

23rd September,
2020
(SKB)

W.P.A. 4677 of 2020
With
CAN 1 of 2020 (Old CAN 4401 of 2020)
CAN 2 of 2020 (Old CAN 4402 of 2020)
(Via Video Conference)

Susmita Maity
Versus
State of West Bengal & Ors.

Mr. Indranil Nandi,
Mr. Manoranjan Maiti,
Mr. Sayak Konar
... for the petitioner.

Mr. Tapan Kumar Chatterjee,
Mr. Somnath Naskar
... for the State.

Mr. Nilotpall Chatterjee
... for the Indian Nursing Council.

Ms. Tapasi Sinha Palit
... for the Union of India.

The petitioner seeks to have reciprocal registration under the West Bengal Nursing which the petitioner claims was requested from the authorities sometime in December, 2019 but which has not been followed up by the respondent no.2, the Registrar, West Bengal Nursing Council till date.

The petitioner's case is that the petitioner could not secure 50% marks in theory in the B.Sc. Nursing Examination because of which the reciprocal registration was not allowed. The primary grievance is that in spite of obtaining all necessary permissions for reciprocal registration, the petitioner is suffering the consequences of the inaction on the part of the concerned respondents.

Counsel for the petitioner submits that the interview process of recruitment for nurses in the State has already commenced and is due to be completed soon. Counsel relies on an order passed by a co-ordinate Bench in this matter on 17th March, 2020 by which the Registrar, West Bengal Nursing Council was directed to grant provisional registration to the petitioner within 24 hours of the communication of the order, subject to the final result of the writ petition so that the petitioner can participate in the process of appointments to the West Bengal Health Recruitment Board.

Counsel appearing for the State submits that the writ petition is misconceived as the petitioner has not obtained the required “No Objection Certificate” from the University at Karnataka from which the petitioner graduated.

On considering submissions made on behalf of the parties, this Court is of the view that the petitioner deserves relief by reason of the unexplained inaction on the part of the respondent no.2. There is no explanation as to why the direction given by the Learned Judge on 17th March, 2020 has not been carried out. The objection with regard to the petitioner not having obtained the required “N.O.C.” is belied by a Certificate of Registration granted to the petitioner by the Karnataka State Nursing Council on 24th March, 2018.

Further, a letter of the Indian Nursing Council dated 23rd January, 2020 to the Registrar, West Bengal

Nursing Council, requested the addressee to consider the candidates along with other nursing candidates who have passed the required examination from their respective institutions/universities as an exception to the guidelines set by the Indian Nursing Council. The petitioner's name features in the list.

In view of the above, the respondent no.2 is directed to carry out the directions passed in the order dated 17th March, 2020 and grant Reciprocal Registration to the petitioner without any further delay. It is also made clear that the petitioner should not be deprived of a chance to participate in the selection process for appointment in the West Bengal Health Recruitment Board. Needless to say, the petitioner is also expected to fulfil and complete all requirements for grant of such Reciprocal Registration. The respondent no.2 will be at liberty to communicate such requirements to the petitioner within four days from the date of this order.

W.P.A. 4673 of 2020 is disposed of in terms of the above.

CAN 1 of 2020 and CAN 2 of 2020 are also disposed of.

(Moushumi Bhattacharya, J.)