the Act has come into effect with effect from 25.05.2021, for the past four academic years, new institutions were started, existing institutions were permitted to start new



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courses, the existing intake capacity has been permitted to be increased, by the State Authorities, particularly, the State Medical University, i.e., Dr. MGR Medical University. By having such an approval as well as the affiliation of the University, since these institutions have been functioning all these years successfully and no iota of complaint has come from any quarters about the functioning of these institutions, the said status can very well be continued till the State Council is made fully functional by framing the regulations under Section 66 of the Act.

17. They would also submit that, insofar as these Educational Institutions are concerned, running of an Educational Institution may not be a profession but it is an avocation and establishing and running an Educational Institution is one of the recognized right as many such decisions have come from the law Courts including the highest Court of the land and based on the settled legal position, the right accrued on the Educational Institutions/Agencies/Trusts/Management cannot be taken away or abrogated unreasonably by making of such communication by the appellants unmindful of the working of the provisions of the Act, as admittedly the State Council not being functional for want of regulation. When that being so, there was absolutely no necessity to put an embargo by passing the impugned communication by the appellant, thereby, the right accrued on these Educational Institutions to continuously run these



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institutions and the right accrued on them to get new courses or additional intake in the existing courses, cannot be deprived of, they contended.

18. The learned counsel would also submit that, even it is not the case of the appellants that there have been complaints against these institutions in maintaining the infrastructural and instructional facilities as per the standards set in by the affiliating University or the State agencies so far and it is also not the case of the appellants that there has been a complaint from either the student community or from the academicians or from the State Authorities/ Universities about the functioning of these institutions. When that being so, the ban now has been put by virtue of the impugned communication, dated 09.12.2024, is absolutely unreasonable and unjustifiable, they contended.

19. The learned counsel would also submit that, the entire functioning of the State Council as per the scheme of the Act is regulation centric. Without the approved regulations, the State Council cannot proceed with any action or function which is entrusted to them under Section 30 of the Act. When that being so, endlessly or for a longer period, the appellant cannot withhold the granting of such approval or affiliation to the existing institution as well as the new institutions to start with various courses of health allied category and such an embargo placed for an unending period without any sanction of authority or



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law is impermissible in view of the right that has been conferred on these
educational agencies and institutions.

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23. We have also gone through the impugned order made by the learned Writ Court dated 16.09.2025 and we have been taken through various provisions of the Act by the learned counsel appearing for both sides.

24. Before the Act came into force, the pattern that was adopted in the State in administering these kind of institutions is, approval or affiliations were granted by the State agencies like the University. Here, in the State of Tamil Nadu, all the medical courses are governed by Dr.MGR Medical University that is one of the respondents herein. These institutions and their courses are affiliated to the said Dr.MGR Medical University. It may be either Degree course or Diploma course, but the curriculum is framed only by the University. Based on the curriculum the infrastructural and instructional facilities which are to be necessarily made available in these institutions are also fixed by the University and only those institutions, which fulfil the norms, infrastructure wise as well as instructional wise, including faculty and non faculty members of



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the institutions concerned, such kind of permission/affiliation would be granted

by the University. Those Diplomas and Degrees awarded by the University are recognised Diplomas and Degrees, which are being taken into account for the purpose of employment opportunities and also for private practice in the allied sector of medical side.

25. As has been pointed out by the learned counsel appearing for the institutions, hitherto, the functioning of these institutions have not been questioned by any authority on the ground of any alleged malpractice, any alleged lack of infrastructure or any complaint from any quarters, including students who successfully completed their course for several years. Though the Act has come into effect from 25.05.2021 where Section 40 makes it clear that no institution shall be established, no institution can start a new course or increase its admission capacity etc., without the previous permission of the State Council obtained in accordance with the provisions of the Act, the Act has not been, in this context, implemented so far, the reason being that, the National commission itself was not immediately constituted. Like that, the State Council has not been constituted. Very recently, the Commission and the Council have been constituted.



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30. Functions of State Council.- *It shall be the duty of the State Council to take all such steps as it may think fit for ensuring the co-ordinated and integrated development of education and maintenance of the standards of delivery of services under this Act and, for the purposes of performing its functions, the State Council shall-*



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(e) inspect allied and healthcare institutions and register allied and healthcare professionals in the State;

(f) ensure compliance of all the directives issued by the Commission;

(i) impose fine upon institutions in order to maintain standards; and

(j) perform such other functions as may be entrusted to it by the State Government for implementation of the provisions of this Act.

Therefore, the power to approve or recognise courses and intake capacity for courses is vested only with the State Council.

