



2026:KER:6168

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE V.G.ARUN

THURSDAY, THE 22ND DAY OF JANUARY 2026 / 2ND MAGHA, 1947WP(C) NO. 43518 OF 2025PETITIONERS:

- 1 INDIAN MEDICAL ASSOCIATION
KERALA STATE BRANCH, ANAYARA P.O.,
THIRUVANANTHAPURAM REPRESENTED BY ITS HON.
SECRETARY - DR. ROY R. CHANDRAN, PIN - 695029
- 2 DR. ROY R. CHANDRAN
AGED 50 YEARS
S/O MR. RAMACHANDRAN N (LATE) HON' SECRETARY,
PROFESSOR IN DEPARTMENT OF PHYSICAL MEDICINE
AND REHABILITATION, GOVERNMENT MEDICAL
COLLEGE, KOZHIKODE RESIDING IN DYU,
MAKKANAMCHERRY THAZHAM, CHEVAYUR P.O,
KOZHIKODE, PIN - 673017
- 3 DR. JAYAKRISHNAN A.V
AGED 56 YEARS
S/O. VIKRAMAN MENON, DOCTOR, NEURO SURGEON, MS
ORTHO MCH NEUROSURGERY, SENIOR CONSULTANT
NEUROSURGEON, EMS MEMORIAL CO-OPERATIVE
HOSPITAL, PERINTHALMANNA, RESIDING IN
SURYAGAYATHRI, AMBALAPPUZHA, PATTAMBI ROAD,
PERINTHALMANNA, PIN - 679322



2026:KER:6168

4 DR. PRADEEP KUMAR KALATHIL
AGED 54 YEARS
S/O NARAYANAN P.K, CONSULTANT, PMR GENERAL HOSPITAL, KOZHIKODE RESIDING IN ASWATHY, VANHERI NAGAR, ILLATHUPARAMBA, THEKKUMMURI P.O, TIRUR, MALAPPURAM, PIN - 676105

5 DR. SURESH KUMAR M
AGED 59 YEARS
S/O. MADASWAMY ACHARY, ENT SENIOR CONSULTANT, KIMS HEALTH, THIRUVANANTHAPURAM, RESIDING IN GANGOTRI, TC 17/2143/3, KGRA A22, KOONAMKULAM LANE, OPP. GG HOSPITAL, MURINJAPALAM, MEDICAL COLLEGE P.O, THIRUVANANTHAPURAM, PIN - 695011

6 DR. SREENI EDAKHLON
AGED 54 YEARS
OPHTHALMOLOGIST, DR.SREENI EDAKHLON'S MALHAARI EYE CARE, OPPOSITE CHANDUMENON SMARAKA VALIYAMADAVIL GOVT U P SCHOOL, KEEZHANTHIMUKKU, THIRUVANGAD, THALASSERY, KANNUR, RESIDING IN MALHAARI, NEAR RUBCO AUDITORIUM, SOUTH BAZAAR, KANNUR, PIN - 670002

7 DR. C.K. HAREENDRANATH,
AGED 77 YEARS
S/O. K.C. ACHUTHAN, CONSULTANT ORTHO SURGEON, GREENS EAST HILL, WEST HILL. P.O KOZHIKODE, PIN - 673005

8 DR. P. RAGHAVAN
AGED 80 YEARS
S/O. P. KUNDAN, ENT CONSULTANT AND RTD. DY. DIRECTOR OF HEALTH SERVICE, CONSULT ENT SURGEON, CALICUT HOSPITAL AND NURSING HOME, PALAYAM, KOZHIKODE RESIDING IN RAJI, ASOKAPURAM HOUSING COLONY, KOZHIKODE, PIN - 673001.



2026:KER:6168

9 DR.K.V.RAJU
 AGED 69 YEARS
 S/O. K.M.VALLON, PROFESSOR AND HOD IN
 OPHTHALMOLOGY, MALABAR MEDICAL COLLEGE
 HOSPITAL AND RESEARCH CENTRE, ATHOLI,
 KOZHIKODE. RESIDING AT AMRUTHARESHMI,
 CHEVAYUR.P.O., KOZHIKODE, PIN - 673017

BY ADVS.
 SMT.T.K.SREEKALA
 SMT.S.PARVATHI
 SMT.NIKITHA SUSAN PAULSON
 SMT.UTHARA ASOKAN
 SRI.V.V.ASOKAN (SR.)
 SHRI.K.G.ANIL

