

**25.06.2026**

rpan/02-03

**MAT 1026 of 2026**

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IA No.: CAN 1 of 2026

**International Institute of Nursing &  
Research, Kalyani & Another**  
*- Versus -*  
**The State of West Bengal & Others**

And

**MAT 1028 of 2026**

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IA No.: CAN 1 of 2026

**Tanishqa Debnath & Other**  
*- Versus -*  
**The State of West Bengal & Others**

Mr. Pratik Dhar,  
Mr. Samir Halder,  
Ms. Snehal Sinha

... for the Appellants  
[in MAT 1026 of 2026].

Mr. Pappu Adhikari  
... for the Appellants  
[in MAT 1028 of 2026].

Mr. Sahasrangshu Bhattacharjee,  
Mr. Arghya Chatterjee

... for the State/respondent nos.1 & 2  
[in both the matters].

Mr. R. Chowdhury,  
Mr. D. N. Maiti,  
Mr. A Santra

... for the Respondent no.3/WBUHS  
[in both the matters].

Mr. Nilotpall Chatterjee  
... for the INC  
[in both the matters].

Mr. Amitava Chaudhuri,  
Mr. N. Roy

... for the WBJEEB  
[in both the matters].

The appeal being MAT 1026 of 2026 (hereinafter referred to as the 1<sup>st</sup> appeal) has been preferred by International Institute of Nursing & Research, Kalyani (hereinafter referred to as the college) and its Principal. The appeal being MAT 1028 of 2026 (hereinafter referred to as the 2<sup>nd</sup> appeal) has been preferred by thirty students, who took admission in the said college. Both the appeals arise out of an order dated 23<sup>rd</sup> June, 2026 passed by the learned single Judge in the writ petitions being WPA 8985 of 2026 and WPA 8994 of 2026.

Records would reveal that initially both the writ petitions were heard on 19<sup>th</sup> June, 2026 and considering the schedule of examination issued by the said University *vide* a memo dated 5<sup>th</sup> June, 2026, the college was permitted to submit the signed hard copy of internal assessment tabulation sheets and attendance report of the students including the appellants in the 2<sup>nd</sup> appeal herein (hereinafter referred to as the said students) and the West Bengal University of Health Sciences (hereinafter referred to as the University) was directed to accept such documents from the said college on or before Monday (22<sup>nd</sup> June, 2026). It was, however, observed that such direction was without prejudice to the rights and contentions of the

respondents in the writ petitions. The matters thereafter were heard on 22<sup>nd</sup> June, 2026 and the impugned order was passed on 23<sup>rd</sup> June, 2026 rejecting the interim order, as prayed for on behalf of the writ petitioners being the appellants herein. The writ petition has, however, has been kept pending inviting affidavits from the parties.

The issue involved in the instant *lis* is as regards grant of registration of B.Sc. Nursing students in the college pertaining to academic session 2025-2026. The Director of Health Services, West Bengal *vide* memo dated 17<sup>th</sup> December, 2025 observed *inter alia* that in order to fill up the vacant seats either in JENPAS-UG 2025 or NEET-UG, 2025 the candidates will be allowed admission in B.Sc. Nursing Course but they should fulfil '*the minimum academic and eligibility criteria for appearing in JENPAS-UG 2025 and having the eligibility criteria as prescribed by the Indian Nursing Council (INC)*'. In view thereof, the college admitted the candidates and upon such admission, the said students/appellants in the 2<sup>nd</sup> appeal were, however, denied registration by the University and were, accordingly, prevented from appearing in the examination process, as detailed in the notification dated 5<sup>th</sup> June, 2026.

Mr. Dhar, learned senior advocate appearing for the said college contends that the college has proceeded strictly on the basis of the notification dated 17<sup>th</sup> December, 2025 and as the students fulfilled the minimum academic and eligibility criteria for appearing in JENPAS-UG 2025, they were granted admission. In support of such contention, he has drawn our attention to the JENPAS (UG) -2025 Information Bulletin (hereinafter referred to as the Bulletin) and the admission terms and conditions of the INC, annexed at page 53 of the stay application of MAT 1026 of 2026.

