IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31443 of 2026
(CNR No. ODHC010697562026)

Basanta Kumar Mishra & Others …. Petitioners

Mr. S.K. Samal, Advocate

-Versus -

State of Odisha & Others …. Opposite Parties

Mr. C.M. Singh, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **06.11.2026**

03. 1. Heard Mr. Samal, 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 from Level-IV to Level-III as per the final gradation list and to quash the impugned letter dated 20th August, 2026 issued by opposite party No.3 under Annexure-6 series or in the alternative, to include their names in the select list for being appointed prior to the cut-off date, i.e. 3rd September, 2001 on the grounds stated.

3. Mr. Samal, learned counsel for the petitioners refers to final gradation lists as at Annexure-5 and submits that the petitioners have not been included in the select list at Annexure-6 series 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 appointment orders 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 letter at Annexure-6 series is 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 i.e. Annexure-6 series addressed to all Block Education Officers of Keonjhar District by opposite party No.3 in regard to counselling for place of posting as per select list in respect of Assistant Teachers of Keonjhar district as per select list. Since the petitioners' names are 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' names found place, but not in the select list vide Annexure-6 series. 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 orders of appointment 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 names find place in the final gradation list, i.e. Annexure-5, all of them should have been included in the select list and therefore, the impugned letter i.e. Annexure-6 series is liable to be quashed 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 them in the select list at Annexure-6 series and having not been done so, the same is liable to be set aside and quashed.

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-III 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.

(R.K. Pattanaik)
Judge

Narayan

Signature Not Verified
Digitally Signed
Signed by: NARAYAN HO
Reason: Authentication
Location: OHC
Date: 10-Nov-2026 18:38:46