

24.02.2022
sayandeep
Suppl. 01
Ct. No. 05

WPA 3470 of 2022

Tanushree Sarkar & Ors.
-versus-
Indian Nursing Council & Ors

Mr. Partha Sarathi Bhattacharyya
Mr. Anindya Sundar Das
Mr. Anindya Bose
Mr. Raju Bhattacharyya
Mr. Sounak Ghosh
Mr. Sourav Mallick
Mr. Subham Saha

..... for the petitioners

Mr. D. N. Maiti
..... for the respondent Nos. 2 and 3

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

All the writ petitioners are students undergoing the B.Sc. Nursing Course under the West Bengal University of Health Sciences. The petitioners seek a relaxation for the students in other years which has been provided only to 3rd year B.Sc. Nursing students by way of a Notice dated 7th February, 2022. The said Notice has been issued by the University of Health Sciences and appears to be the result of representations made by the students of B.Sc. Nursing seeking clarification for the conduct of University Examinations for the year 2020-2021 season.

Learned counsel appearing for the petitioners places the Guidelines of Academic and Examination during Covid-19 pandemic for the Academic year 2020-2021 together with an addendum to the Guidelines by way of a Circular dated 10th July, 2020. The Guidelines have been issued by the Indian Nursing Council taking into account the abnormal situation caused by the pandemic. Counsel also places a schedule of the Examinations for Part-II practical which shows that the Medical Surgical Nursing subject is scheduled for 23rd to 28th February, 2022.

Upon hearing learned counsel and considering the relevant materials before the Court, particularly the instructions received from the University of Health Sciences, this Court is of the view that the relaxation given to 3rd year B.Sc. Nursing students of the West Bengal University of Health Sciences by which candidates who are not in a position to appear in the said Examination and given the option of appearing in the next Examination, shall be extended to the students of all years in the B.Sc. Nursing course in the West Bengal University of Health Sciences. Since the Examination has already commenced from 23rd February, 2022 onwards, candidates who have

physically appeared and written the Examination shall not be counted in this order. This order shall only apply to candidates who seek to take the same benefit given to 3rd year B.Sc. students by the Notice published by the University on 7th February, 2022. It is however made clear that since the petitioners had opted out of the Examination which is presently under way, the supplementary Examination for the petitioners shall be conducted in accordance with the Rules and Guidelines published by the Indian Nursing Council.

This order shall be made subject to the petitioners' putting in the applicable Court fees if not already done.

The writ petition is disposed of in terms of the above.

This order shall not apply to final year students who have undergone the course as provided in the Circular of the Indian Nursing Council dated 10th July, 2020.

(Moushumi Bhattacharya, J.)