

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13071 of 2022

Madhusmita Swain

....

Petitioner

Mr. S.N. Patnaik, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.K. Rout, A.G.A

Mr. B.P. Tripathy, Advocate for O.P.

No.4

**CORAM:
JUSTICE A.K. MOHAPATRA**

**ORDER
18.11.2022**

Order No.

- 03.
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 a prayer for a diction to the Opposite Parties to allow the petitioner the to resume the duties as Nursing Officer under Opposite Party No,3 and 5 at her actual place of posting without compelling her to take NPM training by declaring the order dated 02.05.2022 under Annexure-5, order dated 04.05.2022 under Annexure-6 and relieving order dated 04.05.2022 under Annexure-7 as bad in law.
 4. Learned counsel for the petitioner draws attention of this Court to letter No.3752/DN-MS-3/19 dated 25.11.2021 under Annexure-2 specifically points out that the Directorate of Nursing, Odisha issued to the CDMO & PHO, Kalahandi, Kandhamal, Bolangir and Malkangiri on the subject for nomination for 1st Batch of NPM training at SMTI Cuttack from the LaQshya certified facilities. The said letter also lays

aforesaid criteria for nominating officers to undergo such training.

5. Learned counsel for the petitioner further contends that one of the criteria in the said letter is that an officer, who is to be nominated for such training should be 45 years or younger at the time of admission. Learned counsel for the petitioner further contended that the petitioner is now aged about 53 years old. Therefore, the petitioner is not covered under the letter dated 25.11.2021 under Annexure-2. It is further submitted by learned counsel for the petitioner that once an officer, who undergoes the training as has been mentioned under Annexure-2, she will get some service benefits. He also contends that the training is not mandatory in nature. Therefore, the authority should not have compelled the petitioner to undergo training, more so, without taking of her consent, who has been nominated undergoing training and the impugned order has been passed under Annexure-7.

6. Learned counsel for the State, on the contrary, submits that training under Annexure was supposed to start from 25th of May, 2022 under Annexure-6 and the same must have been started by now, therefore, relief sought for in the present writ petition has become infructuous as the petitioner has not joined in the meantime and by virtue of the order continuing at the previous place of posting.

7. In view of the aforesaid facts and circumstances, the relief order dated 04.05.2022 under Annexure-7 is hereby quashed since the petitioner is continued at her previous place of posting and no further order needs to be passed.

8. With the aforesaid observation/direction, the writ petition stands disposed of.

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