RESPONDENTS:

1 UNION OF INDIA
 REPRESENTED BY ITS SECRETARY, MINISTRY OF
 HEALTH AND FAMILY WELFARE, NIRMAN BHAVAN, NEW
 DELHI, PIN - 110001

2 NATIONAL COMMISSION FOR ALLIED AND HEALTHCARE
 PROFESSIONS (NCAHP),
 2ND FLOOR, ACADEMIC BLOCK, NIHFW CAMPUS, BABA
 GANG NATH MARG, MUNIRKA, NEW DELHI,
 REPRESENTED BY ITS CHAIRPERSON,
 PIN - 110067

3 STATE ALLIED AND HEALTH CARE COUNCIL
 NEAR DIRECTORATE OF MEDICAL EDUCATION, MEDICAL
 COLLEGE, THIRUVANANTHAPURAM,
 THIRUVANANTHAPURAM MEDICAL COLLEGE S.O,
 THIRUVANANTHAPURAM,
 REPRESENTED BY ITS CHAIRPERSON.,
 PIN - 695011



2026:KER:6168

4

**NATIONAL MEDICAL COMMISSION
POCKET-14, SECTOR-8, DWARKA PHASE-1, NEW
DELHI, REPRESENTED BY ITS CHAIRPERSON, PIN -
110077**

**BY ADVS.
SHRI.PRAVEEN K.S., CGC
GOVERNMENT PLEADER**

OTHER PRESENT:

**SRI. MAHADEV. M.J, FOR R2. SMT. O.M. SHALIN
AFOR DSGI. SRI. K.S. PRENJITH KUMAR FOR SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 06.12.2025, ALONG WITH WP(C).41064/2025,
43237/2025, THE COURT ON 22.01.2026 DELIVERED THE
FOLLOWING:**



2026:KER:6168

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 22ND DAY OF JANUARY 2026 / 2ND MAGHA, 1947WP(C) NO. 41064 OF 2025PETITIONER:

INDIAN ASSOCIATION OF PHYSICAL MEDICINE AND
REHABILITATION (IAPMR)
REG. NO. S 18608, HAVING ITS OFFICE AT
SAFDARJUNG HOSPITAL, NEW DELHI, REPRESENTED BY
ITS HONORARY SECRETARY - DR. HARSHANAND PO
PALWAR THROUGH HIS POWER OF ATTORNEY HOLDER -
DR. RAJESH B. NAIR, NELENDRA NEAR KALLIL
TEMPLE, ASAMANNOOR, ERNAKULAM, PIN - 683545

BY ADVS.

SMT.S.PARVATHI
SMT.T.K.SREEKALA
SMT.NIKITHA SUSAN PAULSON
SMT.UTHARA ASOKAN
SRI.V.V.ASOKAN (SR.)
SHRI.K.G.ANIL

RESPONDENTS:

1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY OF
HEALTH AND FAMILY WELFARE, NIRMAN BHAVAN, NEW
DELHI, PIN - 110001



2026:KER:6168

2 NATIONAL COMMISSION FOR ALLIED AND HEALTHCARE PROFESSIONS (NCAHP),
2ND FLOOR, ACADEMIC BLOCK, NIHFW CAMPUS, BABA GANGNATH MARG, MUNIRKA, NEW DELHI, REPRESENTED BY ITS CHAIRPERSON, PIN - 110067

3 STATE ALLIED AND HEALTH CARE COUNCIL, COMBINED COUNCIL BUILDING, RED CROSS ROAD, THIRUVANANTHAPURAM, REPRESENTED BY ITS CHAIRPERSON, PIN-695 035. (*THE ADDRESS OF THE 3RD RESPONDENT IS CORRECTED AS 'STATE ALLIED AND HEALTH CARE COUNCIL, NEAR DIRECTORATE OF MEDICAL EDUCATION, MEDICAL COLLEGE, THIRUVANANTHAPURAM, THIRUVANANTHAPURAM MEDICAL COLLEGE S.O., THIRUVANANTHAPURAM - 695 011, REPRESENTED BY ITS CHAIRPERSON' AS PER THE ORDER DATED 03.12.2025 IN IA NO.9/2025 IN WP(C) NO.41064/2025) ., PIN - 10

4 NATIONAL MEDICAL COMMISSION
POCKET-14, SECTOR-8, DWARKA PHASE-1, NEW DELHI, REPRESENTED BY ITS CHAIRPERSON, PIN - 110077

5 ADDL.R5: THE INDIAN ASSOCIATION OF PHYSIOTHERAPISTS,
1094, RUSTOMJEE EASE ZONE MALL, GOREGAON-MULUND LINK ROAD, GOREGAON, OPP. OZONE TOWER, MALAD (WEST), MUMBAI, PIN-400 064, REPRESENTED BY ITS SECRETARY (KERALA BRANCH), DR. JIM GOPALAKRISHNAN (PT). (ADDL.R5 IS IMPLEADED AS PER ORDER DATED 13.11.2025 IN IA NO.2/2025 IN WP(C) NO.41064/2025).

