

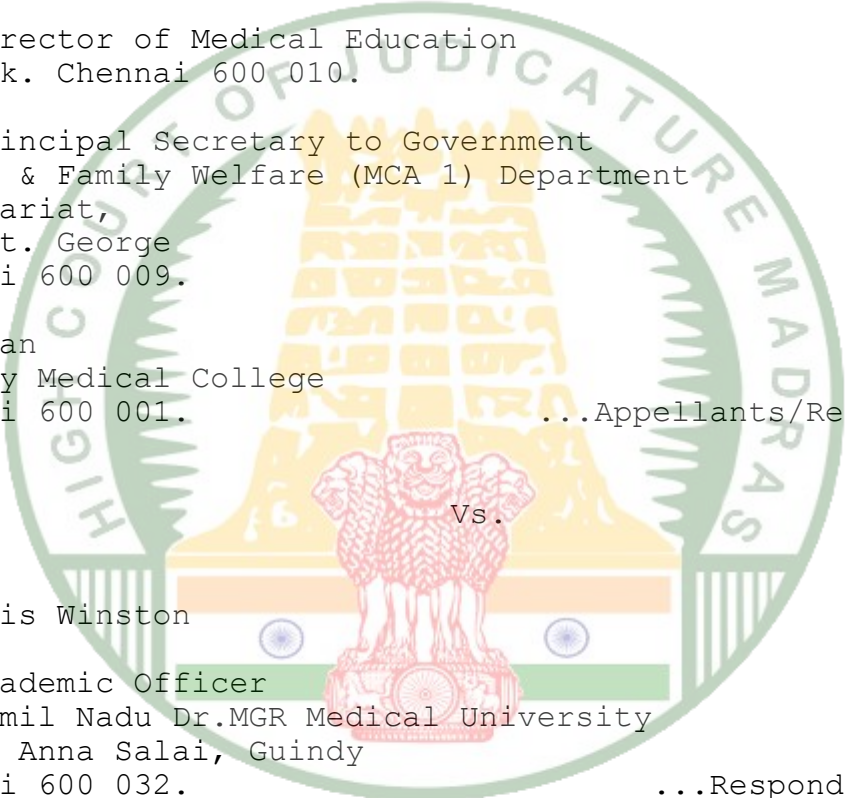
THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.6.2015

CORAM

THE HONBLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

Writ Appeal No.2500 of 2012

- 
1. The Director of Medical Education
Kilpauk. Chennai 600 010.
2. The Principal Secretary to Government
Health & Family Welfare (MCA 1) Department
Secretariat,
Fort St. George
Chennai 600 009.
3. The Dean
Stanley Medical College
Chennai 600 001. ...Appellants/Respondents 2 to 4
- Vs.
1. J.Dennis Winston
2. The Academic Officer
The Tamil Nadu Dr.MGR Medical University
No.69, Anna Salai, Guindy
Chennai 600 032. ...Respondents/Petitioner/
1st Respondent

Appeal under against the order dated 16.7.2012 made in W.P.No.5458 of 2012 on the file of this Court.

Writ petition is filed under Article 226 of Constitution of India for the issuance of a writ in the nature of Certiorari, calling for the entire records relating to the impugned condition NON STIPENDIARY alone in Order No. Rc.No.ACI(1)/60556/2011 dated 23.01.2012 by the 1st Respondent and quash the condition NON

STIPENDIARY alone and direct the respondents to pay stipend at the rate of Rs.7600/- per month to the petitioner every month with effect from the date on which the petitioner is undergoing CRRI training in Stanley Medical College Chennai i.e., from 15.02.2012 till the completion of CRRI training on par with the interns of Stanley Medical College, Chennai.

For Appellants : Mrs.A.Srijayanthi, Spl.G.P.

For Respondent-1 : No appearance

For Respondent-2 : Mr.Sanjay Ramaswami

J U D G M E N T
(Delivered by V.Ramasubramanian,J.)

