

Court No. 22
28.9.2022
(Item No. 19)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 22036 of 2022

Gitarani Foundation
VS
The State of West Bengal & Ors.

Mr. Lutful Haque
..... for the petitioner
Mr. Swapan Banerjee
Mr. Sougata Mitra
..... for the State
Mr. Nilotpal Chatterjee
.... For INC
Mr. D. N. Maiti
.... For WBUHS

Affidavit of service filed in Court, is taken on record.

The petitioner before this Court is a public charitable trust and carries on nursing training courses under the name and style of “Masagram Institute of Nursing”.

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, ***however since the petitioner (institution) does not have the affiliation from the University of Health Sciences, the petitioner is restricting its prayers to the GNM Course only.***

The petitioner has obtained the ‘Essentiality Certificate’ from the Director of Health Services, West Bengal, **Annexure P - 1** to the writ petition, dated **June 02, 2022** and the ‘Provisional Permission for Nursing training institution’ from the West Bengal Nursing Council dated **June 27, 2022, Annexure P-2** 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 19040 of 2022**. The parties have further confirmed that the said Judgment and Order dated August 26, 2022 bind them subject to facts of this case.

The petitioner institution shall apply ***for inspection*** 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 in accordance with law.

In view of the above, this writ petition **WPA 22036 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.)