



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 6983 of 2026

and

W.M.P.Nos.7597 to 7600 of 2026

Shree Venkateshwara Educational and Charitable Trust,
Rep. by its Managing Trustee,
Erode-Gobi Main Road, Sri Kalaivani Nagar,
Othakuthirai, K.Metupalayam (P.O), Gobi - 638 455,
Erode Taluk, Educational Agency,
Shree Venkateshwara College of Paramedical Science,
Othakuthirai, K.Metupalayam (P.O),
Gobi - 638 455, Erode Taluk.

..Petitioner

Vs

1. Union of India,
Represented by the Secretary to Government,
Ministry of Health and Family Welfare,
Room No. 402-D, Nirman Bhawan,
New Delhi -110 011.
2. State of Tamil Nadu,
Represented by the Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.
3. Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
69, Anna Salai, Guindy,
Chennai - 600 032.
4. The National Commission for Allied and
Healthcare Profession
Represented by its Secretary,
2nd Floor, Academic Block, NIHFWS Campus
Munirka, New Delhi -110 067.



5. Tamil Nadu State Allied and Healthcare Council,
Represented by its Secretary,
No.359-361, DMS Complex,
Anna Salai, Chennai - 600 006.

6. The Director of Medical Education,
Government of Tamil Nadu,
Kilpauk, Chennai- 600 010.

..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 relating to the impugned orders passed by (a). the 4th 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 5th respondent State Council dated 10.06.2025 (c) .the impugned letter issued by the 3rd respondent University in R.C.No.Affln.V(5)/16234/2025 dated 13.06.2025 (d) quash the same and direct the 3rd respondent university to process the application of the petitioner college dated 26.01.2026 to start Master of Physiotherapy course for the academic year 2026-27 without insisting on government order/no objection certificate/essentiality certificate from the Government of Tamil Nadu and grant provisional affiliation to the petitioner college to start Master of Physiotherapy Course in respective elective Orthopaedics, Neurology, Cardio-respiratory, Sports Physiotherapy and Obstetrics and Gynaecology.

For Petitioner: Mr.D.Prabhu Mukunth Arunkumar

For Respondents: Mr.K.Srinivasa Murthy,
Senior Panel Central Government Counsel
for R1 & R4

Mr.M.Sivavarthanan for R3

Mr.E.Sundaram, Govt.Advocate for R2, R5 & R6

**ORDER**

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The writ petition is filed calling for the records relating to the impugned orders passed by (a). the 4th 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 5th respondent State Council dated 10.06.2025 (c) the impugned letter issued by the 3rd respondent University in R.C.No.Affln.V(5)/16234/2025 dated 13.06.2025 (d) quash the same and direct the 3rd respondent university to process the application of the petitioner college dated 26.01.2026 to start Master of Physiotherapy course for the academic year 2026-27 without insisting on Government Order/No Objection Certificate/Essentiality Certificate from the Government of Tamil Nadu and grant provisional affiliation to the petitioner college to start Master of Physiotherapy Course in respective elective Orthopaedics, Neurology, Cardio-respiratory, Sports Physiotherapy and Obstetrics and Gynaecology.

2. When the matter came up for hearing, learned counsel appearing for both sides would submit that earlier the Hon'ble 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 has already held that by invoking the doctrine of necessity in respect of the existing institutions, the request for starting new courses/additional



institute can be considered in accordance with law notwithstanding the non-framing of regulations.

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3. Based on the same, several individual orders have also been passed by this Court. One such order passed by this Court in the earlier W.P.No.49983 of 2025 is extracted hereunder in *toto* for ready reference:-

“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.



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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 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.”*



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4. In view thereof, this writ petition is also *disposed of* on the same terms.

5. Additionally, it will be open for the authorities to verify the adequacy of the infrastructural and academic requirements by making an inspection and to inform the petitioner institution in respect of any shortcoming so that the same can be rectified. The proceedings can be undertaken and let the process and everything be completed and the permission be granted on or before 31.07.2026 so that the process can be undertaken well in time for the next year. Consequently, connected miscellaneous petitions are also closed. No costs.

23-02-2026

Neutral Citation: Yes/No

NSL

To

1. The Secretary to Government,
Union of India,
Ministry of Health and Family Welfare,
Room No. 402-D, Nirman Bhawan,
New Delhi -110 011.

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



3. The Registrar,
Tamil Nadu Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai - 600 032.

4. The Secretary,
The National Commission for Allied and
Healthcare Profession
2nd Floor, Academic Block, NIHFW Campus
Munirka, New Delhi -110 067.

5. The Secretary,
Tamil Nadu State Allied and Healthcare Council,
No.359-361, DMS Complex,
Anna Salai, Chennai - 600 006.

6. The Director of Medical Education,
Government of Tamil Nadu,
Kilpauk, Chennai- 600 010.



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D.BHARATHA CHAKRAVARTHY, J.

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