

22nd July,
2022
(AK)
05

**CPAN 596 of 2022
in
W.P.A 20214 of 2021**

Lipka Shil

Vs.

Mrs. Smritikana Mani, OSD (Nursing), Department of
Health & Family Welfare (Nursing Branch) and others

Mr. Soumya Majumdar

Mr. Biswaroop Bhattacharya

Mr. Subhankar Chakraborty

Mr. Saptarshi Bhattacharjee

...for the petitioner.

Mr. Amitava Choudhury

Mr. Nirmalya Roy

...for the alleged contemnor no.2.

Mr. Nilotpall Chatterjee

...for the Indian Nursing Council.

A corrigendum issued by the Directorate of the Health Services on 22.03.2022 states that all candidates of M.Sc. Nursing and Post Basic B.Sc. Nursing can appear in a specific round of counselling to be held on 26.03.2022. This was after the judgment passed by this court on 1st March, 2022 in WPA 20214 of 2021. The impugned document later issued by the Directorate of the Health Services on 17.05.2022 states that the candidates who came to the court by this writ petition may be considered to take admission but that the admission has already closed on 07.04.2022 for the academic session 2021-2022.

The above two documents show that the alleged contemnor had time from 22.03.2022 to 07.04.2022 to comply with the orders passed by this court. Instead, however, the alleged contemnor by the letter of 17.05.2022 chose to put the onus on the Indian Nursing Council in relation to the cut off date for the admission. This shows a *prima facie* violation on the part of the alleged contemnor no.1. The onus cannot be shifted on the INC after 07.04.2022 when the cut off date was always in the knowledge of the alleged contemnor.

It is submitted on behalf of the alleged contemnor no.1 that appeals have been filed from the judgment dated 1st March, 2022 which are pending before the Division Bench. There is, however, no plausible reason shown for non-compliance of the order passed by this court on 10.05.2022.

The alleged contemnor nos.1 and 2 are directed to file their respective affidavits stating their contentions by 27th July, 2022.

List this matter on 1st August, 2022.

The copies of the affidavit should be served on the petitioner as well as the Indian Nursing Council on 28th July, 2022.

(Moushumi Bhattacharya, J.)