

HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:
THE HON'BLE JUSTICE JAY SENGUPTA

WPA 424 of 2024

Lakshmi Pramanik
Vs.
The Union of India & Ors.

For the petitioner : Mr. Biswajib Ghosh,
Mr. Nikhil Kr Gupta,
Mr. Rameshwar Sinha,
Ms. Debanjana Sen.

For the State : Mr. Gourav Das,
Mr. D. Chatterjee.

For the UOI : Mr. Dhiraj Trivedi,
Mr. Manabendranath Bandyopadhyay.

For the Indian Nursing Council: Mr. Niloptal Chatterjee

Heard on : 29.08.2024

Judgment on : 29.08.2024

JAY SENGUPTA, J:

This is an application praying for direction upon the
respondent authorities to consider the name of the petitioner for Reciprocal

Registration in the State Nursing Council by giving benefit of rounding off of her marks.

Copy of the communication dated 29.03.2019 issued by the Joint Secretary of the Indian Nursing Council to the Registrar, West Bengal Nursing Council, as filed on behalf of the Indian Nursing Council, is taken on record.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner passed her GNM course from an institute in the State of Tamil Nadu in the year 2020. She got registered with the Tamil Nadu State Nursing Council. Thereafter, she sought registration with the West Bengal Nursing Council. However, the same was rejected, inter alia, on the ground that she did not have pass marks individually in the internal and the external examinations. In the external examination, her marks was short by 0.5. The petitioner even applied for reconsideration and for rounding off of the marks obtained by treating 0.5 as 1.0.

Learned counsel appearing on behalf of the West Bengal State Nursing Council denies the allegations made in the writ petition and submits as follows. There is no provision by which the guidelines for passing both the internal and the external examinations individually can be bypassed. In fact, there is no provision for rounding off of marks obtained for such examinations either. A clarification memo in this regard has been issued by the State Nursing Council.

Learned counsel appearing on behalf of the Indian Nursing Council submits that there is indeed no provision for rounding off of marks obtained in examinations. However, anomalies created by registration of

nurses by different State Councils required clarificatory notices to be issued by the Indian Nursing Council.

I heard the learned counsels for the parties, perused the writ petition, the affidavits and copies of documents filed.

The relevant portion of the clarification issued by the Indian Nursing Council on 29.03.2019 to the Registrar, West Bengal Nursing Council may be quoted as under:

“1. As per INC Resolution dated 11th and 12th January, 2007, under Reciprocal Registration that if a nurse moves from one State to another State s/he should get herself/himself registered in the State Nurses Registration Council (SNRC) where s/he will work provided that a candidate has to pass internal and external examination separately in each of the paper in all Nursing Programs. Therefore, the mark sheet should reflect both the internal and external marks obtained by the student.

2. The matter of internal & external marks has been discussed subsequently in the Nursing Education Committee Meeting held on 25th July, 2017 when it was observed that some of the Nursing Institutions/Universities are not following the guidelines laid by Indian Nursing Council. In the meeting, keeping in mind the future prospects of Nursing Graduates the Nursing Education Committee decided that the State Nursing Council can register the students after verifying their RN/RM certificates. Once registered in any State Nursing Council after acquiring qualification prescribed by Indian Nursing Council and suitability status of Institute is verified by INC, other Nursing Councils shall not look into internal & external marks. However,

registration is subject to issuance of No Objection Certificate from parent Council and verification of credentials. Further, the name of the candidate shall be deleted from the previous State Nursing Council.”

Therefore, it appears that as per clarification issued by the Indian Nursing Council, once a candidate is registered with a State Nursing Council after acquiring qualification prescribed by the INC and suitability status of the Institute was verified by the INC, the other Nursing Councils ought not to look into the internal and external marks. However, the registration will be subject to issuance of No Objection Certificate from the parent Council and verification of credentials.

This takes care of the particular problem at hand.

In view of the above, the impugned rejection of Reciprocal Registration by the respondent authorities is set aside. The matter is remanded back to the concerned authorities to grant Reciprocal Registration to the petitioner in view of the clarification dated 29.03.2019 issued by Indian Nursing Council, however, subject to the issuance of no objection certificate from the parent Council, verification of credentials and other formalities. The same may be done at the earliest preferably, within a period of four weeks from the date of communication from this order.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)

