

22 13.9.2022
Sc Ct. no.22

WPA 20666 OF 2022

Barnoparichy Educational Trust

Vs.

The State of West Bengal & Ors.

Mr. Lutful Hoque

.... For the Petitioner

Mr. Swapan Kumar Datta

Mr. Tapas Kr. Mandal.

... For the Respondents/
State

Mr. Debaki Nandan Maiti

Mr. Asumdipta Santra.

...For the Respondent
No. 5/
West Bengal University
of Health Sciences

Mr. Nilotpall Chatterjee

...For the Respondent/
Indian Nursing Council

Mr. Lutful Haque, learned counsel appears for the petitioner.

Mr. Nilotpall Chatterjee, learned counsel appears for the Indian Nursing Council.

Mr. Tapas Kumar Mandal appears for the State led by Mr. Swapan Kumar Datta, learned senior State counsel.

Mr. Asumdipta Santra, learned counsel appears for the West Bengal University of Health Sciences led by Mr. Debaki Nandan Maiti, learned counsel.

The facts involved in this writ petition are not disputed by the parties appearing before this Court. The petitioner is a nursing institution for General Nursing and Midwifery (GNM) and B.Sc. Nursing courses.

The petitioner has obtained the **‘Essentiality Certificate’** from the Director of Health Services, West Bengal, **Annexure – P1** to the writ petition, dated May 27, 2022 and the **‘Permission for Opening New College of Nursing’** from the West Bengal Nursing Council dated July 4, 2022, **Annexure – P2** to the writ petition. The petitioner had also obtained a provisional approval for **‘General Nursing and Midwifery (GNM)’** from the West Bengal University of Health Sciences, **Annexure – P3** to the writ petition.

The parties appearing before this Court have confirmed that the issues involved in this writ petition is already covered by a **Judgment and Order dated August 26, 2022 passed by a coordinate Bench in WPA 19046 of 2022** along with a cluster of other writ petitions. The parties have further confirmed that the said **Judgment and Order dated August 26, 2022** bind them subject to the facts of this case. The petitioner is yet to apply for obtaining the **“Suitability Certificate”** as per the provisions of the Indian Nursing Council Act, Rules and Regulations. The petitioner undertakes to carry out the necessary formality and make application for the same.

In view of the above, this writ petition **WPA 20666 of 2022** stands disposed of in the light of the said **Judgment and Order dated August 26, 2022** mentioned above including the directions made therein and the

Indian Nursing Council shall be at liberty to take all further steps in the matter in accordance with law.

This order shall not preclude the Indian Nursing Council to take steps in accordance with law.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)