

15.03.2023
Ct. 5
D/L 13
ab

WPA 987 of 2023

Nibedita Das

-Vs-

The State of West Bengal & Ors.

Mr. Debashis Banerjee,
Mr. Kartick Kumay Ray,

... for the petitioner

Mr. Nilotpal Chatterjee

... for the Indian Nursing Council

Mr. Avishek Prasad

... for the West Bengal Nursing Council

The petitioner claims to be a qualified candidate for the General Nurse-Midwifery category of the State. The petitioner is aggrieved by an order dated 20th July, 2022 passed by the Registrar of the West Bengal Nursing Council.

Learned counsel appearing for the petitioner submits that the petitioner received the notice for hearing only on 19th July, 2022 at about 7 p.m., although the notice is dated 15th July, 2022. Counsel also submits that the petitioner thereafter wrote a letter to the Council on 20th July, 2022 asking for 4 days time to submit relevant documents before the Council.

Learned counsel appearing for the West Bengal Nursing Council relies on a letter of 21st July, 2022 of

the Registrar which states that the petitioner attended the office for hearing but refused to put her signature on the attendance sheet.

However, considering the documents before the Court, the letter of 21st July, 2022 is found lacking in material particulars. It does not state the date on which the petitioner allegedly appeared before the office for hearing. In any event, the position taken is belied by the letter of the petitioner dated 20th July, 2022.

It is, therefore, evident that the impugned order of 20th July, 2022 was passed without hearing the petitioner. This is contrary to the direction passed by this Court by the order dated 24th June, 2022.

WPA 987 of 2023 is accordingly disposed of by quashing the impugned order of 20th July, 2022 passed by the West Bengal Nursing Council. The Council is directed to take a fresh hearing of the petitioner considering all relevant documents. The Council shall pass a reasoned order within 10 days from today. A copy of the reasoned order shall be made available to the petitioner within 3 days from the date of passing such order.

It is made clear that this Court has not gone into the merits of the case.

(Moushumi Bhattacharya, J.)