

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OAC) No.1913 of 2016

Lopamudra Behera and Another* *Petitioners
Mr. Tutu Pradhan, Proxy Counsel
on behalf of Mr. Manoj Kumar Mohanty, Advocate
-versus-
State of Odisha and Others* *Opposite Parties
Mr. M.K. Khuntia, AGA
Mr. Aurobinda Mohanty, Advocate for O.P. No.2

**CORAM:
JUSTICE M.S. RAMAN**

ORDER

08.08.2022

Order No.

04.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No.1913 of 2016 (C) 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.1913 of 2016.
3. Challenging the advertisement twelve nos. of petitioner filed a joint petition before the Orissa Administrative Tribunal, whereby they were debarred from participating in the process as they have +2 Arts qualification having Diploma General Nursing-Midwives course.
4. The learned Administrative Tribunal passed the following order vide order dated 16.05.2022:-

“Heard Mr. M.K. Mohanty learned counsel for the applicants and Mr. B. Pujari learned Govt. Advocate.

As the grievance and the relief sought for by the applicants is one and same, the joint application is allowed as per Rule 4 (4) (a) of the O.A.T. (P) Rules, P.P. is disposed of Register as O.A.

The applicants have challenged the educational qualification as prescribed for the post of Staff Nurse in the Advertisement issued by the CDMOs, Sundargarh and Subarnapur vide Annexures-5 & 6. Learned counsel for the applicants submitted that the educational qualification as prescribed under the advertisement is contrary to the qualification prescribed for admission into Diploma course in General Nursing and Midwife

Training. As the applicants have all acquired qualification in Diploma in General Nursing and Midwife course from Medical Colleges and other recognized private institutions, they should be allowed to participate in the recruitment examination.

Learned Government Advocate seeks time to take instructions.

Considering the submission, issue notice on admission. Counter be filed within four weeks and rejoinder, if any be filed within two weeks thereafter.

List this matter after six weeks.

So far as prayer for interim order is concerned, the application of the applicants should not be rejected, if the applicants have passed 10+2 Examination in Science/Arts/Commerce and other equivalent stream from the Council of Higher Secondary Education, Odisha or its equivalent examination as recognized by the C.H.S.E. Orissa preferably with Science (Physics, Chemistry and Biology subject) in aggregate 40% marks with extra-optional in case of General candidates and 35% marks in case of ST/SC candidates as provided for admission into the Diploma course in General Nursing and Midwife course and they should be allowed to participate in the recruitment examination, but their result shall not be declare and be kept in the seal cover, which will be subject to result of the O.A. The State/respondents are however at liberty to file petition for variation of the interim order if so advised.”

5. At the time of hearing today, Mr. Pradhan submitted that this matter has been rendered infructuous as the petitioner does not want to proceed in this matter.

6. In view of the above, the writ petition stands dismissed as infructuous.

(M.S. Raman)
Judge

Basudev