6 ADDL.R6: KERALA ASSOCIATION FOR PHYSIOTHERAPISTS' COORDINATION (KAPC), REG.NO. 680/10,
REPRESENTED BY ITS GENERAL SECRETARY, UPASANA,



2026:KER:6168

VH 102, UPPER MERIDIAN ROAD, KURAVANKONAM,
 KOWDIAR P.O., THIRUVANANTHAPURAM, PIN 695 003.
 (ADDL.R6 IS IMPLEADED AS PER ORDER DATED
 13.11.2025 IN IA NO.3/2025 IN WP(C)
 NO.41064/2025)

7 ADDL.R7: THE ALL INDIA OCCUPATIONAL THERAPISTS' ASSOCIATION (AIOTA), PLOT NO. 51, KAMDHENU BUSINESS BAY, 8TH FLOOR, DOOR NO 801, SECTOR 1, JUINAGAR EAST, NERUL, NAVI MUMBAI, MAHARASHTRA 400 706, REPRESENTED BY HONORARY SECRETARY.

8 ADDL.R8: DR.JOSEPH SUNNY, AGE 46, S/O.SUNNY T.J., THOOMPANAYIL HOUSE, THIRUVAMPADY P.O., PAZHUTHURUTH, KOTTAYAM-686 612. (ADDL.R7 & R8 ARE IMPLEADED AS PER ORDER DATED 13.11.2025 IN IA NO.4/2025 IN WP(C) NO.41064/2025) .

9 ADDL.R9: T.ARUN KUMAR, S/O.S.THANKAPPAN NAIR, AGED 51 YEARS, PHYSIOTHERAPIST,RESIDING AT "ARUNALAYAM",KODUMTHARA, PATHANAMTHITTA DISTRICT- 689 645. (ADDL.R9 IS IMPLEADED AS PER ORDER DATED 13.11.2025 IN IA NO.6/2025 IN WP(C) NO.41064/2025)

10 ADDL.R10: DR.NAVIN SAGAR, S/O. SURESH PRASAD MANDAL, SENIOR RESIDENT DOCTOR, PMR DEPARTMENT, ABVIMS AND DR. RML HOSPITAL, NEW DELHI, RESIDING IN BASAHA, BLOCK PIPRA, SUPAUL, BIHAR-852 131.

11 ADDL.R11: DR.ASHA E.K., CONSULTANT, PHYSICAL MEDICINE AND REHABILITATION, DISTRICT HOSPITAL, KANJANHAD, KASARGODE-671 531.



2026:KER:6168

12 ADDL.R12: DR.ARUN A. JOHN,
CONSULTANT IN PHYSICAL MEDICINE AND
REHABILITATION, LEPROSY SANATORIUM, NOORANAD,
ALAPPUZHA-690 571.

13 ADDL.R13: DR. PRAMOD KUMAR P.P.,
ASSISTANT DIRECTOR, KERALA HEALTH SERVICE,
KERALA WOMEN AND CHILDREN HOSPITAL, KOZHIKODE-
673 001. (ADDL.R10 TO R13 ARE IMPLEADED AS PER
ORDER DATED 13.11.2025 IN IA NO.7/2025 IN
WP(C) NO.41064/2025).

14 ADDL.R4: KERALA ORTHOPAEDIC ASSOCIATION,
REG NO. E.R.275/1992, REPRESENTED BY ITS
SECRETARY, 4C IMA HOUSE, PALARIVATTO P.O,
KOCHI-682 028. (ADDL.R14 IS IMPLEADED AS PER
ORDER DATED 03.12.2025 IN IA NO.10/2025 IN
WP(C) NO.41064/2025).

BY ADVS.

