

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1070 of 2023

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1. Mujahid Hussain Son of Md. Shamsuddin, Resident of Village - Parsa, P.O. - Amardha, P.S. - Isuapur, District - Saran, Chapra.
 2. Sachin Anand, Son of Sri Umesh Prasad, Resident of Village - Rasalpura, P.O. - Rasalpura, P.S. - Doriganj, District - Saran, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Chairman, National Medical Commission, Pocket- 14, Sector - 08, Dwarka, Phase - 01, New Delhi.
4. The President Bihar Council of Medical Registration, Road No. - 11 D, Rajendra Nagar, Patna.
5. The Principal, Patna Medical College and Hospital, Patna.
6. The Superintendent, Patna Medical College and Hospital, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Prasad, Adv.
For the State	:	Mr.Binod Kr. Yadav (Sc18)
For the NMC	:	Mr.Kumar Priya Ranjan, Sr. SC Mr.Sandeep Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2024 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the National Medical Commission.

2. The present writ application has been filed for commanding the respondents authority to pay the stipend to the petitioners who are doing their internship at Patna Medical College and Hospital, Patna (hereinafter PMCH, Patna), after declared pass in screening test for Foreign Medical Graduate



Examination (hereinafter FMGE) held in December, 2021 Session conducted by National Board of Examination in Medical Science (hereinafter NBEMS), equivalent to those student who have obtained M.B.B.S. degree from India with effect from their joining Institution.

And, further for a direction upon the respondent authorities to return of Rs.10,000/- which has been taken as internship fee by PMCH, Patna, after issuance of Circular/Guidelines for registration of FMG bearing No.U15024/4/2022-UGMEB dated 04.03.2022 by National Medical Commission (hereinafter NMC) and reminder circular dated 19.05.2022.

3. Learned counsel for the petitioners submits that the petitioner no.1 namely Mujahid Hussain obtained degree/diploma in General Medicine as Doctor of Medicine in year 2021 after completing full course from DNIPRO STATE MEDICAL UNIVERSITY, UKRAINE in the year 2015 and petitioner no.2 Sachin Anand obtained degree/diploma from OSH STATE UNIVERSITY, KYRGYZ REPUBLIC in the speciality “General Medicine” in the year, 2021.

4. It is submitted that thereafter, the petitioner no.1 appeared in Screening Test Examination conducted by NBEMS for



Foreign Medical Graduates (hereinafter referred as FMGs) in December, 2021 and has been declared “Pass” in the said screening test (Annexure-2 to the writ application) and after passing the screening test examination, petitioner no.1 provisionally enrolled by the Bihar Council of Medical Registration on 10.03.2022 (Annexure-3 of the writ application). Petitioner no.2 appeared in the screening test examination conducted by NBEMS for FMG in December, 2021 and has been declared “Pass” in the said screening test (Annexure-5 to the writ application). After passing Screening Test Examination, petitioner no.2 was provisionally enrolled by the Bihar Council of Medical Registration of 21.03.2022 (Annexure-6 of the writ application).

5. Learned counsel for the petitioner submits that petitioners have been called for oral interview and selected for doing compulsory Rotatory Medical Internship training (for one year/rest period) at Patna Medical College and Hospital, Patna vide office order No.1589 dated 28.03.2022 and their names have been mentioned at Serial No.03 and 05 and pursuant to the aforesaid order, Superintendent, P.M.C.H., Patna permitted the petitioners to do their internship (unpaid) vide Office Order No.2278 dated 31.03.2022.



6. It is further submitted that the National Medical Commission issued Circular/Guidelines No.15024/4/2022-UGME Board dated 04.03.2022 stating therein that “State Medical Councils should obtain an undertaking from the Medical College that no amount/fee is charged by the Medical College from the FMGs for permitting them to do their internship. The Stipend and other facilities to FMGs should be extended equivalent to Indian Medical Graduates being trained at Government Medical Colleges as fixed by the appropriate authority applicable to the institution/University or State (Annexure-8 to the writ application).

7. Learned counsel submits that it has been brought into notice of the Commission that some medical colleges/institution across the country are charging internship fee from the FMGs for doing internship in their College/Institution and also not paying stipend to them. Then National Medical Commission issued a Circular No.U-15024/01/2022-UGMEB dated 19.05.2022 and reiterated about the previous Circular dated 04.03.2022 and clarified that no amount/fee is charged by the Medical College from FMGs for permitting them to do their internship. The stipend and other facilities to FMGs should be extended equivalent to Indian Medical Graduates being trained



at Government Medical College as fixed by the appropriate authority applicable to the institution/university or State (Annexure-9 to the writ application).

8. It is submitted that petitioners filed representation before the Additional Chief Secretary, Department of Health and Family Welfare, Government of Bihar, Patna on 17.11.2022 and requested him to return internship's fee of Rs.10,000/- as taken by the Principal, PMCH, Patna and to pay stipend and other facilities equivalent to Indian Medical Students to FMGs but till today, no action has been taken. (Annexure-11 series to the writ application).

9. A counter-affidavit is filed on behalf of respondent nos.5 and 6 and it is stated in para-7 that Rs.10,000/- deposited by petitioner in the Student Welfare Fund shall be refunded to petitioner and the same is under process. In para-10, it is stated that when any order is passed by the Health Department, Bihar for payment of stipend to petitioners pursuing unpaid rotary internship training then the same would be complied by the answering respondent. However, till date no payment has been made to the petitioners

10. Learned counsel for the respondent no.3 has supported the Circular issued by the Commission.



11. Considering the argument of the parties and on perusal of the record including the counter-affidavit at hand, the Principal, PMCH, Patna (respondent no.5) is directed to return the amount of Rs.10,000/- each to the petitioners within a period of four weeks from the date of receipt of this order and he is also directed to start paying the stipend to the petitioners starting from the date of their joining in the institution, within a period of four weeks.

12. It is made clear that if both the payments is not made within four weeks, then the petitioners shall be entitled for payment with an interest @8% on the amount of Rs.10,000/- and even on the stipend starting from the date of their joining in the institution.

13. With the aforesaid direction, this writ application is disposed of.

(Anjani Kumar Sharan, J)

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