

24.11.2023

ap
22

WPA 17722 of 2023

Kalyan Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Mridul Biswas
Mr. Shaharayar Alam
... For the petitioner.

Mr. Amitava Chaudhuri
Mr. N. Roy
Mr. C. Chakraborty
... For Board.

Mr. Nilotpal Chatterjee
... For INC.

Mr. Santanu Kr. Mitra
Ms. Jyotsna Roy Mukherjee
... For the State.

It is the grievance of the petitioner that he was successful in West Bengal Joint Entrance Examination for General Nursing Midwifery course (GNM) - 2022. He ranked 351 under the General Category and 186 under the Scheduled Caste category. Following his rank in the merit list, he was admitted to the Muktheadhara Nursing Institute, respondent no. 5. The West Bengal Nursing Council, however, declined to register his name.

Mr. Nilotpal Chatterjee, learned advocate appearing for the Indian Nursing Council, has submitted that the qualifications prescribed for the GNM course by the Indian Nursing Council are as follows:

1. Minimum education eligibility criteria for admission to GNM:

“• 10+ 2 with English and must have obtained a minimum of 40% at the qualifying examination and English individually from any recognized board. Candidates are also eligible from State Open School recognized by State Government and National Institute or Open School (NIOS) recognized by Central Government. However, Science is preferable.

• 10+ 2 with English having 40% marks in vocational ANM course from the school recognized by Indian Nursing Council.

• 10+ 2 with English having 40% marks in vocational Stream-Health care Science from a recognized CBSE board/State/Centre.

Registered ANM with pass mark.”

The petitioner passed 10+ 2 in Vocational Stream – Agriculture, therefore, he is not eligible for admission.

The qualification of the petitioner is not disputed.

Learned advocate for the petitioner submits that the petitioner was successful in the Joint Entrance Examination and took admission to the college disclosing all his educational qualifications. Therefore, the petitioner should be allowed to continue his study

and the West Bengal Nursing Council should grant him registration.

I am unable to accept the contention of the petitioner.

The petitioner was aware of the prescribed qualification for the GNM course. Despite being aware that he was not a qualified candidate, he took the examination.

No mandamus can be issued to the West Bengal Nursing Council to register a student who does not have the requisite qualification to pursue a nursing course. The petitioner being an ineligible candidate for the course, I am not inclined to entertain the prayer of the writ petitioner.

However, I direct the college to refund the fees paid by the petitioner within two weeks from the date of communication of this order since it is the duty of the college also to ascertain the eligibility of the petitioner before admitting him to the relevant course.

Accordingly, **WPA 17722 of 2023** is disposed of.

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

(Kausik Chanda, J.)