



W.P.Nos.558 & 1160 of 2026
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.558 & 1160 of 2026
and
W.M.P.Nos.663,665 of 2026

W.P.No.558 of 2026

Maria College of Physiotherapy,
Rep.by its Chairman,
Attoor, Thiruvattar Post,
Kanyakumar District – 629 177.

... Petitioner

Vs.

1. The Tamil Nadu Dr.M.G.R.Medical University,
rep. By its Registrar,
Anna Salai, Guindy, Chennai – 600 032.
2. Union of India,
represented by the Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi 110 011.
3. The National Commission for
allied Healthcare Profession,
rep.by its Secretary,
NIHFW Campus, New Delhi – 110 067.
4. Tamil Nadu State Allied and Healthcare Council
rep by its Secretary,
Kanthanchavadi, Chennai – 600 096.



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5. The Government of Tamil Nadu,
rep by its Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records of the Respondents Viz., No.Z / 103 / 2024 - AHS - DOHFW Department dated 09.12.2024 on the file of the 3rd Respondent, Letter No. e5426 / PME -2 / 2025-2 dated 26.06.2025 of the 5th Respondent Ref No. 064981 / PME / 2/ 2025 dated 18.07.2025 of the 6th Respondent and Lr.No.Affln.III(1)16106/2025 dated 23.07.2025 of the 1st respondent and quash the same in so far as they related to petitioner college is concerned and direct the Respondents to process the request of the petitioner for increase in intake from 50 to 100 seats in BPT course conducted in Maria College of Physiotherapy, Attoor, Thiruvattar Post, Kanyakumari District from the academic year 2025-26 onwards and pass such further or other orders.

For Petitioner	:	Mr.Kandhan Duraisami
For Respondents	:	Mr.G.Arumugam
		Standing Counsel for R1
	:	Mr.B.Rabu Manohar
		Central Government Standing Counsel
		for R2 and R3
	:	Mr.E.Sundaram
		Government Advocate for R5 and R6



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W.P.No.1160 of 2026

Maria College of Physiotherapy,
Rep.by its Administrative Officer,
Atttoor, Thiruvattar Post,
Kanyakumar District – 629 177.

... Petitioner

Vs.

1. The Tamil Nadu Dr.M.G.R.Medical University,
rep. By its Registrar,
Anna Salai, Guindy, Chennai – 600 032.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records of the Respondents relating to the order of the 1st respondent in Lr.No.Affln.III(1)/4440/2025 dated 05.01.2026 and quash the same and direct the 1st respondent University to accept the necessary documents and the prescribed fees from the petitioner required for granting permission to increase in the annual intake of seats in the existing course viz., BPT Course from 50 to 100 seats in the petitioner college and without insisting upon an order from the State Government in line with the judgment in W.A.No.3534 of 2019 dated 16.06.2020 as confirmed in S.L.P.(C) No.16085 of 2020 dated 12.01.2021 and pass such further or other orders.

For Petitioner	:	Mr.Kandhan Duraisami
For Respondents	:	Mr.G.Arumugam
		Standing Counsel for R1
	:	Mr.E.Sundaram
		Government Advocate for R2



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COMMON ORDER

These two writ petitions have been filed by the very same institution, containing two different requests.

2. W.P.No.558 of 2026 has been filed challenging the order dated 09.12.2024 bearing No.Z / 103 / 2024 - AHS - DOHFW Department, on the file of the 3rd Respondent; letter No. e5426 / PME -2 / 2025-2 dated 26.06.2025 on the file of the 5th Respondent; Ref No. 064981 / PME / 2/ 2025 dated 18.07.2025 on the file of the 6th Respondent; and Lr.No.Affln.III(1)16106/2025 dated 23.07.2025 on the file of the 1st respondent and to quash the same in so far as they relate to petitioner college and further to direct the respondents to process the request of the petitioner for increase in intake from 50 to 100 seats in BPT course conducted at Maria College of Physiotherapy, Attoor, Thiruvattar Post, Kanyakumari District from the academic year 2025-26 onwards, and to pass such further or other orders.

3. W.P.No.1160 of 2026 has been filed challenging the order of the 1st respondent in Lr.No.Affln.III(1)/4440/2025 dated 05.01.2026, and to quash the same, and further to direct the 1st respondent University to accept the necessary documents and the prescribed fees from the petitioner required for granting permission to increase the annual intake of seats in the existing course



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viz., BPT Course from 50 to 100 seats in the petitioner college, without insisting upon an order from the State Government, in line with the judgment in W.A.No.3534 of 2019 dated 16.06.2020, as confirmed in S.L.P.(C) No.16085 of 2020 dated 12.01.2021, and pass such further or other orders.

4. The grievance of the petitioner College is that it is an existing institution already having an intake of 50 students per academic year in respect of the BPT course. The petitioner college has made arrangements for all the required infrastructure and the other facilities and has sought for increase in intake from 50 to 100 seats. However, the said request is not being considered by the 1st respondent university on the ground that, since the new Act has come into force, the new regulations have to be framed and until then, no admission can be made. This issue was the subject matter before the Division Bench of this Court in WA.Nos.3213, 3277 & 3678 of 2025 and W.P.No.40016 of 2025, and by judgment dated 02.12.2025, it was held that the permission need not be withheld for want of framing of regulations. Useful reference can be made to para nos.36 and 37 of the said Judgment, wherein the Hon'ble Division Bench invoked the doctrine of necessity and directed the authorities to process the applications made by the existing institutions seeking additional intake in the existing course. Similarly, with reference to seeking 'No Objection Certificate', the same was the subject matter in W.P.No.28055 of



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2025 dated 26.09.2025. A perusal of para nos.6 and 7 of the said order would show that, in case of an existing institution, 'No Objection Certificate' or permission from the Government cannot be insisted upon.

5. In view there of, the impugned order on the file of the 3rd respondent vide No.Z / 103 / 2024 - AHS - DOHFW Department dated 09.12.2024; letter No. e5426 / PME -2 / 2025-2 dated 26.06.2025 of the 5th respondent; Ref No. 064981 / PME / 2/ 2025 dated 18.07.2025 of the 6th Respondent and Lr.No.Affln.III(1)16106/2025 dated 23.07.2025 and Lr.No.Affln.III(1)/4440/2025 dated 05.01.2026 on the file of the 1st respondent respectively are quashed and these two Writ Petitions are **allowed**. The 1st respondent is directed to process the request of the petitioner for increase in intake from 50 to 100 seats in BPT course conducted in Maria College of Physiotherapy, Attoor, Thiruvattar Post, Kanyakumari District for the academic year 2025 – 2026 and pass orders thereon granting affiliation, if all other parameters are complied with. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a web copy of this order, without waiting for the certified copy of the order. No costs. Consequently, the connected miscellaneous petitions are closed.

12.01.2026
(3/3)

Neutral Citation: Yes/No
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- To
1. The Tamil Nadu Dr.M.G.R.Medical University,
rep. By its Registrar,
Anna Salai, Guindy, Chennai – 600 032.
 2. Union of India,
represented by the Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi 110 011.
 3. The National Commission for
allied Healthcare Profession,
rep.by its Secretary,
NIHFW Campus, New Delhi – 110 067.
 4. Tamil Nadu State Allied and Healthcare Council
rep by its Secretary,
Kanthanchavadi, Chennai – 600 096.
 5. The Government of Tamil Nadu,
rep by its Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.
 6. The Director of Medical Education and Research,
Chetpet, Chennai – 600 031.



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D.BHARATHA CHAKRAVARTHY, J.

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