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HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

The 18th January 2023

No. 1363—HFW-MSI-ESTT-0049/2021-HFW—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the Odisha Medical Services (Method of Recruitment and Conditions of Services of Dental Surgeons) Rules, 2013 except as things done or omitted to be done before such supersession, the Governor of Odisha is pleased to make the following rules to regulate the method of recruitment and conditions of service of the persons appointed to the post of Dental Surgeons, namely :-

## PART-I

### GENERAL

- 1 **Short title and commencement** :— (1) These rules may be called the Odisha Medical Services (Method of Recruitment and Conditions of Service of Dental Surgeons) Rules, 2022.  
  
(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;
  - c. "Council" means Dental Council of India.
  - d. "Ex-serviceman" means a person as defined in Clause(b) of Rule 2 of the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
  - e. "Government" means the Government of Odisha;
  - f. "KBK and KBK(+) area" means the area coming under the revenue districts of Koraput, Malkangiri, Nawarangpur, Rayagada, Bolangir, Subarnapur, Kalahandi Nuapada, Gajapati, Kandhamal and Boudh of the State of Odisha;
  - g. "Persons with Disabilities" means persons who have been granted with disability certificates by the competent authority as per the provisions of the Rights of Persons with Disabilities Act, 2016;

- h. "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 Tribes) Order, 1950 as the case may be, made under Article 341 and 342 of the Constitution of India, respectively as amended from time to time;
- i. "SEBC" means the Socially and Educationally Backward Classes of citizens as referred to in Clause (a) of Section 2 of the Odisha State Commission for Backward Classes Act, 1993;
- j. "Service" means the services of Dental Surgeons as mentioned in Rule 3;
- k. "Sportsperson" means a person who is eligible to be issued with identity card as sportsman by the Director of Sports as per Resolution No. 24808/Gen., dated the 18th November 1985 of the General Administration Department as amended from time to time;
- l. "Tribal Sub-Plan area" means the area of the State as declared by the Government in the Scheduled Tribes and Scheduled Caste Development Department from time to time; and
- m. "Year" means a calendar year.

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

**3. Composition of the Service :—** The service shall consist of the following, namely:—

- a. Dental Surgeon Group A (Junior Branch);
- b. Dental Surgeon Group A (Senior Branch);
- c. Dental Surgeon Junior Administrative Grade (Joint Director);
- d. Dental Surgeon Selection Grade-II (Additional Director, Level-II); and
- e. Dental Surgeon Selection Grade-I (Additional Director, Level-I).

## **PART-II**

### **METHODS OF RECRUITMENT**

**4. Methods of Recruitment :—** Subject to the provisions made in these rules, Recruitment to the posts in different grades of the service shall be made in the following method, namely :—

- a. Selection to the posts in Group A (Junior Branch) shall be made by way of direct recruitment in the manner as provided under Rule. 6;
- b. Selection to the posts in Group A (Senior Branch) shall be made by way of promotion from among the persons holding the posts in Group A (Junior Branch);
- c. Selection to the posts in Junior Administrative (Joint Director) Grade shall be made by way of promotion from among the persons holding the posts in Group A (Senior Branch);
- d. Selection to the posts in Additional Director Level-II Grade shall be made by way of promotion from among the persons holding the posts in Junior Administrative (Joint Director) Grade; and
- e. Selection to the posts in Additional Director, Level-I Grade shall be made by way of promotion from among the persons holding the posts in Additional Director, Level-II Grade.

**5. Reservations:—** Notwithstanding anything contained in these rules, reservation of vacancies or posts, as the case may be, for candidates belonging to

- a. Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; and
- b. SEBC, Women, Sportsperson, Ex-servicemen and Persons with Disabilities 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-III**

#### **DIRECT RECRUITMENT**

**6. Procedure for direct recruitment :—**(1) Ordinarily in the month of January of the year the Government shall communicate to the Commission the total number of existing vacancies in Group A (Junior Branch) Grade of the service, along with the anticipated vacancies 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 as specified under Rule 5.

(2) On receipt of the intimation, the Commission shall publish advertisement in three vernacular dailies and one National English daily having wide circulation and in the website of the Commission inviting applications from candidates eligible 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 such as may be decided by the Commission.