Mr. Dhar argues that there is a difference between the eligibility criteria and the qualifying criteria. As there is no dispute that the said students have fulfilled the minimum academic and eligibility criteria, they have been rightly granted admission and the University is under obligation to grant registration to allow them and to allow them participate in the examination.

He argues that the memo dated 29<sup>th</sup> November, 2024 pertaining to the academic session 2024-2025 would reveal that candidates having scored upto 20.83 (25<sup>th</sup> percentile) in JENPAS-UG examination, 2024 or the candidates who obtained rank in NEET UG examination, 2024

were allowed admission. However, in the subsequent academic session being the academic session 2025-2026, a conscious decision was taken by the State authorities omitting the requirement of percentile. In respect of NEET-UG, 2025 there is also no requirement of percentile. In the memo dated 17<sup>th</sup> December, 2025 vacant seats were made available to candidates having rank '*either*' in JENPAS-UG examination '*or*' NEET-UG, 2025. In the said conspectus, the said students having rank in JENPAS (UG) -2025 could not have been treated differently with the candidates having rank in NEET-UG, 2025 and could not have been denied registration and refused participation in the examination.

He contends that there was a dearth of students to fill up the sanctioned vacancies in the academic session 2025-2026 and as such the memo dated 17<sup>th</sup> December, 2025 was issued. Furthermore, such scarcity of students would also been evident from the fact that in the eligibility criteria no upper age limit has been prescribed for B.Sc. Nursing Course. In the said conspectus, the authorities to took a conscious decision to omit the requirement of percentile.

Mr. Adhikari, learned advocate appearing for the students/appellants in the 2<sup>nd</sup> appeal adopts the submissions of Mr. Dhar.

Mr. Chatterjee, learned senior advocate appearing for the INC strenuously argues that INC is the regulatory body. Admittedly the students/appellants in the 2<sup>nd</sup> appeal had not fulfilled the criteria as specified in the admission terms and conditions of INC. They had not secured the required percentile as prescribed. In view thereof, the writ Court cannot permit such students to sit in the examination. No candidate could have been admitted who does not fulfill the minimum criteria as laid down in the INC Regulation. Being conscious that the said students do not fulfill the eligibility criteria, the college authorities ought not to have admitted them. Such illegality has been rightly interfered with by the learned single Judge and it has been categorically observed that over and above the requirement to possess the minimum educational qualification, as specifically stated in the clauses 3.1 and 3.2 of the JENPAS Information Bulletin, the candidates were required to '*satisfy the minimum qualifying criteria of entrance test i.e., JENPAS (UG) 2025*'.

He contends that the writ Court would not interfere with the decision of an expert body. The INC, being the regulatory body has prescribed the requirement for admission and in the event the candidates herein are granted relief that would tantamount to application of a yardstick different from that applied in respect of the candidates already admitted considering the percentile obtained by them. Indisputably, the students/appellants in the 2<sup>nd</sup> appeal do not fulfill the percentile requirement and accordingly they cannot claim registration and participation in the examination. In support of such contention reliance has been placed upon the judgment delivered by a co-ordinate Bench of this Court in the case of *West Bengal University of Health Sciences Service & Anr. Vs. Agragati Institute of Health Sciences Nursing Education Unit & Ors* in MAT 472 of 2025 and a judgment delivered by the Hon'ble Supreme Court in the case of *Dental Council of India Vs. Dr. Hedgewar Smruti Rugna Seva Mandal Hingoli and Others*, reported in (2017) 13 SCC 115.

Mr. Bhattacharjee, learned Additional Government Pleader appearing for the State authorities submits that the notification dated 29<sup>th</sup> November, 2024 was issued by the Director of

Health Services, Government of West Bengal after the State sought for relaxation of percentile from INC. In such circumstances, the percentile was reduced. However, in the academic session 2025-2026 no such prayer was made. In view thereof, it is mandatory that the percentile requirement should be fulfilled for the purpose of registration and participation in the examination pertaining to the academic session 2025-2026.

