

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
 Hon'ble Mr. P. Ramesh Kumar, Administrative Member.

CASE NO. OA 191 of 2019.

ANURADHA PRASAD – Vs- THE STATE OF WEST BENGAL AND OTHERS.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>15 27.2.2020.</p>	<p>For the Applicant : Md. Y. Ali, Mst. S. Banu, Advocates.</p> <p>For the State Respondents : Mr. G.P. Banerjee, Mr. S. Ghosh, Advocates.</p> <p>In this application Anuradha Prasad, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p><i>“a).....A mandatory order be passed and/or direction be issued upon the respondent authorities, more particularly the respondent no.3, their men and subordinates and each one of them to forthwith issue registration certificate in favour of the applicant as Nurse by accepting her application dated 14th February 2019 to enable her to join as Staff Nurse Grade-II at the Asansol District Hospital, Paschim Bardhaman (Trauma Care Centre) vide appointment order no. HNG/3A-1-2018/Part-1/95 dated 1st February 2019 issued by the Directorate of Health Services, Health & Family Welfare Department, Government of West Bengal.....”.</i></p> <p>After the matter was admitted, reply on behalf of respondent Nos. 1 to 4 and the rejoinder have been filed and are on record.</p>	

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	<p>Heard Md. Y. Ali, learned advocate for the applicant and Mr. G.P. Banerjee along with Mr. S. Ghosh, learned advocates for the State respondents.</p> <p>It appears that the applicant passed Madhyamik examination in the year 2011 from the West Bengal Board of Secondary Education and passed Higher Secondary (Vocational) examination in the year 2013. Thereafter the applicant completed three years six months course of Diploma in General Nursing and Midwifery (GNM) from Nazareth Hospital school of Nursing commencing from September, 2013 to April 2017 conducted by Uttar Pradesh State Medical Faculty and a certificate to that effect was awarded to her on 2nd August, 2017. On 21st July, 2018 the West Bengal Health Recruitment Board issued online advertisement to fill up 4976 vacancies to the post of Staff Nurse Grade-II in the cadre of West Bengal Health Service under the Directorate of Health Services, Health and Family Welfare Department, Government of West Bengal in which 1395 posts were reserved for scheduled caste candidates. The applicant belongs to Keot caste recognised as Scheduled Caste and a certificate to that effect was issued in that</p>	

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	<p>regard. Pursuant to the advertisement dated 21st July, 2018, the applicant applied for the post of Staff Nurse, Grade-II. She received the admit card with roll number and registration number. After the selection process, it appears that she was selected as evident from the order dated 01st February, 2019, being annexure P5 to the application. The name of the applicant appears against serial number 1258. It is pertinent to note that in the said order it has been stipulated that <i>“Candidates must produce her Registration Certificate obtained from WB Nursing Council, WB at the time of joining to the concerned head of the office...”</i>.</p> <p>It appears that by order dated 19th February, 2019 the joining date of the candidates of the Staff Nurse, Grade-II was extended upto 20th May, 2019, being annexure P6 to the application. Soon after the applicant was selected, she had applied for reciprocal registration on 14th February, 2019, being annexure P7 to the application. It is the contention of the applicant that though she had applied for reciprocal registration soon after she was selected, however, West Bengal Nursing Council, respondent no.3 has not issued the registration</p>	

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	<p>as required. In this regard, Mr. Ali has referred to the guidelines for reciprocal registration, particularly column 2, which reads as under :-</p> <p style="text-align: center;"><i>“2) After receiving the application form from the candidate, this Council will send a letter for No Objection Certificate (NOC) to the parent Council and on receiving the NOC, this office will issue the WBNC Reciprocal Registration Certificate to the candidates in due course of time”.</i></p> <p>It is submitted that though selected due to non issuance of reciprocal registration certificate by the West Bengal Nursing Council, the respondent No.3, the applicant is unable to join the post.</p> <p>Mr. G.P. Banerjee, learned advocate for the State respondent nos. 1 to 4 submits that the applicant should have got a registration certificate from the West Bengal Nursing Council itself and for that reason it has not been granted. Moreover, West Bengal Health Recruitment Board has not been made a party respondent.</p> <p style="text-align: center;">Heard the learned advocates for the parties.</p> <p>It is needless to mention as the West Bengal Health</p>	

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Skg.	<p>Recruitment Board has published the results and has become functus officio, there is no reason for arraigning them as a party respondent. Since admittedly the applicant was selected for the post of Staff Nurse Grade-II in the cadre of West Bengal Health Service and her name appeared against the serial no. 1258 and she had applied for reciprocal registration on 14th February, 2019 and as we find that the date of joining was extended upto 20th May, 2019, in view of the provisions contained in paragraph 2 of the <i>GUIDELINES FOR RECIPROCAL REGISTRATION</i>, we are of the view that the West Bengal Nursing Council, the respondent no. 3 should have issued the reciprocal registration certificate and as it has not been issued, the respondent no.3 is directed to issue the reciprocal registration certificate within four weeks from the date of presentation of a copy of this order and the respondent nos. 1,2 and 4 are directed to allow the applicant to join immediately on presentation of the reciprocal registration certificate.</p> <p>(P. Ramesh Kumar) Member (A)</p>	<p>(Soumitra Pal) Chairman.</p>