IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30897 of 2026
(CNR No. ODHC010740822026)

Ashok Kumar Panda …. **Petitioner**

Mr. K. K. Swain, Advocate

-Versus-

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

Mr. S.B. Panda, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
09.11.2026

Order No.

03. 1. Heard Mr. Swain, learned counsel for the petitioner and Mr. Panda, learned AGA 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 final gradation list and to quash the impugned office memorandum dated 18th August, 2026 issued by opposite party No.3 under Annexure-1 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. Swain, learned counsel for the petitioner refers to the final gradation lists as at Annexure-1 and submits that the petitioner has 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, which are the copies of the final gradation list, 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, the memorandum Annexure-1 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 copy of memorandum at Annexure-1. 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 petitioner's 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 gradation list 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 do not have OTET qualification in view of the decision **Anjuman Ishaat-E-Taleem Trust** (supra) and

for the fact that his name find place in the final gradation list, i.e. Annexure-1 series, the petitioner should have been included in the select list and, therefore, the select list is liable to be quashed with a direction to opposite party No.3 to include the petitioner 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 him in the select list 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.2 to prepare a fresh select list of Level-IV for consideration of promotion of the petitioner of the Senior Headmaster in Government Primary School in Level-III of the services in view of the directions hereinabove preferably within a period of six weeks from the date of receipt of a copy of a copy of this order.

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

(R.K. Pattanaik)
Judge

Signature Not Verified
Digitally Signed
Signed by: HIMANSU SEKHAR DASH
Designation: Senior Stenographer
Reason: Authentication
Location: OHC
Date: 12-Nov-2026 15:29:35