

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) PIL No.6109 of 2018

Chittaranjan Mohanty ***Petitioner***

In person

-versus-

State of Odisha and another ***Opposite Parties***

Mr. M. S. Sahoo, AGA for State

**CORAM:
THE CHIEF JUSTICE
JUSTICE B. P. ROUSTRAY**

**ORDER
09.08.2021**

Order No.

33.

1. This matter is taken up by video conferencing mode.
2. This matter concerns the issue of the large number of unfilled vacancies in in several posts in the different Government hospitals of the State of Odisha.
3. After perusing the additional counter affidavit filed by Opposite Party Nos.1 and 2 dated 19th December, 2019, this Court on 3rd January 2020 passed the following order:

“Heard learned counsel for the petitioner and learned Additional Government Advocate for the Department.

On perusal of the additional Counter affidavit filed by opposite party nos.1 and 2, it is very clear that the total vacancies in the different Government hospitals of the State in all category of Doctors is 2467 (Annexure-Z/1) which include vacancies of Medical Officer in District-wise and Institution-wise is as per Annexure-AA/1 and the vacancies of faculties of Government Medical Colleges is as per Annexure-CC/1.

Considering the submission made, the State Government is directed to expedite the process of filling up of vacancies and will put on record by the next date of hearing the instructions with regard to how much time the Government will take to fill in the vacant posts. We expect that the said process will be done within six months from today.

The matter to be listed on 03.02.2020.”

4. When the matter was next listed on 26th March, 2021, the following order was passed by this Court:

“1. An updated status report in the form of an affidavit be filed by the Special Secretary to the Government of Odisha, Family and Welfare Department updating the current status of filling up of the vacancies in the various posts in the various Government Hospitals and facilities. The affidavit be filed not later than 5th May, 2021 with an advance copy to Mr. Mohanty, learned Petitioner in person.

2. List on 28th May, 2021.”

5. Pursuant thereto, a second additional counter affidavit has been filed on 24th June, 2021 by Dr. Dinabandhu Panda, who is at present working as Special Secretary (Medical Services) to Government, Health and Family Welfare Department. A separate affidavit dated 2nd July, 2021 has been filed by one Mr. Judhisthir Naik, who is the Joint Secretary in the Odisha Public Service Commission (OPSC).

6. The Court has heard the submissions of Mr. Mohanty, the Petitioner who appears in person and Mr. Sahoo, learned Additional Government Advocate for the State.

7. The second additional counter affidavit of Dr. Panda talks of the filling up of the vacancies in only one category of posts viz., Group-A

(Junior Branch) Medical Officers (MOs) for which the OPSC recommended 786 candidates on 13th May, 2021. Of this, it is stated that the Government of Odisha has been pleased to issue appointment orders of 751 MOs by Notifications dated 3rd June and 8th June, 2021.

8. However, as can be seen from Para-5 of the said affidavit, nearly 1695 posts are lying vacant in the Odisha Medical and Health Services (OMHS) Cadre out of the sanctioned strength of 8719 and requisitions have been sent to the OPSC for recruitment of 2452 posts. However apart from the post of Group-A (Junior Branch) MO, it is not known what has happened to the OPSC's recommendations as regards various other posts as is evident from Para-5 of the affidavit filed by the OPSC. It is seen that OPSC has made recommendations for many of these posts way back on 30th April, 2021. It is not known what the progress in this regard is over the past three months.

9. It is further seen from the affidavit of Dr. Panda that as far as the Medical Colleges are concerned, 1661 faculty are in position and 337 posts are lying vacant. It is merely stated that "steps are being taken to fill up the vacant posts by way of promotion, contractual recruitment, regular appointment from time to time" without indicating any timeline by which those vacancies will be filled up.

10. The Court accordingly directs the Additional Chief Secretary to Government, Department of Health and Family Welfare, Government of Odisha to examine the matter thoroughly and inform the Court by way of an affidavit, the exact number of vacancies in each of the posts in the OMHS and OMES Cadres and what time-bound steps are

proposed to be taken for filling up of those vacancies. The affidavit will also indicate the status of the recommendations made by the OPSC in regard to the vacancies in many of the posts as stated in OPSC's affidavit dated 2nd July, 2021.

11. The affidavit of the Additional Chief Secretary to Government will be filed not later than 27th September, 2021 with an advance copy to Mr. Chittaranjan Mohanty, the Petitioner who appears in person. He is permitted to file a response thereto before the next date.

12. List on 5th October, 2021.

13. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge

M. Panda