

Ct. 05
Item No.20
24.06.2022
(suvendu)

WPA 15970 of 2021

**Rupa Patra
Vs.
The State of West Bengal & Ors.**

Mr. K.C.Das
Mr. Sk. Sahjahan
.....for the petitioner

Mr. Jishnu Chowdhury
Ms. Amrita Panja Moulick
.....for the State

Mr. Nilotpall Chatterjee
.....for the INC

The affidavit of service is taken on record.

The petitioner is aggrieved by the rejection of the reciprocal registration applied for by the West Bengal Nursing Council with the endorsement that the petitioner falls short in her marks in English in the Higher Secondary examination.

According to learned counsel appearing for the petitioner, the West Bengal Nursing Council is not entitled to question the marks obtained by the petitioner in the Higher Secondary examination.

Learned counsel appearing for the West Bengal Nursing Council places the marks obtained by the petitioner in English in the Higher Secondary examination conducted by the West Bengal Council of Higher Secondary Education. Counsel is, however, fair enough to also point to the high marks obtained by the petitioner in the Nursing examination conducted by the Karnataka State Diploma in Nursing Examination Board.

Learned counsel appearing for the Indian Nursing Council relies on an order passed by a Division Bench of this Court on 6th April, 2022 by which the West Bengal Nursing Council was directed to consider the case of the petitioner for grant of reciprocal registration in accordance with law.

Although the marks obtained by the petitioner in the Nursing examination in Karnataka are well above average, the endorsement of the West Bengal Nursing Council in rejecting the application of the petitioner on 18.06.2021 remains and would hence have to be gone into by the State authority. The West Bengal Nursing Council is hence directed to consider the case of the petitioner in granting reciprocal registration to the petitioner having due regard to

the high marks obtained by the petitioner in the relevant examination in Karnataka.

The petitioner is entitled to a reasoned order and not a cryptic hand-written rejection by the authority. The case of the petitioner shall be considered and disposed of by way of a reasoned order within a period of two weeks from date taking into account the high marks obtained by the petitioner in the Nursing Course. A copy of the reasoned order shall be made available to the petitioner within a period of one week from the date on which such order is passed.

The Division Bench judgment relied on by the petitioner and annexed to the writ petition is found to be distinguishable on the facts.

WPA 15970 of 2021 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)