IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 30625 of 2026
CNR No.ODHC010735782026

Srikanta Das …. **Petitioner**

Mr. O. Panda, 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.

03. 1. Heard Mr. Panda, learned counsel for the petitioner and Mr. Singh, learned ASC for the State.

2. Instant writ petition is filed by the petitioner for consideration of his promotion from Level-IV to Level-III as per the draft final gradation list and to quash the impugned office letter dated 10th September, 2026 issued by opposite party No.3 under Annexure-7 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.

3. Mr. Panda, learned counsel for the petitioner refers to the draft final gradation lists as at Annexure-5 and submits that the petitioner has not been included in the select list and the

consequential office letter No.11247 dated 10th September, 2026 vide Annexure-7 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, which is the copy of the extract of the Service Book of the petitioner, it is further submitted that petitioner has joined prior to 3rd September 2001, hence, no need to have OTET qualification for consideration of his promotion, hence, the impugned letter at Annexure-7 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-7 addressed to opposite party No.4 by opposite party No.3 in regard to promotion of eligible candidates pursuant to submission of selection of Level-IV Graduate Teacher for promotion to the Headmaster Level-III in Baleshwar district as per gradation list for approval for his promotion. Since the petitioner's name is not included in the said select list and the consequential letter vide Annexure-7, hence, the challenge herein. This Court finds that the draft final gradation list was prepared and therein, the petitioner's name found place, but not in the select list submitted for approval on 08.09.2026. 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 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 find place in the draft final gradation list, i.e. Annexure-5, petitioner's name should have been included in the select list and therefore, the select list and the impugned letter i.e. Annexure-7 is liable to be quashed with a direction to opposite party No.3 to include the petitioners therein for consideration of his promotion to Level-III post. In other words, the petitioner since is exempted from having such qualification appointed prior to the cut-off date, opposite party No.3 is to include this name in the select list as well as in Annexure-7 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-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