IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31894 of 2026
(CNR No. ODHC010763542026)

Santoshini Naik and Others …. **Petitioners**

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 petitioners and Mr. Panda, learned AGA for the State.

2. Instant writ petition is filed by the petitioners for consideration of their promotion from Level-IV to Level-III as per the final gradation list and to quash the select list under Annexure-3 or in the alternative, to include their names 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 petitioners refers to the provisional and final gradation lists as at Annexure-1 and Annexure-2 and submits that the petitioners have 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, initial gradation list, it is further submitted that the petitioners have joined prior to 3rd September 2001, hence, no need to have OTET qualification for consideration of their promotion, hence, the impugned select list at Annexure-3 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 select list, i.e., Annexure-3 with regard to submission of select list of Level-IV Graduate Teacher of Jharsuguda district as per gradation list for approval for their promotion. Since the petitioners name are not included in the said select list, hence, the challenge herein. This Court finds that the final gradation list was prepared and therein, the petitioners' names 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-2, this Court finds that they have been appointed prior to the aforesaid cut-off date. In such view of the matter,

even though the petitioners do not have OTET qualification in view of the decision in **Anjuman Ishaat-E-Taleem Trust** (supra) and for the fact that their names find place in the final gradation list, i.e. Annexure-2, all of them should have been included in the select list and, therefore, the select list, i.e., Annexure-3 is liable to be quashed with a direction to opposite party No.3 to include the petitioners therein for consideration of their promotion to Level-III post. In other words, the petitioners since are exempted from having such qualification appointed prior to the cut-off date, opposite party No.3 is to include them in the select list at Annexure-3 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 Graduate Teacher for consideration of promotion of the petitioners to the post of the Headmaster in Government Upper Primary Schools 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 this order.

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

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

(R.K. Pattanaik)
Judge