SHRI.MAHADEV M.J., CGC

GOVERNMENT PLEADER

SHRI.K.S.PRENJITH KUMAR, SC, NATIONAL MEDICAL
COMMISSION

SRI.V.SREEJITH (K/1398/2000)

SMT.NISHA GEORGE

SRI.SABU GEORGE

SHRI.V.RAMKUMAR NAMBIAR

SRI.VINEETH KOMALACHANDRAN

SRI.G.P.SHINOD

SRI.S.SREEKUMAR (SR.)

SRI.NAVANEETH D.PAI

SRI.GEORGE POONTHOTTAM (SR.)

SMT.SILPA SREEKUMAR

SRI.P.B.SUBRAMANYAN

SRI.MANU VYASAN PETER

SHRI.P.B.KRISHNAN (SR.)

O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA

SRI.GOVIND PADMANAABHAN



2026:KER:6168

**SHRI.AJIT G ANJARLEKAR
SHRI.ATUL MATHEWS
SMT.GAYATHRI S.B.**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06.12.2025, ALONG WITH WP(C).43518/2025 AND CONNECTED CASE, THE COURT ON 22.01.2026 DELIVERED THE FOLLOWING:



2026:KER:6168

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 22ND DAY OF JANUARY 2026 / 2ND MAGHA, 1947WP(C) NO. 43237 OF 2025PETITIONERS:

1 DR. SONU MOHAN M.S
AGED 40 YEARS
S/O. M. MOHANAN JUNIOR CONSULTANT PMR,
DISTRICT HOSPITAL, PALAKKAD. NOW RESIDING IN
POURNAMI, D10-SRKPR, ASHRAMOM ROAD, NETTAYAM
P.O., THIRUVANANTHAPURAM, PIN - 695013

2 DR. RAMESH C
AGED 60 YEARS
S/O KARUNAKARAN C., CONSULTANT IN PHYSICAL
MEDICINE & REHABILITATION RESIDING AT
AISHWARYA, MINI BYEPASS, PUTHIYARA, KOZHIKODE,
PIN - 673004

3 DR. ARUN OOMEN
AGED 48 YEARS
S/O. K.G. OOMEN, SENIOR CONSULTANT NEURO
SURGEON, VPS LAKESHORE HOSPITAL, NETTOOR P.O,
KOCHI, PIN - 682040

BY ADVS.
SMT.S.PARVATHI
SHRI.K.G.ANIL
SMT.T.K.SREEKALA
SMT.NIKITHA SUSAN PAULSON



2026:KER:6168

**SMT. UTHARA ASOKAN
SHRI. K. I. MAYANKUTTY MATHER (SR.)**

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY OF
HEALTH AND FAMILY WELFARE, NIRMAN BHAVAN, NEW
DELHI, PIN - 110001
- 2 NATIONAL COMMISSION FOR ALLIED AND HEALTHCARE
PROFESSIONS (NCAHP)
2ND FLOOR, ACADEMIC BLOCK, NIHFW CAMPUS, BABA
GANGNATH MARG, MUNIRKA, NEW DELHI, REPRESENTED
BY ITS CHAIRPERSON, PIN - 110067
- 3 STATE ALLIED AND HEALTH CARE COUNCIL
NEAR DIRECTORATE OF MEDICAL EDUCATION, MEDICAL
COLLEGE, THIRUVANANTHAPURAM,
THIRUVANANTHAPURAM MEDICAL COLLEGE S.O,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
CHAIRPERSON, PIN - 695011
- 4 NATIONAL MEDICAL COMMISSION
POCKET-14, SECTOR-8, DWARKA PHASE-1, NEW
DELHI, REPRESENTED BY ITS CHAIRPERSON, PIN -
110077

BY ADVS.

O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA
GOVERNMENT PLEADER
SHRI.MAHADEV M.J., CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 06.12.2025, ALONG WITH WP(C).43518/2025 AND
CONNECTED CASE, THE COURT ON 22.01.2026 DELIVERED THE
FOLLOWING:



2026:KER:6168

V.G.ARUN, J

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W.P.(C).Nos.41064, 43237**and 43518 of 2025**

= = = = = = = = = = = = = = = =

Dated this the 22nd day of January, 2026**JUDGMENT**

The petitioners are qualified medical professionals in the field of modern scientific medicine and are aggrieved by the powers and status given to Physiotherapists and Occupational Therapists under the National Commission for Allied and Healthcare Profession Act, 2021 ('the NCAHP Act' for short) as well as the Competency Based Curriculum for Physiotherapy and Occupational Therapy. According to the petitioners, the objectionable provisions in the NCAHP Act and the Curriculum run counter to the provisions of the National Medical Commission Act, 2019 ('the NMC Act' for short). They contend that, while the specialist medical professionals in the specialty of Physical Medicine and



