

24.01.2024
Sl. No.26
Suman
Ct.No.238.

WPA 27106 of 2023

Shouvik Kumar Manna and Anr.
Vs.
The State of West Bengal and Ors.

Mr. Pankaj Halder
Mr. S. Batal
Mr. Bidish Ghosh
..for the petitioners

Mr. Nilotpal Chatterjee
..for the Indian Nursing Council

Mr. Gaurav Das
Mr. Debopriya Chatterjee
..for the State

The petitioners are registered with the Madhya Pradesh Nurses Registration Council. They passed B. Sc. Nursing Course from ITM University, Gwalior. They applied for their reciprocal registration with the West Bengal Nursing Council, which was denied on the ground that they did not pass the B.Sc Nursing Course under a yearly examination system, but rather under a semester basis.

Learned advocate representing the Registrar, West Bengal Nursing Council has made over a copy of the instruction forwarded to him by the Registrar, West Bengal Nursing Council.

Let a copy of the said instruction be kept with the records.

It is the stand of the West Bengal Nursing Council that by a notification dated April 8, 2019, the Indian Nursing Council revised the curriculum for B.Sc. Nursing Course and recommended that semester system be followed in B.Sc. Nursing Courses. Before the aforesaid notification dated April 8, 2019, examinations on semester basis did not meet the guidelines issued by the Indian Nursing Council. The State also adopted the semester system examination from the academic session 2022 as per the revised curriculum for B.Sc. Nursing Courses. Therefore, the students who passed B.Sc. Nursing from other states of India before 2022 were denied reciprocal registration by the West Bengal Nursing Council.

Mr. Nilotpal Chatterjee, learned advocate appearing for the Indian Nursing Council submits that semester based marksheets of the petitioners suggest that the petitioners' subjects are included in the scheme of the examination laid down by the Indian Nursing Council by the notification dated April 8, 2019.

Let a copy of the notification dated April 8, 2019 be kept with the record.

I find no justification to accept the stand of the West Bengal Nursing Council as stated above. Nothing has been produced before this Court to suggest that before the notification dated April 8, 2019, issued by the Indian Nursing Council, semester based examinations were not accepted. The petitioners applied for their reciprocal registration which was rejected by an order dated July 6, 2022. The notification dated April 8, 2019, mandating the semester based examination, was operative at the time of such rejection. Since at the time of petitioners' application, semester based examination was accepted, they could not be denied registration. Accordingly, the Registrar, West Bengal Nursing Council is directed to register the names of the petitioners within a period of three weeks from the date of communication of this order.

Accordingly, **WPA 27106 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.)