

Court No. 22
28.9.2022
(Item No. 1)
(AB)

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

W.P.A. 2717 of 2022

Cooch Behar Biren Kundu Welfare Organization
VS
The State of West Bengal & Ors.

Mr. Pintu Karar
Mr. Akashdeep Mukherjee
Ms. Sayani Manna
..... for the petitioner
Mr. Swapan Kumar Dutta
Mr. Tapas Kr. Mandal
..... for the State
Mr. D. N. Maiti
.... For WBUHS
Mr. Nilotpal Chatterjee
... for the Indian Nursing Council(INC)

Report in the form of an affidavit on behalf of
the State / Respondents is taken on record.

The petitioner before this Court, “Cooch Behar
Biren Kundu Welfare Organization” is a registered
Society (under West Bengal Society Registration Act)
represented by its secretary, which carries on Nursing
institution imparting nursing Courses under the
name and style of “Subham Nursing Institution.”

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 – P1 to the writ petition, dated **August 04, 2021** and the 'Final Permission for Nursing training institution' from the West Bengal Nursing Council dated **August 27, 2021**, Annexure – P2 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 **Judgement and order dated August 26, 2022 passed by a co-ordinate Bench in WPA 19040 of 2022**. The parties have further confirmed that the said Judgement 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 2717 of 2022 stands disposed of in the light of the said Judgement 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.)