

05.01.2024
Sl. No. 34.
Suman
Ct.No.238.

WPA 28628 of 2023

Poulomi Chatterjee
Vs.
The State of West Bengal and Ors.

Mr. Lutful Haque
Ms. Taharima Khatun
..for the petitioner

Mr. Gourav Das
..for the State

The petitioner made a prayer before the Director of Health Services, West Bengal for granting her Trainee Reserve status to enable her to join Auxiliary Nursing Midwifery Course. Since the prayer of the petitioner was not considered, she approached this Court by filing WPA 25886 of 2023 (Poulomi Chatterjee -vs.- The State of West Bengal). The said writ petition was disposed of on November 24, 2023 giving a direction upon the Director of Health Services, West Bengal to consider the prayer of the petitioner strictly in accordance with law. In compliance of the said order dated November 24, 2023 the Director of Health Services, West Bengal by the order impugned dated December 8, 2023 rejected the case of the petitioner.

The relevant segment of the said reasoned order dated December 8, 2023 is quoted below:-

“And, whereas, it is found that the Health Assistant (Female) is a single post and catering services to a population of 10,000 to 14,000 approximately. None of the Health Assistant (Female) is give TR on application but on court cases.

And, whereas, it is pertinent to be jotted down here that out of the three year GNM Course in academic session 2022-2025, almost one year period of time is going to be ended in December, 2023 and, consequently, classes in different Nursing Institutions for this year about to be concluded.

According to the **Guidelines set by the Indian Nursing Council (INC), New Delhi** a candidate must have minimum of 80% attendance (irrespective of the kind of absence) in theoretical and practical classes in each subject for appearing in the examination, she/he has to complete not less than eleven months of the course. A candidate must secure 50% marks in internal assessment separately in each of the theory and practical.

And, the last date for Academic Session 2022-23 was 31st October, 2022, will be considered as Regular Batch and from 1st November, 2022 to 31st December, 2022, will be considered as Irregular Batch.

And, whereas, as per Indian Nursing Council's Notification No.F No.1-6/(LT)-2022-INC dated 21.10.2022, for the academic session 2022-2025 the last date of admission for the GNM Course was 30th Nov. 2022. On the basis of that Notification, a portal of the WBNC for Online Student Registration was opened from 19.01.2023 to 24.02.2023. But, the petitioner filed her prayer for justice before the Hon'ble Court on 2nd November, 2023, which is long after closing of the said portal.

It has been identified that ANM(R) course is a sufficient and required qualification for rendering services entrusted for the post of Health Assistant (Female).

It may be further mentioned that GNM post is planned for Clinical and Community field work whereas Health Assistant (Female) post is created for only community field work. Ordinarily, TR facility is sanctioned to the regular employees for pursuing higher studies while being in a service and after completion of the course they come back and rejoin the same post for the purpose of getting an easier promotion. In the present context Health Assistant (Female) are ANM(R) qualified

candidates which is quite enough and does not require any higher studies. It may be presumed that after getting GNM /B. Sc. Nursing training by availing TR facility, the said applicant may shift from her present post, which may create a dearth of service provider in the field of Nursing.

O R D E R

Under such circumstances, when the petitioner is showing her urge to go for higher studies, being in-service, she may be accommodated for pursuing her coveted higher studies by availing study leave facility which is provided in Appendix-V of the WBSR (P-I). It may also be mentioned here that “study leave for the proposed course may be granted only if it renders a definite advantage from the view of the public interest.”

I do not find any reason to interfere with the well-reasoned order impugned. The order is well-founded.

However, I make it clear that the petitioner may pursue higher studies by taking study leave available to her in accordance with law.

Accordingly, WPA 28628 of 2023 is **dismissed**.

Urgent photostat certified copy of this order, if applied for, be supplied to be parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)