(4) The Suitability of candidates shall be adjudged on the basis of written test as mentioned in the following, namely:-

- i. Total Marks in written test shall be 200;
- ii. Total no. of questions in written test is 200 which shall be of multiple choice (MCQ) Pattern;
- iii. There shall be negative marking for each wrong answer and for each wrong answer 0.25 marks shall be deducted from the marks awarded for correct answer.
- iv. Qualifying mark 50% for UR and SEBC, 45% for PWD and 40% for SC and ST;
- v. Duration of examination shall be 3 hours; ..
- vi. The Syllabus shall be as per Dental Council of India Syllabus for BDS; and
- vii. The distribution of marks in various disciplines shall be allocated as outlined below, namely:-

Sl. No.	Disciplines	Marks allocated
(1)	(2)	(3)
1	Anatomy	10
2	Physiology	10
3	Biochemistry	10
4	Pharmacology	10
5	Pathology	10
6	Microbiology	10
7	Dental Material	10
8	Dental Anatomy	10
9	Medicine	15
10	Surgery	15
11	Oral Pathology	10
12	Oral Medicine & Radiology	10
13	Pedodontics & Preventive Dentistry,	10
14	Orthodontics	10
15	Periodontics	10
16	Oral Surgery	15
17	Prosthodontics	15
18	Public Health Dentistry	10
Total		200

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

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

(6) The list recommended by the Commission shall remain valid for one year from the date of their recommendation or till the next recruitment is made by the Commission.

(7) Every candidate on being selected by the Commission for appointment to the Odisha Medical (Dental) Service shall serve in KBK, KBK+ area or tribal sub- plan area or in such area taken together for the initial period of minimum 3 years.

(8) Candidates, who don't join the places on their posting according to sub-rules(7) and (8) shall be permanently debarred from joining service under the State Government and bond amount as executed by the candidate at the time of admission in BDS will be recovered.

(9) The candidates on completion of PG course, in case not served 3 years mandatory service in KBK, KBK+ or Tribal sub-plan areas must serve in those areas as stipulated under sub-rule (7) of Rule 6, in case of default, the stipulation made in the Rule 8 (a) shall be made applicable.

**7. Eligibility Criteria for direct recruitment :—**(1) Subject to other provisions of this rule in order to be eligible for direct recruitment, a candidate must—

- (a) be a citizen of India;
- (b) have attained the age of 21 years and must not be above the age of 32 years on the first date of January of the year in which application 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) be able to read, write and speak Odia; and must 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 :—

Provided that, if a candidate has not passed Middle School Examination in Odia as a language subject, he shall be required to pass the examination conducted by Board of Secondary Education, Odisha within four years of joining in the service failing which no further increment shall be sanctioned nor will promotion to the rank of Group-A (Senior Branch) be made until he has passed the Odia language test.

- (d) have possessed a BDS or equivalent Degree from a Medical College or Medical Institution recognized by the Dental Council of India;
- (e) have possessed a valid registration certificate under the “Dentist Act 1948” :

Provided that, if a candidate outside the State of Odisha has not registered his name under the Odisha Dental Council as per the provision of Section 34 of Dentist Act, 1948, he shall get himself registered, before issue of the appointment order.

- (f) have possessed required conversion certificates recognized by Dental Council of India (DCI) in case of candidate having degrees from universities of foreign countries.
- (g) not have more than one spouse living :

Provided that, the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such candidate or there are other grounds for doing so, exempt such candidate from the operation of this rule;’

- (h) be in good mental and physical condition and free from any physical defect likely to interfere with the discharge of duties in the service.
- (2) A candidate, who after such medical examination as the Government may specify shall not be appointed to the service

#### **PART - IV**

#### **PROMOTION**

**8. Eligibility Criteria for promotion :—(1)** Subject to other provisions of this rule an employee in order to be eligible for appointment by way of promotion, —

- (a) to the posts in Group - A (Senior Branch) a Dental Surgeon in-Group- A (Junior Branch) must have rendered at least 10 years of continuous service as on the 1<sup>st</sup> day of January of the year in which the Committee meets out of which he must have

rendered 3 years of service in KBK, KBK (+) area or Tribal Sub-Plan area as provided under sub-rule -(7) of Rule 6 :

Provided that a Dental Surgeon in the entry level service of Group - A (Junior Branch) shall not be considered for promotion to Group - A (Senior Branch) unless he has passed the Odia language as per Rule 7 (c).

- (b) to the posts of Junior Administrative (Joint Director) Grade, a Dental Surgeon in Group -A (Senior Branch) Grade must have rendered at least 15 years of continuous service in the grade of Group-A(SB) and Group-A(JB) taken together as on the 1<sup>st</sup>. day of January of the year in which the Committee meets.
- (c) to the posts of Selection Grade-II (Additional Director, Level II) a Dental Surgeon in Junior Administrative (Joint Director) Grade must have rendered at least 05 years of service in KBK, KBK (+) area or Tribal Sub-Plan area taken together in the entire service period as on the 1<sup>st</sup> day of January of the year in which the Committee meets.
- (d) to the post of Selection Grade-I (Additional Director, Level. I) shall be made from amongst the officers of Selection Grade (Additional Director, Level II). with due regard to seniority and suitability.

