

(2022) 06 OHC CK 0085
In the Orissa High Court
Case No : Writ Petition (C) No. 14917 Of 2022

Kamal Kumar Agrawal

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 22-06-2022

Acts Referred:

Citation : (2022) 06 OHC CK 0085

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : S. Mallik, S.N. Das

Judgement

Arindam Sinha, J

1. Mr. Mallik, learned advocate appears on behalf of petitioner and submits, his client under agreement, was running a pharmaceutical shop in Capital Hospital. It is a state run hospital. The management wanted his client to shift and provided alternative accommodation in the hospital premises. However, period of agreement regarding new location was reduced to one year. The Drug Controller refused to issue license since the agreement tenure is less than five years.

2. Mr. Das, learned advocate, Additional Standing Counsel appears on behalf of State. On query from Court he submits, he represents both Capital Hospital as well as the Drug Controller. He submits, statutory alternative remedy against position taken by the Drug Controller is available to petitioners.

3. There does not appear to be dispute that petitioner was running a pharmaceutical shop under agreement of occupation having requisite tenure to entitle petitioner to have drug license issued. There is also no dispute that at instance of the management petitioner had to move in the hospital premises. But the hospital, by reducing the fresh agreement period has rendered petitioner ineligible to obtain drug license, affecting petitioner's right to livelihood. It is well settled that in the circumstances, the writ Court can interfere, even when there is alternative statutory remedy available.

4. State will file counter by 6th July, 2022. Petitioner may file rejoinder by 13th July, 2022.

5. List on 15th July, 2022. The interim application will be considered on adjourned date.

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