

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23778 of 2022

Dr. Mohanlal Khadia & Anr. Petitioners

Ms. Sanjibani Mishra, Adv.

-versus-

State of Odisha and Anr.

Opposite Parties

Mr. Saswat Das, AGA

(for O.P.1)

Mr. Bijaya Kumar Routray, Adv.

(for O.P.2)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

22.12.2022

06. 1. This matter is taken up through hybrid mode.
2. Learned counsel for the parties are present. Judgment prepared in separate sheets is delivered and pronounced in open Court in the presence of learned counsel for the parties and the order is passed accordingly as follows:-
3. As such, the impugned advertisement is legal, fair and not in contravention with the constitutional directives of law. The Opposite Parties have not committed any illegality, nor have they promulgated the impugned advertisement in a manner which renders it discriminatory against anyone or in discordance with the state provisions, or the present position of law.

4. Our health infrastructure is woefully inadequate for our large population. We have failed to meet the requirement of adequate and appropriate healthcare facilities for the citizens of India. There is a shortage of trained medical personnel, especially specialist and super-specialist doctors, in India. The state has tried to overcome this deficit by modifying the rules governing specialist training so that more avenues are available to doctors to train as specialists.

5. A solid foundation in fundamental medical knowledge and abilities is a precondition for medical specialization training. Treatment of complex disease in humans requires a specialist in the field of medical sciences. A specialist should be qualified, deserving, and well-versed in the field. Only once a person reaches a high degree of competency can additional specialist training produce the intended outcome. Thus, only doctors who qualify on merit should be elevated to the specialist/super-specialist stage. Reservations made based on caste or region are intended to benefit the under-privileged and disadvantaged. Reservation incentives ought to be restricted to basic professional training and then the person should be pushed to pursue greater height of excellence through meritorious competition.

6. In light of the aforesaid discussion and having regard to the present position of law, I have no hesitation in coming to the conclusion that the writ petitioners cannot be granted any relief by way of a writ and the present Writ Petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed.

B.Jhankar



(Dr. S.K. Panigrahi)
Judge