

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 1030 of 2012

Prasanta Kumar Behera

....

Petitioner

Mr. K.C. Sahu, Adv.

-Versus -

State of Odisha and others

....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

25.02.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition seeking to quash the advertisement under Annexure-5 dated 18.08.2012 so far it relates to the post of Pharmacist is concerned, and to issue direction to the opposite parties to regularize the service of the petitioner by giving him regular appointment as per Government resolution dated 29.10.2008 against the regular vacant post of Pharmacist available within a stipulated time.

4. Learned counsel for the petitioner contended that in a similar matter, i.e., O.A. No. 744 of 2017 the Orissa Administrative Tribunal, vide order dated 17.05.2018, has quashed the similar notification issued by the CDMO, Balangir and directed that the applicants therein be brought over as contractual pharmacists under General Health Stream/DDC without facing further recruitment test as per advertisement issued as they have already completed six years of contractual service in Mobile Health Unit (MHU) and the said exercise be completed within one month from the date of receipt of the copy of the order. Against the said order of the tribunal, the State preferred WP(C) No. 3957 of 2019, which

was dismissed by this Court by order dated 21.11.2019 confirming the order of the tribunal. As the said order was not implemented, again WP(C) No. 1353 of 2020 was filed and the said writ petition was disposed of on 03.02.2020 with the direction to the opposite parties to work out the direction of the tribunal contained in order dated 17.05.2018 passed in O.A. No. 744 of 2017. Challenging the said order, the State preferred SLP(C) No. 13077 of 2020 and the apex Court dismissed the said SLP by order dated 12.01.2021 confirming the orders passed by this Court as well as the tribunal. It is contended that the case of the petitioner is fully covered by the order dated 17.05.2018 passed by the Orissa Administrative Tribunal in O.A. No. 744 of 2017, which is not disputed by the learned counsel appearing for the State.

5. In view of the above, this writ petition stands disposed of in terms of the order dated 17.05.2018 passed by the Orissa Administrative Tribunal in O.A. No. 744 of 2017 and confirmed by this Court by order dated 21.11.2019 passed in WP(C) No. 3957 of 2019 and the apex Court by order dated 12.01.2021 passed in SLP(C) No. 13077 of 2020.

Issue urgent certified copy as per rules.

(Dr. B.R. Sarangi)
Judge

Alok