IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29033 of 2026
(CNR No.ODHC010690742026)

Prasanta Kumar Panda and others …. **Petitioners**

Mr. L. Mohanty, Advocate

-Versus-

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

Mr. S. K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
04.11.2026

Order No.

02. 1. Heard Mr. Mohanty, learned counsel for the petitioners and Mr. Parhi, learned ASC for the State.

2. Instant writ petition is filed by the petitioners for consideration of their promotion from Level-IV to Level-III as per the final gradation list and to quash the impugned order dated 13th May, 2026 issued by opposite party No.1 under Annexure-4 or in the alternative, to consider their cases for promotion being appointed prior to the cut-off date, i.e. 3rd September 2001 on the grounds stated.

3. Mr. Mohanty, learned counsel for the petitioners refers to the provisional and final gradation list as at Annexure-3 and submits that the petitioners have not been included in the list at Annexure-5 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 are the copies of the extracts of the Service Books of the petitioners, it is further submitted that all of them have joined prior to 3rd September 2001, hence, no need to have OTET qualification for consideration of their promotion, hence, the impugned order at Annexure-4 dated 13th May, 2026 is liable to be interfered with and set aside with consequential directions issued in that regard.

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

5. Gone through the impugned letter i.e. Annexure-4 addressed to opposite party No.2 by opposite party No.1 in regard to submission of select list of Level-IV Headmaster in respect of Assistant Teachers of Nuapada district as per gradation list for approval for their promotion. Since the petitioners' names are not included in the said promotion order, hence, the challenge herein. This Court finds that the final gradation list was prepared and therein, the petitioners' names found place, but not in the promotion order vide Annexure-5. 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, 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 names find place in the final gradation list, i.e. Annexure-3, all of them should have been included in the select list and therefore, the impugned order i.e. Annexure-4 is liable to be quashed with a direction to opposite parties 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 parties are to include them in the select list at Annexure-5 and having not been done so, the same is liable to be set aside and quashed and accordingly, a direction may perhaps be issued to the opposite parties to grant promotion to the petitioners to level-III Headmaster.

6. Accordingly it is ordered.

7. In the result, the writ petition stands disposed of with a direction to the opposite parties to prepare a fresh select list of Level-IV for consideration of promotion of the petitioners of the Assistant Teachers 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.

Alok
Signature Not Verified
Digitally Signed
Signed by: ALOK RANJAN SETHY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 06-Nov-2026 17:13:00

(R.K. Pattanaik)
Judge