

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6234 of 2022

Sanjay Kumar Sahu

....

Petitioner

Mr. U.C. Panda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.04.2022

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. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:-

“The petitioner therefore prays that the Hon’ble Court maybe graciously pleased to-

A. Admit the writ petition.

B. Call for records

And

C. Issue Rule NISI calling upon the opp.party/opp. parties to show cause as to why the petitioner should not be absorbed/recruited in the Govt. sanctioned MPW(Male) under NVBDCP post in the district.

And

D. If the opp.parties fail to show cause or show

insufficient cause, issue a writ in the nature of Certiorari/Mandamus or any other writ/writs, order/orders, directions/directing the opp.parties, more particularly to opp.party No.5 to absorb the petitioner in the post of MPW(Male) after quashing the Annexures-3, 4, 5 and 7.

And

E. Pass such other writ/writs, order/orders, direction/directions to the opp.parties as this Hon'ble deems fit and proper.”

4. It is submitted by learned counsel for the Petitioner that although pursuant to their advertisement, selection process of recruitment of the MPW(Male) 2013 the final list of all the successful candidates has been published by the authorities. It is further submitted that although the petitioner was successful, the Chief District Medical and Public Health Officer, Subarnapur on several occasions took no decision and communicated to the petitioner on repeated approach Chief District Medical and Public Health Officer, Subarnapur informed that since the matter is pending before the Government level for which he has not taken any final decision in the matter. Further referring to the order dated 21.10.2021, learned counsel for the petitioner submits that in similar matter this Court directed the Chief District Medical and Public Health Officer, Subarnapur to consider the representation of the petitioner in that case no decision was taken on the ground that the matter is pending before the Government and no direction has been given from the Headquarters to receive particular post of MPW(Male).

5. Further it seen from the said letter of the Chief District Medical and Public Health Officer, Subarnapur that recruitment might have been cancelled in the meantime.

6. Upon perusal of the letter dated 21.10.2021, this Court is of the considered view that the decision taken by the Chief District Medical and Public Health Officer, Subarnapur has not considered in accordance with law and it appears that no final decision has been taken by him due to lack of proper instruction from the Government.

7. Learned counsel for the petitioner further submits that the petitioner has submitted representation before the Director, Health Service, Odisha, Heads of Department, Bhubaneswar-Opposite Party No.2 dated 10.11.2021 ventilating his grievances. However, no decision has been taken on the same although several grievance petitions have been made.

8. Learned counsel appearing for the State submits that he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

6. Considering the aforesaid submissions made by the respective parties and the entire factual backdrop of this case, this Court disposes of the writ petition at the stage of admission with a direction to the Director, Health Service, Odisha, Heads of Department, Bhubaneswar-Opposite Party No.2 to consider the representation of the Petitioner dated 10.11.2021 under Annexure-9 in accordance with law within a period of two months from the date of production of certified copy of this order. Further, it is directed to consider the matter strictly in accordance with law and shall dispose of the representation of the petitioner by passing a speaking and reasoned order on the same. Any decision taken on the same shall be communicated to the petitioner within a period of two weeks thereafter.

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

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

(A.K. Mohapatra)
Judge

Jagabandhu

