

28.8.2023

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WPA 13791 of 2023

Sahanaj Parvin

Vs.

State of West Bengal & Ors.

Mr. Siddhartha Sankar Mandal

Ms. Arunima Das Sharma

... For the petitioner.

Mr. D.N. Lahiri

Mr. A. Sarkar

... For respondent nos. 2 & 3.

Mr. Nilotpal Chatterjee

... For INC.

Ms. Tapati Samanta

Mr. Arindam Ghosh

... For the State.

It is not in dispute that the petitioner was successful in Common Entrance Test for Post Basic Nursing course, JEPBN – 2022. Her rank under OBC “A” category was 2155.

After the counselling, the petitioner was allotted a seat at West Bengal Government College of Nursing, Kolkata. Subsequently, the petitioner was denied admission in the said college on the ground that the institution, namely Jayakar School of Nursing, Bangaluru under Karnataka State University from where the petitioner passed her General Nursing and Midwifery course, was not recognized by the Indian Nursing Council.

This Court sought a clarification from Indian Nursing Council as to whether the recognition in

respect of this college was withdrawn in terms of Section 14 of the Indian Nursing Council Act, 1947.

Mr. Nilotpal Chatterjee, learned advocate appearing on behalf of the Indian Nursing Council fairly submits that as on date no such notification under Section 14 of the said Act has been issued by the Indian Nursing Council against Jayakar School of Nursing, Bangaluru.

It has been held by this Court in **WPA 2136 of 2023 (Sourav Ghosh vs. State of West Bengal & Ors.)** that unless a notification is issued under Section 14 (3)(b) of the Indian Nursing Council Act, 1947 against a Nursing College, the diploma obtained therefrom should be recognized by all the States.

In that view of the matter, the denial on the part of the State to admit the petitioner in the relevant college cannot be sustained in law.

Accordingly, this writ petition stands allowed with a direction upon respondent nos. 4 and 5 to admit the petitioner in the next academic session.

Accordingly, **WPA 13791 of 2023** stands allowed.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)