

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 27998 of 2022

***Dr. Jyotiranjana Mallick and
another***

.....

Petitioners

Mrs. P. Rath, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. S.N. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

26.10.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mrs. P. Rath, learned counsel for the petitioners and Mr. S.N. Nayak, learned Additional Standing Counsel for the State.

3. The petitioners have filed this writ petition seeking to quash the order dated 18.10.2022 and to direct the opposite parties to re-issue the order by including the petitioner and also to hold a single and common counseling for all the candidates selected in the Department of Ophthalmology to the post of Assistant Professor, irrespective of the category, pursuant to the advertisement No. 19 of 2021-22 under Annexure-1 issued by the Orissa Public Service Commission.

4. Mrs. P. Rath, learned counsel for the petitioner contended that so far as subject Ophthalmology is concerned, out of total 12 posts, three were kept reserved for SC category. Both the petitioners applied for the same and they were selected by following due process of selection and their names were found place at Sl. Nos. 4 and 8 of the of the final select list published by the OPSC and placed on record at page-33. Since there is long pendency of the dispute of petitioner no.2 with the Government and the same is pending adjudication in W.P.(C) Nos. 774 of 2022, 9805 of 2019, 9807 of 2019, 4512 of 2016 and 25391 of 2022, she does not want to press this writ petition so far as petitioner No.2 is concerned and contends

that the claim of petitioner no.2 is dependent on the outcome of those cases, because petitioner no.2 claims that he should be absorbed for the vacancy of the year 2013, even though she was got selected for the year 2021 issued by the opposite parties under Annexure-1. Accordingly, learned counsel for the petitioners does not want to press this writ petition ,so far as petitioner No.2 is concerned, whose claim will be decided in the aforementioned writ petitions and confines this writ petition so far as petitioner No.1 is concerned.

5. Mr. S.N. Nayak, learned Additional Standing Counsel for the State contended that like the other departments, recommendation has already been made by the OPSC for appointment as Assistant Professor through counseling and, as such, the names of the petitioners have been excluded because of the pendency of the writ petition filed by one Dr. Laxmidhar Jena in WP.(C) No. 774 of 2022. According to him in view of pendency of the cases, the names of the SC candidates have not been recommended for counseling.

6. Having heard learned counsel for the parties and after going through the record, it appears that though both the petitioners were selected, but learned counsel for the petitioners does not want to press this writ petition so far as petitioner No.2-Dr. Laxmidhar Jena is concerned since the dispute is still pending. Therefore, the name of petitioner no.1-Dr. Jyotiranjana Mallick may be recommended for counseling for appointment in the post of Assistant Professor in Ophthalmology belonging to SC category vacancy. So far as petitioner No.2- Dr. Laxmidhar Jena is concerned, his case shall abide by the outcome of the writ petitions referred to above.

7. With the aforesaid observation/direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.