



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) Nos. 14990 & 31278 of 2020

WP(C) No. 14990 of 2020

Akhilabandhu Sahoo

.....

Petitioner

Mr. S. Palit, Sr. Advocate
along with
Ms. A. Pradhan, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. P.K. Sahoo, ASC
Mr. B.P. Tripathy, Sr. Advocate
(Opp. Party No. 2)
Mr. S.S. Tripathy, Advocate
(Opp. Party No. 4)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

08.07.2026

Order No. 10

1. This matter is taken up through hybrid mode.
2. Heard Mr. S. Palit, learned Sr. Counsel appearing for the Petitioner along with Ms. A. Pradhan, learned counsel; Mr. P.K. Sahoo, learned Addl. Standing Counsel appearing for the State-Opp. Party, Mr. B.P. Tripathy, learned Sr. Counsel appearing for Opp. Party No. 2 and Mr. S.S. Tripathy, learned counsel appearing for Opp. Party No. 4.
3. Learned Sr. Counsel appearing for the Petitioner contended that basing on the advertisement issued by the Mission Director NRHM-Opposite Party No.2 under Annexure-1, inviting applications for appointment as against various posts on contractual basis, Petitioner made the application as against the post of Junior Engineer (Bio



Medical) Service. On coming out successful in the said recruitment process so initiated by Opposite Party No.2, Petitioner was appointed as against the post of Junior Engineer (Bio Medical) Service vide order dtd.18.07.2011 under Annexure-1-Series.

3.1. It is further contended that such appointment of the Petitioner as against the post of Junior Engineer (Bio Medical) Service on contractual basis was extended from time to time vide orders issued under Annexure-2-Series.

3.2. It is however contended that while so continuing under Opposite Party No.2 and subsequently under Opposite Party No.4 upon creation of Odisha State Medical Corporation Ltd. and an advertisement was issued to fill up various posts on 15.12.2014 under Annexure-3, Petitioner seeking a direction on Opposite Party No.4 to absorb him as against the post of (Bio Medical) Engineer taking into account his continuance as Junior Engineer (Bio Medical) Service under Opposite Party No.2, approached this Court by filing W.P.(C) No.156 of 2015. This Court vide order dtd.12.01.2015 under Annexure-4, while disposing the Writ Petition, directed Opposite Party No.1 to consider the claim of the Petitioner for his absorption as against the post of (Bio Medical) Engineer so advertised by the Corporation under Annexure-3. However, Petitioner's continuance as against the post of Junior Engineer (Bio Medical) Service under Opposite Party No.2 was further extended vide orders issued under Annexure-5-Series.

3.3. It is further contended that without taking a decision on the Petitioner's claim to get the benefit of absorption as against the post of Bio Medical Engineer so directed by this Court in its order



dtd.12.01.2015, Opposite Party No.2 vide order dtd.07.05.2020 under Annexure-8-Series took a decision that further continuance of the Petitioner beyond the expiry of his last contract period will not be renewed on the ground that basing on the decision taken by the Government by the Ministry of Health & Family Welfare, Government of India so communicated in letter dtd.03.04.2020, all the position of SEMU have been dropped, which includes the position of the Petitioner as Junior Engineer (SEMU). Petitioner challenging such decision of Opposite Party No.2, approached this Court by filing W.P.(C) No.14990 of 2020. This Court while issuing notice of the matter vide order dtd.30.06.2020 passed an interim order to the effect that one post of Bio Medical Engineer be kept vacant till the next listing of the case. However, in the meantime vide office order dtd.26.05.2020 under Annexure-9, Petitioner was relieved from the post of Junior Engineer (SEMU) w.e.f. 15.05.2020.

3.4. It is also contended that challenging such action of the Opposite Parties in relieving the Petitioner from his post vide order under Annexure-9, Petitioner and similarly situated Junior Engineer as well as Bio Medical Technician working under (SEMU) though moved the District Labour Officer, Khurda with a request to direct the Opposite Parties to allow them to continue, but no decision was taken. However, in the meantime vide order dtd.29.06.2020, Opposite Party No.1 requested Principal Accountant General for creation of various posts in the establishment of Opposite Party No.4 including the post of Bio Medical Engineering under Annexure-11-Series and also issued an advertisement to fill up various posts including the post of Bio Medical Engineering vide



advertisement dtd. 19.10.2020 so enclosed under Annexure-11-Series, challenging the same, Petitioner approached this Court by filing W.P.(C) No.31278 of 2020. This Court vide order dtd.08.01.2021 issued notice of the Writ Petition.

3.5. It is however contended that even though no interim order was passed by this Court while issuing notice of the matter in W.P.(C) No.31278 of 2020, but all such posts of Bio Medical Engineer pursuant to the advertisement issued on 19.10.2020 could not be filled up and there is vacancy available at present.

