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WP-4371-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&amp;

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 23<sup>rd</sup> OF OCTOBER, 2024WRIT PETITION No. 4371 of 2024*DR. AKAISHA PANDEY AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Nishant Datt, learned counsel for the petitioners.*

*Shri Sudeep Bhargava, learned Deputy Advocate General for the respondents / State.*

*Shri Hemendra Jain, learned counsel for respondent No.2.*

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ORDER

*Per. Justice Vivek Rusia*

With the consent, heard finally.

The petitioners, who are 61 in number have approached this Court by way of this petition under Article 226 of the Constitution of India seeking direction to respondent No.3 to pay arrears of stipend at the revised rate in compliance of the circular / order of the State Government dated 07.06.2021 & 17.11.2022 along with interest and also to return the caution / security money amounting to Rs.25,000/-.

02. Facts of the case in short are that the petitioner took admission in the P.G. Course in the college run by respondent No.3. At the time of



admission, they deposited an amount of Rs.25,000/- as caution money in the year 2019. According to the petitioners, vide Circular dated 07.06.2021, the rate of stipend was revised by the State Government, payable to the doctors rendering their services in the Medical Colleges while pursuing the PG Course w.e.f. 01.04.2021, therefore, the petitioners are also entitled to get the revised stipend. The petitioners were paid stipend by the respondents at lower rate. Since they were studying in the college, therefore, at that relevant point of time, they did not raise any protest.

03. Vide Circular dated 17.11.2022, the Medical Department has further enhanced the stipend w.e.f. 01.04.2022. According to the petitioners, although these two circulars are issued in respect of doctors who are pursuing the PG Course in the Government Medical Colleges, but the petitioners are also entitled for the benefit of the said circular.

04. Some of the P.G. Doctors approached this Court by way of W.P. No.23817 of 2022. Vide order dated 27.10.2022, their writ petition was disposed of, but no action has been taken till date. Hence, the petitioners have approached this Court by way of present writ petition.

05. After notice, respondent No.3 filed the reply without disputing the entitlement of the petitioners to get Rs.25,000/-. It is submitted that the petitioners, instead of approaching the college have directly approached this Court by way of writ petition, therefore, they be directed to appear before the answering respondent along with representation. The petitioners were called upon to submit the documents like receipt of the caution money, receipt of amount paid by the petitioners for issuance of admit card, attendance record,



copy of bank passbook, exact date of joining and leaving the college.

06. Learned counsel for the petitioners submits that respondent No.3 is giving only lame excuses which are nothing but harassment to the petitioners. All these aforesaid documents are not required to be produced by the petitioners because all these are already available with respondent No.3. Respondent No.3 can send the amount payable to the petitioners by way of RTGS or UPI instead of calling them for their place of practice.

07. Learned counsel appearing for respondent No.3 submits that he is carrying cheques of Rs.25,000/- issued in the name of petitioners and he is ready to hand over the same to the petitioners. So far as the other claims are concerned, the petitioners be directed to appear before the Committee constituted by respondent No.3 for verification of the documents.

Heard.

08. Respondent No.3 is unnecessarily compelling the petitioners to approach this Court again and again for return of their money. Respondent No.3 is demanding the following documents from the petitioners:-

- i. Receipts of caution money / security deposit paid;*
- ii. Receipts of amount paid by the petitioners for issuance of admit card, for any other payments made by the petitioners;*
- iii. Attendance record;*
- iv. Copy of bank passbook;*
- v. Petitioners were also asked to intimate their exact date of joining and leaving the college."*

09. All the aforesaid documents are already available with respondent No.3 because admittedly the petitioners were given admission in



respondent No.3 / College and they have completed their P.G. Course. By unnecessarily calling the petitioners from various places of the country to receive the amount, which is not in dispute is nothing but harassment to them.. After completion of the course, respondent No.3 *suo motu* should have return the undisputed amount to the petitioners without compelling them to submit a representation or to approach the High Court, hence, respondent No.3 is liable to pay the interest also.

10. In view of the above, respondent No.3 is directed to return the amount payable to the petitioners forthwith by way of RTGS / UPI or Demand Draft along with the interest @ 8% per annum from the date of entitlement till the date of actual payment after examining each and every case of the petitioners. The National Medical Commission as well as the M.P. Medical Science University are directed to examine the conduct of respondent No.3, which is compelling the doctors from various part of the State and country to approach this Court again and again in order to get their admissible claim from respondent No.3. If any suitable action is required, the same be taken, so that in future no student be compelled to come to the High Court.

11. With the aforesaid observations and direction, Writ Petition stands disposed of.

(VIVEK RUSIA)  
JUDGE

(BINOD KUMAR DWIVEDI)  
JUDGE