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Date: 16-Nov-2026 18:57:40

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 34491 of 2026
CNR No. ODHC010803212026

Maheswar Kheti .... **Petitioner**

Mr. Prasanta Kumar Joshi, 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.

01. 1. Heard Mr. Joshi, learned counsel for the petitioner and Mr. Panda, learned AGA for the State.

2. Instant writ petition is filed by the petitioner for a direction to the opposite parties in granting him notional promotion w.e.f. 31st May, 2023, from Level-IV to Level-III in terms of the Government's order dated 3rd June, 2025 (Annexure-1) issued by the Director, Elementary Education-opposite party No.2 extending similar benefits thereby with such an order in that regard on the grounds stated.

3. It is submitted before this Court that the petitioner retired on 29th February, 2024 and receives no promotion despite creation of posts by the Government in the School and Mass Education Department vide Annexure-6. It is further submitted by Mr. Joshi, learned counsel that 325 posts in Level-III have been created for the Sonepur district. It is submitted that despite creation of the posts for the education in

the district of Sonepur and specific direction vide Annexure-7 by the Government that appropriate steps to be taken to effect promotion of eligible teachers and Headmasters and to complete the process by 31st May, 2023, it was not considered by opposite party No.3. Referring to the provisional gradation list of level-IV Graduate teachers dated 28th February, 2023 as at Annexure-10, it is further submitted that the said gradation list should be finalized and promotion allowed to the petitioner notionally w.e.f. 31st May, 2023 considering Annexure-7.

4. In view of Annexure-6, as further submitted, opposite party No. 2 directed all the D.E.Os. and B.E.Os. of the State to implement the same and to complete the entire exercise by 31st May, 2023, but it was not accomplished by opposite party No.3 on the premise revealed from Annexure-11. It is submitted that the promotion has been denied for the reasons stated in Annexure-11. Mr. Joshi, learned counsel for the petitioner submits that despite the retirement of the petitioner, he is entitled to notional promotion w.e.f. 31st May, 2023, as others similarly situated have been given promotion to Level-III, and refers to Annexure-1. Lastly, it is submitted that the petitioner is entitled to such promotion in view of the decisions at Annexures-12 & 13.

5. Recorded the submissions and objection of Mr. Panda, learned AGA for the State.

6. This Court, considering the grievance of the petitioner, who retired nearly four years back, is inclined to dispose of the

matter, particularly, in view of the Government instructions in terms of Annexure-7 without any counter affidavit received from State.

7. The relevant service record in respect of the petitioner is at Annexures-2 and 3. The petitioner received promotion up to Level-IV and was eligible for promotion to Level-III and it was to be complied with by opposite party No.3 in accordance with the timeline fixed as per Annexure-7 issued by the Government in the School and Mass Education Department dated 27th February, 2023. The claim of the petitioner is for notional promotion w.e.f. 31st May, 2023. From Annexure-6, this Court finds that the posts were created in respect of education districts and it was followed by Annexure-7, whereby, the Government instructed opposite party No.3 to effect promotion of eligible teachers and Headmasters accordingly and complete the exercise by 31st May, 2023. Subsequent to Annexure-7, opposite party No.2 issued directions to all the D.E.Os. and B.E.Os. of the State to ensure implementation of the calendar activities meticulously and complete the exercise of promotion by the time line as per Annexure-8. The submission of Mr. Joshi, learned counsel is that the deadline was not adhered to and in the meanwhile, the petitioner retired from service and was deprived of further promotion to Level-III. Considering the submissions as above with reference to Annexures-6, 7 and 8 and the plea of the petitioner based on the decisions as at Annexures-12 and 13, this Court is inclined to direct the opposite party No.3 to

consider his case for notional promotion to Level-III w.e.f. 31st May, 2023 and to pass appropriate orders in terms thereof at the earliest preferably within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, it is directed.

9. In the result, the writ petition stands disposed of with the direction as aforesaid. It is further directed opposite party No.3 shall take appropriate measures to finalize the gradation list as at Annexure-10 and thereafter, to consider notional promotion of the petitioner in terms of Annexure-7 and to pass necessary orders thereon within the above stipulated period.

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

(R.K. Pattanaik)
Judge

Madhu