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10. It is most respectfully submitted that, in the meanwhile this Writ Appeal came up for hearing on 03.11.2025 and this Hon'ble court posted a question as to how long the regulations will be notified by the Union Government. It is submitted that the draft regulation for recognition of Allied Healthcare institution have been prepared and forwarded to the central Government for approval, upon receipt of approval, the draft



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regulations will be published for inviting public comments for a period of one month as required under section 66(1) of the NCAHP Act, 2021. The comments received from public and stakeholders will be scrutinised by the designated committee. Once finalised by the committee, same will be forwarded to the Central Government for final approval for publication of notification after due legal vetting from the Department of Legal Affairs. Accordingly, after receipt of the public comments, the finalization and notification process is expected to take approximately three months.

30. As per the said submission made in paragraph 10 of the affidavit extracted herein above, the Commission requires three months time to finalise the regulation. It is in this context to be noted that, once a regulation at the draft level is framed, it is to be forwarded to the Government for approval and once the approval in principle is granted by the Government, then it shall be published for the public comments and opinion, one month's time must be given to the public to give their opinion and after collecting the opinion to be made by the public, based on the same, what are all the necessary changes and amendments to be made that should be made and after completing this exercise, once again, after getting the final shape of the regulation, it shall be placed before the Parliament for its approval under Section 67 of the Act. Before the



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Parliament, both houses either can agree on the regulation placed before it or

may suggest modifications and once modifications are suggested by the Houses of parliament, that are also to be taken care of and after making such modifications, if any to be suggested by the Parliament, then alone the final shape of regulation would come up for approval and would be published in the official gazette. Only from that date or the date to be appointed for giving effect to the regulation, the regulation to be framed under Section 66 would come into effect. For completing this process, even though 3 months period has been indicated in the affidavit, as stated supra, we feel that if within the said three months period, this process is not completed, there may be a chance for seeking extension of time by the appellants to complete the process of framing the regulation and that kind of eventuality cannot be ruled out at this juncture.



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38. Therefore, in order to balance both sides and in order to tide over the situation, as we discussed herein above, there must be an interim arrangement which should be made and such an interim arrangement shall not take away or abrogate the right or power of any authority constituted under the various provisions of the Act.



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40. Though heavy reliance has been placed by the learned Additional Solicitor General on the order passed by the Rajasthan High Court, we, after having gone through the order passed by the learned Single Judge, dated 03.09.2025 as well as the Division Bench of the Rajasthan High Court, dated 18.09.2025, do not find any definite solution on the issues which we have discussed in this judgment.

41. Merely because in one of the prayers, the impugned communication dated 09.12.2024 has been put under challenge, it cannot be stated that the issue has been given a complete conclusion and quietus by the said decisions of the Rajasthan High Court. In those judgments, both by the learned Single Judge as well as the Division Bench of the Rajasthan High Court, we do not get any guiding principle to be followed in dealing with this kind of transition period and the interregnum period, where, how these institutions which are already been functioning to be protected. The various authorities, including, the State Council functions as if it is only holding the office and not administering these institutions for want of regulations. Whether that kind of authority can now be



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accepted to act upon to administer these institutions without resorting to the existing system of getting permission or affiliation from the present agencies, who are so far have been granting such permission to these kind of institutions, who may be either the State authorities or the University authorities, has not been dealt with in any of the judgments made by the Rajasthan High Court.

42. With full respect to the learned Judges of the said High Court, since the two judgments have been cited by the learned Additional Solicitor General for persuasive value, we do not find any such persuasive value in these judgments for the solution of the ticklishness and nitty-gritty of the issue which we have discussed hereinabove to resolve. Therefore, with respect, we differ with the views expressed by the Division Bench of the Rajasthan High Court in its judgment dated 18.09.2025.

43. As the academic year 2025-26 has already been commenced and as per the information that has been furnished before us during the arguments by the learned counsel appearing on either side, atleast before the end of December, if admissions are not completed in these institutions in respect of the new courses as well as the additional intake which are sought by the institutions, that will be a great prejudice to the prospective students also, especially, in the context of the PG course, as atleast in three or four institutions, who are before us, the Master of Physiotherapy, which is one of the most sought after course,



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such a permission since has been sought for and if it is delayed or denied, the prospective students who want to join the course, definitely would be prejudiced. Therefore, on that ground also, we do feel that the permission sought by the institutions atleast for new courses and additional intake by the existing institutions can be considered if not the starting of the new institutions.

44. In this context, we are not agreeing with the total directions issued by the learned Single Judge through the impugned order to process all the applications submitted by the respective writ petitioners, including the present institutions and writ petitioners, which includes starting of the new such institutions also. The reason being that, starting of the new allied medical institutions is completely under the domain of the State Council constituted under the Act. Such a permission can no more be directed to be granted by the State authorities. Therefore, we are not in agreement with the said direction given by the learned Single Judge through the impugned order permitting those educational agencies who want to establish new institutions for which the applications submitted by them were directed to be considered and those directions are liable to be interfered with and set aside.

