
(2022) 04 OHC CK 0074

In the Orissa High Court

Case No : Writ Petition (C) No. 8065 Of 2022

Dr.Son Pattnaik & Others

APPELLANT

Vs

State Of Odisha & Another

RESPONDENT

Date of Decision : 13-04-2022

Acts Referred:

Citation : (2022) 04 OHC CK 0074

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

Bench : Single Bench

Advocate : Avijit Mishra, S.K.Samal, R.C.Mohanty, Pami Rath

Judgement

S.K. Panigrahi, J

I.A. No.4759 of 2022 in WP(C) No. 8065 of 2022

1.This matter is taken up by hybrid mode.

2.Upon mentioning by the learned counsel for the intervenors the matter was taken up today.

3. This I.A. has been filed by the intervenor/ applicants namely, Dr. Biswajit Panda and Dr. Shubhankara Samal with a prayer to allow the application by directing that the intervenor/applicants be added as opposite parties and to allow the present intervenors to file counter affidavit.

4. Heard.

5. Considering the submissions and the averments made, the intervention application is allowed. A consolidated copy of the cause title be filed by Mr.Avijit Mishra, learned counsel appearing for the petitioners. A copy of the brief be served on Ms. Pami Rath, learned counsel for the petitioners/intervenors.

6. The I.A. is disposed of accordingly.

I.A. No.4760 of 2022

7. Heard.

8. This application has been filed by the intervenor/applicants with a prayer to recall the order dated 08.04.2022.

9. Learned counsel for the applicants contended that the order passed on 08.04.2022 on the Interim Application No.4648 of 2022 filed by the learned counsel for the opposite party No.2-DMET seeking modification of the order dated 05.04.2022 for a direction of this Court is to publish the result of the selection of Senior Residents/Tutors so that the appointments/ engagements may be made to provide immediate service to the public without any pre-condition.

10. However, learned counsel for the intervenor/applicants submitted that this modification order dated 08.04.2022 was passed without proper appreciation of the facts as many facts have not been presented before the Court in right perspective.

11. Learned counsel for the intervenors has brought to the notice of the Court that the candidates who are continuing as post PG bond service, are entitled for teaching experience certificate as SR for two years and hence shall not apply. She further submitted that eligibility of candidates will be guided as per the provisions mentioned hereunder. She specifically brought to the notice of the Court about clause 4.5.2. of the said advertisement (Annexure-8) which is mentioned hereunder.

"4.5.2. The candidate must not be continuing or have completed the tenure as Senior Resident/Tutor in any MCI/NMC/DCI permitted/ approved/recognized Institute."

She further brought to the notice of the Court about clause-(a) and (b) of the paragraph No.6 (Selection Process) that

"a. Allotment shall be made on the basis of merit and choice, Engagement letter shall be issued in favour of allotted candidates and shall be uploaded in the website of DMET, Odisha.

b. Selection will be strictly on the basis of merit list prepared on basis of career marks. Weightage for different examinations shall be as under:

HSC/Matriculation-20% of total percentage of marks secured.

Intermediate Science/20% of total percentage of marks secured.

MBBS examination-60% of total percentage of marks secured.

One mark will be deducted from the total Career Mark for each extra attempt taken to pass the examinations.

12. The learned counsel for the applicants further submits that the condition as contemplated in the advertisement i.e.

" the candidates who are continuing as post PG bond service are entitled for teaching experience certificate as SR for two years and hence shall not apply. Eligibility of application will be guided as per the provisions mentioned here under."

The aforesaid condition has not been challenged by the petitioners before any forum. In such view of the matter, let all the matters be heard together on 21st of April, 2022. In the meantime, no appointment of the selected SR/Tutor shall be made without leave of this Court.

13. Issue urgent certified copy of this order as per Rules.

14. A free copy of the order be handed over to the learned counsel for the opposite party No.2-DMET, Odisha, Bhubaneswar for necessary compliance.

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