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WP No. 5172 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 5172 of 2026

and

W.M.P.No.5723 of 2026

Revathi Charity Trust,
represented its Managing Trustee,
No.10, Valayankadu Main Road,
Kumaran Nagar West,
Tirupur - 641 603.

..Petitioner

Vs

1. Union of India,
Ministry of Health and Family Welfare,
National Commission for Allied and
Healthcare Profession,
represented by its Secretary/Joint Secretary to GOI,
NIHFW Campus, New Delhi - 110 067.
2. Tamil Nadu State Allied and Healthcare Council,
Represented by its Secretary,
Kanthanchavadi, Chennai - 600 096.
3. The Government of Tamil Nadu,
represented by its Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
4. The Director of Medical Education and Research,
Chetpet, Chennai - 600 031.
5. The Tamil Nadu Dr.M.G.R.Medical University,
represented by its Registrar,
Anna Salai, Guindy, Chennai - 600 032.

..Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of Respondents relating to the orders of the first respondent in No.Z/103/2024-AHS-DOHFW DEPARTMENT dated 09.12.2024, second respondent dated 10.06.2025, third respondent in Letter No.e5426/PME-2/2025-2 dated 26.06.2025 and Lr.No.e720/PME-2/2026-1 dated 30.01.2026, fourth Respondent in Ref.No.064981/PME/2/2025 dated 18.07.2025 and fifth Respondent in R.C.No.Affln. V(5)/16234/2025 dated 13.06.2025 and quash the same and directing the fifth respondent University to receive and process the application of the petitioner for starting additional course viz., M.P.T. degree course in the petitioner's institute, Revathi Institute of Physiotherapy, Velayuthampalayam, Tirupur District in line with order dated 19.01.2026 made in W.P.No.49983 of 2025 without insisting on Government Order/No Objection Certificate/Essentiality Certificate from the Government of Tamil Nadu and grant continuance of provisional affiliation.

For Petitioner:

Mr.Kandhan Duraisami

For Respondents:

Mr.B.Rabu Manohar,
Senior Central Government Standing Counsel
for R1

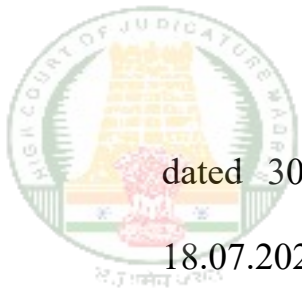
Mr.E.Sundaram

Government Advocate for R2 to R4

Mr.Hari Radhakrishnan for R5

ORDER

This writ petition is filed challenging impugned orders passed by the first respondent in No.Z/103/2024-AHS-DOHFW DEPARTMENT dated 09.12.2024, second respondent dated 10.06.2025, third respondent in Letter No.e5426/PME-2/2025-2 dated 26.06.2025 and Lr.No.e720/PME-2/2026-1



dated 30.01.2026, fourth respondent in Ref.No.064981/PME/2/2025 dated 18.07.2025 and fifth respondent in R.C.No.Affln.V(5)/16234/2025 dated 13.06.2025 and quash the same and to direct the fifth respondent University to receive and process the application of the petitioner for starting additional course viz., M.P.T. degree course in the petitioner's institute, Revathi Institute of Physiotherapy, Velayuthampalayam, Tirupur District in line with order dated 19.01.2026 made in W.P.No.49983 of 2025 without insisting on Government Order /No Objection Certificate /Essentiality Certificate from the Government of Tamil Nadu and grant continuance of provisional affiliation.

2. When the writ petition came up for hearing, the learned counsel for the petitioner asserted that the matter is no longer *res integra*, as it is covered by the judgment in W.P. No.49983 of 2025.

3. Considering the fact that the new regulations are yet to be framed and that the Hon'ble Division Bench had earlier held that, by virtue of the doctrine of necessity, the additional seats and the new course in respect of the existing institutions can also be considered in the interregnum, this Court has been passing orders allowing similar writ petitions and the entire order is extracted hereunder:



“This Writ Petition is filed challenging a) the impugned order passed by the fourth 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 fifth respondent State Council dated 10.06.2025 and c) the impugned letter issued by the third respondent University in R.C.No.Affln.V(5)/16234/2025, dated 13.06.2025 and quash the same and direct the third respondent university to receive and process the application of the petitioner college for increase of intake of seats in the existing course in the petitioner college namely Bachelor of Physiotherapy from 50 to 100 seats for the Academic Year 2025-2026 without insisting on Government Order/No Objection Certificate/Essentiality Certificate from the Government of Tamil Nadu and grant continuance of provisional affiliation.

2. When the matter is taken up for hearing, learned Counsel for the petitioner would submit that the issue involved in this Writ Petition is covered by the judgment of the Division Bench of this Court in W.A.Nos.3213, 3277 & 3678 of 2025 and W.P.No.40016 of 2025, dated 02.12.2025.

3. Learned Standing Counsel appearing on behalf of the University is not in a position to refute the same.

4. On a perusal of the impugned orders, it can be seen that, merely because the regulations have not been framed, the permission prayed for by the petitioner college has not been taken up and processed. The Hon'ble Division Bench of this Court vide judgment in W.A.Nos.3213, 3277 & 3678 of 2025 and W.P.No.40016 of 2025 dated 02.12.2025, has already decided the issue



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on hand. Useful reference can be made to paragraph Nos.36 and 37, wherein, the Division Bench has invoked the Doctrine of Necessity and directed the respondents to process the applications made by the existing institutions seeking additional intake in the existing course.

5. In view thereof, this Writ Petition stands allowed. The impugned order passed by the fourth 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; the impugned letter issued by the fifth respondent State Council dated 10.06.2025 and the impugned letter issued by the third respondent University in R.C.No.Affln.V(5)/16234/2025, dated 13.06.2025, are quashed. The third respondent University shall process the application of the petitioner college for increase of intake of seats in the existing course in the petitioner college namely Bachelor of Physiotherapy from 50 to 100 seats for the Academic Year 2025-2026 without insisting on Government Order/No Objection Certificate/Essentiality Certificate from the Government of Tamil Nadu and grant continuance of provisional affiliation. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

4. Mr.Hari Radhakrishnan, the learned Counsel taking notice on behalf of the fifth respondent/University would submit that, in the instant case, the prayer is made with reference to Master of Physiotherapy (M.P.T). With reference to M.P.T, whether the infrastructural and academic requirements have to be additionally satisfied by the petitioner institution is also to be considered. In that regard, an inspection has to be conducted and the University has to



satisfy itself before considering the request of the petitioner.

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5. In view thereof, the writ petition is *allowed* on the same terms as above; however, with the additional condition that it will also be open to the University to carry out an inspection and satisfy itself about the infrastructural and academic requirements for the commencement of the course before passing orders. No costs. Consequently, connected miscellaneous petition is closed.

12-02-2026

Neutral Citation: Yes/No

NSL



To

1. Union of India,
Ministry of Health and Family Welfare,
National Commission for Allied and
Healthcare Profession
represented by its Secretary/Joint Secretary to GOI,
NIHFW Campus, New Delhi- 110 067.

2. The Secretary,
Tamil Nadu State Allied and Healthcare Council,
Kanthanchavadi, Chennai - 600 096.

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

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

5. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
Anna Salai, Guindy, Chennai - 600 032.



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D.BHARATHA CHAKRAVARTHY, J.

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