

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P. (C) No.11679 of 2016

Dr. Dipti Mohapatra

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Petitioner

*Mr.A.R.Dash, Advocate
along with Mr. A.Mahanta, Advocate
Versus*

***1.Director, All India Institute of
Medical Sciences***

***2.Registrar of Administration, All
India Institute of Medical Sciences,
Bhubaneswar***

3.Kalpana K.Barhwal

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Opp. Parties

*Mr. P.K.Parhi, ASGI along with
Mr. Deepak Gochhayat, CGC
(for Opp. Party Nos.1 and 2)*

CORAM:

JUSTICE SAVITRI RATHO

ORDER
25.07.2022

Order No.

05.

This matter is taken up by hybrid mode.

2. This writ petition has been filed by the petitioner challenging the appointment of opp. party No.3 as Assistant Professor in the regular faculty post of Physiology in the All India Institute of Medical Sciences, Bhubaneswar pursuant to advertisement dated 08.07.2015.

3. Notice had been issued to opp. parties by order dated 20.07.2016 and they have appeared through counsel. Counter affidavit and rejoinder affidavit have been filed.

4. In view of the notification – S.O. No.1968 (E) dated 22.06.2017 of the Department of Ministry of Personnel, Public Grievances and Pensions published in the Gazettee of India on 22.06.2017 which has been filed by Mr. Deepak Gochhayat, learned Central Government Counsel which provides that Section 14 (3) of the Administrative Tribunals Act, 1985 shall apply to the All India Institute of Medical Science, Bhubaneswar

Autonomous body under the Ministry of Health and Family Welfare and making further amendment to the notification published vide number G.S.R. 730 (E) dated 02.05.1986 adding following entries after Serial number 208, – 209-All India Institute of Medical Science, Bhopal Autonomous body under the Ministry of Health and Family Welfare, 210 - All India Institute of Medical Science, Bhubaneswar Autonomous body under the Ministry of Health and Family Welfare, 211 - All India Institute of Medical Science, Jodhpur Autonomous body under the Ministry of Health and Family Welfare, 212 - All India Institute of Medical Science, Patna Autonomous body under the Ministry of Health and Family Welfare, 213 - All India Institute of Medical Science, Raipur Autonomous body under the Ministry of Health and Family Welfare, 214 - All India Institute of Medical Science, Rishikesh Autonomous body under the Ministry of Health and Family Welfare, this writ application is no longer maintainable in this High Court.

5. Instead of directing the petitioner to withdraw this writ petition with liberty to re-file the same before the Central Administrative Tribunal, as the pleadings in the case are complete, the case is transferred to the Central Administrative Tribunal, Cuttack.
6. Registry is directed to send this file to the Central Administrative Tribunal, Cuttack within a period of two weeks, for its disposal by it in accordance with law.
7. The writ petition is disposed of with the above observations.
8. Urgent certified copy of this order be granted as per rules.

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Savitri Ratho
Judge

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