IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 31766 of 2026
CNR No. ODHC010758972026

Bijayini Mahapatra …. **Petitioner**

Mr. S.K. Purohit, Advocate

-Versus-

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

Mr. S.K. Parhi, ASC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
04.11.2026

Order No.

02. 1. Heard Mr. Purohit, learned counsel for the petitioner and Mr. Parhi, learned ASC for the State.

2. Instant writ petition is filed by the petitioners for consideration of her promotion from Level-IV to Level-III as per the final gradation list and to quash the impugned letter dated 3rd September 2026 issued by opposite party No.4 under Annexure-4 or in the alternative, to include her 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. Purohit, learned counsel for the petitioner refers to the provisional and final gradation lists 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, the extracts of the Service Book of the petitioner, it is further submitted that she has joined prior to 3rd September 2001, hence, no need to have OTET qualification for consideration of her 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 ASC for the State.

5. Gone through the impugned letter i.e. Annexure-4 addressed to opposite party No.2 by opposite party No.3 in regard to submission of select list of Level-IV Headmaster in respect of Assistant Teacher of Sambalpur district as per gradation list for approval for her 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, 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 extracts of the service book and appointment letter of the petitioner as at Annexure-1 series, this Court finds that she 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 her name finds place in the final gradation list, i.e. Annexure-2 series, she 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 her 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 her in the select list at Annexure-4 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 Assistant Teacher 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

Ranjeeta
Signature Not Verified
Digitally Signed
Signed by: RANJEETA SAHOO
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 06-Nov-2026 10:48:23