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HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

The 9th July, 2013

No. 19990-Hom-M-35/2013/H. In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha is pleased to make the following rules to regulate the method of recruitment and conditions of service of persons appointed to the Odisha Homoeopathic Medical Service, namely:—

PART-A

GENERAL

1. Short title and commencement: (1) These rules may be called the Odisha Homoeopathic Medical Service Rules, 2013.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions : (1) In these rules, unless the context otherwise requires—

- (a) **“Board”** means Odisha State Board of Homoeopathic Medicines constituted under the Odisha Homoeopathy Act-1956 (Odisha Act-8 of 1957);
- (b) **“Commission”** means the Odisha Public Service Commission;
- (c) **“Committee”** means the Departmental Promotion Committee constituted under rule 10;
- (d) **“Ex-servicemen”** means persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;

- (e) **“Government”** means Government of Odisha;
- (f) **“Persons with disabilities (or Physically Handicapped persons)”** means persons who would have been granted disability certificates by the competent authority as per the provisions under rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right, and Full Participation) Odisha Rules, 2003;
- (g) **“Scheduled Caste and Scheduled Tribes”** means such Castes and Tribes as notified by the President of India from time to time under Articles 341 and 342 of the Constitution of India, respectively;
- (h) **“SEBC”** means the Socially and Educationally Backward Classes of citizens other than 'the Scheduled Castes and Scheduled Tribes as may be specified by the State Government from time to time in the list under the Odisha State Commission for Backward Classes Act, 1993;
- (i) **“Service”** means the Odisha Homoeopathic Medical Service;
- (j) **“Sports Person”** means persons who would have been issued with identity card as sports person by the Director, Sports as per the Resolution No. 24808/Gen. dated the 18th November, 1985 of General Administration Department;
- (k) **“State”** means the State of Odisha; and
- (l) **“Year”** means a Calendar Year.

(2) All other words and expressions used in these rules but not specifically defined shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Odisha Service Code.

3. Composition of Service :— (1) The Service shall consist of the following grades, namely: —

- (a) Homoeopathic Medical Officers in Group “B” and such other posts as the Government may, from time to time, by order determine.
- (b) District Homoeopathy Medical Officer; Deputy Superintendent, Odisha Medical College of Homoeopathy & Research, Sambalpur, Chief Medical Officer (Homoeopathy), office of the Directorate of AYUSH, Odisha in Group “A” (JB) and such other posts as the Govt. may, from time to time, by order, determine.

- (c) The post of Deputy Director, (Homoeopathy), Office of the Directorate of AYUSH, Odisha Group "A" (Senior Branch) and such other posts as the Government may, from time to time, by order, determine.

PART-B

METHOD OF RECRUITMENT

4. Method of recruitment:

Subject to other provisions made in these rules, recruitment to the posts in different grades of the Service shall be made in the following manner, namely:—

- (a) The posts in Group B of the Service shall be filled up by way of direct recruitment by the Commission in the manner provided under rule 6;
- (b) The posts in Group "A" (Junior Branch) of the Service shall be made by way of promotion from among the persons holding the posts in Group "B" of the Service;
- (c) The posts in Group "A" (Senior Branch) shall be filled up by way of promotion from among the persons holding the posts in Group "A" (Junior Branch) of the Service;

5. Reservations :

Notwithstanding anything contained in these rules, reservation of posts vacancies for;

- (a) Scheduled castes and Scheduled tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in the Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder, or any other law/rule in force at the relevant time, and
- (b) SEBC, Women, Sports Person, Ex-Servicemen and Physically Handicapped Persons shall be made in accordance with the provisions made under such Act, Rules, Orders or Instructions issued in this behalf by the Government from time to time:

PART-C

DIRECT RECRUITMENT

- 6. Procedure for direct recruitment:** (1) The Government shall intimate to the Commission the number of vacancies in Group "B" Grade of the service both existing and anticipated, likely to occur in that year, indicating therein the number of posts required to be filled up by way of reservations of posts for persons belonging to different categories.

(2) On receipt of the intimation, the Commission shall publish advertisement at least in two vernacular daily newspapers having wide circulation in Odisha, inviting applications for selection.

