

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-9122-2023
Date of decision: 03.05.2023

TANVI AND OTHERS

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr.Pardeep Singh Poonia, Advocate and
Mr. Pulkit Dhanda, Advocate
for the petitioners.

Mr. Vivek Saini, Addl. A.G. Haryana
for respondents No.1 & 2.

Mr. Harmanjot Singh Gill, Advocate
for respondents No.4 & 5.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed by the petitioners who are interns at PGIMS, Rohtak and Medical College, Agroha for being extended benefits at par with the other similarly placed students who had approached this Court in *CWP-15289-2017* titled as “*Dr. Deepak and others versus State of Haryana and Others*” which was allowed vide order dated 13.12.2022.

Learned Counsel appearing on behalf of the petitioners contends that they had been admitted to the MBBS Course for four and half

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years with respondent No.7-Gold Field Institute of Medical Sciences and Research, Ballabhgarh, Faridabad (hereinafter referred to as "Institute") on the basis of a combined entrance test meant for private self financed colleges of Haryana undertaken by respondent i.e. Pt. B.D. Sharma University of Health Sciences, Rohtak which is a State Agency. The petitioners had deposited a sum of Rs. 2.5 lakhs as refundable security at the time of admission on various counts including library and hostel fee except for petitioners No.3, 12, 22 and 31 who had deposited a sum of Rs. 25,000/- each and petitioner No. 26 had deposited a sum of Rs. 50,000/- as refundable security for hostel and library. The petitioners completed their course of MBBS in December, 2015 and their internship of one year was to commence from January, 2016. However, on account of mismanagement, the respondent No.7 –Institute was closed in March, 2016 and vide letter dated 15.05.2016, the Medical Council of India communicated to the Central Government to not renew the recognition of respondent No.7-Institute since the State Government had withdrawn/cancelled the essentiality Certificate/NOC granted in favour of the said Institute. The State Government thereafter shifted the students of respondent No.7-Institute including the petitioners to other medical colleges of the State as per instructions of the Medical Council of India in its letter dated 15.05.2016. The petitioners were allocated to the PGIMS, Rohtak as well as the Medical College, Agroha for completing their remaining internship which started w.e.f. 01.06.2016. All the petitioners successfully completed their internship to the entire satisfaction of the respective institutes and were awarded degrees of MBBS by the respondent-University.

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The grievance of the petitioners which now unfolds in the present petition is two folds:

- i) They were treated as ex-terns (outsiders undergoing internship) by respondent No.5 & 6 by charging Rs. 50,000/- as registration fee and no stipend was paid to them during their intership which otherwise is admissible @ Rs. 12,000 per month to the interns of the respective institutes and further they are also not required to pay any registration fee;
- ii) The refundable security of Rs. 2.5 lakhs got deposited by each of the petitioners except the petitioners mentioned above and the same has not been returned to either of the petitioner. Counsel for the petitioner contends that a similar controversy had already been raised by similarly placed persons by means of filing *CWP-15289-2017* titled as ***“Dr. Deepak and others versus State of Haryana and Others”***. The aforesaid writ petition was allowed vide order dated 13.12.2022 while specifically noticing that the Government of Haryana had written to the Vice-Chancellor of respondent No.4- Pt. B.D. Sharma University of Health Sciences, Rohtak on 23.10.2018 directing him to pay internship allowance to the students and not to charge the registration fee. He contends that the decision qua the relief as claimed for by the petitioners in the present petition having already been taken by the Government and orders having already been issued, there is no reason as to why such claim of the petitioners needs not be allowed. He contends

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that a representation in this regard has already been submitted by the petitioners to the respective institutes and that no decision has been taken thereupon.

Notice of motion.

Mr. Vivek Saini, Addl. A.G. Haryana appears and accepts notice on behalf of respondents No.1 & 2.

Mr. Harmanjot Singh Gill, Advocate appears and accepts notice on behalf of respondents No.4 & 5.

Learned counsel appearing on behalf of respondents No.4 & 5 does not dispute the fact that similar benefit has already been released pursuant to a decision taken by the State Government and in compliance to the order dated 13.12.2022 passed by the High Court in the matter of ***Dr. Deepak and others (supra)***. He, however, contends that the claim made by the petitioners is yet to be verified.

He further contends that they would have no objection to treat the present writ petition as a representation and that a reasoned and a speaking order shall be passed by respondent No.4- Pt. B.D.Sharma University of Health Sciences, Rohtak within a period of 04 weeks and in the event, the petitioners are covered by the decision communicated by the respondent dated 23.10.2018 and/or the decision of this Court in ***CWP-15289-2017*** decided on 13.12.022, the requisite benefits shall be released/restored to the petitioners within a further period of 06 weeks. Counsel for the petitioner has no objection to the petition being disposed of in terms of the statement made by the respondent's today in Court.

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The present is disposed of accordingly in terms of the statement made by the counsel for respondents No.4 & 5.

(VINOD S. BHARDWAJ)
JUDGE

MAY 03, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No