CGHC010134752023 2026:CGHC:45782

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2007 of 2023

1 - Dr. Shyamoo Kumar Janghel S/o Shri Bharat Lal Janghel Aged About 30 Years R/o Ashok Nagar, Bilaspur District Bilaspur Chhattisgarh

2 - Arvind Kumar Lakra S/o Shri S. K. Lakra Aged About 28 Years R/o House No. 86/3, Near Gandhi Vidyapeeth, Radhika Nagar, Supela, Bhilai, District Durg Chhattisgarh

3 - Rahul Kumar S/o Shri Sunil Kumar Aged About 29 Years R/o B/342, Adarsh Nagar, Kusmunda, Korba, District Korba Chhattisgarh

RAVVA UTTEJ KUMAR RAJU Digitally signed by RAVVA UTTEJ KUMAR RAJU Date: 2026.10.29 18:44:36 +0530

4 - Moniya Jaiswal D/o Manoj Jaiswal Aged About 24 Years R/o Chandipara, Pamgarh, District Janjgir Champa Chhattisgarh

5 - Soniya Jaiswal D/o Manoj Jaiswal, Aged About 25 Years R/o Chandipara, Pamgarh, District Janjgir Champa Chhattisgarh

6 - Aditi Gupta D/o Shri Vinod Gupta Aged About 24 Years R/o Ward No. 03, Urja Nagar Gevra, Dipka, Korba District Korba Chhattisgarh

7 - Divya Chandra D/o Shri Radhelal Chandra Aged About 25 Years R/o B-43, Urja Nagar, Gevra, Dipka Korba, District Korba Chhattisgarh

8 - Deeksha Kaushik D/o Shri Shashikant Kaushik Aged About 24 Years R/o Ward No. 7, Parsada, Bilaspur District Bilaspur Chhattisgarh

9 - Manisha Chandra D/o Kanta Prasad Chandra Aged About 25 Years R/o Bilaspur, District Bilaspur Chhattisgarh

10 - Ritika Masih D/o Shri Rajesh Masih Aged About 26 Years Shankar Nagar, Champa, District Janjgir Champa Chhattisgarh

11 - Richa D/o Shri J.L. Sahu Aged About 28 Years R/o C S.P.T.C.L. Colony, Kheelamara, Jamul, Bhilai, District Durg Chhattisgarh

12 - Naval Choudhary S/o Shri Dinanath Choudhary Aged About 27 Years R/o House No. 302, Ward No. 39, Street-1, Vikas Nagar, Kotra Road, Raigarh District Raigarh Chhattisgarh

13 - Kushal Kishore Patel S/o Shri Kumar Patel Aged About 26 Years R/o Latekasa, Tahsil Dabhra, District Janjgir Champa Chhattisgarh

14 - Kanha Shriwas S/o Shri Bhoomidhari Shriwas Aged About 27 Years R/o 104, Near Old Police Station, Main Road Kasdol, District Balodabazar Bhatapara Chhattisgarh

--- **Petitioners**

Versus

1 - The State of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh

2 - The District Medical Education Government Of Chhattisgarh Old Nurses Hostel, D K S Bhawan Parisar, Raipur District Raipur Chhattisgarh

3 - The Dean Chhattisgarh Institute Of Medical Science, Bilaspur, District Bilaspur Chhattisgarh

--- **Respondents**

WPC No. 1344 of 2023

1 - Dr. Chhatresh Choudhary S/o Dinanath Choudhary Aged About 26 Years R/o H.No. - 302, Ward - 39, Street - 01, Beside Aisharya Nursing Home, Vikas Nagar, Kotra Road, Raigarh, District Raigarh Chhattisgarh

---**Petitioner**

Versus

1 - The State of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya Naya Raipur, District Raipur Chhattisgarh

2 - The Director Medical Education Government Of Chhattisgarh Old Nurses Hostel, Dks Bhawan Parisar, Raipur Chhattisgarh

3 - The Dean Chhattisgarh Institute Of Medical Science, Bilaspur, District Bilaspur Chhattisgarh

--- **Respondents**

WPC No. 999 of 2023

1 - Dr. Pranav Pandey S/o Dr. Ramesh Chandra Pandey Aged About 29 Years R/o House No. 201, Pandey Clinic, Main Road Darri, Korba, District : Korba, Chhattisgarh

---**Petitioner**

Versus

1 - The State of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh

2 - The Director Medical Education Government Of Chhattisgarh Old Nurses Hostel, D. K. S. Bhawan Parisar Raipur, District : Raipur, Chhattisgarh

3 - The Dean Chhattisgarh Institute Of Medical Science, Bilaspur, District : Bilaspur, Chhattisgarh

--- **Respondents**

(Cause title is downloaded from CIS Periphery.)

For Petitioners	:	Mr. Vikas Shrivastava, Advocate.
For State	:	Ms. Akanksha Verma, P.L.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

29.10.2026

1. All these captioned writ petitions share a common background and involve the same issues, therefore, they were clubbed, heard together and are decided by this common order.