45. Even though in the operative portion of the impugned order, there has been no such direction to permit processing of the application of new institution



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by the State authorities and only two directions have been given, for additional course or for additional intake of existing institutions, since discussions have been positively made in paragraph No.18 of the impugned judgment, we are constrained to make the aforesaid observation.

46. In view of the aforesaid discussions and having regard to the factual matrix and taking into account of the totality of the situation as has been projected in this order, we are inclined to dispose of the writ appeals and writ petition with the following order:

(i) That insofar as the impugned order passed by the learned Writ Court dated 16.09.2025 is concerned, the two directions given by the learned Single Judge in Paragraph No.19 of the impugned order would sustain and accordingly, it is sustained. For the sake of clarity, we make it clear that, the applications submitted by the existing institutions/writ petitioners in this batch of cases, alone shall be processed by the State authorities, very particularly, Dr.MGR Medical University and necessary orders shall be passed thereon on merits and in accordance with law before 20.12.2025 for the academic year 2025-26.

(ii) It is made clear that if the State authorities/University find that there is any lacuna or deficiencies in the infrastructure and instructional facilities, those applications can be rejected.



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(iii) Insofar as the applications made by the existing institutions/writ petitioners for seeking additional intake in the existing course, such applications also be processed by the State Agency/Dr.MGR Medical University as we directed in the earlier directions.

(iv) Insofar as the application submitted by any of the writ petitioner institution or educational agency, to start a new institution, the said application shall not be processed by any of the State agencies or the University and such an application can be kept pending until the State Council constituted under the Act is made fully functional after the regulation under Section 66 of the Act is made ready in all respects. Till such time, no new institution shall be permitted by any authority of the State including the University.

47. With all these directions, the writ appeals and writ petition are disposed of on the terms indicated above. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.) (S.S.A.,J.)
02.12.2025

NCC : Yes / No
Index : Yes / No



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Speaking Order : Yes / No

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To

1. The Secretary to Government,
Union of India, Ministry of Health and Family Welfare,
Room No.402-D, Nirman Bhawan,
New Delhi 110 011.
2. The Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
3. The Director of Medical Education and Research,
Government of Tamil Nadu,
Kilpauk, Chennai – 600 010.
4. The Registrar
Tamil Nadu Dr. MGR Medical University,
69, Anna salai, Guindy, Chennai 600 032.
5. The Secretary
Tamil Nadu State Allied and Healthcare Council,
IIFL Towers, 7th Floor, 143,
MGR Main Road, Kandanchavadi,
Chennai 600 096.
6. The Secretary
The National Commission for Allied
and Healthcare Profession
2nd Floor, Academic Block,
NIHFW campus, Munirka,
New Delhi - 110 067.



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W.P.No.40016 of 2025

R.SURESH KUMAR, J.
and
SHAMIM AHMED, J.

sli

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W.P.No.40016 of 2025 and
CMP.Nos.26187, 26839, 30324,
44952, 44954, 44955 & 45493 of 2025

02.12.2025



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R. SURESH KUMAR, J.

AND

SHAMIM AHMED, J.

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This matter is posted today under the caption 'For Being Mentioned'. It is brought to our notice that, in our common order dated 02.12.2025, whereby writ appeals and a writ petition were disposed of, in the cause title in respect of W.P.No.40016 of 2025, though there were six respondents in the writ petition, only the names and addresses of five respondents have been shown in the cause title, whereas the sixth respondent viz., The Director of Medical Education, Government of Tamil Nadu, Kilpauk, Chennai 600 010 has been omitted to be typed.

2. The address of the 5th respondent Tamil Nadu State Allied and Healthcare Council has been wrongly mentioned as IIFL Towers, 7th Floor, 143, MGR Main Road, Kandanchavadi, Chennai 60096, whereas the correct address is No,822, Poonamallee High Road, Kilpauk, Chennai 600 006. Also, in the appearance portion, the name of Mr.Kandhan Duraisami for the first respondent in W.A.No.3213 of 2025 has to be included.

R. SURESH KUMAR, J.

AND

SHAMIM AHMED, J.

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3. We direct the Registry to make the corrections as indicated above and issue corrected order copy to the parties.



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4. Hereafter, whenever the orders are being compared after typing, especially in the cause title area, the Registry must have to double check the same and ensure that no error is committed and if these kind of errors recur, the Court will take serious action on the concerned officials.

(R.S.K.,J.) (S.S.A.,J.)
19.01.2026

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