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HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

The 6th April, 2021

No.10394—HFW-DCMA-DC-0016/2017/H&FW.— In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India and in supersession of the rules, regulations, orders and instructions issued in this regard except as respects things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules regulating the method of recruitment and conditions of service of the persons to be appointed to the Odisha Drugs Control Service, (Drugs Control Administration), namely:—

1. Short title and commencement.— (1) These rules may be called the Odisha Drugs Control Service [Drugs Control Administration] (Methods of Recruitment and Conditions of Service) Rules, 2020.

(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. "Commission" means the Odisha Public Service Commission;
- b. "Committee" means the Departmental Promotion Committee constituted under rule 9 of these rules;
- c. "Ex-Servicemen" means persons as defined in the Odisha Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- d. "Government" means the Government of Odisha;
- e. "Persons with Disabilities" means persons who have been granted with disability certificates by competent authority as per the provisions of relevant Act and Rules;
- f. "Scheduled Castes and Scheduled Tribes" shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution

(Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribe) Order, 1950, as the case may be made under Articles 341 and 342 of the Constitution of India respectively;

- g. "SEBC" means Socially and Educationally Backward Classes as defined as in clause (a) of Section 2 of the Odisha State Commission for Backward Classes Act, 1993;
- h. "Service" means the Odisha Drugs Control Service [Drugs Control Administration] Service;
- i. "Sportsmen" means persons who have been issued with Identity Card as Sportsmen by the Director, Sports as per Resolution No.24808/Gen, dated 18th November 1985 of General Administration Department; and
- j. "Year" means the 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. Constitution of Service.— The service shall consist of the following candidates namely:—

- a. Drugs Inspector;
- b. Assistant Drugs Controller;
- c. Deputy Drugs Controller;
- d. Joint Drugs Controller;
- e. Drugs Controller.

PART II

Methods of Recruitment

4. Methods of Recruitment.— Subject to the provisions made in these rules, recruitment to different posts in the service shall be made in the following manner, namely:-

- (a) the post of Drugs Inspector shall be filled up by way of direct recruitment through competitive examination conducted by the Commission;
- (b) the post Assistant Drugs Controller shall be filled up by way of promotion from among the persons holding the posts of Drugs Inspector;
- (c) the post of Deputy Drugs Controller shall be filled up by way of promotion from among the persons holding the posts of Assistant Drugs Controller;

- (d) the post of Joint Drugs Controller shall be filled up by way of promotion from among the persons holding the post of Deputy Drugs Controller; and
- (e) the post of Drugs Controller shall be filled up by way of promotion from among the persons holding the posts of Joint Drugs Controller.

5. Reservations.— Notwithstanding anything contained in these rules, reservation of vacancies or posts as the case may be for -

- a. Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions for the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under; and
- b. SEBC, Women, Sportsmen, Ex-Servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, Rules, Orders, Resolutions or instructions issued in this behalf by the Government from time to time.

PART III

Direct Recruitment

Recruitment Procedure for the post of Drugs Inspector. — (1) The post of Drugs Inspector in the service shall be filled up by way of direct recruitment through competitive examination to be conducted by the Commission and personality test besides additional marks due to higher qualification and experience as enumerated in Sub-rule (4).

- (2) The competitive examination and personality test for recruitment to the post of Drugs Inspector shall be conducted by the Commission.
- (3) The time, date and places of the examination and personality test shall be fixed by the Commission.
- (4) The standard and subjects of examination for recruitment to the post of Drugs Inspector shall be as follows:
 - a. The written examination shall be in the standard of Bachelor of Pharmacy / Pharmaceutical Sciences or Doctor of Pharmacy (Pharm.D).
 - b. The written examination shall consist of 200 marks and shall comprise of multiple choice questions only. Each question shall carry 01 (one) mark and 0.25 marks shall be deducted for each wrong answer in the written examination. The duration of written examination shall be of 3 hours.
 - c. The subject of examination shall comprise of : —

SI No	Subject	Marks
1	Pharmaceutical Chemistry and Medicinal Chemistry	25
2	Pharmacology	25
3	Pharmaceutics	25
4	Pharmacognosy & Phytochemistry	25
5	Pharmaceutical Analysis	25
6	Pharmaceutical Biochemistry & Pharmaceutical Microbiology	25
7	Human Anatomy & Physiology	25
8	Hospital Pharmacy, Clinical Pharmacy and Forensic Pharmacy	25
		Total = 200

