

Ct. 05
Item No.25
17.05.2022
(suvendu)

WPA 8637 of 2022

**Gouri Devi Nursing Academy
Vs.
The State of West Bengal & Ors.**

Mr. Sankha Ghosh
Mr. Biswarup Nandyfor the petitioner
Mr. Swapan Kumar Datta
Mr. Tapas Kumar Deyfor the State
Mr. Nilotpall Chatterjeefor the INC

The affidavit of service is taken on record.

The prayer of the writ petitioner of setting aside a Notice dated 10.12.2021 is addressed by the fact that the said Notice deals only with private institutions who intend to open new Nursing Colleges and Schools for the 2022-2023 session. The petitioner is admittedly an existing Nursing College and therefore, as explained by learned counsel appearing for the Indian Nursing Council, the said Notice does not apply to the petitioner.

Learned counsel appearing for the petitioner places documents to show that the petitioner has fulfilled all the requirements for grant of 40 additional seats.

The apprehension expressed by learned counsel appearing for the petitioner that the petitioner's request for approval of an additional 40 seats may not be allowed, may also be addressed by the respondent no. 3, the Director of Health Services, Department of Health and Family Welfare by giving a hearing to all the concerned parties including the petitioner.

The contention of the INC that the inspection is still pending may be dealt with and dispose of the same within a reasonable time, preferably within three weeks from today.

WPA 8637 of 2022 is disposed of with a direction on the respondent no. 3 to consider the case of the petitioner and pass a reasoned order upon hearing all the concerned parties including the petitioner within a period of three weeks from the date of receiving the Report of the INC. Such reasoned order shall be made available to the petitioner within a week from the date on which such reasoned order is passed.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)