

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 8399 of 2024

National Centre for Development of Technical Education

Versus

The State of West Bengal & Ors.

For the petitioner	:	Mr. Pintu Karar Mr. Akashdeep Mukherjee Mr. Sabab Uddin Laskar Ms. Sayani Manna ...Advocates
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For the respondent no.5	:	Mr. D. N. Maity Mr. A. Santra ...Advocates
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For the State	:	Mr. Swapan Kr. Dutta, Ld. AGP Mr. Rajat Dutta
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For the Indian Nursing Council	:	Mr. Nilotpal Chatterjee
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Heard on	:	26.06.2024
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Judgment on	:	26.06.2024
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JAY SENGUPTA, J:

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to provide registration to some students of the Institution for the course of BSc Nursing for the Session 2023-2024.

Supplementary affidavit filed on behalf of the petitioner is taken on record. Copy of the same has been served upon the learned counsels for the other side.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a trust, which runs a College by the name of “Global Hiranoni Memorial Nursing Institution” in the district of Nadia. For the academic session of 2022-2023, the Director of Health Services, West Bengal had published a notification dated 26.10.2022, thereby allowing the Nursing Colleges to admit students into the course of BSc Nursing to the extent of 25 per cent of their total seats, even though such students might not have passed the JENPAS-UG 2022. This year, a similar notification has been issued for the academic session of 2023-2024 for some other courses. But, the notification does not cover the course of BSc Nursing. This is despite the fact that seats have remained vacant in Nursing Colleges even after mop up counselling. Accordingly, the petitioner may be permitted to admit 25 per cent of its seats strength of 60 i.e., 15 numbers of seats for this year in BSc Nursing.

Learned counsel appearing on behalf of the Indian Nursing Council denies the allegations and submits as follows. The Notification dated 26.10.2022 was only meant for the academic session 2022-2023. This year, no such notification has been issued in respect of BSc Nursing. Therefore, there is no scope of allowing any College to admit students in such fashion. This issue had come up earlier before this Court and a Co-ordinate Bench of this Court had refused such relief in WPA 12698 of 2024 and WPA 13922 of 2024. The ground was that the candidates did not qualify JENPAS-UG Examination.

Learned senior counsel appearing on behalf of the State points out that the said Notification was meant only for the academic session 2022-2023.

Learned counsel appearing on behalf of the University submits that the Notification in question was issued by the State and the University was only to follow the same.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition and the supplementary affidavit.

It appears that by a Notification dated 26.10.2022 issued by the Director of Health Services, Government of West Bengal, a relaxation was made for admitting students in BSc Nursing course only for the academic session 2022-2023. A similar notification for the next year does not cover the course of BSc Nursing.

It is for the State to assess the facts and circumstances in order to formulate a policy. If such a Notification has not been promulgated this year for the academic session 2023-2024, the petitioner or any other Nursing College cannot be permitted to admit students without the latter having passed the JENPAS-UG Test.

Reliance has also been placed by the learned counsel for the Indian Nursing Council on decisions of a Co-ordinate Bench of this Court.

In view of the above discussions, I do not find any merit in this application.

Accordingly, the same is dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J)