

Sl- 23.08.2022
02 Ct.15
rkd

W.P.A. 18932 of 2022

Debnath Nursing Training Institute & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Shuvro P. Lahiri,
Mr. Arabinda Manna,
Mr. Rajesh Naskar

....for the petitioners.

Mr. D. N. Maiti

....for the respondent no.5.

Mr. Nilotpall Chatterjee

....for the Indian Nursing Council (INC).

Mr. Swapan Kumar Datta,
Mr. Tapas Kumar Mandal

.....for the State.

The writ petitioner no. 1 is an institute which is in receipt of necessary permissions from the Director of Health Services, Government of West Bengal, West Bengal Nursing Council and the West Bengal University of Health Sciences for running the course of general nursing and midwifery (for short "GNM").

Learned advocate representing the petitioner institute has submitted before this Court that in spite of having such permissions from the respondent authorities of the State the name of the petitioner institute has not been included in the list of affiliated institutes for the purpose of admission in the aforesaid course for the academic session 2022-2023.

Petitioner institute has prayed for alteration of seat matrix which would enable the petitioner institute to commence the aforesaid course for the academic session 2022-2023. In support of such submission being made on behalf of the petitioner reliance has been placed on an order dated 18th August, 2022 passed by a coordinate Bench on a batch of writ petitions, the first writ petition being WPA 11494 of 2022 (Gitanjali Foundation –vs- The State of West Bengal & Ors.).

Petitioner institute has also prayed for identical order based on the said order dated 18th August, 2022 passed by the coordinate Bench.

Indian Nursing Council and the State of West Bengal are represented by the learned advocates.

It has been jointly submitted on behalf of the Indian Nursing Council and State that GNM course is an approved course in terms of Section 10 of the Indian Nursing Council Act, 1947 awaiting final affiliation by the Indian Nursing Council on compliance of requirements under Indian Nursing Council Act, 1947.

Since last date for taking admission in GNM Course is 23rd August, 2022 to protect the interest of the petitioner institute this Court is inclined to

pass order taking into consideration that there is a possibility of extending the time which would facilitate the petitioner institute to complete the process of admission.

Having considered the submissions made on behalf of the parties and placing reliance on the order dated 18th August, 2022 passed by the coordinate Bench, this Court permits the concerned respondent authorities to include the name of the petitioner institute in the seat matrix for the purpose of admission in the said institute in respect of the GNM course for the session 2022-2023.

However, this order shall not in any manner affect the process of granting recognition by the Indian Nursing Council to the petitioner institute subject to observing the formalities as required under the relevant provisions of the Indian Nursing Council Act, 1947 in respect of GNM course.

It is also made clear that if on extension of time admission is made in the petitioner institute in the session 2022-2023 in GNM course the candidates are to be notified specifically that their admission will be subject to grant of recognition by the Indian Nursing Council upon compliance of

formalities by the petitioner institute and the other authorities.

Since no affidavit has been called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the aforesaid direction and observation the writ petition stands disposed of.

However, there shall be no order as to costs.

Affidavit-of-service filed by the petitioner institute is taken on record.

Respondents are directed to act on the basis of server copy of this order downloaded from official website of this Court without insisting on production of certified copy.

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

(Saugata Bhattacharyya, J.)