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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010460322026**

Date of decision: 09.10.2026

\+ W.P.(C) 14155/2026

PARUL UNIVERSITY

.....Petitioner

Through: Mr. Gautam Narayan Sr. Advocate, Mr. Malak Bhatt, Ms Somya Saxena, Mr. Anshul Rao Advocate

versus

NATIONAL COMMISSION FOR ALLIED AND HEALTHCARE PROFESSIONS & ANR.

.....Respondents

Through: Mr Chetan Sharma ASG with Mr Ripudaman Bhardwaj CGSC Mr Amit Kumar Rana Advs for UOI
Mr. Amit Tiwari, CGSC, Ms. Ayushi Srivastava, Adv, Mr. Arpan Narwal, Adv, Mr. Kushagra Malik, Adv, Mr. Ujjwal Tyagi, Adv for R2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

: JASMEET SINGH, J (*ORAL*)

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

> *"A. Pass a Writ, Order or Direction quashing and setting aside the Impugned Communication September 15, 2026*

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issued by Respondent No. 1 – National Commission for Allied and Healthcare Professions.

B. Pass a Writ, Order or Direction directing Respondent No. 2 – Gujarat State Allied and Healthcare Council to grant permission to the Petitioner for establishing a new physiotherapy college in the name and style of Parul Institute of Physiotherapy and Rehabilitation Sciences for imparting education in the discipline of physiotherapy at the level of graduation leading to the educational qualification of Bachelor of Physiotherapy (BPT) with and intake capacity of 100 seats from the present academic year 2026-27, forthwith as per the letter dated April 8, 2026, bearing reference number Z/103/2024-AHS-DOHFW DEPARTMENT issued by Respondent No. 1 – National Commission for Allied and Healthcare Professions.

C. Pass a Writ, Order or Direction directing Respondent No. 1 – National Commission for Allied and Healthcare Professions to extend the deadline for admission to undergraduate allied and healthcare courses for the present academic year 2026-27 from September 30, 2026 to such other date as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case in order to enable the Petitioner to grant admissions to eligible students

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in the setup of Parul Institute of Physiotherapy and Rehabilitation Sciences in the course of Bachelor of Physiotherapy (BPT) to the extent of 100 seats for the present academic year 2026-27….”

2. The brief facts of the case are that the petitioner is a non-affiliating private university established under the Gujarat Private Universities Act, 2009. The petitioner operates two constituent physiotherapy colleges, namely Parul Institute of Physiotherapy, established in 2009, and Parul Institute of Physiotherapy and Research, established in 2022. Both institutes are housed in a standalone building within the petitioner’s campus encompassing 200-plus acres.

3. On 22.08.2026, the petitioner applied to the respondent No. 2 for establishment of a new physiotherapy college, namely Parul Institute of Physiotherapy and Rehabilitation Sciences, for the BPT course with an intake of 100 seats for the academic session 2026-27. Accordingly, the petitioner submitted an application and, within five days of the same, also submitted the Essentiality Certificate dated 09.09.2026.

4. Thereafter, *vide* the impugned communication dated 15.09.2026, the said application of the petitioner was rejected, whereby it was stated that more than one college should not be established for the same course within the same campus. The said impugned communication reads as under:-

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ANNEXURE-P-1

File No. Z/103/2024-AHS-DOHFW DEPARTMENT
Government of India
Ministry of Health and Family Welfare
National Commission for Allied and Healthcare Professions

2nd Floor, Academic Block,
NIHFW Campus, Munirka,
New Delhi-110067
Dated: 15-09-2026

To,

The Secretary,

(1) Karnataka State Allied and Healthcare Council

(2) Gujarat State Allied and Healthcare Council

Sub: Establishment of more than one Allied and Healthcare Institute of same Allied and Healthcare profession within the same campus or premises – reg.

Ref: (i) Letter No. KSAHC/HFW/10/2026-27 dated 03.09.2026.
(ii) Letter No. GSAHC/1090/2026 dated 11.09.2026.

