

24.11.2023

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WPA 17732 of 2023

Shyama Prasad Sahis
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 took admission under the management quota in the Muktheadhara Institute, being respondent no. 5 for General Nursing and Midwifery course.

The West Bengal Nursing Council, however, declined to register his name citing lack of educational qualification for registration.

Mr. Nilotpal Chatterjee, learned advocate appearing for the West Bengal Nursing Council, has submitted that the qualifications prescribed in 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.”

He submits that the petitioner passed 10+2 vocational course in Agriculture – Stream, therefore, he is not eligible for admission.

I am, however, unable to accept the contention of the petitioner.

The qualification of the petitioner is not disputed and therefore it cannot be said that he was eligible for admission to the relevant course.

Learned advocate for the petitioner submits that there was no fault on the part of the petitioner as he never suppressed his qualification. Therefore, study of

the petitioner should not be discontinued and the West Bengal Nursing Council should grant him registration.

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

No mandamus can be issued to the Indian Nursing Council to register a student who does not have the requisite qualification to pursue the 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 also the duty of the college to ascertain the eligibility of the petitioner before admitting him.

Accordingly, **WPA 17732 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.)