3.6. It is also contended that there is taking into account the nature of order passed by this Court on 12.01.2015 in W.P.(C) No.156 of 2015, wherein this Court directed Opposite Party No.1 to consider the Petitioner's claim to get the benefit of absorption as against the post of Bio Medical Engineer and also the interim order passed by this Court in W.P.(C) No.14990 of 2020, wherein this Court directed to keep one post of Bio Medical Junior Engineer vacant, Petitioner's claim as against the available vacant post of Bio Medical Engineer be considered by Opposite Party No.4, as Petitioner on the face of his continuance for more than 9 years under Opposite Party No.2 as a Junior Engineer (Bio Medical) Service, is going without employment after being relieved w.e.f. 15.05.2020.

4. Mr. B.P. Tripathy, learned Senior Counsel appearing for Opposite Party No.2 on the other hand contended that even though Petitioner pursuant to the advertisement issued by Opposite Party No.2 was duly selected and appointed as against the post of Junior Engineer (Bio Medical) Service vide order dtd.18.07.2011 and he



was allowed to continue in the same capacity, but taking into account the fact that services of the Petitioner was brought under the Opposite Party-Corporation and the decision taken by the Government of India, Ministry of Health & Family Welfare Department so issued vide letter dtd.03.04.2020, Opposite Party No.2 vide office order dtd.07.05.2020 under Annexure-8-Series in W.P.(C) No.14990 of 2020, took a decision not to renew the services of the Petitioner any further and relieved him from his post w.e.f. 15.05.2020 vide office order dtd.26.05.2020 under Annexure-9 to the said Writ Petition.

4.1. It is contended that since services of the Petitioner came under the jurisdiction of Opposite Party No.4, Opposite Party No.2 is no more competent to take any decision with regard to continuance / re-engagement of the Petitioner either as a Junior Engineer (Bio Medical) Service or as against the post of Bio Medical Engineer.

5. Mr. S.S. Tripathy, learned counsel appearing for Opposite Party No.4 on the other hand contended that since Petitioner at no point of time was in engagement under the Corporation, the Corporation is not liable to consider the claim of the Petitioner.

5.1. It is also contended that challenge made to the advertisement issued by the Corporation on 19.10.2020 to fill up various posts, which includes the post of Bio Medical Engineer and subject matter of challenge in W.P.(C) No.31278 of 2020, since there is no interim order passed by this Court, the process of selection pursuant to the said advertisement has already been completed.



5.2. It is also contended that since Petitioner is no more in service after he was relieved by Opposite Party No.2 w.e.f. 15.05.2020 vide order dtd.26.05.2020, Petitioner is not eligible and entitled to get the benefit of re-engagement as against any posts under Opposite Party No.4.

5.3. It is also contended that since in the initial advertisement issued by the Corporation to fill up the various posts so issued on 15.10.2019 under Annexure-6 in W.P.(C) No.14990 of 2020, this Court passed an interim order to keep one post of Bio Medical Junior Engineer vacant, but by the time such an interim order was passed on 30.06.2020, the process of selection had already been completed with publication of the final select list for all the posts on 03.01.2020 under Annexure-7 to the said Writ Petition.

5.4. It is accordingly contended that since by the time, this Court passed an interim order to keep one post of Bio Medical Junior Engineer vacant vide order dtd.30.06.2020 in W.P.(C) No.14990 of 2020, the process of selection had already been completed with publication of the final select list on 03.01.2020 so available under Annexure-7 in W.P.(C) No.14990 of 2020, Petitioner is not eligible and entitled to get the benefit of the said interim order.

5.5. Making all the submissions, learned counsel appearing for Opposite Party No.4 contended that Opposite Party No.4 is not liable to consider the claim of the Petitioner in any manner whatsoever.

6. To the submission made by the learned counsel appearing for Opposite Party No.4 that pursuant to the advertisement issued on



15.10.2019 under Annexure-6 in W.P.(C) No.14990 of 2020 final select list was published on 03.01.2020 under Annexure-7, learned Senior Counsel appearing for the Petitioner contended that as found from Annexure-7, only one candidate in UR category was selected as against the post of Bio Medical Junior Engineer.

6.1. It is accordingly contended that since in the advertisement issued under Annexure-6, as against the post of Bio Medical Engineer, 16 posts were advertised, which includes 8 in UR and 2 in SEBC and only one candidate was selected in UR category, Petitioner's claim for his appointment as against the post of Bio Medical Junior Engineer can be considered taking into account the vacancy available.

