

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22961 of 2013

Manorama Bishi

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Petitioner

Mr. B.S. Tripathy-1, Advocate

Vs.

State of Orissa & Others

.....

Opposite parties

Mr. B.P. Tripathy, A.G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

16.03.2022

Order No.

06.

This matter is taken up through hybrid mode.

2. Heard Mr. B.S. Tripathy-1, learned counsel for the petitioner and Mr. B.P. Tripathy, learned Additional Government Advocate for the State.

3. The petitioner has filed this writ petition challenging the order dated 08.08.2013 passed by the Odisha Administrative Tribunal, Bhubaneswar in O.A. No.197 of 2009 vide Annexure-12, by which the direction was given that if any fresh advertisement would be made inviting applications for engagement of Pharmacists under the Government, the petitioner shall be at liberty to submit her application along with all testimonials, subject to fulfilling all the terms and conditions for such engagement, and in case she submits her application, the opp. parties shall do well to consider the case of the petitioner for her engagement against the post of a Pharmacist giving weightage to her past services for appointment as against the post of Pharmacist.

4. Mr. B.S. Tripathy-1, learned counsel for the petitioner contended that the petitioner, having been selected pursuant to the advertisement and stood second in the process of selection, was given engagement as Pharmacist by the Chief District Medical Officer, Balangir under the Red Cross Medicine Bank in D.H.H., Balangir, pursuant to which she joined in the post and was continuing as such. When question of regularization came, the case of the petitioner could not be taken into consideration, as she was rendering service in Red Cross Medicine Bank in D.H.H., Balangir. Therefore, against non-consideration of her case, the petitioner approached the tribunal and, as such, the tribunal passed the order impugned, which has been challenged before this Court in the present writ petition.

5. Mr. B.P. Tripathy, learned Additional Government Advocate contended that the petitioner, having joined as Pharmacist under the District Red Cross organization, cannot claim for regularization and, as such, only the past services of contractual pharmacists working under various projects/schemes like Swasthya Bikash Samity, Rogi Kalyan Samity, Zilla Swasthya Samity, National Rural Health Mission, Rrevised National Tuberculosis Control Programme, Odisha Health System Development Project, Mobile Health Unit, Reproductive Child Health shall be counted for computation of six years at the time of regularization after their absorption against the post of contractual Pharmacists under general health care subject to proper verification of documents by appointing authorities. Since the petitioner has never worked in any one of these

organizations, she cannot get any preference for her appointment as Pharmacist either on contractual or regular basis under the Department of Health and Family Welfare Department. But taking into consideration her past experience, the Tribunal has come to a conclusion that as and when any advertisement made inviting applications for engagement of Pharmacists under the Government, the petitioner shall be at liberty to submit her application along with all testimonials, subject to fulfilling all the terms and conditions and, as such, in case she submits her application, the opp. party-authorities shall do well to consider the case of the petitioner for her engagement against the post of Pharmacist giving weightage to her past services for appointment as against the post of Pharmacist.

6. In the above view of the matter, this Court is of the considered view that no illegality or irregularity has been committed by the tribunal so as to warrant interference by this Court. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

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(DR. B.R. SARANGI)
JUDGE

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(SAVITRI RATHO)
JUDGE