

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2380 of 2022

Aviram Panda and Another ***Petitioners***

Mr. Budhadev Routray, Senior Advocate

-versus-

State of Odisha and Others ***Opposite Parties***

Mr. R.C. Mohanty, Advocate (OP 2, 3 and 4)

Mr. M.K. Khuntia, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K. PATTANAİK

ORDER

02.02.2022

Order No.

- 03.
1. This matter is taken up by video conferencing mode.
 2. The grievance of both the Petitioners who are serving at the Bhima Bhoi Medical College (BBMC), Bolangir is that the weightage supposed to be given to them as in-service candidates in terms of the corrigendum issued on 27th September, 2021 in respect of the P.G. Medical Counseling and Admission, Odisha 2021-22 has not been implemented.
 3. A perusal of the corrigendum indicates that the candidates working in three medical colleges including BBMC, Bolangir were to be given additional weightage of 2.5% per year by treating the said institutions as belonging to V-1 category. The method of calculating the weightage was also specified and worked out for the period of three years to be 7.5%. However, in the merit list

published, these two Petitioners were given '0' weightage, which was obviously a mistake and which led to the filing of the present petition.

4. In para 5 of the reply to the petition, it is stated by Opposite Party No.2 and 3 that the Committee which met on 22nd and 24th January, 2022 decided to treat the corrigendum to be 'prospective' and therefore, proceeded to prepare the merit list on that basis.

5. Having heard Mr. Routray, learned Senior Counsel for the Petitioners, Mr. R.C. Mohanty, learned counsel for the Opposite Party No.2, 3 and 4 and Mr. M.K. Khuntia, learned Additional Government Advocate for Opposite Party No.1, the Court is of the view that the approach of the Selection Committee was erroneous. The purpose of issuing the corrigendum was precisely to extend the benefit of weightage to the in-service candidates belonging to the aforementioned three institutions including BBMC, Bolangir and not to deny them the benefit for the present selection. The very object of the corrigendum has been defeated by the above approach of the Selection Committee which is accordingly rejected by this Court.

6. The net result is that the cases of both the Petitioners shall be once again considered by the said Selection Committee and they shall be given weightage of 7.5% each in terms of the corrigendum issued. A fresh merit list shall be prepared and released today itself.

7. The Selection Committee be informed of this order by Mr. Mohanty, learned counsel for the Opposite Party Nos.2 to 4 immediately for them to take appropriate action without waiting for the downloaded copy of the order which in any case will be made available before 5 pm.

8. The writ petition is allowed in the above terms.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. No.514 and 515 dated 7th January, 2022.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/P.A.