IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32343of 2026
(CNR No.ODHC010756432026)

Ramesh Chandra Behera …. **Petitioner**

Mr. D.N. Rath, Advocate

-Versus-

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

Mr.S.B. Panda, AGA

CORAM:
MR. JUSTICER.K. PATTANAIK

ORDER
09.11.2026

Order No.

02. 1. Heard Mr.Rath, 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 letter dated 11thSeptember 2026 issued by opposite party No.2, under Annexure-12and the letter dated 17th September, 2026 issued by the opposite party no.3, under Annexure-13 or in the alternative, to include his name in the final gradation list dated 4th August, 2026 circulated vide letter dated 18th September, 2026 under Annexure-14 on the grounds stated.

3. Mr. Rath, learned counsel for the petitioner refers to the provisional gradation lists as at Annexure-7 series and submits that the petitionerhas 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 **AnjumanIshaat-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-2 series, which is the copies of the extracts 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, the impugned letter at Annexure-12 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. 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 vide Annexure-9. 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 book of the petitioner as at Annexure-2 series, this Court finds that he has been appointed prior tothe 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

thathis name finds place in the gradation list, i.e. Annexure-7 series, he should have been included in the select list and therefore, the impugned letter i.e. Annexure-12 and 13are 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 at Annexure-12 and 13 and having not been done so, the same are 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 the Assistant Teachers 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

Signature Not Verified
Digitally Signed
Signed by: HIMANSU SEKHAR DASH
Reason: Authentication
Location: OHC
Date: 12-Nov-2026 19:19:09