

07.12.2023

Item No.18

Ct. No. 238

AKG

WPA 26674 of 2023
Diya Malik
Vs.
The State of West Bengal & Ors.

Mr. Imtiaz Ahmed, Mrs. Ghazala Firdous, Mr. Sk. Saidullah, Mr. Mithun Mondal	...for the Petitioner
Mr. Bhaskar Prasad Vaisya, Mr. Nilay Baran Mondal	...for the State
Mr. Amitava Chaudhuri, Mr. N. Roy	...for the Board
Mr. Nilotpal Chatterjee	...for Indian Nursing Council
Mr. Md. Arsalan	...for Respondent No. 6
Mr. Sourav Chowdhury, Ms. Ritoban Sarkar	...for Respondent No. 4

The petitioner passed 10+2 level Higher Secondary Examination in Vocational Stream from West Bengal State Council of Technical & Vocational Education and Skill Development. Her relevant marksheet describes the course as “Home Science”. The certificate, however, suggests that she passed the said examination in “Community Healthcare” (HSCH) course.

Thereafter, the petitioner appeared in the common entrance test for General Nursing Midwifery (GNM in short) course in 2022. The petitioner was successful and accordingly, she was admitted to a

nursing institute to pursue the said nursing course. The petitioner was, however, denied registration by the West Bengal Nursing Council (Nursing Council in short). Though there was no written communication from the end of the West Bengal State Nursing Council, it is an admitted fact that the petitioner was denied registration by the council solely on the ground that she had not passed 10+2 Vocational Stream in “Healthcare Science”.

It appears that by a letter dated May 15, 2023, the West Bengal State Council of Technical & Vocational Education and Skill Development requested the Nursing Council to take necessary corrective measures so that the students passing with “Community Healthcare” course mentioned in the certificate but “Home Science” discipline mentioned in the marksheet may be considered as students of “Healthcare Science” and are allowed registration for GNM course.

In the letter dated May 15, 2023, the West Bengal State Council of Technical & Vocational Education and Skill Development clarified students as follows :

“It has come to our notice that students of West Bengal State Council of Technical & Vocational Education & Skill Development (WBSCTVE&SD) who passed out Higher Secondary (Vocational) with

“Community Healthcare” Group and took admission in G.N.M course in 2022, are denied registration by West Bengal Nursing Council as the certificate of these students mention their group as “Home Science” instead of “Healthcare Sc”.

It may be mentioned that these students of “Community Healthcare” group study a combination of minimum two Vocational Papers out of (a) Community Health Counsellor (COHC) (b) Patient Care Assistant (PTCA) (c) Public Health And Emergency Care Assistant (PHEC). They also study Biology and Dietetics as compulsory paper in class 12 and Basic Science (Chemistry and Biology) in class 11. Certificate of this group of students were marked as students of “Home Science” discipline till 2022. As per latest decision of this Council, w.e.f. Higher Secondary Vocational Examination 2023, these group of students will be issued certificate for “Healthcare Science” group.”

The marksheet of the petitioner also indicates that she passed 10+2 Vocational Examination in “Home Science” discipline, while her certificate suggests that she passed the said examination in “Community Healthcare Course” under the “Home Science” discipline.

It has been submitted by Mr. Bhaskar Prasad Vaisya, learned advocate representing the Nursing Council that “Home Science” is not recognised as “Healthcare Science” by the Nursing Council. The petitioner is not eligible for registration in terms of the

clarification provided in the information bulletin for Common Entrance Test for GNM Courses-2022.

Mr. Nilotpall 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.”

Mr. Chatterjee submits that the petitioner is not eligible for registration in terms of the aforesaid regulation.

I am of the view that the registration of the petitioner under the West Bengal Nursing Council cannot be denied. The clarification contained in the aforementioned letter dated May 15, 2023 makes it

clear that there is no practical distinction between “Home Science” course and “Healthcare Science” course offered by the West Bengal State Council of Technical & Vocational Education and Skill Development.

I am of the view when the West Bengal State Council of Technical & Vocational Education and Skill Development being the competent authority itself clarified that the petitioner is eligible for registration for G.N.M. Course, Nursing Council should grant requisition to the petitioner.

Accordingly, this writ petition is allowed with a direction upon the West Bengal Nursing Council to register the name of the petitioner within one-week from the date of communication of this order.

WPA 26674 of 2023 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)