(3) The application forms, the manner of submission of application, the documents required to be accompanied with the application form, fee required and scrutiny of applications shall be as may be decided by the Commission.

(4) (i) Selection of recruitment for the post of HMO, the Commission, by (OPSC), will be based on career marking and written test conducted in the manner provided in these rules and in accordance with the syllabus as specified in Appendix-“A”.

(ii) Career marking will be for 30% (10% each for class -10th, class -12th and BHMS) and 70 % for written test;

(iii) Computerized question paper for objective, multiple test will be prepared by the Commission at their level. But, questions will be as per BHMS curriculum.

(5) The Commission shall prepare a list of successful candidates in order of merit on the basis of career assessment and written test, which shall be equal to number of advertised vacancies:

Provided that, if two or more candidates secure equal marks then the candidate securing higher marks in BHMS Examination shall find place above the others in the merit list and in case marks obtained in BHMS Examination is also the same, the candidate older in age shall be placed above the younger.

7. Eligibility Criteria:

(a) **Nationality:** A candidate must be a citizen of India.

(b) **Age Limits:** A candidate must have attained the age of 21 years and must not be above the age of 32 years as on the 1st day of January of the Year in which the applications are invited by the Commission:

Provided that the upper age limit in respect of reserved categories of candidates referred to in rule 5 shall be relaxed in accordance with the provisions of the Act, Rules, Orders or Instructions, for the time being in force, for the respective categories.

(c) **Knowledge in Odia:** He must be able to read, write and speak Odia; and have –

- (i) passed Middle School Examination in Odia as a language subject; or
- (ii) passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
- (iii) passed in Odia as language subject in the final examination of Class VII or above; or
- (iv) Passed a test in Odia in Middle English School Standard conducted by the School & Mass Education Department of the Government of Odisha / Board of Secondary Education, Odisha.

(d) **Minimum Educational Qualification and Registration :** The candidate must have possessed the Degree of Bachelor in Homoeopathic Medicine and Surgery (BHMS) or equivalent Degree from a recognized University or Institution recognized by Central Council of Homoeopathy and must have registered himself / herself under the Odisha State Board of Homoeopathic Medicines.

(e) **Marital Status:** A candidate if married must not have more than one spouse living provided that the State Govt. may if satisfied that such marriage is permissible under the personal law applicable to such person or there are other grounds for doing so, exempt any person from the operation of this rule.

8. Physical Fitness: A candidate must be of good mental condition and bodily health and free from organic defects or bodily infirmity and communicable diseases which would likely to interfere with his/her discharge of his /her duties in the service.

PART –D

PROMOTION

9. (1) Promotion- Group A (Junior Branch) Grade: Promotion to the posts in Group “A” (Junior Branch) Grade shall be made from Group-“B” Grade in the service who have completed at least 5 years of continuous regular service on the 1st day of January of the year in which the promotion is made.

(2) Promotion to Grade-A (Senior Grade): Promotion to Group “A” (Senior Grade) shall be made from Group “A” (Junior Branch) of the Service. In order to be eligible for promotion, an officer in Group “A” (Junior Branch), must have completed at least 03 years of continuous / regular service as such on the 1st day of January of the year in which the promotion is made.

10. Constitution of Committee: (1) There shall be constituted a Committee consisting of the following members to consider the cases of promotions to higher grades, namely:—

- (i) Chief Secretary or the Development .. Chairman
Commissioner I/c of Health & Family
Welfare Department.
- (ii) Secretary to Government, Health & Family .. Member
Welfare Department.
- (iii) Director, AYUSH, Odisa .. Member
- (iv) An Officer not below the rank of Deputy .. Member-Convener
Secretary to Government dealing with the
Establishment of the Service.

(2) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of any one of its member other than the Chairman:

Provided that the member so absent was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

11. Procedure for selection by the Committee:- (1) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of officers, as are held by them, suitable for promotion to the next higher grade.

(2) The Committee while considering the promotion cases of eligible officers and preparation of the list of suitable officers shall follow the provisions of –

- (i) The Odisha Civil Services (Criteria for Promotion) Rules, 1992.
- (ii) The Odisha Civil Services (Zone of Consideration for promotion) Rules, 1988, and
- (iii) The Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.
- (iv) The Odisha Reservation vacancies in Posts and Services (for SC & ST) Act and Rules.
- (v) General Administration Department O.M. dated the 18th February, 1994, 18th February, 1995, 4th July, 1995, 1st November, 1997, 15th January, 1999 and 28th January, 1999 as may be specified by Government from time to time.

