

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9311 of 2022

Suryakanta Parida

.... ***Petitioner***

Mr. T. Panigrahi, Adv.

-versus-

***Odisha Public Service Commission
and Ors.***

.... ***Opposite Parties***

Ms. Suman Pattanayak, AGA

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

12.05.2022

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. Heard.
3. In this writ petition, the petitioner seeks a direction from this Court to the opposite party No.4- Dean & Principal, S.C.B. Medical College and Hospital, Cuttack to observe him on regular establishment as he has succeeded for the post of Assistant Professor (Super Specialist) in Gastroenterology Department pursuant to the Advertisement No.11 of 2018-19 issued by the opposite party No.1-Odisha Public Service Commission.
4. Learned counsel for the petitioner submits that as per the Advertisement No.11 of 2018-19 issued by the opposite party No.1-Odisha Public Service Commission two posts are lying vacant in Gastroenterology Department of S.C.B. Medical College and Hospital, Cuttack and the petitioner having requisite qualification applied for the same. The petitioner

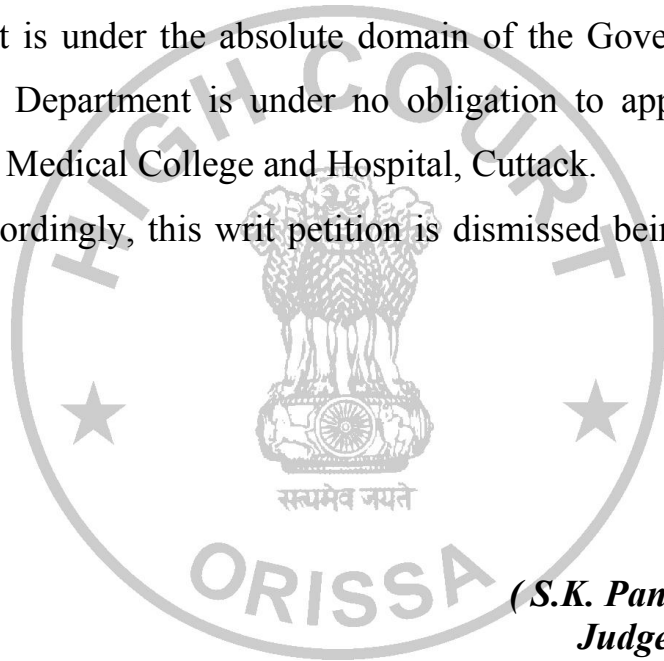
appeared in the written examination along with other candidates on 14.02.2021. The petitioner succeeded in the discipline of Gastroenterology for the post of Assistant Professor (Super Specialist). He further submits that the petitioner was appointed as Assistant Professor of M.K.C.G. Medical College and Hospital, Berhampur and deployed to work at S.C.B. Medical College and Hospital, Cuttack vide Notification dated 05.06.2021 issued by the Joint Secretary to Government of Odisha, Health and Family Welfare Department.

5. Grievance of the petitioner is that since some contractual Assistant Professors were appointed in S.C.B. Medical College and Hospital, Cuttack, but the present petitioner being a successful candidate in the examination process for the post of Assistant Professor in Gastroenterology Department, he ought to have been posted in S.C.B. Medical College and Hospital, Cuttack. Therefore, the petitioner prays for a direction from this Court to issue direction to the opposite parties to allow him to continue as an Assistant Professor in Gastroenterology Department of S.C.B. Medical College and Hospital, Cuttack instead of M.K.C.G. Medical College and Hospital, Berhampur on regular basis.

6. Having heard the learned counsel for the petitioner and upon perusal of the materials on record, it appears that the submission of the petitioner is based on the Advertisement No.11 of 2018-19 issued by the opposite party No.1- Odisha Public Service Commission. In his submission, learned counsel for the petitioner submits that as per the Advertisement No.11

of 2018-19 issued by the opposite party No.1-Odisha Public Service Commission two posts are lying vacant in Gastroenterology Department of S.C.B. Medical College and Hospital, Cuttack and the petitioner having requisite qualification applied for the same. Whereas, nowhere in the said Advertisement, it has been mentioned that two posts were lying vacant in Gastroenterology Department of S.C.B. Medical College and Hospital, Cuttack. Even if vacancies are there, the petitioner does not have any vested right to claim for such posts since it is under the absolute domain of the Government. The Health Department is under no obligation to appoint him in S.C.B. Medical College and Hospital, Cuttack.

7. Accordingly, this writ petition is dismissed being devoid of merit.



(S.K. Panigrahi)
Judge

BJ