

21.01.2026.
31
Ct.No.24.
as

WPA 4733 of 2025

Tanu Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Anindya Bose,
Mr. Golam Mohiuddin,
Mr. Mridul Biswas.

...for the Petitioner.

Mr. Rajarshi Bose,
Mr. Shehnaz Tareq Mina.

...for the State.

Mr. Abir Sarkar.

...for the Respondent Nos.2 & 3.

Mr. Nilotpal Chatterjee.

...for the Respondent No.5.

Mr. Santanu Kr. Mitra,
Mr. Amartya Pal,
Mr. Mahek Jaiswal,
Mr. Rati Kanta Pal.

....for the WBCHSC.

Mr. Amitava Chaudhuri,
Mr. N. Roy.

..for the WBJEEB.

1. The exception filed by the petitioner is kept on record.
2. The petitioner is aggrieved that she was not given registration against her admission in Auxiliary Nurse and Midwifery Course, Session 2024-2025 in the Nursing Training School, Barasat, Government, MCH, North 24-Paraganas.
3. Mr. Bose, learned Advocate appearing for the petitioner submits that the petitioner has qualified on all counts and was thereafter, admitted to the Nursing School and is presently entitled for registration.

4. The principal defence urged on behalf of the respondent Nos.8 and 2 is that the petitioner had made an incorrect declaration and had got admitted to the college on the basis of such declaration. The report filed by the respondent No.8 discloses the criteria for appointment of an incumbent. The eligibility criteria for admission is that an incumbent must have passed Class XII examination from any recognized Board with at least 40% marks in aggregate.

5. The report discloses a notification of November 29, 2017, by which the examinees of Higher Secondary Examination for the year 2008-11 were awarded percentage out of total 500 marks, considering the marks awarded in two language subjects and three compulsory elective subjects. The percentage of aggregate marks was calculated in the same manner out of a total 500 marks. Pursuant to a report called for by this Court, this position has also explained by the respondent No.8. The petitioner on the basis of such notification dated November 29, 2017, an examinee of the year 2014 was able to obtain 216 marks out of a total of 500 marks which comes to an aggregate percentage of 43.2%. However, these marks include marks of the environmental subject, which is a compulsory subject. It is not the compulsory elective subject. Thus, the representation by the petitioner of having obtained 216 marks in the self declaration is incorrect. The aggregate of the petitioner covering the two languages and the three compulsory elective subjects is 191 marks out of a total of

500 marks, which constitutes a percentage of 38.2%. This is clearly below the stipulated 40%. The petitioner, therefore, fall short of the eligibility criteria as stipulated.

6. It is not in dispute that the notification of November 29, 2017 has not been challenged and irrespective of its correctness stands good as of today.

7. In view thereof, since the petitioner does not meet the eligibility criteria of 40%, the minimum requirement set forth by the authorities, the prayer of the petitioner seeking registration cannot be permitted.

8. In view of the aforestated, the writ petition fails and is accordingly dismissed.

9. Since affidavits have not been called for, allegations contained in the petition are deemed to have been denied.

10. There shall be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rectobroto Kumar Mitra, J.)