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W.P.No.5319 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5319 of 2026

and

W.M.P.No.5827 of 2026

1. Sree Abirami Charitable Trust
represented by its Administrative
Officer, No.33, Madukkarai Road,
Sundarapuram, Coimbatore-641 024.

....Petitioner

Vs

1. Union Of India
Ministry of Health and Family Welfare,
National Commission for Allied and
Healthcare Profession rep 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,
rep 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 has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of Respondents relating to the orders of the 1st Respondent in No.Z/103/2024-AHS-DOHFW DEPARTMENT dated 09.12.2024, 2nd respondent dated 10.06.2025, 3rd respondent in Letter No.e5426/PME-2/2025-2 dated 26.06.2025, 4th Respondent in Ref. No.064981/PME/ 2/2025 dated 18.07.2025 and 5th Respondent in R.C.No.Affln. V(5)/16234/2025 dated 13.06.2025 and Lr.No.Affln.III(1)/15456/2025, dated 09.01.2026 and quash the same and directing the 5th Respondent University to receive and process the application of the petitioner for increase of intake from 50 to 100 seats in the existing course viz., Bachelor of Occupational Therapy in the petitioner's institute, Sree Abirami College of Occupational Therapy, Machegoundampalayam, Seerapalyaam Village, Eachanari, Madukkrai Taluk, Coimbatore 641 021 in line with order dated 19.01.2026 and 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 and pass.

For Petitioner

Mr.Kandhan Duraisami

For Respondents

Mr.B. Rabu Manohar,SCGC for R1

Mr.E.Sundaram, Govt. Advocate
For R2 to R4

Mr.Hari Radhakrishnan for R5



ORDER

The writ petition is filed for Certiorarified Mandamus challenging the orders of the first respondent, dated 09.12.2024; the second respondent, dated 10.06.2025; the third respondent dated 26.06.2025; the fourth respondent dated 18.07.2025 and the fifth respondent dated 13.06.2025 and dated 09.01.2026 and to quash he same and consequently, direct the fifth respondent to grant permission for increasing intake of students from 50 to 100 in respect of the existing course viz., Bachelor of Occupational Therapy run by the petitioner Institution.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that the petitioner-Institution has already been granted permission to run the course of Bachelor of Occupational Therapy with 50 seats. The petitioner Institution is entitled to pray for additional intake and it has duly applied, as per procedure. While so, in the impugned order the same is denied only for want of framing regulations under the National Commission for Allied and Healthcare Professionals. The Hon'ble Division Bench of this Court in W.A.Nos.3213, 3277 and 3678 of 2025 and W.P.No.40016 of 2025, dated 02.12.2025 has already held that by invoking the *doctrine of necessity* in respect of the existing institutions, the prayer for additional intake can be considered. Therefore, the petitioner-Institution is



entitled to be considered, but, however, by the impugned order, by wrongly mentioning G.O.(Ms)No.81, Health and Family Welfare (PME-2) Department, dated 14.03.2018, which though mentions about both Bachelor of Physiotherapy and Bachelor of Occupational Therapy, contains directions in the operative portion of the Government Order in paragraph No.6 only with reference to Bachelor of Physiotherapy. Therefore, the infrastructure that are mentioned in the annexure to the said Government Order, cannot be extrapolated and applied to the Bachelor of Occupational Therapy. In any event, the petitioner Institution has the infrastructure, that is required under the said Government Order also. Without even conducting any inspection, the authorities are not permitting the additional intake.

3. Per contra, Mr.Hari Radhakrishnan, learned counsel taking notice on behalf of the 5th respondent/University would submit that, as per the statutes of the Dr.M.G.R.Medical University, it can be seen that the duration of the BOT degree course shall be four years with internship of six months. As per Statutes No.36, No college of Occupational Therapy shall apply to the University for increase in seats until the first batch of students successfully completed the course. That would be, both the four years duration of the course and the six months internship. The students were admitted for the academic year 2021-2022 and they are now in the fourth year. They will be completing their academic part by writing the examinations in the month of February 2026 and thereafter, they



will be made to undergo internship and the internship will be completed in the month of August/September 2026, as the case may be. Only after their successful completion, the University can apply. The University can only apply for the next academic year (i.e) 2026-2027. Therefore, now they have applied for 2025-2026.

4. Secondly, he would submit that the Government Order in the first paragraph, categorically mentioned, as if, it is considering the issue of granting of permission for starting both courses namely, Bachelor of Physiotherapy course as well as Bachelor of Occupational Therapy. However, it is only an innocuous omission in paragraph No.6 that Bachelor of Occupational Therapy is not expressly mentioned. However upon seeing the annexure, which includes the classroom etc., it can be understood that the Government Order is meant for the Bachelor of Occupational Therapy also and it has to be applied *mutatis mutandis* as required for Bachelor of Physiotherapy.

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

6. Firstly, with reference to G.O.(Ms)No.81, Health and Family Welfare(PME-2) Department, dated 14.03.2018, the first paragraph is extracted hereunder:



“In the Government Order first read above, orders were issued prescribing the norms and conditions that should be fulfilled by a Self-Financing College for grant of permission for starting colleges to run Bachelor of Physiotherapy (BPT) course and Bachelor of Occupational Therapy Degree course for less than 50 seats.”

