

Court No. 22

28.9.2022

(Item No. 5)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 2519 of 2022

Pragati Educational Trust

VS

The State of West Bengal & Ors.

Mr. Pintu Karar

Mr. Akashdeep Mukherjee

Ms. Sayani Manna

..... for the petitioner

Mr. Swapan Kumar Dutta, Ld. AGP

Mr. Rajat Dutta

..... for the State

Mr. Nilotpal Chatterjee

.... For INC

Mr. D. N. Maiti

.... For WBUHS

Despite notice none appears for the State.

Mr. Swapan Kumar Dutta, learned senior counsel, the Additional Government Pleader and Mr. Rajat Dutta, learned State counsel present in Court, they are requested to appear in this matter and hold the brief. Their appearances and engagement are directed to be regularized forthwith.

The petitioner before this Court, “Pragati Educational Trust” is a registered Trust (under the Indian Trust Act) represented by its Secretary, which carries on Nursing institution imparting nursing Courses under the name and style of “Pragati Nursing College and Pragati Nursing School”.

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 **May 30, 2022** and the 'Provisional Permission for Nursing training institution' from the West Bengal Nursing Council dated **June 28, 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 2519 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.)