12. Consultation with the Commission: (1) The recommendations of the Committee in respect of any grade of the service shall be referred to the Commission

through the Government for concurrence along with a list of all eligible candidates, including those who have not been recommended together with the service particulars and other relevant documents, if any.

(2) The Commission shall consider the list along with the service particulars received under sub-rule (1) and shall furnish its recommendation to the Government.

PART-E

OTHER CONDITION OF SERVICE

13. Select List: (1) The merit list prepared by the Commission under sub-rule (5) of rule 6 shall form the Select List for appointment to Group "B" Grade in the Service and recommendations of the Commission in respect of reference made to it under rule 12 shall be considered by Government and the list approved by Government shall form the final select list for appointment to respective grades / cadre of the Service.

(2) The select list shall ordinarily be in force for a period of one year from the date of its publication or approval by the Government, as the case may be, or until another Select list is prepared afresh, whichever is earlier.

(3) Appointment / promotion to any grade / cadre in the Service shall be in the order in which their names appear in the final select list.

14. Inter se-seniority: The *inter se* seniority of the officers appointed to any grade in the service in a particular year shall be in the order in which their names appear in the select list.

15. Probation: (1) Every person appointed to the service by direct recruitment shall be on probation for a period of **two** years and by promotion for a period of **one** year. Provided that the appointing authority may, if think fit in any case or class of cases, extend the period of probation:

Provided further that such period of probation shall not include—

- (i) Extraordinary leave
- (ii) Period of unauthorized absence, or
- (iii) Any other period held to be not being on actual duty.

(2) The appointment of probationers may, for good and sufficient reasons to be recorded in writing, be terminated by Government at any time without previous notice during the period of probation including extension of such period.

16. Confirmation: A probationer after completing the period of probation to the satisfaction of Government shall be confirmed by specific order of the Government in consultation with the Commission, subject to availability of permanent vacancy in respective grade of the service.

PART – F**MISCELLANEOUS**

17. Relaxation: Where the Government are of the opinion that it is necessary or expedient so to do in public interest, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons in consultation with the Commission.

18. Repeal and Savings: All rules, regulations, orders or instructions in force immediately before the commencement of these rules in respect of matters relating to the service and covered by these rules are here by repealed:

Provided that any order or appointment made, action taken or things done under the rules, regulations, orders or instructions so repealed shall be deemed to have been made, taken or done under the corresponding provision of these rules.

19. Interpretation: If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government in Health & Family Welfare Department whose decision thereon shall be final.

20. Power to issue instructions: The Government may issue instructions not inconsistent with the provisions of these rules as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

ORDER

Ordered that these Rules be published in the Extraordinary issue of *Odisha Gazette* for general information.

By Order of the Governor

P.K. MOHAPATRA

Principal Secretary to Government

APPENDIX-A

[See Rule-6(4)(i)]

(Recruitment of Homoeopathic Medical Officers)

The written examination shall be of two papers carrying 100 marks each with a duration of one and half hour for each paper. The questions will be objective type of multiple choice (100 questions of one mark each) on the following subjects.

Paper -1

(a) Practice of Medicine	:	20 marks
(b) Obstetrics & Gynecology	:	10 marks
(c) Surgery	:	15 marks
(d) Community Medicine	:	15 marks
(e) F.M.T.	:	10 marks
(f) Pathology	:	10 marks
(g) Anatomy	:	10 marks
(h) Physiology & Biochemistry	:	10 marks
TOTAL:		100 marks

Paper-II

(a) Materia Medica	:	30 marks
(b) Organon of Medicine	:	25marks
(c) Repertory	:	25 marks
(d) Homoeopathic Pharmacy	:	20 marks
TOTAL:		100 marks

NOTE: (I) A candidate shall answer the papers in English unless otherwise directed .

(II) The qualifying marks is 50% for UR & SEBC candidates and 45% for PH category and 40 % for ST & SC category of candidates.