
(2022) 03 OHC CK 0196
In the Orissa High Court
Case No : Writ Petition (C) No. 7956 Of 2022

Dr. Sthitapragyan Mishra

APPELLANT

Vs

State Of Odisha And Ors

RESPONDENT

Date of Decision : 30-03-2022

Acts Referred:

Citation : (2022) 03 OHC CK 0196

Hon'ble Judges : S.K. Panigrahi, J

Bench : Single Bench

Advocate : Bishnu Prasad Pradhan, Suman Pattanayak, R.C. Mohanty

Final Decision : Disposed Of

Judgement

S.K. Panigrahi, J

W.P.(C) No.7956 of 2022 and I.A. No.4094 of 2022

1. This matter is taken up through hybrid arrangement.

2. Heard.

3. Learned counsel for the petitioner submits that in this writ petition, the petitioner has challenged the order of posting of contractual Assistant Professor (Biochemistry) dated 22.03.2022 and the final merit list 21.03.2022 with respect to Assistant Professor (Biochemistry) issued by the opposite party No.2-Director of Medical Education and Training, Odisha, (DMET). The petition has been preferred on the ground that the opposite party No.4 lacks one year teaching experience as Tutor/SR and therefore, she is not eligible to hold the said post. Learned counsel for the petitioner further submits that the DMET vide notice dated 17.03.2022 has changed the eligibility criteria in order to accommodate the opposite party No.4. He further submits that the settled law of non-interference in the process of selection has been brazenly violated in the present case. If a particular qualification is prescribed from beginning, during the course of the selection process, the authorities cannot change it as per their sweet will.

Since the candidature of opposite party No.4 was rejected in the provisional merit list because of lack of experience, hence, she could not have been finally selected.

4. In view of such facts, let notice be issued to the opposite parties both in the writ petition and the I.A.

5. Ms. Suman Pattanayak, learned Additional Government Advocate for the State waives of notice on behalf of the opposite party No.1. Required number of copies of the writ petition and the I.A. be served on her within three working days hence, who shall obtain instructions in the matter.

6. So far as opposite party Nos.2 and 3 is concerned, learned counsel for the petitioner submits that he will serve two extra copies each of the writ petition and the I.A. on Mr. R.C. Mohanty, learned Advocate appearing for the DMET within two working days hence.

7. Notice be issued to the opposite party No.4 through Registered Post with A.D./ Speed Post returnable by 11.04.2022. Postal requisites shall be filed within two working days hence.

8. List this matter on 12th of April, 2022.

9. In the meantime, appointment order in respect of Assistant Professor (Biochemistry) shall not be issued without leave of this Court.

10. Urgent certified copy of this order be granted on proper application..

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