

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17066 of 2023

Manika Peda and others

.... Petitioners
Mr. S.D.Routray, Advocate

-versus-

State of Odisha and others

.... Opposite Parties
Mr. D.K.Mohanty, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
12.06.2023

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Additional Government Advocate for the State-Opposite Parties.
3. The Issue involved in the present writ application as to whether the special provision of Rule-4 of the Rules notified vide notification dated 08.03.2019 i.e. Odisha Multi Purpose Health Worker (Female) Service (Method of Recruitment & Conditions of Service) Rules, 2019.
4. However, learned Addl. Government Advocate submitted that by the time 2019 Rules came into force the petitioner shall not be completed the required number of years. Therefore, they were not regularized by applying the dealing provision under Rule-4. Moreover, learned Addl. Government Advocate further submitted that the rule has been amended in the year 2020 particularly the Rule-4 of 2019 rules. In

such view of the matter, the petitioners have no right to claim for regularization.

5. However, considering the submission made by learned counsels for both sides, this Court is of the view that the matter requires further examination. Accordingly, issue notice on the question of admission to the Opposite Parties fixing a short returnable date.

6. Since Mr. Das, learned Additional Government Advocate accepts notice on behalf of Opposite Party Nos.1, 2, 4 & 5 let four extra copies of the brief be served on him within three working days.

7. Requisites for issue of notice to Opposite Party Nos.3 & 5 by registered post with A.D. be filed within a week.

8. Counter Affidavit be filed within six weeks.

9. List this matter in the week commencing 10.07.2023.

I.A. No.7736 of 2023

10. Heard.

11. Notice as above.

12. Accept one set of process fee.

13. As an interim measure, it is directed that one number of post of MPHWS (F) in respect of Bhadrak District and five number of posts of MPHWS (F) in respect of Cuttack District pursuant to advertisement dated 29.04.2023 under Annexure-13 shall not be filled up till the next date.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Vacation Judge