

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.4433 OF 2025**

Malhar Muranjan and Ors.Petitioners

Versus

The Municipal Corporation of
Greater Mumbai & Ors.Respondents

Mr. Vishal Kanade a/w. Mr. Anand Iyer i/b. Divya Shah Associates
for the Petitioners.

Mr. Pratik Garde for Respondent Nos.1 to 6.

Mrs. P.H. Kantharia, Government Pleader for Respondent No.8.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 11th FEBRUARY, 2026

P.C. :-

1. We have heard the learned Advocates for the Petitioners and for Respondent Nos.1 to 6 and the learned Government Pleader for Respondent No.8. Perused the Petition paper book with their assistance.

2. All these Petitioners are pursuing medical education in specialty courses recognized by the National Medical Commission Act, 2019. They are Junior Resident Doctors working on full time / on-call basis in Municipal Corporation Hospitals. On the basis of

their NEET PG rankings, they have undertaken Diploma and DNB courses while serving as Junior Resident Doctors in the said hospitals. The National Board of Examinations in Medical Sciences (NBEMS) mandates accredited colleges, to pay a basic amount of stipend to its Diploma and DNB candidates working as Resident Doctors / RMOs as per the stipend guidelines.

3. By the Government Resolution dated 4th March, 2024, the State has directed all Government Medical, Dental, and Ayurvedic Colleges within the State, to increase the amount of basic stipend by Rs.10,000/- payable to all Junior and Senior Resident Doctors with effect from 1st March, 2024. The Petitioners contend that they are not being paid the increased amount of Rs.10,000/- per month. They have, therefore, submitted representations, which are placed on record from page nos.73 to 99. The representation made by these Petitioners dated 19th September, 2025, at page no.88 onwards, is addressed to the Commissioner of the Municipal Corporation of Greater Mumbai.

4. It is well settled that exclusion of any person from an advantageous benefit under any Government Resolution, Circular, Notification, or Statute, cannot be implied. In short, a person cannot be excluded impliedly, though inclusion may be implied. *Prima facie*, we do not find from the Government Resolution dated 4th March, 2024 placed before us, or from the Corporation's Notification dated 26th July, 2024, that these Petitioners could be excluded from the benefit of the hike in the monthly stipend only on the ground that they are pursuing their higher studies with Central Government facilities. In the absence of any such exclusion, the Corporation needs to take a decision.

5. As such, we direct that the Commissioner of the Municipal Corporation shall consider the representations dated 19th September, 2025 addressed by these Petitioners and 26th September, 2025 addressed by Cooper M.A.R.D. 2025, an Association espousing the cause of the Petitioners, on its own merits and in light of the applicable Circulars and Notifications. If the Commissioner concludes that the Petitioners are not entitled to the benefit, we would expect him to base his conclusion on the

exclusion clause in the Notification, if any, and support the same with reasons. Let the Municipal Commissioner take a decision on the said representations, in the light of the above, within a period of 30 days from today.

6. With the above directions and observations, **this Petition is disposed off.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)