

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.1805 of 2022

Dr. Anil Kumar Sahu

Petitioner
....
Mr. U.C. Samal, Advocate

-versus-

***Raj Kumar Sharma, Secretary to
Government of Odisha, Health and
Family Welfare Department,
Bhubaneswar and another***

Opposite Parties
....

Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State.
3. The present contempt petition has been filed by the petitioner with the following prayers:

“It is prayed therefore that this Hon’ble court may graciously be pleased to issue notice to the contemnors to show cause as to why the order dtd. 26.11.2021 passed in WPC(OAC) No.2730 of 2018 shall not be implemented and the contemnors shall not be suitable punished for their willful violation of the aforesaid order passed by this Hon’ble Court.

And pass such other order/orders, which will deem fit and proper for the ends of justice.”

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4. It is submitted by learned counsel for the petitioner that the following order has been passed by this Court in WPC(OAC) No.2730 of 2018 with the order as follows:-

“7. Taking into consideration the submissions made by learned counsel for the parties, this Court is of the considered opinion that since pursuant to the representations filed by the Petitioner and similarly situated candidates, the Expert Committee was set up and it has already submitted the report since 5th October, 2018, suitable action for consideration of the candidature of the Petitioner in terms of the said report should be taken by the Commission and State Government.

8. Accordingly, it is directed that the Commission shall open the report of the Expert Committee and consider the candidature of the Petitioner along with similarly situated candidates, in terms of the said report submitted by the Expert Committee and communicate the result thereof to the Petitioner within a period of two months hence. If the Petitioner as well as other candidates, who had made representations to the Commission being dissatisfied with evaluation of their answer scripts, are found suitable for appointment, necessary recommendations shall be made to the State

Government for their appointment.”

5. It is submitted by learned counsel for the petitioner that direction of this Court has not been complied with by the Opposite Party-Contemnor.

6. Considering the submissions made and the urgency of the petitioner, this Court grants another opportunity to the Opposite Party-Contemnor to comply with the direction issued by this Court by order dated 26.11.2021 in WPC(OAC) No.2730 of 2018 in accordance with law within a period of one month from the date of production of certified copy of this order. In the event Opposite Party-Contemnor is not complied with the direction of this Court within the aforesaid stipulated time, punishment should be imposed against the contempt.

7. It is for the petitioner to make an application along with certified copy of this order before the expert committee within a period of one week from today and the same shall be considered by the Opposite Party-Contemnor in accordance with law within the stipulated time period.

8. Accordingly, the CONTC is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

