

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 17337 of 2024

Manisha Hazra

Vs.

The State of West Bengal & Ors.

For the petitioner : Mr. Pankaj Halder
Mr. Neelabha Bera
...Advocates

For the Indian Nursing Council : Mr. Nilotpal Chatterjee
...Advocate

For the State : Mr. Santanu Kumar Mitra
Mr. Subhabrata Das

Heard on : 07.08.2024

Judgment on : 07.08.2024

JAY SENGUPTA, J:

This is an application for direction upon the West Bengal Nursing Council to allow reciprocal registration to the petitioner.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner passed B.Sc Nursing from ITM University in the State of Madhya Pradesh. She was granted registration by the Madhya Pradesh State Nursing Council. Thereafter, she applied for reciprocal registration with the West Bengal Nursing Council. But, the same was denied on the ground that the examination at the relevant time in West Bengal used to be taken annually whereas the Madhya Pradesh College had semester based tests. The petitioner had approached this Court earlier. It directed the concerned authority to consider the petitioner's prayer. Upon such purported consideration, the petitioner's prayer was rejected. However, a candidate standing on the same footing was granted relief by this Court by an order dated 06.05.2024 in WPA 11514 of 2024. There, it was held that there was nothing to show that before the notification dated April 8, 2019 issued by the Indian Nursing Council, semester based examinations were not accepted. The petitioner prays for similar relief.

Learned Counsel appearing on behalf of the Indian Nursing Council denies the allegations made in the writ petition and submits that there is a difference between the examination pattern that the Madhya Pradesh College followed. There it was done based on semesters whereas Indian Nursing Council suggests examination to be taken annually.

Learned Counsel appears on behalf of the State including the West Bengal Nursing Council.

The College from which the petitioner has passed is not a foreign college. It is a College recognized by the Nursing Council for the State of Madhya Pradesh. It also does not appear that the Indian Nursing Council has any problem with the authority of the Madhya Pradesh State Nursing Council.

It further appears that the Indian Nursing Council or the West Bengal State Nursing Council has not preferred any appeal against the order dated 6th May, 2024 passed in WPA 11514 of 2024.

After considering the facts of the instant case and the claim of the petitioner that she stands on similar footing as the petitioner in the other matter, I find no reason to take a different view.

Accordingly, the Registrar, West Bengal Nursing Council is directed to register the name of the petitioner within a period of four weeks from the date of communication of 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)