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WP No. 6649 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6649 of 2026

AND

W.M.P.No.7225 OF 2026

Maria College of Allied Health Science
Rep. by its Chairman, Thottavaram,
Moovattumugham Post,
Kanyakumari District.

... 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,
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.

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

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

... 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 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 quash the same and directing the 5th Respondent University to receive and Process the application of the petitioner for starting additional course in Allied Health Science Programmes in the petitioner college, Viz., Maria College of Allied Health Sciences, Kanyakumar District 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 provisional affiliation for starting additional courses in Allied Health Science.

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.M.Sivavarthan, for R5



ORDER

When the matter came up for admission, the Learned Counsel for the petitioner submitted that the prayer in the present writ petition is covered by the earlier order of this Court in W.P.No.49983 of 2025. The entire order is extracted hereunder 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-AHSDOHFW DEPARTMENT, dated 09.12.2024, F.No.Z/103/2024-AHSDOHFW, 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.”*



2. The Learned Counsel appearing on behalf of the 5th respondent-University would submit that it is true that, with reference to the regulations, the Division Bench has held that by the *Doctrine of Necessity* the request can be processed in respect of existing institutions without insisting upon the regulations being framed under the new Act. As far as the courses are concerned, if any further inspections have to be made regarding the academic and infrastructural requirements, the University has to make such inspections and satisfy itself with reference thereto.

3. In view thereof, this writ petition is disposed of on the above terms as in W.P.No.49983 of 2025, with the additional clause that it will be open for the University or the other authorities to inspect and satisfy themselves as to the adequacy of the infrastructural and academic requirements in respect of the courses proposed to be started.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19-02-2026

Neutral Citation:No
bsm



To

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

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

3. The Secretary,
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,
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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