The State, represented by the Director of Medical Education, has come up with the above writ petition challenging an order passed by the learned Judge directing payment of stipend at the rate of Rs.7,600/- per month to the first respondent herein.

2. Heard Mrs.A.Srijayanthi, learned Special Government Pleader for the appellants. The learned counsel for the first respondent has been absent consecutively on the past three occasions, despite the fact that we have posted the case for orders. The second respondent University is represented by Mr.Sanjay Ramaswami, learned counsel.

3. The short point arising for consideration is as to whether a person who did his MBBS Degree from a University located abroad, is entitled to a stipend of Rs.7,600/- on par with the other candidates or not. The learned Judge took a view that there cannot be a discrimination in the matter of payment of stipend between candidates who graduated in the Universities in India and persons who graduated from a foreign University.

4. But, we find that the entitlement of a person to get stipend arises out of a specific orders of the Government. The very training called as CRRI Training is important for candidates under two categories, namely stipendiary category and non-stipendiary category. Once a person is admitted to training under the non-stipendiary category, he cannot later turn around and claim payment of stipend.

5. In view of the above, the writ appeal is allowed and the order of the learned Judge is set aside. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

kpl

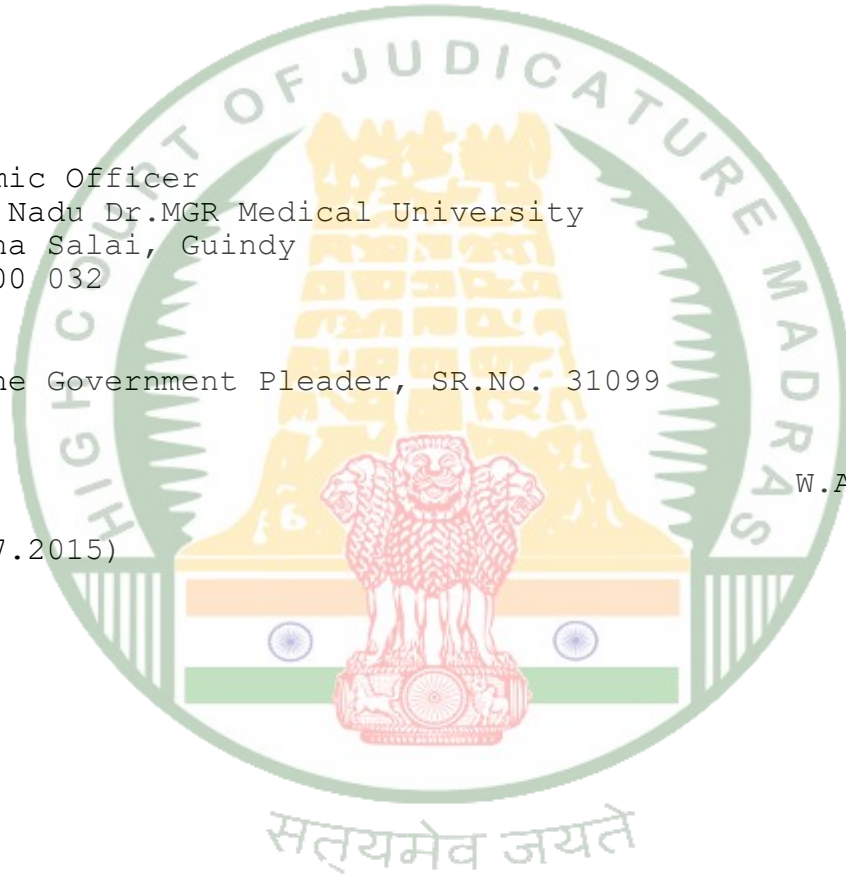
To

The Academic Officer
The Tamil Nadu Dr.MGR Medical University
No.69, Anna Salai, Guindy
Chennai 600 032

1 CC to the Government Pleader, SR.No. 31099

TEJ (CO)
PSI (10.07.2015)

W.A.No.2500 of 2012



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