

23rd December, 2021
(D/L No.14)
(SKB)

WPA 21051 of 2021
(Via Video Conference)

Disha Social Welfare Educational Trust and others
Vs.
The State of West Bengal and others

Mr. Shuvro Prakash Lahiri,
Mr. Kunal Ganguly,
Mr. Tirupati Mukherjee
... for the petitioners.

Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha
... for the State.

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

Mr. Y. J. Dastoor,
Ms. Phiroze Edulji,
Ms. Amrita Pandey
... for the U.O.I.

The petitioner seeks an order in similar terms as that passed on 16th December, 2021 in W.P.A.20096 of 2021.

Learned counsel appearing for the petitioners submits that the factual position in the present matter is identical to the facts in the earlier writ petition and also involves an order of the Director of Health Services dated 30th November, 2021 by which Nursing Schools and Colleges which have not received affiliation from the Indian Nursing Council (in short 'INC') will not be included in the extended MOP-up round of the Council in the academic year 2021-2022.

Learned counsel appearing for the State submits that the order in W.P.A.20096 of 2021 was confined to the petitioner before the court and that the last date of the counselling process is 31st December, 2021.

Upon hearing learned counsel and considering the materials on record, this court is of the view that the order passed in the earlier writ petition construed the relevant provisions of the Indian Nursing Council Act, 1947 as not contemplating the requirement of any affiliation of a Nursing College with the Indian Nursing Council and further that the petitioner as in the earlier matter, have already been recognised by the State under the notification of 5th July, 2021. The petitioner should be granted the same relief as in the earlier writ petition. The factual similarity as noticed by the court is also submitted by learned counsel appearing for the petitioner.

There is urgency in the matter since the last date for admission to the Nursing Programmes for the current year is 31st December, 2021. The petitioner cannot hence be made to suffer the consequences of the order which does not find statutory support. It may also be recorded that the inspection by the INC under Section 13 of the Act has already been done in the petitioner's case.

The respondent no.8 being the Chairperson, Central Selection Committee (Nursing), Government of

West Bengal, is therefore directed to take steps so that the petitioners can be allowed to participate in the on going MOP-Up counselling and the other stages of the selection process. The respondents are also restrained from taking any steps in terms of the impugned order dated 30th November, 2021.

The writ petition is accordingly disposed of.

The order passed in the writ petition is with reference to the petitioners before this court.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)