- d. The Syllabus for the written examination will be as per syllabus approved by Pharmacy Council of India for Bachelor of Pharmacy or Pharmaceutical Sciences or Doctor of Pharmacy (Pharm.D) Course from time to time.
- e. The candidates, who secure such minimum qualifying marks in the written test, as may be fixed by the Commission, shall be called to appear at the interview for a personality test and the personality test shall carry 20 marks.:-
- Provided that the number of such candidates to be called for the personality test belonging to each category, shall not exceed twice the total number of vacancies likely to be filled up in different services.
- f. Candidates possessing higher qualification will be given total 04 (Four) marks as weightage and such weightage will be limited to only one higher qualification. For this purpose, higher qualification will mean:
- i. Post graduate degree in Pharmacy/Pharmaceutical Sciences (M. Pharm), or
 - ii. Postgraduate degree in Medicine (M.D) with specialization in Clinical pharmacology or Microbiology, or
 - iii. Doctor of Philosophy (Ph.D) in Pharm.D.
- g. Weightage of 02 (Two) extra marks shall be given to the candidates for each completed year of work experience in manufacturing/ Quality Control/ Quality Assurance in any Allopathic drug/ Homeopathic drug/

Cosmetic or Medical Devices manufacturing unit or Government Drug Testing Laboratory or any Drug/Cosmetic/ Medical Devices Testing Laboratory Licensed under the Drugs & Cosmetics Act and Rules there under.

- h. To be eligible to this weightage the candidate must submit the experience certificate from the Central or State Licensing Authority or any person authorized by him to issue Licenses or from the head of the organization where he was working in the manufacturing or quality control / assurance division.
- i. Weightage due to work experience will be for a maximum period of three years [i.e maximum 06 (Six) marks].

Illustration:-

Candidate-A — Scored 130 marks in competitive examination, completed both M. Pharm & Ph.D in Pharmacy, possess 4 years 9 months work experience in a Drug manufacturing unit.

Candidate-B --- Scored 115 marks in competitive examination, possess Ph.D in Doctor of pharmacy (Phram-D).

SL No	Subjects	Candidate-A	Candidate-B
1	Competitive Examination	Secured 130 marks out of 180	Secured 115 marks out of 180
2	Personality Test	15 marks out of 20	14 marks out of 20
3	Work experience	6	0
4	Higher Qualification	4	4
5	Total Score	155 out of 210	133 out of 210

- j. All certificates or testimonials or working experience certificates submitted by the candidates shall be verified by the Drugs Controller at the time of joining into service.
 - k. At a later stage, if any of these certificates or testimonials or working experience certificates is found to be false or fabricated, the appointment shall be terminated by the Government without any reason and the candidate shall have no rights to claim such job.
- (5) The vacancies for the post of Drugs Inspectors shall be determined by the Government in Health & Family Welfare Department.

- (6) The vacancies as on 1st day of January each year shall be reported by the Government in Health & Family Welfare Department to the Commission by 31st of January of the same year.
- (7) On receipt of intimation referred to in sub-rule (6), the Commission shall issue an advertisement in two leading local newspapers and one National level newspaper circulating in the State inviting applications for the competitive examination indicating the number of vacancies and the vacancies reserved for reserved categories and other details required for the competitive examination.
- (8) The result of the recruitment shall be communicated by the Commission to the Government in Health and Family Welfare Department.

7. Eligibility Criteria for Direct Recruitment. — In order to be eligible for direct recruitment a candidate shall have to satisfy the following conditions, namely :—

1. He must be a citizen of India.
2. He must have attained the age of 21 years and must not be above the age of 32 years by the 1st day of January of the year in which the recruitment is made:

Provided that the upper age limit in respect of the 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 their respective categories.

3. He must —
 - (a) be able to read, write and speak Odia and;
 - (b) have passed middle school examination with Odia as language subject;
or
 - (c) have passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
 - (d) have passed in Odia as language subject in the final examination of class-VII from a school or educational institution recognized by the Government of Odisha or the Central Government; or
 - (e) have passed a test in Odia in Middle English School standard conducted by the School and Mass Education Department.

4. A candidate if married must not have more than one spouse living :

Provided that the Government 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 these rules.

5. The educational qualification of the candidate for the post of Drugs Inspector shall be —
- a. Must possess a degree in Pharmacy or Pharmaceutical Science or Doctor of Pharmacy (Pharm.D) or Doctor of Medicine with specialization in Clinical Pharmacology or Microbiology from a recognized university established in India by Law; and
 - b. Additional weightage shall be given to candidates having higher qualification and experience as enumerated in sub-rule-6(4) above.
6. A candidate must be of good mental and physical health and free from any Physical defects likely to interfere with the discharge of his duties in the service and a candidate who after such medical examination as the Government may prescribe is not found to satisfy these requirements shall not be appointed to the Service. PWDs identified as suitable for the job by the Government are eligible to be appointed.
7. No person who has any financial interest in the import or manufacture or sale of drugs and cosmetics shall be appointed as Drugs Inspector.

PART-IV

PROMOTION

8. Eligibility Criteria for Promotion.— (1) In order to be eligible for appointment to the post of Assistant Drugs Controller, the Drugs Inspector must have rendered at least seven (07) years of continuous service in the post of Drugs Inspector as on 1st day of January of the year in which the Committee meets.

(2) In order to be eligible for appointment to the post of Deputy Drugs Controller, the Assistant Drugs Controller must have rendered at least three (03) years of continuous service in the post of Assistant Drugs Controller as on 1st day of January of the year in which the Committee meets.

