

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 777 of 2013

Santosh Kumar Malik

.....

Petitioner

Mr. B.D. Satapathy, Adv.

Vs.

State of Odisha and others

.....

Opposite parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

28.02.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition claiming appointment as Pharmacists (Contractual) pursuant to walk in interview under Annexure-6.

4. Mr. B.D. Satpathy, learned counsel for the petitioner contended that pursuant to the advertisement issued under Annexure-6, the petitioner having requisite qualification, he should have been given appointment as Pharmacist (Contractual). The same having not been granted, the petitioner has approached this Court by filing the present writ petition.

5. Mr. N.K. Praharaj, learned Standing Counsel contended that the petitioner has failed to produce the relevant documents and, therefore, his candidature has not been taken into consideration. Therefore, the claim made by the petitioner for appointment as Pharmacist (Contractual) cannot sustain.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the CDMO, Bhadrak has issued an advertisement on 27.07.2012 for walk in interview for engagement of Pharmacist (contractual) under regular establishment of

the CDMO, Bhadrak with consolidated remuneration of Rs.5200/-. Clause-2 of the said advertisement prescribes with regard to qualification that the candidate must have passed diploma in Pharmacy from any of the three Govt. Medical Colleges of Odisha or from any institutions recognized by AICTE and have registered their name in Odisha Pharmacy Council. Selection will be made on merit basis on marks secured in D. Pharma examination. Pursuant to notice issued by this Court, opposite parties have filed counter affidavit wherein it has been specifically stated that on the basis of the documents submitted by the candidates, the same was verified and scrutinized by the members of the selection committee and, as such, as the petitioner was already engaged as MPHWS (M) under the administrative control of CDMO, Bhadrak and continuing as a MPHWS (M) and posted at Chandbali CHC, and at the time of walk in interview, he had not submitted the NOC from the appointing authority nor he had given resignation from the present post and also not taken prior permission from the concerned authority, his candidature was rejected on the above technical ground.

7. In the above view of the matter, this Court does not find any illegality or irregularity committed by the authority so as to warrant interference with the same.

8. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok