

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.03.2021

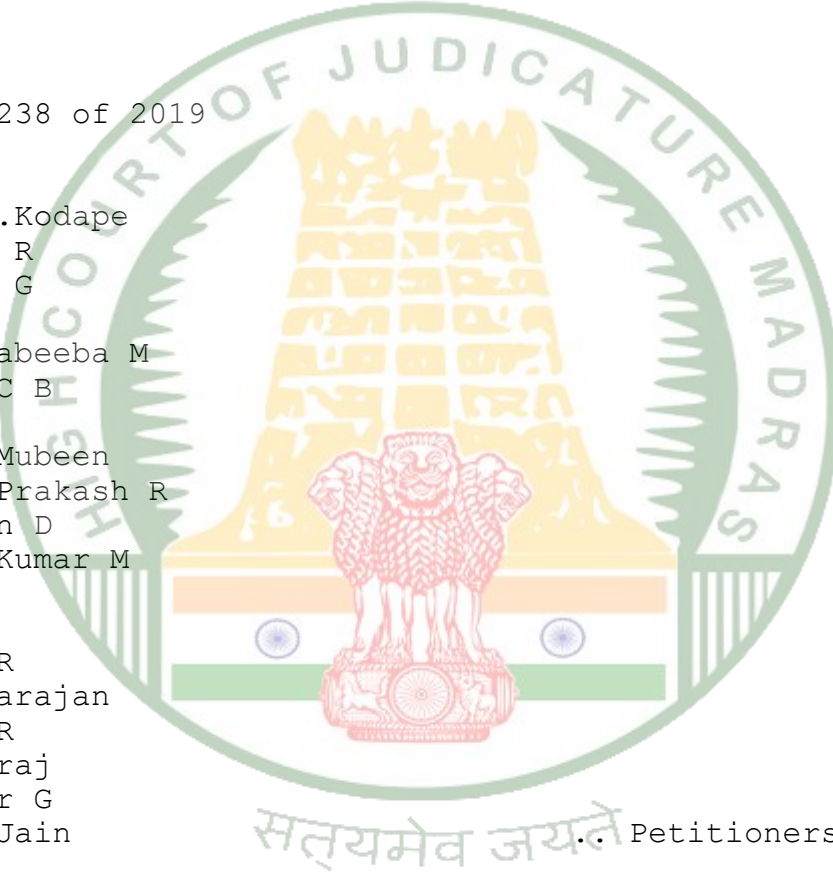
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The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Nos. 25238 of 2019, 19459 of 2020, 2137,
1749 and 1752 of 2021
and W.M.P.Nos. 24806 of 2019, 2416 of 2021, 24049,
24051 of 2020, 1950 and 1952 of 2021

W.P.No. 25238 of 2019

- 1.Vinoth R
- 2.Mrunal V.Kodape
- 3.Priyanka R
- 4.Devibala G
- 5.Divya V
- 6.Mariam Habeeba M
- 7.Vignesh C B
- 8.Kiran T
- 9.Mohamed Mubeen
- 10.Vishnu Prakash R
- 11.Mugundan D
- 12.Rajesh Kumar M
- 13.Sarla R
- 14.Brema D
- 15.Vidhya R
- 16.Thiyagarajan
- 17.Soumya R
- 18.V.Madanraj
- 19.Ramkumar G
- 20.Sakshi Jain



सत्यमेव जयते.. Petitioners

vs.

WEB COPY

- 1.The Union of India
Rep. by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.

2.The Director,
National Board of Examinations,
(Ministry of Health and Family Welfare,
Government of India),
NAMS Building, Ansari Nagar,
Mahatma Gandhi Marg, New Delhi 110 029.

3.The Chairman,
Railway Board, Rail Bhavan,
New Delhi.

4.The General Manager,
Southern Railway,
Moore Market Complex,
Chennai - 600 003.

5.The Chief Medical Director,
Southern Railway,
Moore Market Complex,
Chennai - 600 003.

6.The Medical Director,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

7.The Additional Chief Health Director
& DNB Coordinator,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

.... Respondents

W.P.No. 2137 of 2021

J.Ilan Kumaran

... Petitioner

Vs.

1.The Union of India
Rep. by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.

WEB COPY

2.The Director,
National Board of Examinations
(Ministry of Health and Family Welfare,
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Rail Bhavan, New Delhi.

4.The General Manager,
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Moore Market Complex,
Chennai -600 003.

5.The Chief Medical Director,
Southern Railway,
Moore Market Complex, Chennai - 600 003.

6.The Medical Director,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

7.The Additional Chief Health Director
& DNB Coordinator,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

... Respondents

W.P.No. 1749 of 2021

Vijesh Anand L.A.

सत्यमेव जयते

... Petitioner

Vs.

WEB COPY

1.The Union of India
Rep. by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi.

2.The Director,
National Board of Examinations
(Ministry of Health and Family Welfare,
Government of India),
NAMS Building,
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Mahatma Gandhi Marg,
New Delhi 110 029.

3.The Chairman,
Railway Board,
Rail Bhavan, New Delhi.

4.The General Manager,
Southern Railway,
Moore Market Complex,
Chennai -600 003.

5.The Chief Medical Director,
Southern Railway,
Moore Market Complex,
Chennai - 600 003.

6.The Medical Director,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

7.The Additional Chief Health Director
& DNB Coordinator,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

... Respondents

W.P.No. 1752 of 2021

P.N.Prasad Takkellapali

... Petitioner

Vs.

1.The Union of India
Rep. by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi.

WEB COPY

2.The Director,
National Board of Examinations
(Ministry of Health and Family Welfare,
Government of India),
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New Delhi 110 029.

3.The Chairman,
Railway Board,
Rail Bhavan, New Delhi.

4.The General Manager,
Southern Railway,
Moore Market Complex,
Chennai -600 003.

5.The Chief Medical Director,
Southern Railway,
Moore Market Complex,
Chennai - 600 003.

6.The Medical Director,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

7.The Additional Chief Health Director
& DNB Coordinator,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

... Respondents

W.P.No.19459 of 2020

- 1.M.Arun
- 2.Yashaswi Pandey
- 3.Radhika S
- 4.A.Nonbarasan
- 5.T.Muthuani
- 6.Talikota ai Deekshith
- 7.K.Madhavi
- 8.S.Vishnu Pradeepan
- 9.Archana P
- 10.Sandesh C.G.
- 11.S.Kumarteja

12.Devipriya M
13.B.Raja Sekar Reddy
14.Aishwaraya K
15.Nandhana V

... Petitioners

Vs.

- 1.The Union of India
Rep. by its Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.
- 2.The Director,
National Board of Examinations
(Ministry of Health and Family Welfare,
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- 3.The Chairman,
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Rail Bhavan, New Delhi.
- 4.The General Manager,
Southern Railway,
Moore Market Complex,
Chennai -600 003.
- 5.The Chief Medical Director,
Southern Railway,
Moore Market Complex,
Chennai - 600 003.
- 6.The Medical Director,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur, Chennai - 23.
- 7.The Additional Chief Health Director
& DNB Coordinator,
Southern Railway Head Quarters Hospital,
Ayanavaram, Perambur,
Chennai - 23.

... Respondents

Prayer in WP No. 25238 of 2019: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 1 and 3 to 7 to pay salary/stipend to the petitioners on par with emoluments paid to resident junior doctors from the date of their joining DNB course in the Southern Railway Head Quarters Hospital, Ayanavaram, Perambur, Chennai - 23 treating them as Junior Resident Doctors.

Prayer in WP No. 2137 of 2021: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 1 and 3 to 7 to pay salary/stipend to the petitioner on par with emoluments paid to resident doctors working in Southern Railway Head Quarters Hospital, Ayanavaram, Perambur from the date of the petitioner joining DNB Cardiology Course in the Southern Railway Head Quarters Hospital, Ayanavaram, Perambur, Chennai - 600 023 treating the petitioner as a Resident Doctor.

