

14.12.2023
Item No.9
Ct. No. 8
Aloke

**MAT 2418 of 2023
with
IA NO. CAN 1 of 2023**

**Suprana Maity
Vs.
The State of West Bengal & Ors.**

Mr. Susanta Pal
Mr. Biswaroop Biswas
Mr. Pradip Kr. Ghosh
... for the appellant

Mr. Nilotpal Chatterjee
... for the Indian Nursing Council

Mr. Amitava Chaudhuri
Mr. N. Ray
... for the WBJEEB

In spite of service the State respondents are not represented.

We have heard the learned counsel for the parties.

The appellant/petitioner has passed 10 +2 in vocational stream in agriculture. The subject combination appeared from at page 43 Annexure – ‘p-9’ shows that she has in her curriculum subject like bio-science, physics and chemistry.

Learned Counsel for the appellant submits that in spite of having science background, she was not considered and the Admit Card was not issued in her favour although candidates with Arts and Commerce background have been favoured and allowed to participate in the examination.

Learned counsel appearing for the Indian Nursing Council in opposing the prayer has submitted that she has obtained vocational courses in agriculture and cannot be treated with candidates having science background. Any degree in agriculture would have no relevance to the kind of job the candidates would have required to perform, in the event she is selected.

It is further argued that Court cannot rewrite the terms of the advertisement and direct the authorities concerned to allow the candidate who fulfil the eligibility criteria.

The appellant has pursued her studies in regular vocational stream. However, the disciplined group is agriculture. Irrespective of the fact that the disciplined group is agriculture her subject combination disclosed at page 22 Annexure 'p-1' shows that she has studied bio-science, physics and chemistry. The documents disclosed at page 43 shows that candidates with arts and commerce background have been included in the list of GNM 1st Year 2022-25. Students having academic background of bio-science, physics and chemistry would be on a better footing and suitable for the job than a student with arts or commerce background. Although, in the eligibility criteria it is stated that for regular candidates with arts background science would be

preferred, there is no material produced before us showing that the large number of candidates with arts as subject has science background. The list of candidates mentioned in the list at Page 43 shows large number of students in Arts and Commerce are allowed admission. Moreover the advertisement clearly states that students with science background should be preferred.

The appellant was denied registration after she completed one year training course. Her eligibility was not denied at the threshold. It shall be presumed that at the time when she was allowed training, the authorities concerned must have considered the subjects she studied in the vocational course and found her suitable and eligible for training.

On such consideration, MAT 2418 of 2023 and the connected application being CAN 1 of 2023 are allowed.

Accordingly, we direct the authorities concerned to allow registration and participation in the examination to be held on 18th December, 2023.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon usual undertakings.

(Soumen Sen, J.)

(Uday Kumar, J.)