IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.30316 of 2026
(CNR No. ODHC010727952026)

Amaya Nayak …. **Petitioner**

Mr. D.N. Rath, Advocate

-Versus-

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

Mr. C.M. Singh, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
09.11.2026

Order No.

03. 1. No instruction is available with the State as informed to the Court by Mr. Singh, learned ASC for the State complying the Court's order dated 19th September, 2026.

2. Mr. Rath, learned counsel for the petitioner, however, submits that the case is covered by the decision of the Apex Court in **State of U.P. Vrs. Anjuman Ishaat-E-Taleem Trust and others Vrs. State of Maharashtra and others** in Review Petition (Civil) Diary No.53434 of 2025 arising out of Civil Appeal No.1385 of 2025 as at Annexure-4 as was earlier noted down by this Court on the last occasion. Having regard to the above submission, this Court is inclined to dispose of the matter instead of waiting for the State to reply and respond and hence, it is ordered.

3. Heard Mr. Rath, learned counsel for the petitioner and Mr. Singh, learned ASC for the State.

4. Instant writ petition is filed by the petitioner for consideration of his promotion from Level-IV to Level-III as per the final gradation list or in the alternative, to include his name in the select list for being appointed prior to the cut-off date i.e. 3rd September, 2001 on the grounds stated.

5. Mr. Rath, learned counsel for the petitioner refers to the provisional and final gradation lists as at Annexure-8 and Annexure-13 respectively and submits that the petitioner's case was not considered due to having no OTET qualification. The further submission is that in view of the decision of the Apex Court in (**State of U.P. Vrs. Anjuman Ishaat-E-Taleem Trust** (supra), there is no need for any OTET qualification, if anyone is appointed prior to 3rd September, 2001. Referring to Annexure-1, which is the copy of the extract of the Service Book of the petitioner, it is further submitted that the petitioner has joined prior to 3rd September 2001, hence, no need to have OTET qualification for consideration of his promotion, hence, consequential directions may perhaps be issued in that regard.

6. Recorded the response and objection of the learned ASC for the State.

7. This Court finds that the final gradation list was prepared and therein, the petitioner's name found place, but with a remark no OTET qualification. 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 extract

of the Service Book of the petitioner as at Annexure-1, this Court finds that he has been appointed prior to the aforesaid cut-off date. In such view of the matter, even though the petitioner does not have OTET qualification in view of the decision (supra) and for the fact that his name finds place in the final gradation list, i.e. Annexure-13, the petitioner should have been considered for promotion to Level-III Post. In other words, the petitioner since is exempted from having such qualification since appointed prior to the cut-off date, opposite party No.3 is required to consider the case of the petitioner for promotion.

8. Accordingly, it is ordered.

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

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

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified
Digitally Signed
Signed by: BALARAM BEHERA
Reason: Authentication
Location: OHC, CUTTACK
Date: 16-Nov-2026 14:19:30