



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4116 of 2026, W.P.No.4138 of 2026

&

W.M.P.No.4598 of 2026, W.M.P.No.4619 of 2026

W.P.No.4116 of 2026

Maria Educational and Charitable Trust,
Rep by its Chairman,
Chevaracode, Veeyanoor Post,
Kanyakumari 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.

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

4.Tamil Nadu Nurses and Midwives Council,
Rep. by its Registrar,
No.56,Santhome High Road,
Chennai-600 004. ... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of Respondents relating to the order of the 1st Respondent in Affln.VI(2)/18270



/2026 dated 28.01.2026 and quash the same in so far as it relates to enhancement seats in B.Sc. (N) Degree Course 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., B.Sc. (Nursing) Degree Course from 60 to 100 seats from the academic year 2026-2027 onwards in the petitioner's college viz., Maria College of Nursing, Valathuvilai, Moovattumugam Post, Kanyakumari District, 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.

W.P.No.4138 of 2026

Maria Educational and Charitable Trust,
Rep.by its Chairman,
Chevaracode, Veeyanoor Post,
Kanyakumari District- 629 177. ... Petitioner

Vs

1. The Tamil Nadu Dr.M.G.R.Medical University
Rep. by its Registrar,
Anna Salai, Guindy,
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3.The Director of Medical Education and Research
Chetpet, Chennai-600 031. ... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of Respondents relating to the order of the 1st Respondent in Affln VI (2) /18270



/2026 dated 28.01.2026 and quash the same in so far as it relates to enhancement seats in M.Sc(N) Degree Course and Directing the 1st Respondent University to accept the necessary documents and the prescribed fees from the petitioner required for granting permission for starting additional course viz., M.Sc. (Nursing) Degree Course with an annual intake of 25 seats from the academic year 2026-27 onwards in the petitioners college viz., Maria College of Nursing, Valathuvilai, Moovattumugam Post, Kanyakumari District, 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
in both W.P's

For Respondents: Mr.Sivavarthan, for R1
in both W.P's

Mr.E.Sundaram,
Government Advocate, for R2 & R3

M/s.N.Sneha, for R4

COMMON ORDER

These two writ petitions filed challenging the impugned order dated 28.01.2026, insofar as it relates to the enhancement of seats in respect of B.Sc., Nursing Degree and the M.Sc., Nursing Degree courses, and to quash the same and to consequentially direct the respondents to give permission to the additional intake in the B.Sc., Nursing Degree course, from 60 to 100 and also for the new course M.Sc., Nursing with an annual intake of 25 seats.



2. Upon hearing the Learned Counsel for the petitioner and perusing the material records of the writ petitions, the grievance of the writ petitioner is that, when the petitioner has duly applied for additional intake of seats in the B.Sc., Nursing course and also for commencing a new M.Sc., Nursing course, the impugned order is passed whereby the Essentiality Certificate is now insisted upon in respect of these courses. As far as the petitioner institution is concerned, already at the time of start of the institution, Essentiality Certificate is already granted and there is no any expiry date for the same and so long as the Essentiality continues, a fresh Essentiality Certificate for the additional intake as well as for the additional course is need not be insisted upon.

3. The Learned Counsel for the petitioner would also rely upon the judgment of the Division Bench in W.A.No.3534 of 2019, more specifically paragraph 11 of the said judgment, which is extracted hereunder:

11. The learned Judge in Para 12 of the impugned order, which is the subject matter of challenge in this writ appeal, had observed that though the State Government power is restrictive, it does not mean that it is without any power and also placed heavy reliance upon the order dated 11.10.2012 made in W.P.No.18157 of 2012 (cited supra) and it was not brought to the knowledge of the learned Judge that the said order dated 11.10.2012 passed in W.P.No.18157 of 2012 was put to



challenge in W.A.No.2548 of 2012. The Division Bench of this Court, vide judgment dated 18.01.2013 made in W.A.No.2548 of 2012 reported in **2013 SCC Online Mad 224 : (2013) 1 CWC 593**, in paragraph No.12 and 14 observed as follows:

12. A comprehensive reading of both the above provisions, would make it clear that no power has been vested with the Board of Governors to make the applicant to get fresh Essentiality Certificate from the State Government since no expiry date of such Essentiality Certificate once issued by the State Government has been contemplated anywhere in the Act and in the Regulations. While that being the case that the Legislature, in its wisdom, has not imposed any such burden on the applicant, the decision of the Board of Governors as if the Essentiality Certificate issued by the State Government will expire in three years, is, definitely, out of its power and competence.

.....

14. However, if the respondent wants to fix a time limit to the essentiality certificate issued by the State Government, it should have recommended to the Government to amend the law accordingly, specifying the period of life of essentiality certificate issued by a State Government to a person/College to establish or increase the intake of the students in the medical college. In the absence of such an action, the respondent, on its own cannot insist the applicant, in the case on hand the appellant, to get a fresh essentiality certificate from the State Government as if its life is limited only to three years.

4. Per contra, the Learned Counsel appearing on behalf of the University submits that the judgment of the Division Bench is based on the fact that there



was no express Regulation or Rule by the Council in insisting upon the Essentiality Certificate. The same was insisted by the University without even any statute. As far as the present case is concerned, however, the current legislation, namely the National Nursing and Midwifery Commission Act, 2023, by virtue of Section 57, validates the regulations issued under the earlier Act, the Repealed Indian Nursing Council Act, 1947 and expressly holds the regulations as operative. The regulations framed by the Indian Nursing Council, namely the National Council (Minimum Prerequisites for Granting Suitability to Nursing Programme) Regulations, 2020, under clause 22(iii), categorically state that even with reference to M.Sc., Nursing Course, an Essentiality Certificate from the State Government should be obtained. Similarly, with reference to additional intake, the Resolution dated 29.10.2014 mandated the same requirement. The same is also adopted by the State Nursing Council. By virtue of the statute of the University, which provides that the regulations of the Nursing Council will be a *mutatis mutandis*, the requirement of the Essentiality Certificate becomes applicable then it also becomes the requisite of the University. Accordingly, the Essentiality Certificate is insisted upon.

5. I have considered the rival submissions made on either side and perused the material records of the case.



6. When there is an express rule insisting upon the Essentiality Certificate, there can be no ground to give a go-by and grant permission for the additional course as well as the additional intake. The Division Bench judgment relied upon by the Learned Counsel for the petitioner in W.A.No.3534 of 2019 deals with the situation where there is no express regulation and it was only insisted upon by the University without any statute. Both the conditions do not exist in the present case and when the rule insists upon the Essentiality Certificate, it is for the petitioner Institution to apply to the State Government in the manner known to law and to obtain the same.

7. In view thereof, these Writ Petitions are disposed of on the following terms:

(i) The prayer to quash the impugned orders dated 28.01.2026 cannot be granted.

(ii) It will be open for the petitioner institution to apply to the Government, in an appropriate format, for the grant of Essentiality Certificate within two weeks from the date of receipt of the web copy of the order, without waiting for the certified copy. As and when the same applied, the Government shall consider the same in accordance with law and pass final orders, in any event not later than three (3) months from the date of receipt of the said



application.

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There shall be no order as to costs. Consequently, connected
Miscellaneous Petitions are closed.

25-02-2026

Neutral Citation:No.
bsm

To,

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Chennai-600 032.

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

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4. The Registrar,
Tamil Nadu Nurses and Midwives Council
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W.P.No.4116 of 2026 & W.P.No.4138 of 2



D.BHARATHA CHAKRAVARTHY, J.
bsm

W.P.Nos.4116 & 4138 of 2026
& WMP Nos.4598 & 4619 of 2026

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