(3) In order to be eligible for appointment to the post of Joint Drugs Controller, the Deputy Drugs Controller must have rendered a period of two years of continuous service as such as on 1st day of January of the year in which the Committee meets.

(4) In order to be eligible for appointment to the post of Drugs Controller, the Joint Drugs Controller must be in possession of Master of Pharmacy/ Pharmaceutical Sciences or Doctor of Medicine with specialization in Clinical Pharmacology/ Microbiology or Doctor of Philosophy in Pharm.D, as the case may be, from an University established in India by Law and he must have rendered at least one (1) year of continuous service as such as on 1st day of January of the year in which the Committee meets.

9. Constitution of Departmental Promotion Committee.— (1) There shall be constituted a Departmental Promotion Committee consisting of the following members to consider the cases of promotion of the Drugs Inspector (Group-B) to the rank of Assistant Drugs Controller, Assistant Drugs Controller to the rank of Deputy Drugs Controller and Deputy Drugs Controller to the rank of Joint Drugs Controller, namely :-

(a)	Additional Chief Secretary /Principal Secretary /Commissioner-cum-Secretary to Government, Health & F.W Department	Chairman
(b)	Special Secretary/Additional Secretary/Joint Secretary, Health & F.W. Department	Member
(c)	Drugs Controller, Odisha	Member
(d)	Representative from ST and SC Development, M & BCW Department	Member
(e)	Deputy Secretary / Under-Secretary, Health & F.W Department	Member Convenor

2. There shall be constituted a Departmental Promotion Committee consisting of the following members to consider the case of promotion of Joint Drugs Controller to the rank of Drugs Controller , namely;—

(a)	Chief Secretary / Very Senior Officer in charge of Health & Family Welfare Department	Chairman
(b)	Additional Chief Secretary /Principal Secretary /Commissioner-cum-Secretary to Government, Health & F.W Department	Member
(c)	Special Secretary/ Additional Secretary /Joint Secretary / Deputy Secretary, Health & F.W. Department	Member Convenor

3. 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 members so absenting was duly invited to attend the meeting of the Committee and the majority of the members of the Committee attended the meeting.

10. 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 suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year in which the Committee meets and recommend them for promotion.

(2) The Committee while considering the promotion cases suitable officers in the service and preparation of the list of suitable officers shall follow the provisions of, -

- a. the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Caste and Scheduled Tribes) Act 1975 and the rules made there under,
- b. the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988
- c. the Odisha Civil Services (Criteria for Promotion) Rules 1992, and
- d. the Odisha Civil Services (Criteria for Selection for appointment including Promotion) Rules, 2003.

11. Consultation with the Commission.— (1) The recommendations of the committee under rule 10 shall be referred to the Commission for concurrence along with the list of all eligible candidates, including those who have not been recommended together with the service particulars relating to their academic qualification, teaching experience, research and field experience, if any.

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

12. Select List .— (1) The recommendations of the Commission in respect of reference made to it under sub-rule (1) of rule 11 shall be considered by the Government and the list shall after being approved by Government form the Select List.

(2) In case of direct recruitment, the merit list prepared by the Commission under sub rule after being approved by the Government shall form the select list for appointment to the service.

(3) The lists referred to under sub-rule (1) and sub-rule (2) shall ordinarily be in force for a period of one year from the date of its approval by the Government or until another select list is prepared afresh whichever is earlier.

(4) Appointment to any post in the service shall be in the order in which their names appear in the final select List.

13. Probation and Confirmation. — (1) Every person appointed to any post in the service by direct recruitment shall be on probation for a period of two years and when appointed on promotion shall be on probation for a period of one year from the date of joining the post:

Provided that the appointing authority may, if thinks fit in any case or class of cases, extend the period of probation but in no case it shall be more than a year:

Provided further that such period of probation shall not include the period of;

- a. extra ordinary leave;
- b. un-authorized absence; or
- c. any other period held to be not being on actual duty.

(2) The appointment of a probationer 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, if any, and in case of the employee who has been appointed by way of promotion shall be reverted to his former post.

(3) A probationer on successful completion of the period of probation shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

14. Inter se-Seniority. — The *inter se*-Seniority of the persons appointed to any post in the service in a particular recruitment year shall be in the order in which their names appear in the select list.

15. Other conditions of service. — The conditions of service in regard to matters not covered by these rules shall be the same as are or as may from time to time be prescribed by the Government.

16. Relaxation. — When it is considered by the Government that it is necessary or expedient so to do in the public interest, it may, by order, for reasons to be recorded in writing, relax any provision of these rules in respect of any class or category of the employees.

17. Interpretation. — If any question arises relating to the interpretation of these rules, the same shall be referred to the Government whose decision thereon shall be final.

By Order of the Governor
PRADIPTA KUMAR MOHAPATRA
Additional Chief Secretary to Government