

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OAC) No.2097 of 2018

Dr. Punyaslok Das

....

Petitioner

None

-versus-

State of Odisha and Another

....

Opposite Parties

Mr. P.K. Mohanty, Addl. Standing Counsel

CORAM:

JUSTICE M.S. RAMAN

ORDER

21.09.2022

Order No.

04.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No.2097 of 2018 (C) was filed before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No.2097 of 2018.
3. The petitioner alleges that equal opportunities should have been extended to all promoted Odisha Medical and Health Service cadre and urged by representations to the Commissioner-cum-Secretary, Health & Family Welfare Department, Government of Odisha to maintain transparency in posting of Joint Director in the counselling procedure.
4. It is alleged by the petitioner that in the garb of counselling, Government has been adopting arbitrary and discriminatory approach in posting the doctors in different discipline, even though they do not possess specialization under the relevant discipline.
5. Mr. P.K. Mohanty, learned Addl. Standing Counsel brought to the notice of the Court that transparency in procedure of counselling is maintained in view of notification bearing No.10217-HFW-MSII-AESTT-0029-2015/H dated

17.05.2016 issued by the Government of Odisha, Health and Family Welfare Department, which is at Annexure-4. Para 5 of said notification reads as under:-

“Procedure of Counselling:

I. The provisional list shall be published in the Department Website giving 15 day time for submission of objection if any.

II. Consideration of objections by the Department and the final lists of Doctors who are to be transferred shall be published in the Department website.

III. Notification of vacancies proposed to be filled up.

IV. Counselling of the Doctors in open forum using computerized display.

V. Finalisation of list and places as per option exercised.

VI. Notification of the transfer list after approval by Government.

The Doctors on the priority list shall be intimated about the date/s for counselling through Departmental website. On the date of counselling, the candidates shall be called in the order of priority and shall then be asked to choose any one of the vacant posts available at such session as displayed on the computer screen. If a candidate fails to turn up/ submit his option for counselling as per his turn at appropriate point of time, his claim shall be passed over and the next candidate in turn shall be called for the counselling. In case, the candidate whose claim has been passed over appears for counselling later, such candidate may be considered for counselling at the end of the counselling session or at the end of the day's session whichever is earlier. In case of a candidate who fails to appear for counselling and also in case of a candidate who fails to make a choice at the time of the counselling, the Competent Authority may suo-motu consider and allot a vacancy at the end of the day's session.”

6. Mr. P.K. Mohanty, learned Addl. Standing Counsel submitted that in view of such provisions, the allegations of arbitrariness by the petitioner is unfounded.

7. None appears for the petitioner at the time of hearing today indicates that the petitioner is no more interested in pursuing the matter further.

8. In view of aforesaid circumstances, the writ petition is dismissed as infructuous reserving liberty to the petitioner to revive the writ petition within a period of 30 days, if cause of action still subsists.

(M.S. Raman)
Judge

Basudev