**9. Constitution of Departmental Promotion Committee :—**(1) There shall be constituted a Committee to consider the suitability of eligible candidates for promotion to different Grades in the service, as specified under Clause (b) and Clause (c) of Rule 3 with the following members, namely :—

- |   |    |                 |
|---|----|-----------------|
| i. Secretary Health & Family Welfare Department.  | .. | Chairman        |
| ii. Special Secretary (Medical Services)  | .. | Member          |
| iii. Director of Health Services, Odisha  | .. | Member          |
| iv. Additional Secretary/Joint Secretary/ Deputy Secretary to Government in H. & F.W. Department in charge of respective establishment. | .. | Member-Convener |

(2) For promotion to the grades in the service as specified under Clause (d) and Clause (e) of Rule 3, the Committee shall be constituted with the following members, namely:-

- |   |    |                 |
|---|----|-----------------|
| i. Chief Secretary or Development Commissioner- <i>cum</i> -Additional Chief Secretary.   | .. | Chairman        |
| ii. Secretary to Government, Health & Family Welfare Department.  | .. | Member          |
| iii. Additional Secretary or Joint Secretary or Deputy Secretary to Government in H. & F.W. Department in charge of respective establishment. | .. | Member-Convener |

Provided that the post held by the Member-Convener shall not be lower in the rank of the post to which the promotion is considered and in that case the Secretary may nominate another officer as member :

Provided further that if a member of higher rank is not still available, the Secretary may nominate an officer of other Department in consultation with the General Administration Department.

(3) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of any one of its members 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.

**10. Procedure for Selection by the Committee :—**(1) The Committee shall ordinarily meet once in a year preferably in the month of January to prepare a list of officers found suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year.

(2) The Committee while considering the promotion cases of suitable Dental Surgeons and preparation of the select list shall follow the following provisions, namely:—

- 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 of Vacancies in Post and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder;
- v. The Circular Letter No. 11124/SSD, dated 15th March 2007 of S.T. & S.C. Development Department.
- vi. Such other Rules and Circulars issued by G.A. & P.G. Department and S.T. and S.C. Development Department from time to time.

**11. Consultation with the Commission :—**(1) The recommendations of the Committee in respect of any grade of the service shall be referred to the Commission for concurrence along with a list of all eligible candidates, including those who have not been recommended together with the service particulars.

(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.

(3) The recommendation of the Commission shall be placed before the Government for consideration and approval.

## **PART-V**

### **Other Conditions of Service**

**12. Select List :—**(1) The merit list prepared by the Commission under sub-rule (5) of Rule 6 and the recommendations of the Commission in respect of reference made to it under sub-rule (1) of rule 11 shall form the select list upon publication for general information and approval by the Government respectively.

(2) The list referred to under sub-rule (1) 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, until another select list is prepared afresh, whichever is earlier.

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

**13. *Inter-se-seniority* :—**The *inter-se-seniority* of the Dental Surgeons 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.

**14. Probation and confirmation :—** (1) Every person appointed to the post of Dental Surgeon by direct recruitment against a substantive vacancy 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, Government may, if it thinks fit in any case or class of cases extend the period of probation or terminate the appointment of Dental Surgeon on the ground of unsatisfactory performance in case of direct recruit or revert to feeder grade in case of promotee as the case may be:

Provided further that Government may exempt or reduce the period of probation of Dental Surgeon, if he has already worked against a vacancy of temporary nature for a period of two years or more or a portion thereof, if he is a direct recruit and one year or more or a portion thereof if he is a recruit by promotion, by the time a substantive vacancy occurs for his absorption:

Provided also that such period of probation shall not include the following, namely:-

- a. extraordinary leave; or
- b. period of unauthorised absence; or any other period held to be not being on actual duty; 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 probationer including extension of such period, if any, and after such termination, the officer shall deem to be reverted to his former cadre or post, if he has been appointed on promotion.

(3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to availability of substantive post in the service.

**15. Other Conditions of Service :—** The Conditions of service in regard to matters not covered by these rules shall be the same as or as may from time to time be prescribed by the State Government.

## PART- VI

### MISCELLANEOUS

**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 of the provisions of these rules in respect of any class or category of the employees.

**17. Interpretation :—**If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government for decision.

By order of the Governor

SHALINI PANDIT

Commissioner-*cum*-Secretary to Government