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No
238
AGM

30.01
2023

W.P.A. 762 of 2023

**Fortune Institute of Nursing and Health Sciences
Vs
State of West Bengal & Ors**

Mr. Sambhunath De,

... For the Petitioner.

Mr. Nilotpall Chatterjee,

... For the Indian Nursing Council.

Petitioner seeks similar benefits as have been granted by the order dated August 18, 2022, as annexed at page 21 to this writ petition.

It has been submitted by the petitioner that it obtained Essentiality Certificate on November 11, 2022. Thereafter the Provisional Certificate was obtained from the Registrar, West Bengal Nursing Council on 16th December, 2022.

It has been further submitted that the Nursing Council accepted Rs. 80,000/- as fees from the petitioner for the purpose of admission.

The petitioner prays that it should be allowed to admit students and take part in the counselling process for the academic year 2022-23.

Mr. Nilotpall Chatterjee, learned advocate appearing for the Indian Nursing Council submits that the council has already fixed the last date for the admission on 1st December, 2022 for the session 2022-23. The Supreme

Court by an order passed in Special Leave to Appeal No. 10571 of 2022 (St. Stephens Hospital College of Nursing – vs- Union of India & Ors) has declined to extend the said last date of admission fixed by the Indian Nursing Council for the year 2021-2022.

The relevant portion of the said judgment is quoted below:

“ From the Notification issued by the Indian Nursing Council, the last date of admission for all nursing programmers for the year 2021-2022 was 31st of March, 2022. As per the settled position of law, the time schedule for admission in the educational institutions has to be adhered to. As such, the High Court has rightly refused to entertain the petitions and grant any relief of further Mop-up to fill up the seats, which have remained vacant. So far as the submission on behalf of the petitioners that in the case of two other Government institutions, the time limit was extended to 15th of May, 2022 is concerned, the same is neither here nor there. There cannot be any negative discrimination.

With respect to all other institutions, the time limit of 31st March, 2022 has been adhered to. Even the date of 15th May, 2022 has already gone. The process of admissions in the educational institutions cannot be endless. It must come to an end at a particular point of time. If there is any extension and/or deviation from the time schedule, that will ultimately affect the education.

Under these circumstances, we see no reason to interfere with the judgment and order (s) passed by the High Court. The Special Leave Petition as well as the Writ Petition are, accordingly, dismissed.”

No doubt that the petitioner has completed the formalities as indicated above and paid the requisite fees for admission of the students. This does not necessarily permit the petitioner to admit students beyond the last date of admission fixed by the Indian Nursing Council.

I am not inclined to entertain the writ petition in view of the order passed by the Supreme Court as quoted

above.

Needless to mention that the petitioner will be entitled to admit students in the next academic session in accordance with law.

Accordingly, WPA 762 of 2023 stands dismissed.

(*Kausik Chanda, J.*)