IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 26635 of 2026
CNR No.ODHC010640252026

Kali Charan Pattnaik 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.

01. 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-6 and 7 respectively and also the impugned letter dated 12.08.2026 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-12 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 extract 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 actions are liable to be interfered with consequential directions issued in that regard.

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

5. Gone through the impugned letter i.e. Annexure-4 series addressed to opposite party No.2 by opposite party No.3 in regard to submission of select list of Level-IV Graduate Teacher for promotion to the Headmaster Level-III in Nabarangpur district as per gradation list for approval for his promotion. Since the petitioner's name is not included in the said select list, hence, the challenge herein. This Court finds that the final gradation list was prepared and therein, the petitioners name found place, but not in the select list submitted for approval. 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 they have 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 finds place in the final gradation list prepared in the meantime, petitioners' name should have been included in the select list and therefore, the action of the opposite parties 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 names in the select list 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 petitioners 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