

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.27448 OF 2022

Geeta Prasad Majhi

....

Petitioner

Mr.G.Mishra, Adv.

-versus-

Director of Aayush, Odisha

....

Opposite Party(s)

Mr.S.P.Panda, AGA

CORAM:

JUSTICE BISWANATH RATH

Order

No.

ORDER

21.11.2022

2.

1. Heard learned counsel for the Parties.

2. The Writ Petition involves the following prayer :-

“Therefore, it is prayed that the writ petition may be admitted, the records may be called for and the same may be allowed;

By

quashing the order under Annexure-3, as far as it relates to the petitioner;

And

directing recommendation of petitioner’s case for the next stage of the process;

And

granting any other relief(s) as found fit and proper in the facts and circumstances of the case;”

3. Sole ground of challenge to the Application is the Petitioner submitted an Application pursuant to the advertisement involved. However, for not in a position to submit the original Treasury Challan of Rs.1000 + Rs.200=Rs.1200/- along with the Application Form the Petitioner came to submit the Form undertaking to submit

the Treasury Challan subsequently. Undisputedly, the Petitioner submitted the said Challan later on. Considering the Application pursuant to the advertisement involved, the Authority appears to have passed the order in un-numbered paragraph at Annexure-3, which is as follows :-

“And whereas, after scrutiny of 36 (thirty six) applications for Class-A registration of self-educated and non-institutionally qualified Naturopathy Practitioner, the committee observed 35 (thirty five) applications appended at Annexure-1 were deficit in required documents and therefore, the committee did not recommend for consideration. Similarly, after scrutiny of 21 (twenty one) applications for Class-B registration of self-educated and non-institutionally qualified Naturopathy Practitioner, the committee observed 16 (sixteen) applications appended at Annexure-II were deficit in required documents and therefore, the committee did not recommend for consideration.”

4. Further on production of detailed condition involved in the advertisement, this Court finds, the detailed advertisement contains the following compulsory requirement :-

“C) Procedure for application and documents to be submitted.

- i. Application in Form-5 at Annexure-I.
- ii. Copy of Original Treasury Challan of Rs.1000/Rs.200=Rs.1200/-.
- iii. Copy of Birth Certificate/HSC Certificate/document in support of Date of Birth and/or age to be submitted along with the application.
- iv. Copy of document in support of length of practice (Experience Certificate of 25 years should be counter signed by the Chief Medical Officers/CDMOs of the Districts in which the applicant practiced).

- v. Self-certified copy of all documents in support of educational qualification.
- vi. Self-certified copy of document in support of professional qualification.
- vii. The applicant shall furnish a declaration in Form-7 at Annexure-III for the purpose of obtaining registration.”

5. Considering the compulsory requirement for filing of copy of the original Treasury Challan along with Application so submitted and for there is clear finding to reject the Application in case does not appear to be in terms of the conditions in the advertisement, this Court finds, there is no illegality in rejection of such defective Application. Taking into account the allegation of the Petitioner that even assuming there is rejection of the Petitioner’s candidature, however, for there involved all total 36 applications for Class-A registration, there has been rejection of 35 applications on account of some defects or other and there has been only one application passing. For a public tender involved, learned counsel for the Petitioner submits, acceptance of single tender is otherwise prohibited under law.

6. Considering this allegation of the Petitioner, this Court since does not find from Annexure-3 any decision in favour of the single tenderer, so far it relates to Class-A registration, appears to be qualified through Annexure-3, leaves it open to the Competent Authority to take a lawful decision, as there is only one tender

available for consideration and there should not be loss of public exchequer and/or compromise in quality.

7. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout

