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WP No. 16235 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 16235 of 2026

and

WMP Nos.17438, 17439, 17440 & 17441 of 2026

BSD College of Allied Health Sciences
Represented by its Chairman
Dr.Sivagami. G
Sri Guru Educational Campus,
Varathaiyangarpalayam,
Kondayampalayam Post, Near Saravanampati,
Coimbatore 641 110.

..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 110011
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, NIHFW Campus
Munirka, New Delhi- 110 067.

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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

Writ Petition filed under Article 226 of Constitution of India, to issue a 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 and d) quash the same and direct the 3rd respondent University to process the application of the petitioner college dated 05.08.2025 for increase of intake of seats in the existing courses namely B.Sc. Radiography and Imaging Technology from (10 to 20 seats), B.Sc. Cardiac Technology from (08 to 20 seats) and B.Sc. Operation Theatre and Anaesthesia Technology from (15 to 20 seats) and grant continuance of provisional affiliation for the academic year 2026-27 as per the Tamil Nadu Dr.M.G.R.Medical University, Chennai Affiliation of Allied Health Diploma and Degree Courses Statute without insisting on government order no objection certificate/essentiality certificate from the Government of Tamil Nadu.



For Petitioner: Mr.D.Prabhu Mukunth Arunkumar

For Respondents: Mr.AR.L.Sundaresan for R1 to R4
Additional Solicitor General
Assisted by Mr.B.Rabu Manohar
Govt.Standing Counsel
Mr.M.Sivavarthanam for R3
Mr.K.Tippusulthan for R2, R5 & R6
Government Advocate

ORDER

This petition has been filed challenging the impugned orders 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 and d) quash the same and direct the 3rd respondent University to process the application of the petitioner college dated 05.08.2025 for increase of intake of seats in the existing courses namely B.Sc. Radiography and Imaging Technology from (10 to 20 seats), B.Sc. Cardiac Technology from (08 to 20 seats) and B.Sc. Operation Theatre and Anaesthesia Technology from (15 to 20 seats) and grant continuance of provisional affiliation for the academic year



2026-27 as per the Tamil Nadu Dr.M.G.R.Medical University, Chennai Affiliation of Allied Health Diploma and Degree Courses Statute without insisting on government order no objection certificate/essentiality certificate from the Government of Tamil Nadu.

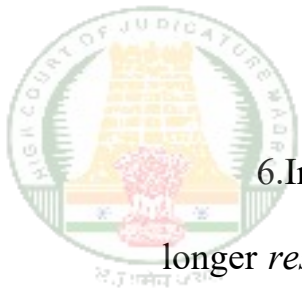
2.The case of the petitioner is that the petitioner College is an existing institution imparting undergraduate Allied Health Science courses from the academic year 2020, with affiliation from the 3rd respondent University. The petitioner College applied to the 3rd respondent University for an increase in intake of seats for the academic year 2026-27. Thereafter, the 3rd respondent University issued the impugned letter dated 13.06.2025 which is annexed to the impugned orders of the 4th respondent National Commission dated 09.12.2024 and 10.06.2025 as well as the impugned letter of the 5th respondent dated 10.06.2025. The petitioner contends that the impugned orders of the 4th respondent cannot be sustained, as the National Commission had not become functional as per itsr order dated 09.12.2024, and no regulations had been framed under the National Commission for Allied and Healthcare Professions Act 2021. In the absence of such regulations under the said Act, the existing law governing the 3rd respondent University would apply. Challenging the said impugned orders, the present writ petition has been filed.



3.The learned counsel appearing for the petitioner would submit that the issue involved in the present writ petition is no longer *res integra*, as it has already been decided by the Hon'ble Division Bench of this Court in W.A.No.3213 of 2025 and batch cases. Applying the ratio laid down by the Hon'ble Division Bench, this Court may direct the respondents to process the petitioner's application and pass orders in accordance with the said judgment, within a period of six weeks from the date of receipt of a copy of this order.

4.Per contra, the learned counsel appearing for the respondents would submit that apart from complying with the order of the Division Bench, the petitioner is also required to comply with Clause 4.2 of the Circular dated 08.04.2026. Accordingly, they prayed for appropriate orders.

5.Heard the learned Additional Solicitor General appearing for the respondents 1 & 4, learned Government Advocate appearing for the respondents, 2, 5 and 6, and learned counsel appearing for the petitioner institution and the 3rd respondent University.



6. In view of the above, the issue involved in the present writ petition is no longer *res integra* as it has already been decided by the Division Bench of this Court in W.A No.3213 of 2025 batch cases, wherein it has been held as follows:

46. In view of the aforesaid discussions and having regard to the factual matrix and taking into account of the totality of the situation as has been projected in this order, we are inclined to dispose of the writ appeals and writ petition with the following order:

(i) That insofar as the impugned order passed by the learned Writ Court dated 16.09.2025 is concerned, the two directions given by the learned Single Judge in paragraph No.19 of the impugned order would sustain and accordingly, it is sustained. For the sake of clarity, we make it clear that, the applications submitted by the existing institutions/writ petitioners in this batch of cases, alone shall be processed by the Status authorities, very particularly, Dr.MGR Medical University and necessary orders shall be passed thereon on merits and in accordance with law before 20.12.2025 for the academic year 2025-26.

(ii) It is made clear that if the State authorities/University find that there is any lacuna or deficiencies in the infrastructure and instructional facilities, those applications can be rejected.

(iii) Insofar as the applications made by the existing institutions/writ petitioners for seeking additional



intake in the existing course, such applications also be processed by the State Agency/Dr.MGR Medical University as we directed in the earlier directions.

(iv) Insofar as the application submitted by any of the writ petitioner institution or educational agency, to start a new institution, the said application shall not be processed by any of the State agencies or the University and such an application can be kept pending until the State Council constituted under the Act is made fully functional after the regulation under Section 66 of the Act is made ready in all respects. Till such time, no new institution shall be permitted by any authority of the State including the University.

7.Applying the ratio laid down by the Division Bench of this Court, this Court directs the 3rd respondent University to pass appropriate orders based on the petitioner's application, in terms of the order passed by the Division Bench of this Court cited supra, within a period of six weeks from the date of receipt of a copy of this order. However, the petitioner shall comply with Clause 4.2 of Circular dated 08.04.2026 issued by the 4th respondent.



8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, WMP Nos.17438 & 17439 are ordered and WMP Nos.17440 & 17441 of 2026 are closed.

22-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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1. Union of India

2. State of Tamil Nadu

3. Tamil Nadu Dr. MGR Medical University

4. The National Commission for Allied and Healthcare Profession

5. Tamil Nadu State Allied and Healthcare Council

6. The Director of Medical Education

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