

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1320 of 2016

Leena Rani Chand

....

Petitioner

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

-versus-

State of Odisha & others

....

Opp.parties

*Mrs. S. Pattanaik, AGA for O.P.Nos.1 and 3
Mr. S.B. Jena, Advocate for O.P.No.2*

**CORAM:
JUSTICE M.S.SAHOO**

ORDER

28.07.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 03.08.2021, after the Original Application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.
3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that notices were issued by the learned Tribunal on 30.03.2016 after hearing the learned counsel for the petitioners along with the learned State Counsel as well as learned counsel for the opposite party no.2-OPSC directing to file counter within four weeks and rejoinder was to be filed within two weeks thereafter. Thereafter, the matter was listed on four occasions, lastly on 29.08.2017 after which the matter was never taken up/pursued. Counter on behalf of opposite party no.2-OPSC filed before the learned Tribunal on 23.06.2016 is available on record.
4. It is submitted by the learned counsel for the petitioner that petitioner no.1-Dr. Leena Rani Chand does not want to press the writ petition having been selected in the advertisement for the year 2020 published by opposite party

no.2 and as such the process of selection is continuing and, therefore, she does not want to press the writ petition.

5. Accordingly, the writ petition stands withdrawn as far as the petitioner no.1-Dr. Leena Rani Chand is concerned.

6. Regarding the other petitioners, i.e., petitioner nos.2 to 12, it is submitted by the learned counsel for the petitioners that since the advertisement was not published for about three decades, the petitioners became age barred to get appointment as Homeopathic Medical Officer under the State Government.

7. Learned Additional Government Advocate as well as learned counsel for opposite party no.2-OPSC refer to the "Odisha Homeopathic Medical Service Rules" notified on 09.07.2013, particularly Rule- 7(b) and submit that the age criteria, i.e., minimum age of 21 years and maximum age of 32 years with a permissible relaxation of five years for the specified categories has been scrupulously followed in the advertisement, therefore, it cannot be faulted with.

8. It is further submitted that in case of any cut off maximum age, there would be some candidates beyond the cut off age and, therefore, further age relaxation would not be in the proper perspective, inasmuch as, if the candidates, i.e., petitioner nos.2 to 12 are allowed, still there will be more candidates, who would claim similar benefits for age relaxation making the exercise endless and limitless.

9. It is submitted by the learned counsel for the OPSC that subsequent to the advertisement, there has been several advertisements and recruitments, thereby the rights of the

recruited candidates have crystallized and nothing would survive in the present writ petition for adjudication by this Court.

10. Having heard learned counsel for the parties, the writ petition stands disposed of as far as opposite party nos.2 to 12 are concerned.

(M.S.Sahoo)
Judge

Gs

