

8.1.2021

WPA 8116 of 2020

BP

Atreyee Dey

-vs-

The State of W.B. & Ors.

Mr. Indranil Nandi

Mr. Manoranjan Maiti

Mr. Sayak Konar

...for the petitioner

Mr. Nilotpall Chatterjee

.....for the Indian Nursing Council.

Mr. Tapan Kumar Mukherjee, Sr. Adv.

Mr. Somnath Naskar

Mr. Arjun Roy Mukherjee

Mr. T.M. Siddiqui

Mr. Anirudha Mohanta

...for the respondents.

Mr. Subrata Roy

..for the Union of India.

Mr. Tapan Kumar Mukherjee, learned senior advocate is requested to appear in this matter for the State. Let his appointment be regularised.

The petitioner claims to have passed the B.Sc. Nursing (Basic) examination in the year 2018 from a Nursing College in the State of Karnataka. The petitioner got herself registered with the Karnataka State Nursing Council in

the year 2019. The petitioner claims to have applied for reciprocal registration under the West Bengal Nursing Council since she is a permanent resident of the State of West Bengal and is desirous of working in the Government Sector in the State of West Bengal.

It is the grievance of the petitioner that the respondent authorities have not granted reciprocal registration in favour of the petitioner.

The learned Advocate for the petitioner submits that the respondent authorities have totally ignored the guidelines for reciprocal registration issued by the Indian Nursing Council dated March 29, 2019 and April 2, 2019. The learned Advocate submits that the petitioner is entitled to get reciprocal registration in terms of the said guidelines and a direction be passed upon the respondent authority to grant such registration.

Mr. Mukherjee, learned Senior Advocate appearing for the State submits that the

prayer for reciprocal registration of the petitioner cannot be considered at present since the application for reciprocal registration was returned to the petitioner as the petitioner did not get the requisite marks in the Nursing Examination. According to him, the petitioner is not eligible to be registered with the State Nursing Council.

Mr. Mukherjee further submits that there is no application for registration pending before the Nursing Council and as such there is no scope of granting any registration in favour of the petitioner in the absence of any application therefor.

Mr. Chatterjee, learned Advocate appearing for the Indian Nursing Council submits that the matter with regard to grant of reciprocal registration is entirely within the domain of State Nursing Council and the Indian Nursing Council has no role to play in this regard.

I have heard the learned Advocates appearing for the respective parties and have considered the materials on record.

It appears from the copy of the application for reciprocal registration, annexed at page 22 of the writ petition, that there is an endorsement that there is a shortage of marks in the first, second and third year mark-sheet.

Since no application for reciprocal registration is pending for consideration before the West Bengal Nursing Council, WPA 8116 of 2020 is disposed of by granting liberty to the petitioner to apply for reciprocal registration afresh before the West Bengal Nursing Council. If such an application is made by the petitioner, the Registrar of West Bengal, Nursing Council being the respondent no. 3 herein shall consider such application in accordance with law and take a decision thereon by passing a reasoned order after giving an opportunity of hearing to the petitioner. The said respondent shall thereafter

communicate the reasoned order to the petitioner. The entire exercise shall be completed by the respondent no. 3 herein within a period of three weeks from the receipt of such application.

Needless to mention that the petitioner will be at liberty to rely upon the circulars and guidelines issued by the Indian Nursing Council as well as other applicable rules and circulars in support of her claim at the time of hearing before the said authority.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

(Hiranmay Bhattacharyya,J)