

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9172 of 2022

Dr. Priyanka Subhadarshini

....

Petitioner

Mr. T.K. Biswal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. K.K. Nayak, 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 being aggrieved by the decision of the Superintendent CHC, Niali, Cuttack, which was communicated to the petitioner and the relief order was issued dated 06.04.2022 under Annexure-4, the petitioner has approached by filing the present writ petition.

4. It is submitted by learned counsel for the petitioner that the petitioner was appointed as Medical Officer, Ayush, (RBSK), C.H.C., Niali, Cuttack on contractual basis. The terms of the scheme indicates that the engagements under the RBSK Scheme are non-transferable in nature and the candidates to have stay at their place of

posting failing which they will be liable to be disengaged. Candidate appointed on contractual basis will not claim for inter-district transfer. In the present case, the petitioner was appointed as Medical Officer, Ayush, (RBSK), C.H.C., Niali, Cuttack and he has been relieved by order dated 06.04.2022 passed by the Superintendent CHC, Niali, Cuttack and further he has been directed to join in the office of the CHC Mahanga, Cuttack.

5. Learned counsel for the petitioner further submits that the order under Annexure-4 dated 06.04.2022 has been contrary to the terms and conditions as has been made under the Scheme. Further he submits that although the petitioner's service is non-transferable, she has been transferred by the impugned relief order from the Superintendent of CHD, Niali, Cuttack as Medical Officer.

6. Learned counsel for the petitioner further relies upon the order passed by the CDM & PHO-cum-District Mission Director, Angul whereby transferred has been cancelled by the authority and the persons directed to rejoin at the place she has been joined initially. Relying upon the order dated 11.07.2019 under Annexure-3, the petitioner gave emphasis on the ground that the posting of the petitioner is not transferable and that transfer and relief from CHC, Niali should not be maintained.

7. Learned counsel appearing for the State submits that the representation of the petitioner is pending before the CDM & PHO, Cuttack and he has no objection, if a direction is given to the CDM & PHO, Cuttack to consider the grievance petition of the petitioner keeping in view the terms and conditions of the scheme in accordance with law within a stipulated period of time.

6. Considering the rival contentions, keeping in view the facts and circumstances of the present case, this Court disposes of the writ petition at the stage of admission with a direction to the Chief District Medical Officer-cum-District Mission Director NHM, Cuttack-Opposite Party No.3 to consider the representation of the Petitioner dated 06.04.2022 under Annexure-6 in accordance with law within a period of four week from the date of production of certified copy of this order. It is further directed that in the event, the Opposite Party No.3 come to a conclusion that the appointment of the petitioner is under the RBSK scheme and there is stipulation that the service of the petitioner is non-transferable then the Opposite Party No.3 is directed to withdraw the relief order and pass necessary order and the petitioner be directed to joint at this previous place. It is needless to mention here that the representation of the petitioner shall be considered and disposed of 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