

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:
THE HON'BLE JUSTICE JAY SENGUPTA

WPA 24360 of 2024

Jonaki Das
Vs.
The State of West Bengal & Ors.

For the petitioner	:	Mr. Purnasish Gupta, Mr. Jayanta Kumar Mukhopadhyay.
For the State	:	Mr. Sirsanya Bandopadhyay Id.SSC, Mr. Debopriyo Karan.
For the WBNC	:	Mr. Abir Sarkar
For the INC	:	Mr. Nilotpal Chatterjee
Heard on	:	10.02.2025
Judgment on	:	10.02.2025

JAY SENGUPTA, J:

1. This is an application praying for direction upon the respondent authorities to allow the petitioner's application for reciprocal registration under the West Bengal Nursing Council as a nurse after setting aside the order dated 22.11.2022.
2. Affidavit-of-service filed on behalf of the petitioner is taken on record.

3. 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 notification dated April 8, 2019 issued by the Indian Nursing Council, semester based examinations were not accepted. The petitioner prays for similar relief.
4. Learned Counsel appearing on behalf of the Indian Nursing Council denies the allegation 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.
5. Learned counsel appearing on behalf of the WBNC denies the allegations made in the writ petition and submits as follows. As per the memo dated 18th April, 2019, it has been made clear that if the conditions for admission to the Nursing

Course and the scheme of examination for the INC recognised nursing qualifications are not in conformity with the regulations notified by the INC, then the candidates possessing such qualification shall be entitled to be registered in that State only where the University/Examining board is situated. It is further argued that a Semester based method was introduced by the INC only with effect from 05.07.2021. Therefore, the petitioner is not entitled to get the benefit as sought.

6. The first document relied upon on behalf of the WBNC refers to a general statement regarding compliance of relevant norms. This does not add anything special to the issue of semester based examinations.

7. Moreover, the subsequent notification that introduced semester based examinations would only go to show that the degree or diploma would remain the same whether the course is semester based or otherwise. In other words, whether the examinations are held annually or by semesters does not go to the root of the matter.

8. The bottom line is that the subjects should be covered. So far as that is concerned, there is no infraction of laws or norms in the instant case.

9. 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.

10. 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*.
11. 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.
12. Accordingly, the impugned order is set aside and 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.
13. With these observations, the writ petition is disposed of.
14. 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)