

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.26087 of 2022

Dr. Amruta Bidyadhar

.....

Petitioner

Mr. P.K. Satapathy, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

(O.P.1)

Mr. R.C. Mohanty, Advocate

(O.Ps.2-4)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

10.10.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Satapathy, learned counsel for the petitioner; Mr. R.C. Mohanty, learned counsel appearing for opposite parties no.2 to 4 and Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State-opposite party.

3. The petitioner has filed this writ petition seeking to set aside the communication dated 27.09.2022 under Annexure-1 and further to issue direction to the opposite parties to change her candidature category from direct category to in-service category for admission into the P.G. Medical course in the P.G. Medical Counseling 2022-23 in the State of Odisha.

4. Mr. P.K. Satapathy, learned counsel for the petitioner contended that the petitioner, who was engaged as medical officer on contractual basis and has already rendered three years of service, applied for admission into PG (Medical)/Post MBBS-NBEMS Diploma Courses-2022, Odisha. It is contended that as

per Clause-G(1) of the guidelines for counseling and admission of candidates for Post-Graduate /Diploma (Medical) courses in the Medical Colleges of Odisha, a direct candidate is one who at the time of application is either unemployed or under-employed of Government of Odisha/Govt. of Odisha Public Sector Undertakings/Govt. of India Public Sector Undertakings located in Odisha/Defence services located in Odisha but not completed 3 years of service which includes all categories of employment like contractual / temporary /adhoc/ regular by 31st March of the current year of admission. It is further contended that since the petitioner has already rendered more than three years of service, she should have been treated as in service candidate instead of direct candidate. Therefore, rejection of her candidature treating her as direct candidate cannot sustain in the eye of law.

5. Mr. R.C. Mohanty, learned counsel appearing for opposite parties no.2 to 4 contended that the petitioner herself has made application under Annexure-8 as DIR (direct candidate) and also made declaration that she is a direct candidate. Once the petitioner herself declares as direct candidate in her application, subsequently she cannot turn around and claim that she should be treated as in service candidate taking into consideration her contractual service rendered under the State Authorities. In view of the application filed by the petitioner if steps have been taken, no illegality or irregularity has been committed by the authority rejecting the application of the petitioner.

6. Having heard learned counsel for the parties and after going through the records, admittedly the petitioner submitted her CAF-Common Application Form for admission in to PG (Medical)/Post

MBBS-NBEMS Diploma Courses-2022, Odisha under Annexure-8, wherein she has declared herself as a direct candidate. When document verification was made, she accepted her position and did not make any objection with regard to status. Subsequently, by filing an application, she claimed that her candidature should be treated as in service candidate, which was rejected by the authority. But fact remains once she declared herself as direct candidate, it cannot be changed subsequently and, as such, the parties have acted upon on the declaration made by the petitioner. Therefore, this Court is not inclined to entertain this writ petition.

7. Accordingly, the writ petition merits no consideration and the same is dismissed.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Alok/Subhasmita

