

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.531 of 2022

<i>Dr. Bhupendra Buda</i>		<i>Petitioner</i> <i>Mr. Avijit Mishra, Adv.</i>
-versus-		
<i>State of Odisha and Ors.</i>		<i>Opposite Parties</i> <i>Mr. S.K. Samal, AGA</i>

CORAM: JUSTICE S.K. PANIGRAHI

<u>Order No.</u>	<u>ORDER</u> 28.03.2022
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1. This matter is taken up through hybrid mode.
 2. Heard learned counsel for the petitioner and learned counsel for the State.
 3. Learned counsel for the petitioner submits that the petitioner, who is an inhabitant of the State of Odisha, had applied for the post of Assistant Professor (Contractual) as per the Advertisement No.MET-II-234/21_16336_ dated 13.12.2021 issued by the Director of Medical Education and Training, Odisha.
 4. Grievance of the petitioner is that Rule-5(2) of the Odisha Medical Education Service (Method of Recruitment and Conditions of Service) Rules, 2021 (hereinafter referred to as “the Rules” for brevity) provides preference to the candidates who are native or resident of Odisha over the candidates of other States in the process of selection for the post of Assistant Professor in Government Medical Colleges. But, while drawing the provisional merit list for Assistant Professor in all

Government Medical Colleges and Hospitals of the State in January, 2022, the said Rules have not been followed in letter and spirit. In the said merit list under the subject Physiology, the name of the petitioner finds place at serial No.2 with total career mark 59.82, whereas the candidate, namely, Himel Mondal whose name finds place at serial No.1 under the said subject has secured 62.52 in total career mark. But the said candidate is not a resident of the State of Odisha. Since the Rules prescribe preference to the native of the State of Odisha over the candidates of other States, the said Rules have not been abided by.

5. Learned counsel for the State submits that the grievance of the petitioner has been addressed vide order dated 22.03.2022 of the DMET, Odisha, Bhubaneswar and the petitioner has been recommended by the Selection Committee to Assistant Professor in Physiology.

6. In view of such compliance by the opposite party, the writ petition is disposed of.

7. Urgent certified copy of this order be granted as per rules.

(S.K. Panigrahi)
Judge

pcd