

RAJASTHAN HIGH COURT

Vijay Goyal

Vs.

State, (Rajasthan)

Civil Writ Petn. No.2004 of 2000

(S.K. Keshote, J.)

26.07.2001

ORDER

S.K. Keshote, J.

1. This petition is presented by the petitioner in the Court on 15th March, 2000, and by that time it is not admitted so far. The petitioner has made attempt to get it admitted so many times but he failed to get it admitted. From the order sheets of this case. It is also borne out that prima fade the petitioner's case was not accepted by the Court and that may be the reason that time was granted to the petitioner from time to time by the Courts to place the relevant rules for his entitlement for stipend. The additional affidavit filed by the petitioner is on the record and therefrom, I do not find anything in his favour which justifies the claim of the petitioner. The Diploma course in Anesthesia has already been completed by the petitioner on 20th May, 2000. The petitioner's claim is that he is entitled to stipend for full terms of two years merely on the ground that he remained on leave from October 23, 1997 to June 1, 1998, he cannot be deprived of by this benefit.

2. I do not find any merit for this claims of the petitioners. The petitioner remained on leave during the period aforesaid. Out of term of 2 years of course, the petitioner has remained on leave for a long period and though he may be permitted to complete the Diploma, but the benefit of stipend could not have been given. Underline object and purpose of this scheme is that within prescribed term of course the same is to be completed, so the doctors would be available to serve the people. It is true that full period of two years terms is to be completed by a doctor but if it fails to complete the course beyond this initial period of two years, he is not entitled for the stipend. He may be permitted to complete the course but without benefits of the stipend. The

doctor who complete the course within two years and those who complete beyond two years do not constitute, on class.

3. I do not find any merit in the claim made by the petitioner on the ground of discrimination.

4. The petitioner does not stand at par with these doctors who have completed the Diploma course within term of two years. The petitioner has gone on leave, enjoyed the same and now he wants to take the Diploma and stipend both. Stipend otherwise, is not a right. It is given to provide financial assistance to the student and it does not mean that they may go on leave and remained absent from the course. In that case, they may not be permitted to complete the course for their this long absent. Extra indulgence is granted to the petitioners to complete the course otherwise for his this absence from the course his name could have struck off. The petitioners has not disclosed in the petition the ground and reason for his this long absence from the course. In the absence of the ground and reason for this long absence this claim made by the petitioner of stipend is wholly unjustified, unreasonable and unfair. This claim made by the petitioner in these facts is also *bonafide*. However the petitioner get the Diploma but his claim for stipend is wholly untenable.

5. I do not find any wrong in the approach of the respondents not to give stipend to those candidates of Diploma Course who's term of the course is to be extended because they remain absent during this term. Those candidates who completed the Diploma within two years and those who have gone on leave cannot be equitted and placed on the same footing or at par.

6. This is a wholly misconceived and misplaced petition and the same is dismissed.

Petition dismissed.