2. For the sake of convenience, Writ Petition (C) No. 2007 of 2023 is treated as the lead case for the purpose of adjudicating all the connected writ petitions. The petitioners in the lead case have not challenged any specific order but have questioned the inaction on the part of the respondent authorities in implementing the guidelines/instructions issued by the National Medical Commission (NMC) concerning the registration of Foreign Medical Graduates (FMGs). The petitioners, therefore, seek the following reliefs:-

> "10.1 To kindly direct the respondents to return the amount which was taken from the petitoners as internship fee i.e. Rs. 1,00,000/-
>
> 10.2 To kindly direct the respondents to grant the benefit of stipend to the petitioner from the date in

which the petitioners have joined the institution and also as extended to the Indian Medical Graduates.

10.3 To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner."

3. Brief facts of the case as projected by the petitioners is that the petitioners are Foreign Medical Graduates (FMGs) who acquired their foreign medical degrees prior to 18.11.2021, the date on which the National Medical Commission (Foreign Medical Graduate Licentiate) Regulations, 2021 came into force. Rule 5 of the aforesaid Regulations excludes Foreign Medical Graduates who acquired their foreign medical degrees or primary qualifications before the said date from the applicability of the Regulations. Subsequently, the National Medical Commission, vide guidelines dated 04.03.2022 and circular dated 19.05.2022, directed that no internship fee be charged from such Foreign Medical Graduates and that they be extended stipend and other facilities at par with Indian Medical Graduates. In pursuance thereof, respondent No. 2 also issued an order dated 05.08.2022 reiterating that Foreign Medical Graduates undertaking internships were entitled to stipend at par with Indian Medical Graduates and that no internship fee should be charged from them. The petitioners, having applied for internships at the Chhattisgarh Institute of Medical Sciences, Bilaspur, were, however, required by respondent No. 3 to deposit an internship fee of Rs.1,00,000/-, which they duly paid. Thereafter, the

petitioners, along with other similarly situated persons, submitted a representation dated 19.05.2022 to respondent No. 2 seeking a refund of the internship fee and payment of stipend from the date of their respective registrations. Although stipend was subsequently granted to the petitioners with effect from August 2022, they contend that they were entitled to receive the same from the date of their registration as interns. It is further stated that the internship fee collected from them has not been refunded despite the aforesaid guidelines and directions. Aggrieved by the failure of the respondent authorities to refund the internship fee and grant stipend from the date of entitlement, the petitioners have approached this Court. Hence, this petition.

4. Learned counsel for the petitioners submits that all the petitioners, having obtained their medical degrees from foreign medical institutions, were required to deposit a sum of Rs. 1,00,000/- (Rupees One Lakh only) towards internship fees in accordance with the regulations of the State Government. He further submits that the State Government, vide circular dated 24.11.2022, clarified that the amount deposited towards internship fees would not be refunded to those students who had deposited the same prior to the issuance of the circular dated 04.03.2022 by the Undergraduate Medical Education Board of the National Medical Commission. Learned counsel contends that, in view of the subsequent directions issued by the competent authorities and the petitioners' claim for refund of the amount deposited

towards internship fees, the amount collected from the petitioners is liable to be refunded in accordance with the applicable guidelines and circulars.

5. Per contra, learned counsel for the State submits that the petitioners are not entitled to a refund of the amount deposited towards internship fees. She submits that the National Medical Commission (Undergraduate Medical Education Board), vide circular dated 04.03.2022, issued certain directions and, in particular, reiterated that the provisions of the National Medical Commission (Foreign Medical Graduate Licentiate) Regulations, 2021 would not be applicable to Foreign Medical Graduates who had obtained their foreign medical degrees or primary medical qualifications, as the case may be, prior to 18.11.2021. She further submits that, since the petitioners had obtained their medical degrees prior to the aforesaid date and the internship fee had been deposited way back in the year 2015, the subsequent circular dated 04.03.2022 cannot be relied upon to claim a refund of the amount already paid. Accordingly, she contends that the petitioners are not entitled to the relief sought.

6. Having heard learned counsel for the parties and upon perusal of the record, particularly the circular dated 04.03.2022 issued by the National Medical Commission (Undergraduate Medical Education Board), this Court finds that the said circular clarifies that the provisions of the National Medical Commission (Foreign Medical Graduate Licentiate) Regulations, 2021 are not

applicable to Foreign Medical Graduates who obtained their foreign medical degrees or primary medical qualifications prior to 18.11.2021. The petitioners admittedly obtained their medical degrees prior to the aforesaid date. Consequently, they cannot claim the benefit of the aforesaid Regulations on the basis of the circular dated 04.03.2022. It further appears from the record that the State Government, in its meeting dated 24.11.2022, considered the issue and decided that the internship fees deposited by Foreign Medical Graduates prior to the issuance of the circular dated 04.03.2022 would not be refunded. In view of the aforesaid position, this Court finds no ground to direct the refund of the amount deposited by the petitioners towards internship fees.

7. So far as the claim for stipend is concerned, the documents available on record indicate that the benefit of stipend has been extended to MBBS students who have completed their medical education from Indian medical institutions. However, the petitioners obtained their medical degrees from foreign medical institutions prior to 18.11.2021. In view of the clarification contained in the circular dated 04.03.2022 regarding the applicability of the FMGL Regulations, 2021, the petitioners cannot claim the benefit of stipend solely on the basis of the said Regulations. In the absence of any other applicable provision or specific direction entitling the petitioners to stipend for the period

claimed, this Court finds no sufficient ground to grant the relief sought in that regard.

8. Accordingly, all the writ petitions stand **dismissed**.

Sd/-

(Amitendra Kishore Prasad)
Judge

U.K. Raju