

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.398 of 2025**

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1. Shashank Son of Shri Sushil Kumar Chaudhary, Resident of 352/20, East Anwarpur, Gandhi Ashram Road, Kewal Chowk, P.S.- Vaisahli, Distt-Vaishali, Bihar 844 101.
  2. Ashish Mishra Son of Shri Sanjay Kumar Mishra, Resident of Sri Krishna Nagar Colony, Ischak Chack, House No-BS-016-0148, Near Preeti General Store, P.S.- Bhagalpur, Dist.-Bhagalpur-812001, Bihar.
  3. Avinash Singh Son of Shri Shiv Kumar Singh, Resident of Kaushik House, Gali No. 7, Mamura, Sector-66, Gautam Buddha Nagar, Uttar Pradesh - 201301.
  4. Gyan Ranjan Son of Shri Pravin Kumar, Resident of Vill/P.O.- Manjhgain, PS - Sangrampur, Dist.- Munger, Bihar-813221.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Principal, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Ms.Mahima Sharma<br>Mr. Gaurav Sharma |
| For the Respondent/s | : | Mr. Sanjiv Kumar, AC to AG            |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

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| 2 | 22-04-2025 | <ol style="list-style-type: none"><li>1. Heard learned Counsel for the parties concerned.</li><li>2. The petitioners have obtained MBBS degree from foreign universities in the years 2021, 2020, 2019 and 2020, respectively. As per the provisions of Indian Medical Council Act, 1956, the petitioners appeared for the screening test conducted by the National Board of Examinations in Medical Sciences for the Foreign Medical Graduates in the years 2021 and 2022</li></ol> |
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respectively. The petitioners after passing the screening test got themselves enrolled in the Bihar Council of Medical Registration. As per National Medical Commission (Compulsory Rotating Medical Internship) Regulations, 2021, no Foreign medical Graduate shall be eligible for permanent registration to practice in India without completing the compulsory rotating medical internship in India, as specified. The petitioners got selected to complete their medical internship from Patna Medical College and Hospital, Patna, for one year unpaid rotatory internship training, for which the petitioners were charged Rs. 10,000/- each by the Patna Medical College and Hospital, Patna.

3. Similarly situated candidates approached this Court for refund of Rs. 10,000/- charged by the Patna Medical College and Hospital, Patna and for payment of stipend as per the circular of the National Medical Commission, dated 19.05.2022, which provides that no internship fee would be charged by the medical colleges/institutions from Foreign Medical Graduates and stipend and other facilities should be provided to the foreign medical graduates as equivalent to the Indian Medical Graduates.



4. The co-ordinate Bench of this Court, in CWJC No. 1070 of 2023, has considered the aforesaid circular, dated 19.05.2022 and directed the Principal, Patna Medical College and Hospital, Patna, to return the amount of Rs. 10,000/- to the writ petitioners within a period of four weeks and further directed to start payment of stipend to the writ petitioners starting from the date of their joining in the institution within a period of four weeks.
5. Learned Counsel for the petitioners submits that Rs. 10,000/- deposited by the petitioner nos. 1, 2 and 4 has been refunded to them, but Rs. 10,000/- deposited by the petitioner no. 3 has not been refunded to him.
6. Learned Counsel for the respondents submits that Rs. 10,000/- deposited by the petitioner no. 3 shall be refunded to him and so far as the payment of stipend is concerned, the same would be paid to the petitioners within a period of four weeks.
7. Having heard learned Counsel for the parties concerned and taking into consideration the relevant circular and the order passed by the co-ordinate Bench of this Court in CWJC No. 1070 of 2023, the respondents are directed to refund Rs. 10,000/- to the petitioner no. 3 and also to pay



stipend to the petitioners starting from the date of their joining as interns, i.e. 01.04.2022, till completion of their internship, i.e. 31.03.2023, within a period of four weeks from the date of receipt/production of a copy of this order.

8. With the aforesaid observation and direction, this writ application is disposed.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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