

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 793/2025

SHASHANK SHEKHER PANDEY & ORS.

Petitioner(s)

VERSUS

STATE OF JHARKHAND & ORS.

Respondent(s)

FOR ADMISSION

IA No. 198769/2025 - EX-PARTE STAY

WITH

W.P.(C) No. 824/2025 (X)

FOR ADMISSION

Date : 04-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Ms. Charu Mathur, AOR

For Respondent(s) :Mr. T. V. S. Raghavendra Sreyas, AOR
Ms. Aishwarya Bhati, ASG
Mr. Kumar Anurag Singh, Standing Counsel, Adv.
Ms. Tulika Mukherjee, AOR
Mr. Beenu Sharma, Adv.
Mr. Venkat Narayan, Adv.
Mr. Shashank Bajpai, Adv.
Ms. Shivika Mehra, Adv.
Mr. Gopi Chand, Adv.
Mr. Raj Bahadur Yadav, AOR

Mr. Tarkeshwar Nath, Adv.
Mr. Harshit Singh, Adv.
Mr. Anant Dev, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Parmanand Gaur, AOR
Ms. Megha Gaur, Adv.
Mr. Vibhav Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E RWP (C) No. 793/2025

At the request of learned counsel appearing for the respondents, the matter is adjourned to next week.

1. Heard the learned counsel appearing for the parties.

2. The petitioners are all Foreign Medical Graduates, (FMGs) who are basically Indian citizens having obtained their medical education from foreign countries namely Kazakhstan, Phillipines, Russia and China. They have completed their internship during the period June 2023 to June 2024 and are seeking for writ of mandamus to the respondent Nos. 1 and 2 to provide monthly stipend for the entire period of internship at par with Indian Medical Graduates which has been granted to students who are juniors to the petitioners pursuant to order dated 15.07.2025 passed in WP No.232/2025.

3. This Court in WP No.232/2025, has observed as under:-

"3. A stipend is liable to be paid to such FMGs during their medical internship, a fact which is admitted. Since stipend is not being paid to these FHGs/petitioners, they have approached this Court.

4. Today learned counsel for the AMU has made a categorical statement before this Court that they are prepared to give the entire stipend to these FMGs/petitioners within two weeks from today and this amount will be paid from the funds of the college itself, however, since no prior permission has been taken from the University Grants Commission (for short "the UGC") and that is the objection which has been raised by the UGC, we direct that no adverse action will be taken by the UGC on this account.

5. We make it very clear in this order that the amount is directed to be paid through this order and therefore the UGC shall not take any adverse

action against the concerned college(s) merely on the ground that they have paid the stipend without prior permission.

6. We further make it clear that the payment of stipend on the right of students is not being denied, in any case.

7. The present petition is, accordingly, disposed of in the above terms.

8. Let the stipend be paid within two weeks from today, as it has been submitted by the learned counsel.”

4. The petitioners having completed their internship prior to the petitioners in WP No.232/2025, would stand on the same footing as that of writ petitioners in WP No.232/2025. As such, they cannot be discriminated and paid less stipend than the writ petitioners in WP No.232/2025 having been paid. The only apprehension of the respondent, seems to be, as expressed by the learned counsel appearing for the respondent Nos. 1 and 2 is before disbursement of any such stipend, explicit permission has to be obtained from UGC as otherwise they would be frowned upon or in other words objection would be raised by the UGC. Similar plea was raised in WP No.232/2025 and to insulate the respondent Nos. 1 and 2 from any such objection being raised by the UGC, we had made a categorical observations in para 4 of the said order which is extracted herein supra. To further allay the apprehension of the respondent-College(s), we had made it explicitly clear that the amount that is directed to be paid by the order of this Court on such payment, the UGC shall not take any adverse action against the concerned College(s), merely on the ground that they had paid the stipend without prior permission. The said observation requires to be

reiterated in this petition also and we reiterate the same. This would not only allay the apprehension of the respondent Nos. 1 and 2 but would insulate from any such adverse orders/remarks being passed/made against the respondent.

5. We also take note of the fact that the respondent Nos. 1 and 2 are not seriously disputing the entitlement of the petitioner's receiving the stipend or denying their claim.

6. In view of the same, the present petition stands disposed of with a direction to the respondent to pay the difference of stipend expeditiously at any rate within three weeks from today.

(MOHD IBRAHIM)
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)
COURT MASTER (NSH)