6.2. It is also contended that in the next advertisement issued by the Corporation on 19.10.2020, which is the subject matter of challenge in W.P.(C) No.31278 of 2020, since no such post of Bio Medical Junior Engineer was advertised, it cannot be held that all the posts of Bio Medical Junior Engineer were filled up pursuant to the earlier advertisement issued by the Corporation on 15.10.2019.

6.3. It is accordingly contended that Opposite Party No.4 be directed to take a decision with regard to re-engagement of the Petitioner as against the post of Bio Medical Junior Engineer taking into account the nature of interim order passed by this Court on 30.06.2020 in W.P.(C) No.14990 of 2020 or for his absorption as against the post of Bio Medical Engineer in terms of order dtd.12.01.2015 in W.P.(C) No.156 of 2015.



7. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that Petitioner pursuant to the advertisement issued by Opposite Party No.2 was selected and appointed as against the post of Junior Engineer (Bio Medical) Service under the (SEMU) vide order dtd.18.07.2011 under Annexure-1-Series in W.P.(C) No.14990 of 2020. However, while so continuing with due renewal of the engagement of the Petitioner, an advertisement was issued by Opposite Party No.4-Corporation on 15.12.2014 under Annexure-3 to the said Writ Petition, inviting applications to fill up various posts including the post of Bio Medical Engineer.

7.1. Petitioner seeking his absorption as against the said post taking into account his continuance as a Junior Engineer (Bio Medical) Service w.e.f. 18.07.2011, approached this Court by filing W.P.(C) No.156 of 2015. This Court vide order dtd.12.01.2015 under Annexure-4 to the said Writ Petition, directed Opposite Party No.1 to take a decision on the Petitioner's claim.

7.2. However, on the face of such direction being issued by this Court and without taking any decision so directed, when the Corporation issued a further advertisement on 15.10.2019 under Annexure-6 inviting application to fill up various posts which includes the post of Bio Medical Junior Engineer and Petitioner challenging the same and so also the order of disengagement issued by Opposite Party No.2 vide order under Annexure-8-Series approached this Court, this Court while issuing notice of the matter passed an interim order directing to keep one post vacant as against the post of Bio Medical Junior Engineer. On the face of such order



passed by this Court in W.P.(C) No.156 of 2015, no document is enclosed from either side showing consideration of the Petitioner's claim.

7.3. It is also found from the record that pursuant to the advertisement issued on 15.10.2019 though the final select list was published by the Corporation, but as found from the said final select list available under Annexure-7 dtd.03.01.2020, one candidate in UR category was selected as against the post of Bio Medical Junior Engineer. Thereafter when another advertisement was issued by the Corporation inviting application to fill up various posts including the post of Bio Medical Engineer vide advertisement dtd.19.10.2020 and request was made for creation of various posts including four post of Bio Medical Engineer vide letter dtd.29.06.2020 under Annexure-11-Series in W.P.(C) No.31278 of 2020, Petitioner challenging such action of the Corporation once again approached this Court. This Court vide order dtd.08.01.2021 issued notice of the Writ Petition on the Opposite Parties. However, no such interim order was passed by this Court restraining the Corporation from filling up the post of Bio Medical Engineer.

7.4. Taking into account the materials available on record in both the Writ Petitions and the directions issued by this Court in W.P.(C) No.156 of 2015 and so also the interim order passed in W.P.(C) No.14990 of 2020 and the fact that one candidate in UR category was selected in the final select list published under Annexure-7 in W.P.(C) No.14990 of 2020 as against the post of Bio Medical Junior Engineer pursuant to advertisement issued on 15.09.2019,



this Court while disposing both the Writ Petition permits the Petitioner to make appropriate application before Opposite Party Nos.1 and 4 to get the benefit of re-engagement as against the post of Bio Medical Junior Engineer in the establishment of Opposite Party No.4 or his absorption as against the post of Bio-Medical Engineer.

7.5. It is observed that if any such application is moved before Opposite Party Nos.1 and 4 within a period of three (3) weeks hence, Opposite Party Nos.1 and 4 shall do well to take a lawful decision on the same within a further period of three (3) months from the date of receipt of such application with due communication to the Petitioner.

7.6. It is further observed that while taking such a decision, relevancy and effect of the Petitioner's continuance for more than 9 years under NRHM-Opposite Party No.2 as against the post of Junior Engineer (Bio Medical) Service be taken into consideration.

8. Accordingly, both the writ petitions stand disposed of with the aforesaid observations and directions.

Photo copy of the order be placed in the connected case records.

(BIRAJA PRASANNA SATAPATHY)
Judge

Signature Not Verified

Digitally Signed
Signed by: SUBRAT KUMAR Satrat
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 21-Jul-2026 16:58:26