Madam/Sir,

The Commission has received representations regarding the establishment of more than one Allied and Healthcare Institutes/colleges for same profession within the same campus or premises.

2. In this regard, it is stated that the matter has been examined in the Commission. It is informed that the regulations pertaining to Recognition of Institutions for Allied and Healthcare Professions are under process. The provisions relating to the minimum requirements and standards for establishing an Allied and Healthcare Institution are being considered as part of the said regulations. Establishment of more than one college may not be allowed for one particular Allied and Healthcare profession, within the same existing campus/premises.

3. In view of the above, it would be prudent for the Institutions not to establish more than one college of same profession/program within the same existing campus/premises, till further orders. With such directives, if institution continues with more than one college of same profession in one campus, the institution will not claim any legal rights of continuing the same program in future.

4. This issues with the approval of the competent authority.

Yours Faithfully,

(Rajender Singh Sidhu)
Under Secretary, NCAHP

Copy for information and necessary action to:

1. The Secretary,

{All State Allied and Healthcare Councils (Except Karnataka and Gujarat)}

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5. It is the case of the petitioner that the impugned order dated 15.09.2026 is violative of Article 19(i)(g) and the petitioner's application cannot be rejected merely on administrative instructions. Reliance is placed on *Pharmacy Council of India v. Rajeev College of Pharmacy (2023) 3 SCC 502.*

6. Mr. Narayan, learned senior counsel for the petitioner, submits that the impugned communication, by reviving the superseded communication dated 09.12.2024, undermines the finality of the Hon'ble Supreme Court's order dated 09.04.2026 in ***SLP (C) No. 31145/2025*** titled as ***Dr. Dayal Institute of Paramedical Technology v. State of Rajasthan& Ors.***, which was disposed of on the basis of respondent No. 1's letter dated 08.04.2026. He further submits that, in view of the same, the present petition must be allowed.

7. On the other hand, Mr. Tiwari, learned standing counsel for the respondent No. 1, opposes the petition on the ground that the issue before the Hon'ble Supreme Court was limited to opening new courses in existing/upcoming colleges. The issue of opening another college in the same campus for the same course was not raised before the Hon'ble Supreme Court. It is stated that paragraph 4.3 of the office order dated 08.04.2026 by respondent No. 1 should be read in this context.

8. Additionally, it is stated that the respondents have taken a policy decision not to permit opening of another college for the same course in the same campus, and the decision-making with regards to the same lies within the exclusive domain of respondent No. 1, being the statutory regulator under Section 11(i)(a) of the National Commission for Allied and Healthcare

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Professions Act, 2021 ***("the Act")***.

9. Reliance is also placed on ***Sant Ram Sharma v. State of Rajasthan and Ors. 1967 SCC Online SC 16,***which holds that while administrative instructions cannot supersede statutory rules, in cases where the rules are silent on a particular matter, then such gaps can be filled by issuing administrative instructions, being in consonance with existing rules**.** The paragraph 7 of the said judgement reads as under:-

> *"7. We proceed to consider the next contention of Mr N.C. Chatterjee that in the absence of any statutory rules governing promotions to selection grade posts the Government cannot issue administrative instructions and such administrative instructions cannot impose any restrictions not found in the Rules already framed. We are unable to accept this argument as correct. It is true that there is no specific provision in the Rules laying down the principle of promotion of junior or senior grade officers to selection grade posts. But that does not mean that till statutory rules are framed in this behalf the Government cannot issue administrative instructions regarding the principle to be followed in promotions of the officers concerned to selection grade posts. It is true that Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any*

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particular point Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed…."

10. Accordingly, it is stated that it is within the exclusion domain of the respondent No. 1 to issue executive instructions/administrative decisions in exercise of its statutory powers under Section 11(i)(a) of the Act, in cases where the rules are silent/not framed.