7. However, thereafter, in the next paragraphs, nothing is mentioned about Bachelor Occupational Therapy course. the operative portion in paragraph No.6 is also extracted hereunder:-

“6.The Director of Medical Education is directed to adhere the above guidelines and the conditions prescribed therein strictly, while sending proposals to Government to grant permission for starting of Bachelor of Physiotherapy (BPT) course by Government and Self-Financing/Private Institutions. Necessary documents such as Trust/Society registration deed registered land and building sale deed, registered lease deed, building plan duly approved by competent authorities, proofs for creation of Endowment fund, bank guarantee and solvency certificate and proofs for availability of necessary infrastructure facilities should accompany each proposal for verification and consideration by the Government”.

8. Thus, as rightly contended by the learned counsel appearing on behalf of the University, it can be seen that there is a casual omission or error on the part of the authority issuing the Government Order, as the annexure only contains the size of the classrooms and the other requirements etc. But, at the



same time, it can be seen that while dealing with the minimum academic requirements, they are dealing with only with reference to the BPT course and no express provision is made with reference to Bachelor of Occupational Therapy. Though the learned counsel appearing for the University will be right that with reference to the infrastructure requirements, the University will be entitled to insist upon the same size of the classroom etc. no specific are mentioned with reference to academic requirements as to number of professors etc.,

9. Therefore, this Court notes that there is some force in the argument of the learned counsel for the petitioner that G.O.(Ms)No.81, dated 14.03.2018 does not contain specific provisions with reference to the Bachelor of Occupational Therapy degree, though it is intended in the first paragraph. To the extent, the Government can be directed to issue such clarification to G.O. (Ms)No.81, dated 14.03.2018. Presently the Government cannot also issue clarification because now the Regulations will be framed under the new Act. Therefore, in the interregnum, to resolve the impasse, as far as possible, whether the infrastructural and the academic requirements similar to the one, that is mentioned, in respect of the Bachelor of Physiotherapy, can be verified by the University. It is also the contention of the petitioner institution that they have on place all the relevant infrastructure. In any event, the availability of the professors and the classrooms, etc. should be there for additional intake of



students. Therefore, it will only be logical for the University to make an inspection and to satisfy itself as to the availability of the infrastructure and the academic requirements for the course and without even making the inspection, the application of the petitioner could not have been rejected.

10. Finally, with reference to the arguments, that are made regarding the maintainability of the application this year, the Statute No.3 is extracted hereunder:

“3.It shall be necessary for the proposed Occupational Therapy College seeking Provisional Affiliation to the Tamil Nadu Dr.M.G.R.Medical University, Chennai for starting First Batch of B.O.T. Degree course to apply for certificate of Registration of their application with the Tamil Nadu Dr.M.G.R.Medical University, Chennai. The application shall be in Form No.1 annexed with these statutes. The duration of the B.O.T. Degree course shall be 4 years with internship of 6 months.”

11. Thus, it can be seen that the course includes the 4 years academic programme and the 6 months internship also. Statutes 36 is extracted hereunder for ready reference:

“36.No College of Occupational Therapy shall apply to the University for increase in seats until the first batch of students successfully completed the course.”

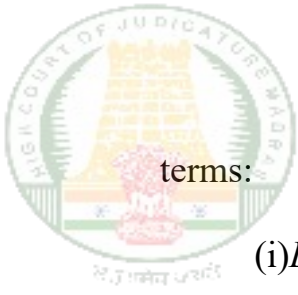


12. It can be seen that no College of Occupational Therapy shall apply to the University for increase in seats until the first batch of students has successfully completed the course.

13. As far as the instant case is concerned, supposing the examination is completed in February 2026 and the students are move to internship, the same will be over by August/September and therefore, the Institution is right in making the application. However the authorities can grant the same after conducting an inspection and satisfying about the requirements, starting from the period after August 2026, that would be the academic year 2026-2027.

14. Considering the peculiar facts of the instant case, where the period is expiring before the start of the academic year, but during the course of the academic year, the very making of the application itself cannot be held incorrect. It will be open for the University to consider the same for the academic year 2026-27. If once again the process has to be started, after September, then again the problem of inspection, satisfying the criteria and passing the order permitting the additional intake, will all not be completed within time, which will again create a time lapse , etc. as seen in the other cases.

15. In view thereof, the Writ Petition is disposed of on the following



terms:

(i) *Dehors*, the non-framing of the Regulations, the petitioner's application shall be processed in accordance with law.

(ii) It will be open for the 5th respondent-University to make an inspection and satisfy itself as to the requirement of the academic as well as the infrastructure requirements and also, to notify the petitioner to carry out any rectification if there is any shortcoming. Once the academic and infrastructure requirements are carried out, due orders increasing the intake can be passed with reference to the academic year 2026-2027. No costs. Consequently, connected Miscellaneous Petition is closed.

18-02-2026

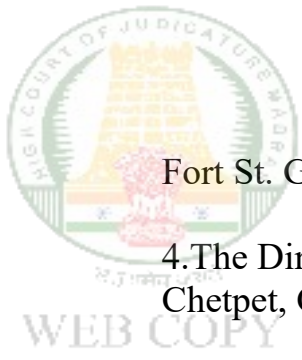
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To

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

2. Tamil Nadu State Allied and healthcare Council
rep by its Secretary, Kanthanchavadi, Chennai- 600 096.

3. The Government of Tamil Nadu
rep by its Secretary, Health and Family Welfare department,



Fort St. George, Chennai- 600 009.

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