IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31505 of 2026
(CNR No. ODHC010749252026)

Maheswar Sahoo …. **Petitioner**

Dr. P. Chuli, 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 Dr. Chuli, 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 quashing the final gradation list under Annexure-2 series issued by the opposite party no.3 and to quash the impugned letter dated 3rd September, 2026 issued by the opposite party No.2 under Annexure-4 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. Dr.Chuli, learned counsel for the petitioner refers to the final gradation list as at Annexure-2 series and submits that the petitioner has not been included in the select list at Annexure-4

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 is the copies of the extract of 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, the impugned letter at Annexure-4 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-4 addressed to the opposite party no.3 by opposite party no.2 in regard to submission of select list of Level-III Graduate Teacher for promotion to the Headmaster Level-III in Sambalpur district as per gradation list for approval for his promotion. 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 with remark that OTET not passed, but not in the select list submitted for approval on 03.09.2026. 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 gradation list at Annexure-2 series, 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 in **Anjuman Ishaat-E-Taleem Trust** (supra) and for the fact that his name finds place in the final gradation list, i.e. Annexure-2 series with remark that OTET not passed, the petitioner's name should have been included in the select list and, therefore, the impugned letter, i.e., Annexure-4 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.2 is to include his name in the select list at Annexure-2 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 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.

Himansu

(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