



WEB COPY

WP No. 2627 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 2627 of 2026 and
WMP.No.2863 of 2026

Sree Abirami Charitable Trust
Rep its Administrative Officer,
Machegoundanpalayam,
Seerapalayam Post,
Coimbatore- 21.

..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, calling for the records of Respondents relating to the order of the 1st Respondent in Lr.No. Affln. III (2)/ 16901/ 2025 dated 09.01.2026 and quash the same and directing 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 Petitioners College Viz., Sree Abirami College of Physiotherapy, without insisting upon an order from the State Government in line with the Judgement 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.

For Petitioner:

Mr.Kandhan Duraisami

For R1:

Ms.C.Latharani
Standing counsel
for Tamil Nadu MGR Medical University

For R2:

Mr.E.Sundaram

ORDER

This Writ Petition is filed for the Writ of Certiorarified Mandamus, calling for the records of Respondents relating to the order of the 1st Respondent in Lr.No. Affln. III (2)/ 16901/ 2025 dated 09.01.2026 and quash the same and directing 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 Petitioners College Viz., Sree Abirami College of Physiotherapy, without insisting upon an order from the State Government in line with the Judgement 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.

2. When the matter was taken up for hearing, the learned counsel for the petitioner as well as the learned counsel taking notice on behalf the respondents are at idem that the issue has already been covered and the order that is passed



in W.P.Nos.558 and 1160 of 2026 dated 12.01.2026 and the same order can be passed in the present Writ Petition.

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3. Since the issue involved in the present Writ Petition is identical to the issue involved in W.P.Nos.558 and 1160 of 2026 dated 12.01.2026, it is apropos to extract the relevant portion of paragraphs 3 to 5 of the order dated 12.01.2026, which reads as follows:

“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 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.© 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 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.”

4. In the light of the above, the Writ Petition is allowed on the same terms as ordered in W.P.Nos.558 and 1160 of 2026. No Costs. Consequently, connected miscellaneous petition is closed.

23-01-2026

Index: Yes/No
Speaking/Non-speaking order
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. The Government of Tamil Nadu
Rep by its Secretary,
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