11. I have heard the learned counsels for the parties and perused the documents on record.

12. I am of the view that in the present case, admittedly, the impugned communication shows that there are no regulations prohibiting running of another college for the same course within the same premises of an existing college. The respondents, at best, are considering that a regulation/policy with regard to the same will be incorporated in the future.

13. The reliance placed on ***Sant Ram Sharma (supra)*** is misconceived. In the present case, the regulations are yet to be framed by the respondents, and in the absence of any such regulations existing at present, executive/administrative orders cannot be issued to circumvent and violate the rights of the petitioner available under Article 19(i)(g) of the Constitution.

14. In a similarly situated matter titled ***Dr. Dayal Institute Paramedical Institute (supra)***, a moratorium dated 09.12.2024, against granting permission for commencing additional courses on the ground that regulations are being framed under the Act was challenged. The said petition was disposed of in view

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of the office order dated 08.04.2026 issued by respondent No. 1. Paragraphs 4.3 and 5 of the said office order, read as under:-

> *"4.3. Starting of new courses of approved curricula, either in existing Allied and Healthcare institutions or in new Allied and Healthcare institutions are allowed, subject to the following conditions:*
>
> *4.3.1. Essentiality Certificate (EC) is to be obtained from the concerned State Government/Union Territory along with the submission of an affidavit duly providing assurance of compliance aligning with the approved curricula.*
>
> *4.3.2. Adoption of curricula, degree nomenclature, admission eligibility criteria and other common criteria relating to the respective Allied and Healthcare course(s) as approved by NCAHP.*
>
> *4.3.3. Physical infrastructure, laboratories and faculty requirements are to be aligned with the approved curricula.*
>
> *4.3.4. Availability of clinical practising facility of the institution running the courses or MoU/contract with the practising facility aligning with the curricula.*
>
> *4.3.5. Seats intake capacity (minimum/maximum) in the course shall align with the approved curricula.*
>
> *4.3.6. The permission/approval of the Atomic Energy Regulatory Board (AERB) is to be obtained, wherever*

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required.

4.3.7. Inspection may be carried out by the State Government/UT/University. The inspection team shall have atleast three members and out of these, two members shall be expert Allied and Healthcare Professionals of the concerned domain (course), preferably from the State Allied and Healthcare Council (SAHC)/ Government sector. The Institution will keep the details of the inspection report for future verification.

5. These interim arrangements are being made to facilitate a smooth transition and shall be subject to the final regulations as and when notified by the Commission. Once the relevant regulations are notified, the Allied and Healthcare institutions shall follow the regulations…"

15. A perusal of the aforesaid portions of the office order dated 08.04.2026 shows that the respondent No. 1 in a similar circumstance had permitted commencing of new courses in existing Allied and Healthcare Institutions or in new Allied and Healthcare institutions, pending the formalization of regulations.

16. The conditions mentioned in paragraph 4.3 for the same are admittedly met by the petitioner herein.

17. Section 11(i)(a) of the Act wherein the statutory role of the respondent No. 1 is stated, reads as under:-

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> *"11. (1) It shall be the duty of the Commission to take all such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services under this Act and for the purposes of performing its functions, the Commission may—*
> *(a) frame policies and standards for the governance of allied and healthcare related education and professional services…."*

18. There is no dispute that the respondent No. 1 is empowered to frame norms and standards for the governance of Allied and Healthcare Education institutes. However, no policy on which the respondent No.1 seeks to place reliance has yet been framed in the present case. The apprehension that a policy yet to be framed may, at some future point, restricts the running of two colleges for the same course within one campus is purely speculative and far-fetched.

19. For the said reasons, the present petition is allowed, and the impugned communication is set aside.

20. Consequential actions will be taken by the respondents expeditiously and within 1 week from uploading of the order as the counselling is presently ongoing.

21. The petition, along with any pending applications, is disposed of in the aforesaid terms.

JASMEET SINGH, J

OCTOBER 9, 2026/NR
(Corrected and released on 15.10.2026)

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