2026:KER:6168

Rehabilitation are qualified doctors, Physiotherapists and Occupational Therapists only extend supporting service, and do not have the qualification or entitlement to extend their services as first hand healthcare professionals. The qualifications of Physiotherapists can at best enable them to undertake administration of physiotherapy under the instructions of a qualified Medical Practitioner. Even though the curriculum of physiotherapy and occupational therapy contains many subjects like Anatomy, Physiology, etc., that, by itself, will not confer them with the right to engage in independent clinical practice, since such subjects are taught solely to provide a basic idea regarding the human body and as to how it functions. There are no statutory provisions under the NCAHP Act conferring legal right to diagnose, decide treatment plan, or prescribe treatment by Physiotherapists and Occupational Therapists or such other healthcare professionals. The petitioners are also aggrieved by the fact that the Competency Based Curriculum for



Physiotherapy and Occupational Therapy permits the use of the prefix "Dr" with suffix "PT" by Physiotherapists and "OT" by Occupational Therapists, thereby equating them with modern medical practitioners.

The writ petitions are hence filed seeking the following reliefs;

"(i) Declare by means of an appropriate writ or order to nullify rather read down the wide scope of the connotation "Physiotherapy Professional" as enlisted vide Sl. No. 3 as well as Serial No. 6- Occupational Therapy Professional of the Schedule appended to the National Commission for Allied and Health Care Professions Act, 2021 so as to make and confine the scope of discharge of such professional services of Physiotherapists and Occupational Therapy Professionals only as a supporting group for the qualified Medical Professionals under the provisions of the National Medical Commission Act, 2019 and Indian Medical Degrees Act, 1916;

(ii) Call for the records of the case leading to the promulgation of competency based curriculum for physiotherapy and Occupational Therapy by the National Commission for Allied and Health Care Professions by means of a writ of certiorari or such other appropriate writ or order and quash/read down certain provisions therein viz. (1) Chapter 1 Clause 1.2, (ii) Chapter 3 Clause 3.0 and 3.2.3 and (iii) Chapter 8 of Competency Based Curriculum for Physiotherapy (Ext.P1) and Chapter 1-1.3.1, 1.3.3, 1.6.2, Chapter 3 3.3 and 3.7 (Ext. P1(a))



2026:KER:6168

Competency Based Curriculum for Occupational Therapy, to the extent to which they purport to place Physiotherapists and Occupational Therapy Professionals in a high pedestal as a First Health Care provider and in allowing them to use prefix 'Dr' in their names.

(iii) Issue a writ of mandamus or other appropriate writ or order directing the respondents, particularly the respondents 2 and 3 and their Officers to issue necessary orders interdicting Physiotherapists and Occupational Therapy Professionals in proclaiming themselves as First Health Care provider and in using the prefix 'Dr' in their names and to ensure that their professional services should be confined only as a supporting group for the medical profession;"

2. Heard Senior Advocates Mayankutty Mather for the petitioners, S.Sreekumar, George Poonthottam and P.B.Krishnan, along with Advs.V.Ramkumar Nambiar and Vineeth Komalachandran for the party respondents, Adv.O.M.Shalina, the learned DSGI for the Union of India, Adv.K.S.Premjith Kumar, the learned Standing Counsel for the National Medical Commission, and Advocate Mahadev M.J, the learned Central Government Counsel for the National Commission for Allied and Healthcare Professions.



2026:KER:6168

3. Learned Senior Counsel appearing for the petitioners put forth the following contentions in support of the reliefs sought;

The NMC Act provides for a medical educational system that improves access to quality and affordable medical education, ensuring availability of adequate and high quality medical professionals in all parts of the country. Persons having the qualification prescribed under the NMC Act alone are entitled to practice modern medicine in the country. Section 2(j) of the NMC Act defines 'medicine' as modern scientific medicine in all its branches, including surgery and obstetrics and as per Section 2(r), 'recognised medical qualification' means a medical qualification recognised under Sections 35, 36, 37 or 40. While Section 2(m) of the NMC Act defines 'National Register', Section 2(v) defines 'State Register'. Further Section 33 mandates that only persons who qualify the National Exit Test shall be granted licence to practice medicine and have their names enrolled in the



