

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.5459 of 2022

Dr. Sulata Mohapatra

....

Petitioner

Mr.C.R.Pattnaik, Adv.

-versus-

State of Odisha & others

....

Opp. Parties

Mr.Ananda Dash,ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

04.03.2022

Order No.

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- 1.This matter is taken up by hybrid mode.
2. The petitioner has filed this writ petition challenging the letter dated 21.02.2022 issued by the Director, Medical Education and Training, Odisha, Bhubaneswar directing her to elect her choice on promotion to the post of Professor in Physiology lying vacant in GMC Keonjhar and GMC Sundargarh. It is illegal, malafied and in violation of law since it did not disclose the vacancies existent in Government Medical College, Balasore and Baripada.
3. Learned counsel for the petitioner submits that the petitioner is working as Associate Professor in the Department of Physiology, S.C.B Medical College & Hospital, Cuttack and her husband is also working under the CDMO, Cuttack. It is also submitted that the petitioner while continuing her service in her previous place of posting i.e. at VIMSAR, Burla had suffered from PID (Prolapsed Intervertebral Disease) and CVI

Grade-III (Chronic Venus Insufficient) for which she was under treatment of Neurosurgeon and was advised not to move frequently and not to travel by Bus or any other vehicle. Her old mother aged about 85 years is also suffering from chronic cancer and to look after her she made a representation to the Additional Secretary, Health and Family Welfare Department as well as the Commissioner-cum-Secretary to Government, Health & Family Welfare Department. But it was in vain. However, thereafter by way of filing of O.A No.773(C) of 2017 her representation had been considered and she was transferred to the SCB Medical College & Hospital, Cuttack.

4. It is pertinent to mention here that the petitioner being the senior most employee within her cadre is entitled to be promoted to the post of Professor. But in spite of completion of DPC, her case could not be considered, for which, she had approached the authority for promotion and posting at SCB Medical College & Hospital, Cuttack against the post of Professor. The said post was to be vacated by March, 2022 on the retirement of one Prof. Bipin Bihari Pradhan.

5. While the matter stood thus, the Director of Medical Education and Training, Odisha, Bhubaneswar vide his Office Letter No.2196 dated 21.02.2022 informed the petitioner and others regarding counseling for posting on promotion to the post of Professor along with the direction to submit her choice by e-mail in order of preference amongst the list of colleges by 3 P.M. on 21.02.2022. The election of option was to be done

positively, else the candidate would have no choice regarding place of posting and the higher authorities will take appropriate decision for their place of posting. Hence, being aggrieved by such direction through letter she has filed the present petition.

6. Since there are vacancies in other medical colleges including a vacancy in the SCB Medical College and Hospital, Cuttack, those vacancies have been deliberately kept out of the purview of the said notification. The petitioner has filed a detailed representation under Annexure-8 before the Chief Secretary. Though the Chief Secretary has not been made a party to this case, yet he is directed to consider the representation in proper perspective and pass a reasoned order within a period of fifteen days from the date of presentation of this order. It is also directed that the personal difficulties of the present petitioner be sympathetically considered by the Chief Secretary.

7. With the aforesaid observation, the writ petition is disposed of accordingly.

8. Issue urgent certified copy as per Rules in course of the day.

(S.K. Panigrahi)
Judge