Mr. Chowdhury, learned advocate, appearing along with Mr. Maiti, learned advocate appearing for the University adopts the arguments of Mr. Chatterjee and submits that the college authorities have illegally granted admission to the students/appellants in the 2<sup>nd</sup> appeal and have allowed them to pursue the course. Prior to the commencement of the examination process, the said college has sent the students to the Court so that they may pray for sympathetic consideration. Such illegal act destroys the sanctity of the entire admission process.

Mr. Chaudhuri, learned advocate enters appearance on behalf of the West Bengal Joint Entrance Examination Board.

We have heard the learned advocates appearing the respective parties and considered the materials on record.

The matter relates to admission in B.Sc. Nursing course of the academic session 2025. Indisputably, such admission is guided by the notification dated 17<sup>th</sup> December, 2025. The said notification was issued with an intent to fill up the seats which were remaining vacant after counseling in the said course. With such purpose the notification was issued stating that the candidates who fulfilled '*the minimum academic and eligibility criteria for appearing in JENPAS-UG, 2025 and having the eligibility criteria as prescribed by the Indian Nursing Council (INC)*' would be eligible to fill up the vacancies. Such eligibility criteria is provided in clauses (1) to (6) of the Admission Terms and Conditions of INC. However, a clause has been incorporated in the impugned order to the effect that the '*minimum qualifying criteria of entrance test to admission to B. Sc. Nursing*' should be on the basis of percentile prescribed. It needs to be noted that there is no mentioning of such '*minimum qualifying criteria*' in the memo dated 17<sup>th</sup> December, 2025.

The issue of discrimination and the issue as to whether eligibility criteria and the qualifying criteria are different concepts, as urged, on behalf of the appellants, can only be decided finally upon

exchange of affidavits in the pending writ petitions.

In the said conspectus, the observation of the learned single Judge that a candidate is not only required to possess the minimum educational qualification as prescribed in clauses 3.1 and 3.2 of the JENPAS (UG) -2025 Information Bulletin but '*also has to satisfy the minimum qualifying criteria of entrance test i.e., JENPAs (UG) 2025*' is not acceptable to this Court at this stage and the learned single Judge ought not to have refused the interim order, as prayed for, by the writ petitioners.

The judgment delivered by the co-ordinate Bench of this Court in the case of *West Bengal University of Health Sciences Service & Anr. (supra)* is pertaining to the academic session 2024-2025 which was conducted on the basis of the memo dated 29<sup>th</sup> November, 2024. The said memo categorically provides that the same would be applicable only for the academic session 2024-2025. However, the present admission process is pertaining to the next academic session of 2025-2026 and is guided by the memo dated 17<sup>th</sup> December, 2025. In view thereof, the said judgment is distinguishable on facts. In *Dental Council of India (supra)* the judgment was

delivered in the backdrop of the admitted fact that the concerned college did not fulfil the deficiencies pointed out by the Council. However, in the present case the procedure adopted by the respondents is contrary to the memo of the Director of Health Services dated 17<sup>th</sup> December, 2025 issued pertaining to the academic session 2025-2026. In view thereof, the said judgment is also distinguishable on facts.

For the reasons discussed above, the order impugned is set aside and the respondents are directed to grant provisional registration to the students/appellants in MAT 1028 of 2026 in the academic session 2025-2026 and to issue admit cards to enable them to participate in the B.Sc. Nursing first semester examination commencing on and from 30<sup>th</sup> June, 2026.

It is, however, made clear that such provisional registration and participation in the examination shall not create any equity in favour of the appellants in the 2<sup>nd</sup> appeal and their participation shall abide by the result of the writ petitions.

The appeals and their connected applications are, accordingly, disposed of.

The parties shall exchange their affidavits in the pending writ petitions peremptorily within a

period of four weeks from date and they would be at liberty to mention the matters for final hearing before the appropriate learned single Bench for expeditious disposal uninfluenced by the observations made in the present order.

After the order is passed, Mr. Maiti learned advocate prays for stay of operation of the same. Such prayer is considered and rejected.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

**(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)**