2026:KER:6168

National Register or the State Register, as the case may be. Moreover, Section 34 prohibits the practice of medicine by persons other than those enrolled in the 'State Register' or the 'National Register'. As against this, the impugned provisions of the NCAHP Act as well as the Curriculum issued under Section 11 of that Act confer powers upon the Physiotherapists and Occupational Therapists to directly receive patients, conduct first-contact examinations, diagnose diseases, undertake treatment and use the prefix 'Dr', which in essence, amounts to the practice of modern medicine. Thus, the said provisions run contrary to the provisions of the NMC Act, which is the final word as far as the practice of modern medicine in the country is concerned. Unlike Ayurvedic or Unani practitioners belonging to different systems of medicine, the common public perception is that Physiotherapists and Occupational Therapists are part of the modern medical system, and therefore, use of the prefix 'Dr' by such persons will lead to disastrous results as



patients may approach them for treatment, which can only be provided by qualified medical practitioners. Moreover, Section 40 of the Kerala State Medical Practitioners Act, 2021 provides for penalty for unauthorised use of titles, letters or abbreviations implying that a person holds a degree, diploma, licence or certificate to practice modern medicine unless he actually holds such degree, diploma, licence or certificate. A conjoint reading of the provisions of the NMC Act along with Section 40 of the Kerala State Medical Practitioners Act will unequivocally show that Physiotherapists and Occupational Therapists cannot practice modern medicine or use the prefix 'Dr'.

4. Learned Senior Counsel placed reliance on the following decisions to contend that, MBBS qualification is a pre-requisite for practising modern medicine; **Poonam Verma v. Aswin Patel** [1996 KHC 450 (SC)], **Medical Council of India and Another v. State of Rajasthan and Another** [(1996) 7 SCC 731], **Dr.A.K.Sabhapathy v. State**



of Kerala and Others [1992 (1) KLT 784 (SC)],

Dr.Mukhtiar Chand and Others v. State of Punjab and

Others [(1998) 7 SCC 579]. Attention is drawn to the

decision in **Bharru Islam v. Indian Medical Association**

[AIR 2023 SC 721] to point out that the Supreme Court had

held an Act permitting persons without recognised medical

qualifications, to practice allopathic medicines, as null and

void. The decision in **Sri Sarjoo Prasad and Ors v The**

State of Bihar & Ors [(2003) SCC OnLine Pat 188] is

pressed into service in support of the argument that even

though Occupational Therapy and Physiotherapy are

recognised medical disciplines, individuals not enrolled in

the State Medical Register cannot practice modern medicine

or use titles implying such authority. Referring to the

decision of this Court in **Mohammed Jamsheer K.V. v.**

Station House Officer [2025 KHC OnLine 10808], it is

contended that use of the prefix 'Dr' by a Physiotherapist is

misleading and constitutes an offence under the IPC and



relevant medical statutes. According to the Senior Counsel, in common parlance, the prefix 'Dr' is associated with a medical practitioner, and if a Physiotherapist prefixes his name with 'Dr', the general public would naturally assume him to be a qualified allopathic doctor. Support for this argument is sought to be drawn from the explanation of the expression "common parlance" in **Commissioner of Central Excise v. Madhan Agro Industries India Private Limited** [(2018) 15 SCC 733].

5. Senior Counsel S. Sreekumar appearing for some of the respondents, raised a preliminary objection against the maintainability of the writ petitions at the instance of an association of a few doctors, when the regulatory body that governs medical practitioners, viz.; the National Medical Commission had not raised any objection against the Curriculum or use of the prefix 'Dr' by Physiotherapists and Occupational Therapists. Even otherwise, the prefix 'Dr' is not statutorily recognized under the NMC Act and that



2026:KER:6168

statute merely entitles qualified medical practitioners to have their names entered in the State Register. The NCAHP Act was enacted by the Parliament after due deliberation and based on the recommendations of the Parliamentary Committee, after hearing all stakeholders. Section 2(j) of the NCAHP Act entitles the healthcare professionals to provide preventive, curative, rehabilitative, therapeutic services, etc. The Act also provides for the constitution of a National Commission for ensuring co-ordinated and integrated development of education and maintenance of the standards of delivery of services. The members of the Commission are eminent personalities and institutions, and includes even a representative of the National Medical Commission. Therefore, it is not for a set of doctors, motivated by their personal interest, to require the High Court to read down the provisions of the NCAHP Act or seek a declaration that Physiotherapists and Occupational Therapists cannot use the prefix 'Dr'.



