IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35408 of 2026
(CNR No. ODHC010841352026)

Kalakar Sethy …. **Petitioner**

Mr. B.Barik, Advocate

-Versus-

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

Mr. S.Behera, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
10.11.2026

Order No.

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

2. Instant writ petition is filed by the petitioner for a direction to the opposite parties, in particular, opposite party No. 3 to consider him for counselling as per the gradation list in respect of level-V(B) Senior Teachers, Elementary Cadre on promotion to the post of Level-IV vide Annexure-4 on the grounds stated.

3. The submission of Mr. Barik, learned counsel is that the petitioner's case has been ignored for promotion on the premise that it was earlier forgone by him. It is claimed that the petitioner had not forgone the promotion as mentioned in the gradation list instead could not turn up and when it was being considered, he was absent due to illness. It is informed to the Court by Mr. Barik, learned counsel that in the meantime, the

final gradation list has been published and the same was on 30th October, 2026. The plea of the petitioner is that as per the draft gradation list at Annexure-4(revised), the petitioner should be considered for promotion and referring to the same, Mr. Barik, learned counsel would submit that the counselling is in progress, hence, he ought to be permitted to attend the same.

4. Recorded the submission of Mr. Behera, learned AGA for the State.

5. The petitioner had submitted representation requesting the Authority concerned to include his name in the gradation list in the year, 2023 as per Annexure-3. The draft gradation list was prepared and published inviting objections vide Annexure-4 and therein, the petitioner is shown as having forgone the previous promotion. In response to Annexure-4, the petitioner submitted reply/objection/representation dated 12th October, 2026 at Annexure-5 claiming that the earlier promotion was not forgone, rather, the absence was on account of his hospitalization due to illness. But, since in the meantime, the final gradation list is published in the month of October, 2026 in spite of Annexure-5 and therein, the remark 'forgone' is mentioned in the columns specified, this Court is of the view that oposite party No.3 is required to examine any such plea of absence last time when the transfer was taken up and whether, it was declined by him and hence, such remark in the final gradation list and to take a decision whether to consider allowing him for the counselling presently underway followed

by an order at the earliest preferably within a period of two weeks soon after receiving a copy of this order and accordingly, it is directed.

6. In the result, the writ petition stands disposed of with the direction as aforesaid for compliance. It is further directed that opposite party No.3 shall consider the case of the petitioner for promotion and counselling despite any such remark in the final gradation list dated 30th October, 2026 in view of the objection/reply/representation at Annexure-5 followed by a decision within the above stipulated period.

7. Urgent certified copy of this order be issued as per rules and in course of the day and be also uploaded in the Court's website today itself.

(R.K. Pattanaik)
Judge

Kabita

Signature Not Verified
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Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC, Cuttack
Date: 10-Nov-2026 20:58:39