IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31323 of 2026
(CNR No. ODHC010749262026)

Ambhoja Prasad Majhi …. **Petitioner**

Dr. P. Chuli, Advocate

-Versus-

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

Mr. S.B. Panda, AGA
Mr. R.N. Mishra, Advocate for O.P. No.6

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
09.11.2026

Order No. **I.A. No.20096 of 2026**

03. 1. Heard Dr. Chuli, learned counsel for the petitioner and Mr. Panda, learned AGA for the State.

2. Instant I.A. is filed by the Intervenor seeking impletion in the writ petition on the ground stated.

3. Heard learned counsel for the respective parties.

4. It is claimed that any such order at the instance of the writ petitioner is certainly to affect the Intervenor, hence, he is a necessary party and should, therefore, be impleaded.

5. Recorded the submission of Mr. Panda, learned AGA for the State.

6. Dr. Chuli, learned counsel for the writ petitioner has no objection, if the I.A. is allowed.

7. Considering the plea of the Intervenor and the dispute over promotion to the post of level-V(B) teacher henceforth, regard being heard to the plea of the Intervenor, this Court is inclined to implead him as one of the opposite parties and accordingly, it is ordered.

8. As a result, I.A. is disposed of impleading the Intervenor as opposite party No.6.

(R.K. Pattanaik)
Judge

W.P.(C) No.31323 of 2026

Order No.

04. 1. Heard learned counsel for the respective parties.

2. Instant writ petition is filed by the petitioner challenging the office order dated 7th September, 2026 of opposite party No.3 as at Annexure-2 series.

3. Dr. Chuli, learned counsel refers to the revised gradation list at Annexure-2 and submits the name of petitioner finds place therein at Sl. No.211 with the remark that he has not passed OTET examination. Further referring to the Apex Court decision in (**Anjuman Ishaat-E-Taleem Trust and others Vrs. State of Maharashtra and others**) in Civil Appeal No. 1385 of 2025, it is submitted that such qualification is no more necessary, if one joins in service prior to 3rd September 2001.

4. Mr. Mishra, learned counsel for the opposite party No.6 submits that the gradation list has been prepared and therein the

opposite party No.6 is at Sl. No.140, whereas, the petitioner's name finds place at Sl. No.227. The further submission is that in view of the interim order of this Court in I.A. No.18684 of 2026, the promotion of opposite party No.6 should be vacated. The further submission of Mr. Mishra, learned counsel is that the decision in **Anjuman Ishaat-E-Taleem Trust** (supra) does not apply to the case of the petitioner since he was appointed as a Para teacher and joined as Sikshya Sahayak in the year 2009. In response to the above, it is claimed by Dr. Chuli, learned counsel that the petitioner joined in 2001 as a Para teacher and decision in **Anjuman Ishaat-E-Taleem Trust** (supra) is applicable to him. Recorded the submission of Mr. Panda, learned AGA for the State.

5. Since from the final gradation list, it is made to understand that opposite party No.6 is placed above the petitioner and the promotion is claimed to the post of Level V (B) category-II teacher, this Court is of the view that such promotion now shall be considered in view of plea based on **Anjuman Ishaat-E-Taleem Trust** (supra) with the objection of opposite party No.6 received for a decision by opposite party No.2. Such promotion shall be considered only after a decision on such plea of the petitioner in juxtaposition to the objection by opposite party No.6 and hence, necessary direction is required to be passed in that regard.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance by opposite party No.2 soon after receiving a copy of this order preferably within a period of six weeks from the date of receipt of such communication by him before consideration of promotion to level-V(B) Category-II senior teachers in terms of revised gradation list dated 28th September, 2026 as at Annexure-4/A to the I.A. filed by opposite party No.6.

8. As a result, interim order dated 25th September, 2026 in I.A. 18684 of 2026 is hereby vacated.

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

(R.K. Pattanaik)
Judge

Himansu

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