2026:KER:6168

6. Senior Counsel George Poonthottam, appearing for the Physiotherapists, submitted that the physiotherapy profession constitutes an independent and distinct branch of health science, forming part of the Allied Health and Rehabilitation Services. The Competency Based Curriculum for Physiotherapy and Occupational Therapy framed by the Allied Health Commission expressly recognises these professionals as first contact health providers within their domain, having autonomy to assess, plan and implement rehabilitative and therapeutic interventions. The Allied Health Commission is performing a role analogous to that of the National Medical Commission in relation to medical practitioners. According to the Senior Counsel, the reliefs sought cannot be granted as the petitioners are seeking directions to nullify or read down various statutory provisions of the NCAHP Act and to confine the professional scope of Physiotherapists and Occupational Therapists to supporting medical professionals governed by the NMC Act.



The High Court, in exercise of its writ jurisdiction under Article 226, does not possess the power to read down or rewrite the provisions of a parliamentary enactment, so as to alter the legislative intent or policy. Further, the presumption being that a parliamentary enactment is constitutional, judicial interference is justified only on limited grounds. The Senior Counsel submits that, the attempt of the petitioners is to curtail and diminish the professional status, competency and scope of practice of an entire class of recognized health professionals.

7. Senior Advocate P.B.Krishnan appearing for the Occupational Therapists drew attention to Section 64 of NCAHP Act to point out the overriding effect of the Act. It is contended that the NCAHP Act being the subsequent enactment, its provisions will prevail over the NMC Act. Serial No.6 of the Schedule to the NCAHP Act dealing with occupational therapy professionals makes it abundantly clear that an occupational therapist can either practice



independently or as part of a multi-disciplinary team. Further, the Curriculum for Occupational Therapists, prepared in exercise of the power conferred under Section 66(2)(a) of the NCAHP Act also has statutory force. The Senior Counsel submits that, while the Indian Medical Degrees Act, 1916 provided penalty for falsely assuming or using medical titles, the said provision was subsequently repealed and the prevailing statute, i.e., the NMC Act does not contain either any provision conferring the title 'Dr' on qualified medical practitioners or penalty for use of the title by other qualified professionals.

8 Before proceeding to decide upon the legality of the provisions, it is essential to understand the circumstances leading to the enactment of the NCAHP Act and the formulation of the Competency Based Curriculum for Physiotherapists and Occupational Therapists. Till recently, the health force in the Indian scenario had focused mainly on a few cadres such as qualified modern medicine practitioners, nurses and front-line workers, while the professionals belonging to the healthcare



2026:KER:6168

sector were generally termed as para-medical professionals. The advancement in the health sector and the changing preferences of consumers and service providers warranted a fresh vision of healthcare delivery with a patient-centric approach and focus on moving to a multi-disciplinary team based care. Accordingly, the Allied and Healthcare Professions Bill, 2018 was introduced in the Rajya Sabha and referred to the Department Related Parliamentary Standing Committee of the Ministry of Health and Family Welfare for its examination and report. Based on the recommendations of the Committee, the earlier Bill was withdrawn and a new Bill, namely, the National Commission for Allied and Healthcare Professions Bill, 2020 introduced. Later, after due deliberations, the National Commission for Allied and Healthcare Professions Act, 2021 was brought into force. The Act is intended to provide for regulation and maintenance of standards of education and services by allied and healthcare professionals, assessment of institutions, maintenance of a Central Register and State Register, creation of a system to improve access, research and development, adoption of latest scientific advancement and for matters connected therewith or incidental



thereto.

9. Section 2(d) of the Act defines 'allied and health professional' as under;

"2(d) "allied health professional" includes an associate, technician or technologist who is trained to perform any technical and practical task to support diagnosis and treatment of illness, disease, injury or impairment, and to support implementation of any healthcare treatment and referral plan recommended by a medical, nursing or any other healthcare professional, and who has obtained any qualification of diploma or degree under this Act, the duration of which shall not be less than two thousand hours spread over a period of two years to four years divided into specific semesters"

The definition of 'healthcare professional' in Section 2(j) reads as under;

"2(j) "healthcare professional" includes a scientist, therapist or other professional who studies, advises, researches, supervises or provides preventive, curative, rehabilitative, therapeutic or promotional health services and who has obtained any qualification of degree under this Act, the duration of which shall not be less than three thousand six hundred hours spread over a period of three years to six years divided into specific semesters;"

