

30th March, 2022
(D/L No.10)
(SKB)

W.P.A. 324 of 2022

Joyshree Goswami
Versus
The State of West Bengal and others

Mr. Suman Sengupta,
Mr. Tapas Maity
... for the petitioner.

Mr. Amitava Chaudhuri,
Mrs. M. Chaudhuri,
Mr. N. Roy
... for the Board.

Affidavit-in-opposition and reply are taken on record.

The petitioner applied for the M.Sc. Nursing Course and aspired for the reserved quota. The writ petition was filed in January, 2022 but was dismissed for default soon thereafter. It was restored by an order of the court dated 24th February, 2022. Learned counsel appearing for the petitioner sought several adjournments thereafter.

From the submissions of learned counsel appearing for the petitioner, it appears that the petitioner seeks the same benefit as the petitioners before this court in *W.P.A.19676 of 2021 (Rita Biswas and others Vs. The State of West Bengal and others)* by which the West Bengal Joint Entrance Examination Board (hereinafter referred to as the 'Board') was

directed to consider the ranks and scores of the petitioners before the list was cancelled by a notice dated 23rd November, 2021 for placement in the available vacancies for admission to the concerned posts.

Learned counsel appearing for the petitioner, in the present case, relies on a document which shows that the petitioner secured 57th position before the ranks and scores were cancelled by a notice of the Board dated 23rd November, 2021. The facts are hence similar to the facts before the court in *Rita Biswas (supra)*.

Learned counsel appearing for the Board submits that the Board has become *functus officio* since the entire process of counselling was concluded on 27th December, 2021.

No one appears for the State.

Since the facts in the present case are similar to the facts in *Rita Biswas(supra)* and since the present writ petition was filed in January, 2022 before the judgment of *Rita Biswas(supra)* was delivered on 1st March, 2022, The Director, Directorate of Health Service (Nursing Section), Government of West Bengal, being respondent no.2 is directed to consider the case of the petitioner strictly in accordance with relevant statutory Rules. It is made clear that the Directorate will also

take into account the fact that the petitioner appeared before the concerned authority on 26th March, 2022 pursuant to a notice dated 22nd March, 2022. It is also made clear that this relief is being made only on account of the facts stated above and shall not be seen as a precedent in other matters where the facts are not similar.

W.P.A.324 of 2022 is disposed of in terms of the above.

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.)