IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.26436 of 2026
CNR No.ODHC010637122026

Kishore Chandra Routray and others …. **Petitioners**

Mr. K. Ch. Sahu, Advocate

-Versus-

State of Odisha and others …. **Opposite Parties**

Mr. C. M. Singh, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
10.11.2026

Order No.

02. 1. Heard Mr. Sahu, learned counsel for the petitioner and Mr. Singh, learned ASC for the State.

2. Instant writ petition is filed by the petitioners for consideration of their promotion in accordance with the letters dated 13.05.2026 and 18.05.2026 under Annexures-7 and 8 respectively and the gradation list as on 30.04.2026 vide order dated 24.07.2026 under Annexure-13 Series, pending the conduct of a special OTET examination for in-service teachers or in the alternative, to verify their records and proceed with the promotion to the next higher level on an ad-hoc basis, subject to acquiring the OTET examination within the time stipulated by the Hon'ble Supreme Court.

3. Mr. Sahu, learned counsel for the petitioners refers to the provisional gradation lists as at Annexure-13 Series and submits

that the petitioners have not been included in the select list for having no OTET qualification. The further submission is that in view of the decision of the Apex Court in (**Anjuman Ishaat-E-Taleem Trust and others Vrs. State of Maharashtra and others)** in Civil Appeal No. 1385 of 2025 disposed of on 1st September 2025, there is no need for any OTET qualification, if anyone is appointed prior to 3rd September 2001. Referring to Annexure-1 Series, which is the copy of the extracts of the Service Book of the petitioners, it is further submitted that petitioners have joined prior to 3rd September 2001, hence, no need to have OTET qualification for consideration of their promotion, hence, the impugned letters at Annexure-7 & 8 so also consequential actions are liable to be interfered with and set aside with consequential directions issued in that regard.

4. Recorded the submission of the learned AGA for the State.

5. Gone through the impugned letter No.18172 dated 30.09.2026 addressed to opposite party No.3 by opposite party No.2 in regard to approval of select list of Level-IV Graduate Teacher for promotion to the Headmaster Level-III in Cuttack district as per gradation list for approval for their promotion. Since the petitioners' name are not included in the said select list, hence, the challenge herein. This Court finds that the final gradation list was prepared in the meantime and therein, the petitioners' name found place, but not in the select list submitted for approval on 30.09.2026. According to the Apex Court's decision in **Anjuman**

Ishaat-E-Taleem Trust (supra), OTET qualification is not required for anyone having been appointed prior to 3rd September 2001. Considering the extracts of the service books of the petitioners as at Annexure-1 Series, this Court finds that he has been appointed prior to the aforesaid cut-off date. In such view of the matter, even though the petitioners do not have OTET qualification in view of the decision (supra) and for the fact that their name find place in the provisional gradation list, i.e. Annexure-13 series subsequently prepared final gradation list, petitioners' name should have been included in the select list and therefore, the impugned action of the opposite party Nos.2 & 3 are liable to be interfered with a direction to opposite party No.3 to include the petitioners therein for consideration of their promotion to Level-III post. In other words, the petitioners' since are exempted from having such qualification appointed prior to the cut-off date, opposite party No.3 is to include their name in the select list dated 30.09.2026 and having not been done so, the same is liable to be interfered.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed of with a direction to the opposite party No.3 to prepare a fresh select list of Level-IV for consideration of promotion of the petitioner to the Post of Level-III Headmaster, in view of the directions hereinabove preferably within a period of six weeks from the date of receipt of a copy of this order.

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Utkalika

Signature Not Verified
Digitally Signed
Signed by: UTKALIKA NAYAK
Designation: Sr. Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-Nov-2026 11:02:40