

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 537 OF 2020

ASMA KHATUN & ANR. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. G. Halder, Advocates
<u>02</u> 13.01.2021	For the Respondent	: Mr. S. Ghosh, Advocate

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Let affidavits of service affirmed and filed today be kept on record.

Though the matter has appeared under the heading “Admission Hearing”, Mr. M.N. Roy, learned advocate for the applicants and Mr. S. Ghosh, learned advocate for the respondents submit that the matter may be taken up by the Single Bench.

Mr. Roy submits that the applicants who are pursuing Post Basic B.Sc. (Nursing) may be allowed to continue their nursing course and to allow the applicants to appear in the Post Basic B.Sc. (Nursing) Part I October Examination 2020 notified vide memo dated September 14, 2020. On a query it is submitted that the examination which was scheduled to be held in October, 2020 has been deferred and is yet to be held. In support of his submission Mr. Roy has relied on the interim orders passed by the Division Bench of the High Court on 15th September, 2020 in W.P.S.T. 71 of 2020, IA No. CAN 1 of 2020, Papiya Maiti and Others vs. State of West Bengal and Others and order dated 13th October, 2020 in W.P.S.T. 71 of 2020 with CAN 1 of 2020, Papiya Maiti and Others vs. State of West Bengal and others.

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Vs.
STATE OF WEST BENGAL & ORS.

Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents submits that the matters pending before the High Court are regarding candidates pursuing M.Sc. (Nursing) course, whereas the applicants herein is pursuing Post Basic B.Sc. (Nursing).

In reply Mr. Roy submits that since the issue is basically same, appropriate interim order, as prayed for, may be passed.

SCN.

Heard learned advocates for the parties. Considering the facts and circumstances of the case, let there be an interim order permitting the original applicants to continue with the Post Basic B.Sc. (Nursing) course including taking part in any examination which may be conducted. However, the result of the examination, so far as the original applicants are concerned, should not be published and such aspects of the matter would be considered when the matter is taken up for hearing. Since it is submitted on behalf of the applicants that the entire procedure is done online and the respondent authorities are not accepting the application of the applicants online, the respondent authorities are directed to accept the applications of the original applicants in the hard copy format. Let reply be filed by 15th February, 2021. Rejoinder, if any, by 19th February, 2021. Matter to appear under the heading "For Order" on 22nd February, 2021.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)
CHAIRMAN