

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP No.31139 of 2019

Date of Decision : 29.10.2019

Amit Kumar and others

....Petitioners

v/s

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Pardhuman Garg, Advocate for the petitioners.

B.S. Walia, J. (Oral)

[1] Prayer in the writ petition is for the issuance of a writ of Mandamus for directing the respondents to pay outstanding stipend amount @ ₹9,000/- per month to the petitioners for internship in the final year of MBBS along with interest @ 24% per annum with effect from the date the stipend amount became due till date of actual payment.

[2] Learned counsel for the petitioners contends that the petitioners were initially admitted in MBBS Course in Gian Sagar Medical College, Banur, Rajpura, District Patiala. However, due to closure of the said college, the petitioners along with other candidates were shifted to Dayanand Medical College, Ludhiana pursuant to the orders of this Court in CWP No.7647 of 2017 in case titled as 'Raghav Mittal and others versus State of Punjab and others'.

[3] Learned counsel contends that the petitioners are entitled for payment of outstanding stipend @ ₹9,000/- per month as per the Medical

Council of India Regulations on account of internship in the final year of

MBBS Course and that although the petitioners have already completed their MBBS Course, stipend as admissible has not been paid till date, despite the petitioners having served legal notice-cum-representation (Annexure P/2) dated 30.09.2019 on respondent Nos.2 to 4.

[4] Learned counsel contends that respondent No.2 is the authority competent to take decision with regard to payment of stipend @ ₹9,000/- per month to the petitioners and that in the circumstances, the petitioners will be satisfied, if at this stage the writ petition is disposed of by directing respondent No.2 to consider and decide the legal notice-cum-representation (Annexure P/2) dated 30.09.2019 expeditiously.

[5] Notice of motion to respondent No.2 only.

[6] Mr. Arun Kaundal, learned Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.2 and states that he has no objection to the innocuous prayer of learned counsel for the petitioners for the issuance of directions to respondent No.2 to consider and decide the claim made in the legal notice-cum-representation (Annexure P/2) dated 30.09.2019.

[7] I have considered the submissions of learned counsel for the petitioners, as well as the statement of learned Deputy Advocate General, Punjab appearing on behalf of respondent No.2 and am of the considered view that in the circumstances, the writ petition can be disposed of by directing respondent No.2 to consider and decide the legal notice-cum-representation (Annexure P/2) dated 30.09.2019 viz. a viz. the claim of the petitioners for payment of outstanding stipend @ ₹9,000/- per month on account of internship in the final year of MBBS Course in accordance with the rules & regulations applicable as expeditiously as possible, preferably within a period of 04 weeks

consideration, the petitioners are found entitled for payment of stipend @ ₹9,000/- per month as per rules & regulations applicable then the same shall be released to the petitioners within a period of 04 weeks thereafter, failing which, the same shall be payable along with interest @ 7.5% per annum on the amount payable with effect from date of entitlement till date of payment.

[8] Writ petition ***disposed of*** in aforementioned terms.

(B.S. Walia)
Judge

October 29, 2019
'Rajneesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No