



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7446 of 2026

AND

W.M.P.No.8019 OF 2026

The Kaavery Educational Trust,
Rep. its Correspondent,
M.Kalipatti, Mecheri, Mettur Taluk,
Salem District 636 453.

... 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 - 96.

3.The Government of Tamil Nadu
Represented by its Secretary,
Health And Family Welfare Department,
Fort St.George,
Chennai 09.

4.The Director Of Medical Education and Research,
Chetpet,
Chennai 31.

5.The Tamil Nadu Dr. MGR Medical University
Represented by its Registrar,
Anna Salai, Guindy,
Chennai 600032.

... 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 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.Affln.III(2)/00366/2025 dated 10.01.2025 and R.C.No.Affln.V(5)/16234/2025 dated 13.06.2025 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 Physiotherapy in the petitioner's College, The Kavery Physiotherapy College, M.Kalipatti, Mecheri, Mettur Taluk, Salem 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 continuance of provisional affiliation.

For Petitioner: Kandhan Duraisami
N.Mathivanan

For Respondents: Mr.B.Rabu Manohar, SCGC,
for R1

Mr.E.Sundaram, Government
Advocate, for R2 to R4

Mr.M.Sivavarthan, for R5



ORDER

The writ petition is filed for Certiorarified Mandamus, challenging the impugned orders passed by 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.Affln.III(2)/00366/2025 dated 10.01.2025 and R.C.No.Affln.V(5)/16234/2025 dated 13.06.2025 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 Physiotherapy in the petitioner's College, The Kavery Physiotherapy College, M.Kalipatti, Mecheri, Mettur Taluk, Salem 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 continuance of provisional affiliation.

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.

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



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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 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



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of Tamil Nadu and grant continuance of provisional affiliation. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.”

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.

24-02-2026

Neutral Citation:No.
bsm



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To

1. The 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 96.

3. The Secretary,
Government of Tamil Nadu,
Health And Family Welfare Department,
Fort St. George,
Chennai 09.

4. The Director Of Medical Education and Research,
Chetpet,
Chennai 31.

5. The Registrar,
Tamil Nadu Dr. MGR Medical University
Anna Salai, Guindy,
Chennai 600032.



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D.BHARATHA CHAKRAVARTHY, J.
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