Prayer in WP No. 1749 of 2021: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 1 and 3 to 7 to pay salary/stipend to the petitioner on par with emoluments paid to resident doctors from 24/08/2019 treating the petitioner as a Resident Doctor.

Prayer in WP No. 1752 of 2021: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 1 and 3 to 7 to pay salary/stipend to the petitioner on par with emoluments paid to resident doctors from 24/08/2019 treating the petitioner as a Resident Doctor.

Prayer in WP No. 19459 of 2020: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 1 and 3 to 7 to pay salary/stipend to the petitioners on par with emoluments paid to resident doctors working in Southern Railway Head Quarters Hospital, Ayanavaram, Perambur from the date of their joining DNB Course in the Southern Railway Head Quarters Hospital, Ayanavaram, Perambur, Chennai - 600 023 treating them as Resident Doctors.

For Petitioners : Mr.D.Jayasingh
in WP No.25238 of 2019
in WP Nos.1749 and 1752 of 2021
Ms.V.S.Manimekalai
in WP No. 2137 of 2021
in WP No. 19459 of 2020

For Respondents : Mr.Anand Samy & Dhurva
for R1 and R2
Mr.V.Radhakrishnan, Sr.Counsel
assisted by Mr.P.T.Ramkumar,
Standing Counsel (Railways)
for R3 to R7
(in WP 25238 of 2019)
Mr.Pragadish, CGSC for R1 and R2
Mr.V.Radhakrishnan, Sr.Counsel
assisted by Mr.Vijay Anand
for R3 to R7
(in WP 2137 of 2021)
Mr.V.Udaya Kumar for R1 and R2
Mr.V.Radhakrishnan, Sr.C
assisted by Mr.Vijay Anand
for R3 to R7
(in WP Nos. 1749 & 1752 of 2021)
Ms.MP.Jaisha, CGSC
for R1 and R2
(in WP No. 19459 of 2020)

COMMON ORDER

Seeking a direction to respondents 1 and 3 to 7 to pay salary/stipend to the petitioners on par with emoluments paid to resident doctors working in Southern Railway Head Quarters Hospital, Ayanavaram, Perambur from the date of their joining DNB Course in the Southern Railway Head Quarters Hospital, Ayanavaram, Perambur, Chennai, treating them as Resident Doctors, these writ petitions have been filed.

2.The petitioners are the registered medical practitioners and based upon the Centralised Entrance Test conducted by the

National Board of Examinations, the petitioners have been admitted to undergo DNB Super Speciality Courses in the Southern Railway Headquarters Hospital at Ayanavaram, Perambur, Chennai. The National Board of Examinations has been periodically fixing the minimum stipend amount payable to the DNB students. While so, the Ministry of Railways, by proceedings dated 06.04.2009, ordered that the stipend payable to the DNB Trainees (Junior Residents) shall be in accordance with the salary payable to the resident doctors. The Ministry of Railways, by proceedings dated 13.05.2011, further clarified that the stipend payable to the DNB Trainees (Junior Residents) working in Railway Hospitals will include non-practising allowance also since DNB Trainees are qualified doctors practising medicine. The grievance of the petitioners is that respondents 1 and 3 to 7 have not paid stipend or salary to the petitioners on par with the emoluments of resident doctors.

