

28.08.2026.
Item Nos. 1 & 2.
Court No. 13
ap

**M.A.T. 1444 of 2026
With
I.A. No. CAN 1 of 2026**

**Tanmay Layek & Ors.
Versus
State of West Bengal & Ors.**

**With
R.V.W. 103 of 2022
With
I.A. No. CAN 1 of 2026**

**Urmila Verma
Versus
Union of India & Ors.**

Mr. Sourajit Dasgupta,
Mr. Sutosom Bhattacharyya.
...For the appellants.

Mr. Ajit Kumar Mishra, Id. AGP,
Ms. Amrita Pandey.
...For the State.

Mr. Kaushik Chatterjee,
Mr. Mousam Sharma
...For the respondent nos.3, 6 & 7.

1. The instant intra court appeal is directed against refusal of interim order by the learned Single Judge of this Court in W.P.A. 11505 of 2026.

2. It appears that the State was required to submit a report as evident from the impugned order dated 21st August, 2026. The report has not come in till date. The report in question was required from the Directorate of Medical Education.

3. Three of the writ petitioners have preferred the instant appeal.

4. The writ petitioners are all Foreign Medical Graduates (FMGs). In terms of the directions of the

National Medical Commission (NMC), they are required to undergo one year of internship in the Medical Colleges in the country, which is called Compulsory Rotating Medical Internship (CRMI). NMC has prepared a State/UT wise CRMI seats that are available to FMGs for the Academic years 2026-2027. This required for their Foreign Degrees to be recognized in India.

5. The 1067 seats for such CRMI available in the State, includes 7.5% of intake of interns established Medical Colleges/Institutions and 100% in new Medical Colleges and 100% of enhanced seats in existing Medical Colleges, the State has filled up only 266 Internship vacancies as against the said 1067 vacancies.

6. The petitioners are aggrieved that if they do not complete the internship within two years, the Graduate Medical Degree obtained by them from Foreign University would lapse and they would be required to obtain such Medical Degree afresh. Huge expenditure would be incurred by them in doing so. This in addition to the huge expenditure already incurred by them for undergoing the Graduate Medical Course in such Foreign University.

7. Counsel for the appellants further submits that if the opportunities for internship are not made available to his clients, they would also miss the chance to participate in the NEET for Post Graduate Medical Course admission for the year 2027-2028.

8. Learned Counsel representing the State respondents submits that the State Medical Council are required to consult the Directorate of Medical College in the State before allotting any vacant slot of internship to the writ petitioners/FMGs.

9. They have filled up only 266 vacancies for FMGs Internship as on date. They also require the permission of the Ministry of Finance since the internship involves financial outgo for the State. Each intern is required to be paid monthly stipend for a period of one year.

10. Learned Counsel for the appellants/writ petitioners submits that his clients are willing to forgo six months of stipend.

11. Learned Counsel representing West Bengal Medical Council submits that his clients would give provisional registration of internships to FMGs before this Court upon an approval from the Directorate of Medical Education (DME) and the State Medical Council.

12. In the light of the above, this Court is of the prima facie view that the DME and the State Medical Council are dragging their feet. The financial outgo towards stipend payable to interns to the extent of 1066 seats must have been factored in and provided for in the State Budget.

13. The instructions of DME handed over by the learned Counsel for the State refers to an order of the

Hon'ble Supreme Court of India dated 4th February, 2026 passed in W.P. (Civil) No. 793 of 2025.

14. The Hon'ble Supreme Court of India had allowed a claim for stipend by those FMGs from Jharkhand, who had completed internship without any payment of stipend.

15. It, therefore, follows that the internship can be done even without stipend and/or upon receipt of a part or portion thereof, the claim for stipend can always be maintained at a subsequent date.

16. The State, therefore, cannot use the issue of financial outgo towards stipend payable, as a road block for allotting internship to the writ petitioners/appellants.

17. In the light of the above discussions, this Court directs the Directorate of Medical Education and the Principal Secretary, Ministry of Finance to submit a report or give instructions in writing to the learned Counsel for the State as regards their stand in the matter.

18. Given the urgency expressed by the writ petitioners/appellants, this Court is inclined to fix the matter on **1st September, 2026** as item no.1 for further consideration.

19. Let R.V.W. 103 of 2022 along with CAN 1 of 2026 be de-tagged from the instant appeal.

20. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Anuj Singh, J.)