

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C. (OAC) No.1966 of 2016

Kuni Sahu & Others

Petitioners

Mr. Amit Kumar Das, Proxy counsel on
behalf of Mr. S.D. Routray, Advocate

-versus-

State of Odisha & Others

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE M.S. RAMAN

ORDER

08.08.2022

Order No.

01.
 1. This matter is taken up through virtual/physical mode.
 2. The Original Application No. 1966 of 2016 was filed before the State Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No.1966 of 2016.
 3. The Petitioners in 26 numbers have challenged the advertisement for filling up of posts of Multi Purpose Health Worker (Female) in the district of Angul as they have been continuing and their case are ignored.
 4. The learned Tribunal vide order dated 16th May, 2016 has passed the following order:-

“XXX

XXX

XXX

The applicants have challenged the advertisement No.7 dtd.5.5.2016 issued by the Chief District Medical Officer, Angul for appointment to the post of Staff Nurse and other category of posts.

Learned counsel for the applicant submitted that the applicants are all working as M.P.H.W (F) and in the meantime they have completed three years of service. On 2.4.2016, an order was issued to abolish 10301 number of Para Medical Posts and in lieu thereof to create 6826 posts of different categories.

Pursuant to the said decision the impugned advertisement has been issued to fill up those newly created post. It is submitted that challenging the order dtd. 2.4.2016, the applicants and similarly situated persons have filed different O.As. In O.A. No.1663/2016 while directing issue of notice interim order was passed not to disengage the service of the present applicants. It is submitted that in the event the posts are filled up pursuant to the impugned advertisement, the applicants are likely to be affected, prejudiced and lead to multiplicity of litigation. It is, accordingly, submitted to quash the advertisement and as an interim measure, to direct respondent No.3 not to proceed with the recruitment pursuant to the said advertisement.

Learned Government Advocate on the other hand objected to grant of any interim order and it is submitted that when the services of the applicants have already been protected by this Tribunal in different O.As, there is no reason to stall the process of recruitment. It is further submitted that when Government has taken a policy decision to create 6826 posts in lieu of 10301 post which have been abolished and the issue is pending adjudication, interference of the Tribunal at this stage is uncalled for.

Considering the submission issue notice and list this matter in the 4th week of June, 2016 by which date counter be filed.

So far as prayer for interim order is concerned any appointment made pursuant to the impugned advertisement shall be subject to the result of the O.A. and such stipulation should be reflected in the order of appointment of the candidates.”

5. At the time of hearing today, Mr. Amit Kumar Das, proxy counsel on behalf of Mr. S.D. Routray, learned counsel for the Petitioners submits that he has no instruction in this matter.

6. In view of the above, since the matter is of the year 2016, it is not deemed proper to keep the matter pending. The writ petition is, therefore, dismissed with liberty to the Petitioner to

revive the petition within a period of 90 days from today, if any cause of action still survives.

Issue urgent certified copy as per rules.

(M.S. Raman)
Judge

Aks