3. Learned counsel for the petitioners relied on the earlier order passed by a Division Bench of this Court in W.A.No.1000 of 2017 dated 23.08.2017, wherein the issue involved in these writ petitions had already been decided in favour of the DNB Trainees. As against the order of this Court dated 14.08.2020 in W.P.No.12404 of 2019, the Railways preferred an appeal in W.A.No.212 of 2021. By judgment dated 02.03.2021, the Division Bench of this Court, by referring the circular dated 02.04.2019 issued by the National Board of Examinations, held that if the basic stipend fixed in the circular is lesser than the basic stipend paid as per the State Government policy, then, the State Government basic stipend has to be adopted and dismissed the writ appeal, confirming the orders of the Writ Court, with an observation that the inaction of the Railways leads to filing of writ petitions from the year 2013 and with a direction to the appellants therein to settle this issue without driving the students who may be admitted in the next academic year to approach this Court for similar relief.

4. Since the issue involved in these writ petitions has already been decided in W.A.No.212 of 2021 (The Chairman, Railway Board, Rail Bhavan, New Delhi and Others Vs. Dr. Jerin C. Joy and Others) dated 02.03.2021, the petitioners are entitled for the stipend on par with the emoluments paid to the resident doctors.

5. With the above observation, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.
2. The Director,
National Board of Examinations,
(Ministry of Health and Family Welfare, Government of India),
NAMS Building, Ansari Nagar,
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3. The Chairman,
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Chennai - 23.

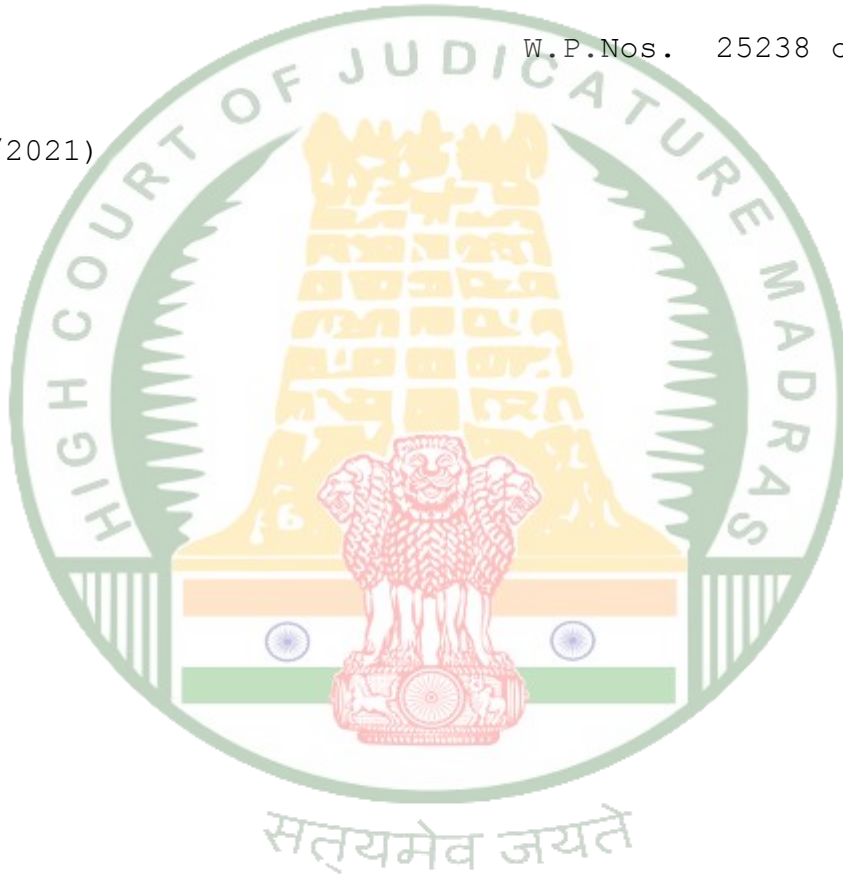
+4cc to Mr.M.Vijay Anand, Advocate SR.No.16451,16444,16445, 16443

+1cc to Mr.P.T.Ramkumar, Advocate SR.No.16527

+2cc to Mr.V.Udaya Kumar, Advocate SR.No.17035, 17036,

W.P.Nos. 25238 of 2019 etc.

AAB (CO)
GMY (15/04/2021)



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