10. Thus, going by the definition itself, a healthcare



2026:KER:6168

professional is entitled to provide preventive, curative, rehabilitative, therapeutic and promotional health services. There is no direct challenge to the said provision and the prayer is only to read down certain provisions, that too, of the Schedule to the Act and the Competency Based Curriculum. As rightly contended by the respondents, the prayer seeking the reading down of the provisions of an enactment passed by the Parliament will normally not be entertained, though, in appropriate cases the writ courts can resort to such procedure. In the cases under consideration, this Court is unable to find any compelling reason to read down the provisions of the NCAHP Act, so as to confine the scope of discharge of professional services by Physiotherapists and Occupational Therapists as a supporting group for the qualified medical professionals registered under the NMC Act. Pertinent to note that the healthcare professionals are conferred the qualification of degree under the NCAHP Act after undergoing extensive



2026:KER:6168

study of not less than three thousand six hundred hours spread over a period of three years to six years, divided into specific semesters. Even though healthcare professionals can provide preventive, curative, rehabilitative, therapeutic and promotional health services, they cannot prescribe medicines or provide allopathic treatment. Therefore, the services provided by a healthcare professional and a medical professional are distinct, though, at times, a healthcare professional will also be playing a supporting role during allopathic treatment of patients. While considering whether the prayers in the writ petition can be granted, the overriding effect provided by Section 64 of the NCAHP Act cannot be overlooked. Yet another aspect of importance is that the Parliamentary Committee had made its recommendations, after hearing the National Medical Commission also. The fact that the representative of the National Medical Commission is a member of the National Commission for Allied and Healthcare Professions, also



2026:KER:6168

assumes relevance. In such circumstances, it will be inappropriate for this Court to tinker with the policy of the Government or read down the provisions of the Act or the Curriculum at the instance of a few medical professionals.

10. The challenge against the use of prefix 'Dr' by Physiotherapists will not also hold good since the NMC or the allied statutes does not provide for the use of the prefix 'Dr' by qualified medical professionals. Here it will be interesting to note that the term 'Doctor' originated from the latin word 'Doctor', which means teacher or instructor. Research reveals that, around the thirteenth century, the term Doctor has evolved into an academic title in European Universities and was used for referring to someone who had achieved the highest level of learning and had received licence to teach in fields like theology, law and philosophy. Thus, the term Doctor originally meant a learned person qualified to teach. Gradually, with the advancement of medical science, University trained Physicians (holders of degrees in



2026:KER:6168

medicine) began to be called Doctors. The usage became much more common for physicians by the nineteenth century, as medical education formalised and the public increasingly associated the title with healers. Therefore the contention that the title 'Doctor' exclusively belongs to medical professionals is a misconception since even now, like in the olden times, persons with higher educational qualifications like PhD are entitled to use the title 'Doctor'.

As rightly contended by the respondents, the NMC Act does not contain any provision for conferring the title Doctor on qualified medical professionals. The expression title used in Section 40 of the Kerala State Medical Practitioners Act cannot therefore be understood as statutorily entitling the qualified medical professionals to prefix 'Dr' to their names. In the absence of such provision, the petitioners cannot claim exclusive right to use the prefix 'Dr'. The decisions relied on by the Senior Counsel for the petitioners are all rendered prior to or without reference to the NCAHP Act and are



2026:KER:6168

therefore not applicable to the cases under consideration.

For the aforementioned reasons, the writ petitions are dismissed.

sd/-

V.G.ARUN, JUDGE

sj



2026:KER:6168

APPENDIX OF WP(C) NO. 43518 OF 2025**PETITIONER EXHIBITS****Exhibit P1**

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Exhibit P1 (a)

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Exhibit P2

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Exhibit P3

TRUE COPY OF THE JUDGMENT IN CIVIL



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REVISION NO.82/99
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Exhibit P3(a)

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ORDER IN S.L.P. NO.
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09.05.2008.

Exhibit P4

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09.09.2025

Exhibit P5

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WELFARE THROUGH
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Exhibit P6

TRUE COPY OF G.O.
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H&FWD DATED
14.02.2018 OF
HEALTH & FAMILY
WELFARE (K)
DEPARTMENT,
THIRUVANANTHAPURAM



2026:KER:6168

APPENDIX OF WP(C) NO. 41064 OF 2025

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Exhibit R5 (b)

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03-2013

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2026:KER:6168

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