

(2001) 11 JH CK 0019

In the Jharkhand High Court

Case No : Writ Petition (C) No's. 2888 and 3039 of 2001

Varuna Verma, Arvind Kumar and Another

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-11-2001

Acts Referred:

Citation : AIR 2002 Jhar 97

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Sunil Kumar Sinha, for the Appellant; B.B. Sinha, G.A., Amaresh Kr. and A.K. Mehta, for the Respondent

Judgement

The Court

1. The petitioners of both the cases were earlier admitted in Medical Diploma Courses in RMCH, Ranchi. The course was of two years. After about one year and nine months of completion of such diploma course, they took chance for their admission in the Post Graduate Medical Course in pursuance of PGMAT, 2001. They were declared successful and were to take admission in PHCH. Patna and DMCH, Darbhanga. However, the RMCH authority. Ranchi refused to hand over the original certificates as were earlier deposited by the petitioners on the ground that they cannot be refunded prior to completion of the course. The Respondents further took plea that the State incurred huge expenses for diploma studies by paying stipend in favour of the students, including the petitioners and in the fag end of the diploma course, if they are allowed to join other course, the total expenditure incurred by the State towards petitioners by way of stipend would be of no avail.

2. The petitioner. Dr. Varuna Verma (W.P. (C) 2888/01) gave undertaking at para-15 of the writ petition to refund the stipend and/or to forgo to receive stipend in future for such period, the petitioner earlier received stipend from the State. Such undertaking was also given by her husband. Dr. Alok Kumar before

the Court which was taken into consideration by this Court in the order dated 6th July. 2001.

3. Similar undertaking was given by petitioners of W.P. (C) No. 3039 of 2001, i.e. petitioner No. 1. Dr. Arvind Kumar. son of Shri Shyam Narayan Prasad and petitioner No. 2, Dr. Arvind Kumar. son of Shri Bishwanath Singh. who were present before the Court on 16th July. 2001 and their undertakings were recorded.

4. In view of aforesaid undertaking given by the petitioners of W.P. (C) No. 2888 of 2001 and W.P. (C) No. 3039 of 2001. the Principal, RMCH. Ranchi was directed to hand over their College Leaving Certificates and other relevant documents to enable the petitioners to take admission in the P.G. Courses and were, accordingly, admitted.

5. In the aforesaid background, the petitioners having admitted to P.G. Course. no further relief is required to be granted.

6. The counsel for the State submitted that in accordance with the undertaking given by the petitioners, they are required to refund the stipend earlier received by them/ or will forego to receive stipend for such period to adjust the amount already received by them.

7. Dr. Varuna Verma has filed a supplementary affidavit and stated that a sum of Rs. 94,241.95 ps. that was paid to her for the period upto 28th February. 2001, has agreed to refund the amount, in instalments. Her counsel submitted that a sum of Rs. 2,500/- per month may be deducted from the stipend to which the petitioner is entitled to receive from PMCH. Patna as a student of the P.G. Course.

8. No separate affidavit has been filed by the petitioners of W.P.(C) No. 3039 of 2001.

9. In the facts and circumstances, both the writ petitions are disposed of with direction to the Principals of the respective Medical Colleges in which the petitioners are pursuing the Post Graduate studies i.e. the Principals of PMCH, Patna and DMCH, Darbhanga to deduct a sum of Rs. 3000/- per month from the stipend to which the petitioners are entitled to receive during their studies in the P.G. Course till the amount earlier received by one or other petitioner towards stipend while pursuing diploma course is adjusted.

10. However, it will be open to one or other petitioner to bring to the notice of the Principals of the concerned Medical College that the amount earlier received towards stipend has been refunded/or part refund has been made.

Both the writ petitions stand disposed of with the aforesaid observations and directions.

11. Petition disposed of accordingly.